

The Essential Fish Habitat rule that was published in the Federal Register on June 28, 2006 requires certain fishing operations to carry a transmitting vessel monitoring system (VMS). The rule reads:

(6) *When must the VMS transmitter be transmitting?* Your vessel's transmitter must be transmitting if:

- (i) You operate a vessel in any reporting area (see definitions at § 679.2) off Alaska while in any fishery requiring VMS, for which the vessel has a species and gear endorsement on its Federal fisheries permit under § 679.4(b)(5)(vi), is open;
- (ii) You operate a federally permitted vessel in the Aleutian Islands subarea; or
- (iii) You operate a federally permitted vessel in the Gulf of Alaska (GOA) and have mobile bottom contact gear on board.

The rule defines a “federally permitted vessel” as:

Federally permitted vessel means a vessel that is named on either a Federal fisheries permit issued pursuant to § 679.4(b) or on a Federal crab vessel permit issued pursuant to § 680.4(k) of this chapter. Federally permitted vessels must conform to regulatory requirements for purposes of fishing restrictions in habitat conservation areas, habitat conservation zones, and habitat protection areas; for purposes of anchoring prohibitions in habitat protection areas; and for purposes of VMS requirements.

The rule defines “operating” as:

Operate a vessel means for purposes of VMS that the fishing vessel is:

- (1) Offloading or processing fish;
- (2) In transit to, from, or between the fishing areas; or
- (3) Fishing or conducting operations in support of fishing.

The rule defines “mobile bottom contact gear” as:

Mobile bottom contact gear means nonpelagic trawl, dredge, or dinglebar gear.

The Aleutian Islands subarea is defined in existing regulations (679.2) as:

Aleutian Islands Subarea (AI) of the Bering Sea-Aleutian Islands (BSAI) means that portion of the Exclusive Economic Zone (EEZ) contained in Statistical Areas 541, 542, and 543

The Gulf of Alaska is defined in existing regulations (679.2) as:

Gulf of Alaska (GOA) means that portion of the EEZ contained in Statistical Areas 610, 620, 630, 640, and 650