

**Atlantic Highly Migratory Species (HMS) Vessel Monitoring System (VMS) Program
Compliance Guide
Revised February 2013**

The National Marine Fisheries Service (NMFS) published a final rule (December 2, 2011; 76 FR 75492) establishing requirements for fishermen participating in Atlantic HMS fisheries to replace Mobile Transmitting Unit (MTU) Vessel Monitoring System (VMS) units with Enhanced Mobile Transmitting Unit (E-MTU) VMS. 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 is away from port with 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 are away from port with bottom longline gear on board and 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 are away from port with 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/docs/2013/noaa_fisheries_service_type_01-25-2013.pdf

E-MTU Vendors and Communication Service Providers:

SkyMate, Inc.: Model: Stellar ST2500 (with messaging terminal)
(703) 961-5800 or 1-866-SKYMATE
4230 Lafayette Center Drive, Suite A
Chantilly, Virginia 20151
www.skymate.com
Dimensions: Modem: 8"x 4.25" x 1.375"
Laptop: 14"x10"x 1"

Faria: Model: WatchDog 750 (with messaging terminal)
1-877-888-5569
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
1441 McCormick Drive, Suite 1050
Largo, Maryland 20774
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
1-888-664-6727
1501 Green Rd, Suite A-B
Pompano Beach, Florida 33064
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 (858) 458-8100
9155 Brown Deer Road, Suite 8
San Diego, CA 92121
<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

VMS units must be turned on at least 2 hours prior to leaving port and remain on until the vessel returns to port. While at sea, the unit must always be on, operating, and reporting location data and NMFS enforcement must receive these transmissions every hour without interruption.

“Hail Out”

- **At least** 2 hours prior to departure for each trip, 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 at least 2 hours prior to departure.
- Hail out declarations may be made more than two hours before departure, too (e.g., for a trip starting on Monday, the hail out declaration could be made Sunday night).
- 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 prior to landing, a vessel owner or operator must report a notice of landing (i.e., hail in declaration) to NMFS.
- A vessel operator can make their hail in declaration at any time provided it is at least 3 hours prior to landing.
- 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 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.

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 his catch on Monday, January 3, 2013.
- While in port, the vessel operator can make a hail-out declaration for his next trip, provided the declaration is made at t least two hours before leaving on that trip.
- For example, he could hail-out while offloading on January 3 for a trip that will occur on January 4. The hail-out declaration must include 1) which HMS will be targeted and 2) what fishing gear will be possessed onboard.
- That hail out declaration would cover the next fishing trip that departs two hours or later after submission.
- If the target species or gear possessed changes from the initial hail out declaration, the operator must submit an updated hail-out declaration indicating HMS target species and gear possessed before fishing begins

- If the vessel is not targeting HMS, then the operator would declare “other” or “out of fishery” and then would not be required to specify a gear type.

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 before they land.
- For example, at 6 a.m. this vessel operator could 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, an updated declaration must be submitted before fishing begins.

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
 8484 Georgia Ave
 Suite 415
 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
1-727-824-5399 (tel)
727-824-5398 (fax)