

Reduction Plan specifies a number of restrictions on fishermen using gillnet gear, including fishermen using shark gillnet gear (defined as gillnet gear with stretched mesh greater than or equal to 5 inches). Requirements in these areas include gear marking,<sup>202</sup> observer coverage, and vessel monitoring systems during times when the areas are not closed to gillnets. For more information, go to <http://www.greateratlantic.fisheries.noaa.gov/Protected/whaletrp/> or call the Protected Resources Division at (978) 281-9328. The “Southeast Gillnet Gear Guide” is at <http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/outreach/index.html>.

## **OTHER RESTRICTIONS FOR USE OF GILLNET GEAR**

Vessels fishing with gillnet gear:

- Cannot fish for sharks with, or have on board, a gillnet with a total length of 2.5 km or more.<sup>203</sup>
- Must keep the gillnet attached to at least one vessel at one end, except during net checks.<sup>204</sup>
- Must conduct net checks at least once every 2 hours to look for and remove any sea turtles, marine mammals, or smalltooth sawfish.<sup>205</sup>
- Cannot possess billfish, tuna, or swordfish.<sup>206</sup>
- If a listed whale is taken, the vessel operator must cease fishing operations immediately and contact NOAA Fisheries consistent with the marine mammal regulations.<sup>207</sup> The marine mammal mortality/injury reporting form is available online at [http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap\\_reporting\\_form.pdf](http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap_reporting_form.pdf) or by calling (301) 713-2322.
- Must keep smalltooth sawfish in the water while removing them from the gillnet.<sup>208</sup>
- Must install and use a NOAA Fisheries-approved enhanced mobile transmitting unit (E-MTU) vessel monitoring system (VMS) as instructed between November 15 and April 15, for any vessel with a directed shark permit and gillnet gear onboard, including whenever the vessel is away from port.<sup>209</sup> Additional information on the VMS requirements is provided in the following section.

## **XI. VESSEL MONITORING SYSTEM REQUIREMENTS**

### **REQUIREMENTS TO INSTALL AND USE A VMS UNIT**<sup>210</sup>

Pelagic longline vessels: All vessels with pelagic longline gear onboard.

Bottom longline vessels: All vessels with bottom longline gear onboard off South Carolina, North Carolina, and Virginia between 33°00'N and 36°30'N from January 1 through July 31.

Gillnet vessels: All vessels issued a directed shark limited access permit with gillnet gear onboard operating in the Southeast U.S. Monitoring Area from November 15 to April 15.

Purse Seine vessels: All vessels with purse seine gear onboard.

Vessels owners that are required to use VMS in HMS fisheries may be eligible to receive reimbursement funds (up to \$3,100/unit) for procuring Enhanced Mobile Transmitting Unit (E-MTU) VMS units. The reimbursement does not cover installation or communication costs. For more information, and to see if you are eligible, contact the VMS Support Center at (888) 219-9228 or the SE Office of Law Enforcement VMS Office at (800) 758-4833.

### **INSTALLATION, ACTIVATION, AND OPERATION**

- The VMS hardware and communications service provider must be on the VMS type approval lists for use in HMS fisheries,<sup>211</sup> which is available at [http://www.nmfs.noaa.gov/ole/about/our\\_programs/vessel\\_monitoring.html](http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html). All VMS units must be installed by a qualified marine electrician.<sup>212</sup>

- VMS units must always be on, operating, and reporting position data 24 hours and day, 7 days a week, and NMFS enforcement must receive these transmissions every hour without interruption. The only exception to this requirement is that vessel owners and/or operators that will not be fishing for extended periods of time, such as when placing the vessel in drydock for repairs or suspending all fishing activity for the off season, may apply for a documented power-down exemption for their vessel from NMFS Office of Law Enforcement.<sup>213</sup> The request must describe:
  - the reason an exemption is being requested;
  - the location of the vessel during the time an exemption is sought;
  - the exact time period for which an exemption is needed; and
  - sufficient information to determine that a power down exemption is appropriate.
- Vessel owners and/or operators experiencing unanticipated power outages or malfunctions in their VMS units should contact NMFS Office of Law Enforcement to notify them of the situation immediately and should not fish.<sup>214</sup> After a fishing trip during which interruption of automatic position reports has occurred, the vessel’s owner or operator must have a qualified marine electrician replace or repair the VMS unit prior to the vessel’s next trip.<sup>215</sup>
- Prior to leaving port for any trip, a vessel owner or operator must declare their target species and gear type(s) using the VMS terminal (“hail-out”). If the vessel is participating in multiple fisheries or switches to a different gear type or target species group, the vessel owner or operator must submit another declaration.<sup>216</sup>
- At least 3 hours, but no more than 12 hours, prior to landing, the vessel owner or operator must provide NOAA Fisheries advanced notice of landing (“hail-in”) using the VMS terminal. For trips that are expected to be completed in less than three hours, vessels have the option of making a hail-in declaration at the same time (or before) the “hail out” declaration (i.e., gear and target species declaration) is made.<sup>217</sup> After submission of the landing notification, a confirmation code is provided through the VMS system. Please note that the confirmation code does not automatically give the fisherman permission to land and offload. It simply provides NMFS a confirmation that a landing notification was received by NMFS. The owner/operator is responsible for ensuring all regulations are followed.
- HMS permitted vessels that will not be targeting or retaining HMS species for 2 or more consecutive fishing trips may “declare out” of the HMS fishery. Vessels that have declared out of the fishery will be exempted from hailing in and out for each trip so long as they continue to participate in non-HMS fisheries that do not also require VMS reporting. If the vessel is participating in a non-HMS fishery that requires VMS reporting, they will still be required to follow the VMS reporting requirements for the non-HMS fishery. HMS vessels that have declared out of the HMS fishery are still required to leave their VMS units on to provide hourly position reports, and are still required to follow all other HMS regulations (e.g., closed areas). Vessels that have declared out of the fishery may still land HMS if they catch them incidentally, but would have to first declare back into the HMS fishery by hailing out and hailing in at least three hours, and no more than twelve hours, before returning to port.<sup>218</sup>
- If the vessel operator is aware that transmission of the reports has been interrupted, the vessel operator must notify NOAA Fisheries and follow the instructions given. If a repair is needed, the vessel owner or operator must have a qualified marine electrician repair or replace the unit before the vessel’s next trip.<sup>219</sup>

## **BLUEFIN CATCH REPORTING VIA VMS<sup>220</sup>**

- *Vessels fishing with pelagic longline gear* must submit a “Highly Migratory Species Bluefin Tuna Catch Report” through VMS within 12 hours of completion of each pelagic longline set. Specifically, the report must include: date the set was made; area in which the set was made; the number of hooks in the set; and the approximate length of all bluefin tuna retained, discarded dead, or released alive (by standardized size ranges), including reporting of zero bluefin on a set.
- *Vessels fishing with purse seine gear* must submit a “Highly Migratory Species Bluefin Tuna Catch Report” through VMS within 12 hours of completion of each purse seine set. Specifically, the report must include: date the set was made; area in which the set was made; and the approximate length of all bluefin tuna retained, discarded dead, or released alive (by standardized size ranges), including reporting of zero bluefin on a set.<sup>221</sup>