



# NOAA FISHERIES

## Atlantic Highly Migratory Species

### NMFS Reminds Fishermen of New Vessel Monitoring System Requirements for Highly Migratory Species Effective January 1, 2013

**December 13, 2012**

This notifies all fishermen that they must implement and use only electronic Mobile Transmitting Units as of January 1, 2013.

The National Marine Fisheries Service (NMFS) published a final rule on December 2, 2011 (76 FR 75492), that changed vessel monitoring system (VMS) requirements in Atlantic highly migratory species (HMS) fisheries. Issues arose that would have prevented some vessels from fully complying with the requirements and the requirements were temporarily delayed. The issues have now been resolved, and NMFS reminds fishermen that Mobile Transmitting Unit (MTU) VMS units will no longer be allowed after December 31, 2012. Fishermen will need to implement the measures in the final rule as of January 1, 2013.

#### **Who is Affected?**

All vessels with Atlantic HMS permits that are required to use VMS, including vessels with pelagic longline gear on board, vessels with bottom longline gear on board in the vicinity of the mid-Atlantic closed area (between 33° N and 36° 30' N) from January 1 to July 31, and vessels possessing a shark directed permit with gillnet gear on board fishing between November 15 and April 15, must comply with the new requirements. These vessels will need to continue providing location reports using VMS, on an hourly basis, when vessels are away from port.

Vessels that are not targeting HMS species have the option of temporarily removing their HMS permits from the vessel to avoid being subject to any Atlantic HMS VMS requirements. However, these vessels would not be able to possess any HMS species until the permits are reinstated on that vessel. If you choose to exercise this option, please plan ahead as removing and reinstating vessel permits can take time and result in additional costs.

Vessels can also remove their Pelagic Longline, Bottom Longline, or Gillnet Gear to avoid having to meet these HMS VMS requirements.

#### **How Are VMS Requirements Changing?**

- Existing required MTU VMS units must be replaced with NMFS-approved Enhanced Mobile Transmitting Unit (E-MTU) VMS units;
- Any new or replacement E-MTU VMS unit must be installed by a qualified marine

- electrician; and
- Vessel operators must declare their target species and gear type(s) possessed on board prior to departing from port and provide NMFS advanced notice of landing before a trip has been completed.

The fishery declaration system, through which fishermen use their E-MTU VMS units to report target fishery and gear types possessed **at least two hours prior to leaving the dock**, allows NMFS to more accurately track and monitor vessels for compliance with the regulations for relevant fisheries. Vessels also must notify NMFS of their intended landing location (i.e., city, state) and timing of landing (i.e., January 11, 2013, at 4:00 p.m.) **at least three hours prior to landing**, to allow NMFS to accurately track and monitor vessels for compliance with their initial declaration stating target species and gear possessed onboard. 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.

### **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 offloading on Monday, January 3, 2013. While in port, the vessel operator can make a hail-out declaration for his next trip at least two hours before leaving on that trip. **For example, he could hail-out while offloading on January 3<sup>rd</sup> for a trip that will occur on January 4<sup>th</sup>.** He must identify HMS that will be targeted and fishing gear possessed before leaving port for a trip on Tuesday, January 4, 2013 (or any subsequent day) provided the unit remains on and is transmitting every hour. **That hail out declaration would cover any subsequent fishing trip that departs two hours or later after submission.** If the target species or gear possessed changes on the subsequent trip, the operator must submit an updated hail out declaration indicating HMS target species and gear possessed before that fishing begins. If the vessel is not targeting HMS, then they would declare “other” and then they are not required to specify a gear type. **If the target species and gear type possessed has not changed from the initial declaration, an updated declaration is not required.**

**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 in advance of landing**. For example, this vessel operator could at 6 a.m. declare a landing time of landing of 9 a.m. and then return to port **at any time** after 9 a.m. without submitting another hail in declaration. If he makes the hail-in declaration in at 9 a.m., he could not land until three hours later, at 12 noon (or anytime later than that.)

**Scenario C.** A fishing vessel operator provided a hail out declaration more than two hours 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, during the trip, the vessel switches to a gear type or HMS species group not reported on the initial declaration, another declaration must be submitted before this fishing begins.

## **Additional Information Regarding E-MTU VMS Reimbursement**

Some funds are available (up to \$3,100) for eligible vessel owners to receive reimbursement for purchasing E-MTU VMS units. Please contact the NMFS VMS Support Center at 1-888-219-9228 to determine if you are eligible for reimbursement. Vessel owners are responsible for costs associated with ensuring E-MTU VMS units are installed by a qualified marine electrician.

## **NMFS Approved E-MTU VMS Units**

A list of NMFS-approved E-MTU VMS and communications service providers for Atlantic HMS fisheries published in the Federal Register on December 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/2012/noaa\\_fisheries\\_service\\_type.pdf](http://www.nmfs.noaa.gov/ole/docs/2012/noaa_fisheries_service_type.pdf)

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 questions regarding Atlantic HMS fisheries VMS requirements, contact Pat O'Shaughnessy, Southeast Division VMS Program Manager, at phone (727) 824-5358. For additional information about HMS regulations, please 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 is also posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>.

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