



NOAA FISHERIES

Atlantic Highly Migratory Species

Atlantic Highly Migratory Species (HMS) Vessel Monitoring System (VMS) Program Compliance Guide

Revised November 2013

The National Marine Fisheries Service (NMFS) published a final rule (November 15, 2013; 78 FR 68757) modifying reporting requirements associated with VMS units in Atlantic HMS fisheries. Regulations that govern VMS in Atlantic HMS fisheries may be found in the U.S. Code of Federal Regulations, Title 50 § 635.69.

This revised compliance guide provides information regarding certain aspects of the VMS requirements for Atlantic HMS fisheries, specifically: hail in/out requirements; approved E-MTU VMS units; and reimbursement for E-MTU VMS.

Background

Atlantic HMS regulations require the owner or operator of a commercial vessel permitted to fish for Atlantic HMS to install and operate a NMFS-approved E-MTU under certain circumstances:

- Pelagic Longline Vessels: Whenever the vessel has pelagic longline gear on board;
- Bottom Longline Vessels: When the mid-Atlantic shark closed area is closed (January 1 - July 31), vessels with a directed shark limited access permit must operate the E-MTU when they have bottom longline gear on board and are located between 33°00' N. lat. and 36°30' N. lat.; and
- Shark Gillnet Vessels: From November 15-April 15, vessels with directed shark limited access permits must operate the E-MTU when they have gillnet gear on board.

Type Approved E-MTUs for Atlantic HMS Fisheries

The HMS regulations require:

- Installation of an approved E-MTU by a qualified marine electrician.
- An active user account with an approved mobile communication service provider (a list of those providers is obtained from the E-MTU vendor listed below).
- A signed VMS Installation and Activation Checklist submitted to NMFS. NMFS mails this checklist to new Atlantic HMS permit holders. You may also get the checklist from the NMFS Office of Law Enforcement, Southeast Enforcement Division (contact information is provided below). The checklist must be completed, signed, and mailed back to the NMFS Office of Law Enforcement, Southeast Enforcement Division.
- Receipt of a confirmation email that the unit has been activated and the vessel's position data are being received by NMFS.

As VMS unit type approvals are subject to change, vessel owners should contact the NMFS National VMS Program Manager (contact information below) to confirm that a particular make/model is type-approved for the Atlantic HMS fisheries before buying it. As of February 2013, the following E-MTUs are approved for use in Atlantic HMS fisheries:

- Skymate ST2500 (SM 250) (with messaging terminal)
- Faria Watchdog 750 (with messaging terminal)
- CLS America Thorium TST-100
- Thrane & Thrane TT-3026D – Gold
- Boatracs Model FMCT/G * (Gulf of Mexico only)

Please check the link below prior to purchase or installation.

http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html

E-MTU Vendors and Communication Service Providers:

SkyMate, Inc.: Model: Stellar ST2500G (with closed Dell Laptop)
(703) 961-5800 or 1-866-SKYMATE
11890 Sunrise Valley Drive
Reston, VA 20191
www.skymate.com
Dimensions: Modem: 8"x 4.25" x 1.375"
Laptop: 14"x10"x 1"

Faria: Model: WatchDog 750 (with messaging terminal)
(860) 848-9271 or (877) 888-5569
303 Norwich-New London Tpke
Uncasville, CT 06382
www.fariawatchdog.com
Dimensions: Screen 7.5"x 5.5"x 2"
Transceiver: 9"x 4.625" x 3"

CLS America: Model: Thorium TST-100
(301) 925-4411
4300 Forbes Blvd, Suite 110
Lanham, Maryland 20706
www.clsamerica.com
Dimensions: Dome: 4.75" x 8.25" x 6.125"
Bracket: 5" x 4" x 4"
Junction Box: 5.5" x 9" x 2.75"
Monitor: 10.75"x 10" x 7.5"
Computer: 7.5"x 2.5"x 10.25"
Keyboard: 1.5" x 6" x 16.75"

Thrane & Thrane: Model: Sailor TT-3026D Gold
GMPCS Personal Communications
(888) 664-6727 or (954) 973-3100
4950 West Prospect Road
Fort Lauderdale, Florida 33309
www.gmpcs-us.com
Dimensions: Antenna: 6.4" x 5.7"
Connection box: 2.5" x 4.6" x 0.9"
Remote Distress Box 3.4" x 3.4" x 1"
Terminal: 8.5" x 11.5" x 2"

Boatracs*: Model: FMCT/G
(877) 468-8722 or (800) 262-8722
11610 Iberia Place, Suite 100
San Diego, CA 92128
<http://www.boatracs.com/>
Dimensions: Mobile Communications Transceiver: 6.7" x 11.4" x 6.6"
Enhanced Display Unit: 12.72" x 9.3" x 2.2"
Authorized in the Gulf of Mexico ONLY

* The Boatracs unit meets the requirements for Atlantic HMS fisheries only when vessels are fishing in the Gulf of Mexico as described at 50 CFR 600.105(c).

Operation

As of December 16, 2013, 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 may apply for a documented, power down exemption for their vessel from NMFS enforcement. Vessel owners and/or operators experiencing unanticipated power outages, or malfunctions in their VMS units should contact NMFS enforcement to notify them of the situation as soon as possible.

“Hail Out”

- **Prior to leaving port**, a vessel owner or operator must notify NMFS of any HMS fishery in which the vessel will participate on that trip and the type(s) of fishing gear that will be on board the vessel (i.e., hail-out declaration).
- A vessel operator can make their hail-out declaration at any time, provided it is prior to departure from port.
- **If the vessel will be participating in multiple HMS fisheries, or multiple gears will be on board the vessel, the vessel owner or operator must submit multiple electronic declarations to NMFS.** For example, if a vessel were using both pelagic longline and greenstick gear to target yellowfin tuna and swordfish, two declarations would be needed for each gear with “tuna/swordfish” declared as the target species.
- All declarations must be sent to NMFS using an installed E-MTU VMS terminal.

“Hail In”

- **At least 3 hours, but no more than 12 hours**, prior to landing, a vessel owner or operator must report a notice of landing (i.e., hail in declaration) to NMFS.
- Existing regulations state that, “landing” means to arrive at a dock, berth, beach, seawall, or ramp. This information must be reported to NMFS using an attached E-MTU VMS terminal. For example, if a vessel were landing at Venice, LA, at 4 p.m., the operator would need to notify NMFS using their E-MTU VMS unit at least three hours, and no more than 12 hours, prior to landing. In this situation, the hail-in declaration would need to be issued sometime between 4 a.m. and 1 p.m. prior to landing.
- 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 gear and target species (hail out) declaration is made.

“Declare Out of Fishery”

- As of November 14, 2013, an HMS permitted vessel that will not be targeting or retaining HMS species for 2 or more consecutive fishing trips may issue a declaration to “declare out” of the HMS fishery.
- Vessels that have declared out of the fishery will be exempted from issuing hail-out and hail-in declarations for each trip so long as they continue to target non-HMS fisheries that do not also require VMS reporting. If the vessel is targeting 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 issuing a hail-out and issue a hail-in at least three hours, and no more than twelve hours, before returning to port.

Additional Information on Hail-Out (leaving port) and Hail-In (returning to port) Requirements

The following scenarios provide examples of how to comply with the new requirements.

Scenario A.

- A fishing vessel operator is beginning a fishing trip on Monday.
- If the vessel is targeting HMS, the vessel operator must make a hail-out declaration for his trip before leaving port.
- The hail-out declaration must include 1) which HMS will be targeted and 2) what fishing gear will be possessed onboard.
- If the vessel is not targeting HMS for the one trip, then the operator would declare “other” or “out of fishery” and then would not be required to specify a gear type. If the vessel does not intend to target HMS for 2 or more consecutive trips, then the vessel could “declare out of fishery” via the VMS unit and would not need to make another declaration until they resume fishing for HMS, unless the other fishery also requires VMS reporting in which case the vessel will need to follow the VMS regulations governing that fishery.

Scenario B.

- A fishing vessel operator leaves port at 6 a.m. and is only going fishing for the day but is unsure of exactly when they will return to port.
- That vessel operator can submit a hail-in declaration (time and location (city, state) of landing) at any time after they have hailed out for that trip provided NMFS is contacted at least 3 hours, but no more than 12 hours, before they land.
- For example, at 6 a.m., this vessel operator could declare a landing time of 9 a.m. and then return to port at any time between 9 a.m. and 6 p.m. without submitting another hail in declaration.
- If the vessel operator makes the hail-in declaration in at 9 a.m., he should not land until three hours later, at 12 noon, and should return to port no later than 9 p.m.

Scenario C.

- A fishing vessel operator provided a hail out before leaving port indicating that “other” (non-HMS) species would be targeted during that trip.
- For that trip, the vessel is “declaring out of fishery” since they are not targeting HMS species. When choosing this declaration, vessels do not need to identify gear type.
- If the vessel operator catches HMS while operating under a declaration out of the fishery, and wants to land it, then they must issue an updated hail-out declaration, followed by the appropriate hail-in declaration, before returning to port.

Reimbursement for VMS Units

Subject to available funds, owners or operators of vessels with VMS units may be eligible for reimbursement (up to \$3,100 currently, but subject to change) of the cost of their E-MTU VMS unit. Vessels can only be reimbursed for one E-MTU VMS unit. This reimbursement does not cover costs associated with installation or using the E-MTU VMS unit to transmit information. For more information about reimbursement, please contact the NMFS VMS Helpdesk at 1-888-219-9228.

For information about NMFS VMS Program, please contact:

NMFS Office of Law Enforcement
Southeast Enforcement Division - VMS
Program
263 13th Avenue South, Suite 109
St. Petersburg, FL 33701
727-824-5358 (tel)
727-824-5318 (fax)

NMFS Office of Law Enforcement - HQ
National VMS Program Manager
1315 East-West Highway
Suite 3301
Silver Spring, MD 20910
301-427-2300 (tel)
301-427-2055 (fax)

For information about Atlantic HMS management and regulations, please go to <http://www.nmfs.noaa.gov/sfa/hms/> or contact:

Atlantic HMS Management Division - HQ
1315 East-West Highway
Silver Spring, MD 20910
301-427-8503 (tel)
301-713-1917 (fax)

HMS Management Division - Southeast
263 13th Avenue South
St. Petersburg, FL 33701
727-824-5399 (tel)
727-824-5398 (fax)