



National Marine Fisheries Service (NMFS) Announces a Final Rule to Require New Vessel Monitoring System (VMS) Units and Establish Additional Requirements in Atlantic Highly Migratory Species (HMS) Fisheries

NMFS is implementing a final rule (76 FR 75492; December 2, 2011) to facilitate enhanced communication with HMS vessels at sea, provide HMS fishery participants with an additional means of sending and receiving information at sea, ensure that HMS VMS units are consistent with the current VMS technology and type approval requirements that apply to newly installed units, and to provide NMFS enforcement with additional information describing gear onboard and target species.

This final rule would apply to all vessels with Atlantic HMS permits that are required to use VMS, including: vessels with pelagic longline gear, vessels with bottom longline gear in the vicinity of the mid-Atlantic closed area (between 33° N and 36° 30' N) from January 1 to July 31, and shark gillnet vessels fishing between November 15 and April 15. The existing requirement to provide location reports using VMS, on an hourly basis, when vessels are away from port, would be maintained.

This final rule would implement changes to existing VMS regulations for Atlantic HMS vessels, including:

- Require that any new or replacement Enhanced Mobile Transmitting Unit (E-MTU) VMS be installed by a qualified marine electrician (**effective January 1, 2012**);
- Require that all existing Mobile Transmitting Unit (MTU) VMS be replaced with NMFS-approved E-MTU VMS units (**effective March 1, 2012**); and
- Establish a declaration system, **effective March 1, 2012**, where vessel operators would declare their target species and gear type(s) possessed on board prior to departing from port and provide NMFS advance notice of landing before a trip has been completed.

Three MTU VMS units approved by NMFS prior to January 2008 for use in the HMS fishery - Trimble Galaxy 7001 and 7005 and Thrane & Thrane Sailor VMS Silver (68 FR 11534; March 11, 2003) - will **not** meet the requirements of this rule because these units do not possess the capability for two-way communications or the ability to send and receive free-form internet email text messages and electronic forms. Vessels with one of these three units installed will be required to replace the unit with one of the NMFS-approved E-MTUs by **March 1, 2012**.

The fishery declaration system, where fishermen would use their E-MTU VMS to report target fishery and gear types possessed two hours prior to leaving the dock, would allow NMFS to more accurately track and monitor vessels for compliance with the regulations for relevant fisheries. Vessels would also be required to notify NMFS at least three hours prior to landing.



These requirements are often referred to as "hail-in/hail-out" provisions and have been implemented in other Atlantic fisheries where E-MTU VMS are required.

A list of NMFS-approved E-MTU VMS and communications service providers for Atlantic HMS fisheries published in the Federal Register on Dec. 2, 2011 (76 FR 75523). The current list of VMS units that are type approved can also be found at http://www.nmfs.noaa.gov/ole/docs/2011/07/noaa_fisheries_service_type_approved_vms_units.pdf. For copies of the list, contact information for equipment and communications service providers, and other information, please contact the VMS Support Center at phone 888-219-9228, fax 301-427-0049, or write to one of the addresses below.

Currently, some reimbursement funds are available for participants upgrading to E-MTU VMS in HMS fisheries. Vessel owners that have already received reimbursement funds for an E-MTU VMS may be ineligible to receive additional funds. For more information about reimbursement, please contact the NMFS VMS Support Center at 1-888-219-9228.

For information about NMFS VMS program, please contact:

NMFS Southeast Office of Law
Enforcement
VMS Program - Southeast Division
263 13th Avenue South, Suite 109
St. Petersburg, FL 33701
1-800-758-4833 (tel)
727-824-5318 (fax)

NMFS Office of Law Enforcement - HQ
National VMS Program Manager
8484 Georgia Ave
Suite 415
Silver Spring, MD 20910
301-427-2300 (tel)
301-427-2055 (fax)

This notice is a courtesy to the HMS fishery participants to help keep you informed about the fishery. Official notice of Federal actions is made through filing such notice with the Office of Federal Register. For further information on this final rule and Final Regulatory Flexibility Analysis (FRFA)/Regulatory Impact Review (RIR), contact Michael Clark at (301) 427-8503. Copies of the final rule, FRFA/RIR, and a VMS compliance guide are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-427-8503, fax: 301-713-1917). The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>.

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FOR Alan Risenhoover
Director, Office of Sustainable Fisheries

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Date