



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

National Marine Fisheries Service (NMFS) Announces a Proposed Rule to Update Vessel Monitoring System (VMS) Requirements in Atlantic Highly Migratory Species (HMS) Fisheries

This proposed 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 requirement to provide location reports using VMS, on an hourly basis, when vessels are away from port, would be maintained.

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

- Require that existing required Mobile Transmitting Unit (MTU) VMS units be replaced with Enhanced Mobile Transmitting Unit (E-MTU) VMS units subject to VMS requirements;
- Require that new units be installed by a qualified marine electrician; and,
- Establish a declaration system where vessel operators would 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.

NMFS is considering this proposed rule because E-MTU VMS units include technological advancements that would represent an improvement over the MTU VMS units currently required in Atlantic HMS fisheries, including two-way communication and electronic messaging. Furthermore, NMFS has reported that existing units have failed to report while vessels are at sea. The new VMS units would also provide NMFS with the ability to communicate directly with individual vessels via electronic messaging and other means. Using this technology, NMFS would have the ability to notify vessel operators of emergency changes to closed areas; provide notice of fishery closures in real time; inform operators of environmental disasters (oil rig fires/oil spills); send notices concerning dangerous weather; and, receive distress or emergency transmissions. Use of this technology could also provide additional flexibility for management measures in the future such as real-time reporting of landings.

The proposed fishery declaration system, where fishermen would use their E-MTU VMS units 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 units are required.

NMFS is considering a delayed implementation date of 90 days after publication of the final rule to allow vessel owners time to procure and have an E-MTU VMS unit installed and operating on their vessels if the rule is adopted as proposed. NMFS specifically requests comment on the economic impacts of a potential regulation requiring that certified marine electricians install VMS units as well as the effectiveness of a 90-day delayed implementation date to mitigate burden.



Currently, reimbursement funds are available for participants upgrading to E-MTU VMS units in HMS fisheries. Vessel owners that have already received reimbursement funds for an E-MTU VMS may be ineligible to receive additional funds. Any changes to the Atlantic HMS fishery VMS requirements are anticipated to be implemented by the fall of 2011.

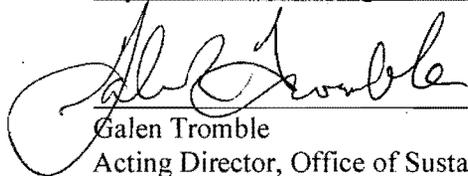
NMFS is interested in feedback from the public and is holding several public hearings (See Table 1). During these hearings, NMFS will receive public feedback on the proposed management measures.

Table 1. Public hearing schedule for the VMS Proposed Rule

Location	Date	Time	Address
St. Petersburg, FL	July 7, 2011	6:00-8:00 p.m.	NOAA/NMFS Southeast Regional Office 263 13 th Ave S., St. Petersburg, FL 33701
New Orleans, LA	July 13, 2011	2:00-5:00 p.m.	Hilton New Orleans Airport 901 Airline Drive, Kenner, LA 70062
Atlantic City, NJ	July 28, 2011	3:30-6:30 p.m.	Atlantic County Library System, Brigantine Branch 201 15th St. South, Brigantine, NJ 08203

The comment period for this proposed rule is open until August 1, 2011. Written comments, identified by "0648-BA64", may be submitted electronically via the Federal eRulemaking Portal <http://www.regulations.gov>, or sent by fax or mail to the contact information included below. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

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 proposed rule and Initial Regulatory Flexibility Analysis (IRFA)/Regulatory Impact Review (RIR), contact Greg Fairclough at (727) 824-5399 or Michael Clark at (301) 713-2347. Copies of the proposed rule and IRFA/RIR are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-713-2347, fax: 301-713-1917). The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>.


Galen Tromble
Acting Director, Office of Sustainable Fisheries

JUN 21 2011

Date

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