UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE NORTHEAST REGION 55 Great Republic Drive

55 Great Republic Drive Gloucester, MA 01930-2276

April 13, 2011

SMALL ENTITY COMPLIANCE GUIDE

<u>CHANGES TO VESSEL MONITORING SYSTEM (VMS) REQUIREMENTS</u> <u>FOR FISHING YEAR 2011</u>

Dear SkyMate VMS Vessel Owner:

You will be receiving new software for your VMS unit this month directly from SkyMate. A software CD with instructions for loading the new software on your PC will be mailed from SkyMate by **April 12, 2011**. Please load and begin using this new software for any trips you take on or after May 1, 2011.

This letter provides you with specific guidance on how to use your new SkyMate VMS screens to comply with approved regulatory changes that are likely to be effective on May 1, 2011.

There are several amendment and framework adjustment actions to the Northeast regulations that have been approved for implementation on May 1, 2011. There are other regulatory actions under consideration and pending approval after May 1, 2011. As a result, the screens that you view on your SkyMate VMS unit are being updated to include both approved <u>and</u> proposed fishing year 2011 regulatory changes.

REQUIRED VMS SOFTWARE

Your SkyMate VMS unit must be loaded and running the new NMFS-approved software by May 1, 2011. The new software is identified as SkyMate Client software version 3.936. After you have successfully loaded your software, you will see "SkyMate 3.936 Client Software" appearing in the upper left hand corner of your VMS screen.

Note: Please remember that, anytime your vessel is underway, you must have your PC onboard and running the most current SkyMate VMS software to be fully VMS-compliant with NMFS.

VMS VENDOR SOFTWARE DELIVERY PLAN

SkyMate will mail the new NMFS-approved VMS software from their Toronto, Canada office to the address of their customers on file with SkyMate. Please contact SkyMate directly at **1-866-SKYMATE** (**1-866-759-6283**) if you have any questions about your new software delivery. You will also be able to download the new software directly from the SkyMate website at www.skymate.com (go to "Commercial Fishing', then "Downloads').

LIST OF ALL REQUIRED VMS DECLARATIONS AND FORMS SCREENS

Here is a complete listing of <u>all</u> Northeast VMS screens by Fishery Management Plan. A brief summary of the 2011 changes, if any, are included. Instructions for completing the new and revised SkyMate forms starting May 1, 2011 are provided in **enclosure** (1).

Multispecies.

- Multispecies Declaration. No changes.
- Multispecies Catch Report. No longer requires you to enter a ,zero' in fields where no fish were kept. Removes "windowpane' flounder species from reporting. Adds instructions about negative reports.
- **Trip Start and End Hail.** Title drops the word "Sector' and the instructions refer to use by groundfish vessels. Trip Start Hail adds a new field "Observer/ASM On-Board (Y/N)". Trip End Hail revises the dealer field to "Dealer/Offload location".
- Restricted Gear Area Notification. No changes.
- Gulf of Maine Cod Trip Limit Exemption. The form now requires the user to check a box in order to declare their intent and send the form.
- Gulf of Maine Gillnet Mesh Exemption. NEW FORM. Required by sector vessels if they intend to fish under the 6" gillnet exemption in the GOM RMA.

Monkfish.

- **Declaration.** No changes.
- Monkfish Trip Limit Overage DAS Adjustment. NEW FORM. Required when exceeding the monkfish daily limit by no more than one extra limit and requesting to be charged the appropriate monkfish DAS to account for the extra limit.

Scallop.

- Scallop Declaration. Removes the scallop-specific Power Down declaration (LAGC vessels may power down using a new VMS code). Adds "Hudson Canyon' and "State Waters Exemption Program' to LAGC and limited access declaration menus. Removes specific access areas from the RSA menu and adds a generic "Scallop Access Area(s)' declaration. If participating in the State Waters Exemption Program, you may now report through VMS, rather than through the IVR system. Although the Hudson Canyon declaration is included in the menu, this access area remains closed. If Framework 22 is approved, you will be notified of any changes to the access area rotational schedule.
- Scallop Catch Report. Revises the scallop catch report based on new reporting requirements proposed in Amendment 15. These instructions require daily catch reporting within the two yellowtail flounder stock areas. New fields include "Date Fish Caught', 'GB YT' and "SNE/MA YT' stock area and "All Other Fish Kept'. Be aware that these reporting instructions outline requirements that are not yet finalized. Please continue reporting your catch only from access area trips.

- LAGC Scallop Pre-Landing Notification. Allows for the reporting of both ,, Meats' and ,, Bushels in-shell' if the intent is to land both.
- Scallop Broken Trip Notification. The instructions are clarified to specify the two situations when the report should be sent.
- Scallop Access Area Compensation Trip. No changes.

Herring.

- Herring Declaration. No changes.
- Herring Catch Report. NEW FORM. DO NOT SUBMIT UNTIL NOTIFIED FURTHER. This report, if/when approved, would require daily reporting by all limited access vessels on a declared herring trip. Please continue to report herring catch through the IVR system until notified otherwise.
- Herring Pre-Landing Notification. Instructions are clarified to require reporting only from CAT A/B vessels using mid-water trawl or purse seine gear on a declared herring trip.

SurfClam, Ocean Quahog & Maine Mahogany Quahog. No changes.

Declare Out of Fishery & Power Down.

• **Power Down Declaration**. Adds a new Power Down declaration for use while moored/dockside ONLY by LAGC scallop vessels and authorized groundfish sector vessels IF they do not have more restrictive permits requiring 24/7 reporting.

CONTACTING THE NE VMS TEAM

If you have any questions about your new VMS software or the Northeast VMS program, please call (978) 281-9213 and ask for a VMS Team member to assist you.

NORTHEAST VMS WEB PAGE

You can find the VMS Web Page on the NE Region website at http://www.nero.noaa.gov. Go to "Resources", click on "Fishing Industry and Seafood Dealers", and then select "Vessel Monitoring System (VMS)". You will find all VMS forms/instructions, including declaration code definitions, VMS Operator Instructions and VMS Team/NMFS agent contact information.

This letter is only a summary of approved and proposed NE regulations for Fishing Year 2011 as they pertain to VMS reporting requirements and should not be considered as a substitute for the actual regulations. To read these regulations in their entirety, you may obtain a complete copy by calling (978) 281-9315, or by accessing the Northeast Regional Office website.

Enclosure (1): User Instructions for SkyMate VMS Vessel Owners

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

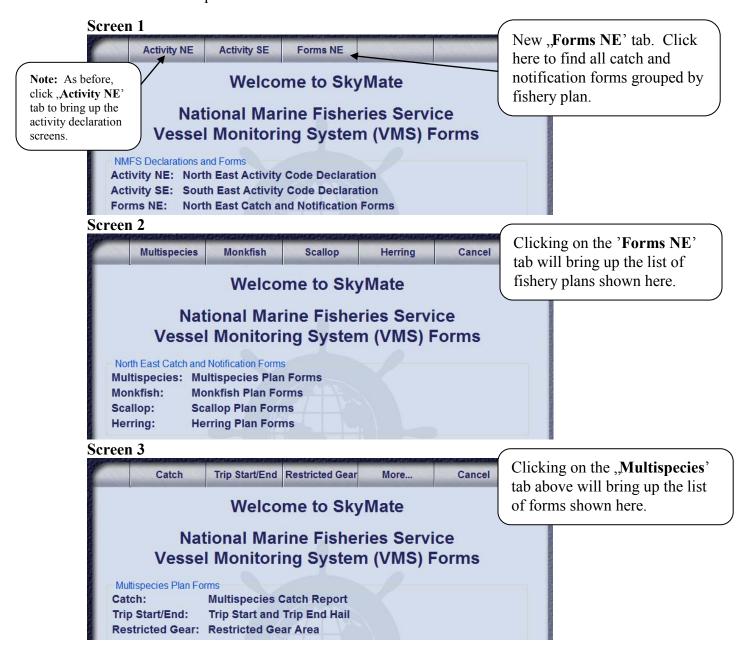
This notice is authorized by the Administrator of the NOAA Fisheries Service, Northeast Region.

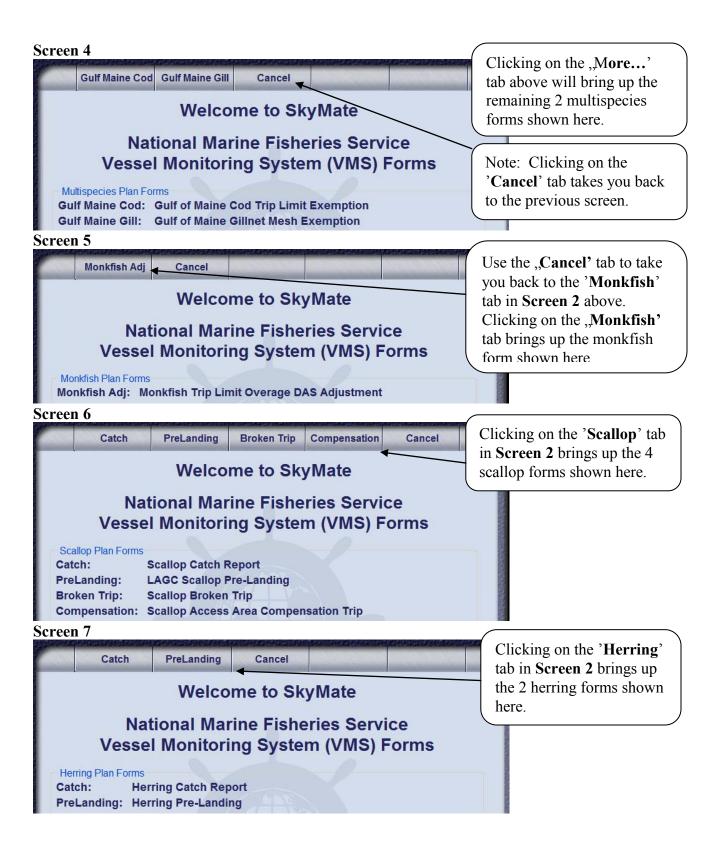
ENCLOSURE (1)

INSTRUCTIONS FOR SKYMATE VMS OWNERS

The following pages will show you the <u>new and revised</u> SkyMate VMS screens and provide you with easy to follow instructions for completing them.

You will notice that the main screen has been changed to group forms together by fishery plan. When you click on "NMFS VMS" on the left side of your SkyMate screen, you will see the view in **Screen 1** below. Note the new "**Forms NE**" tab at the top. This tab will bring you to all Northeast VMS catch and trip notification forms.





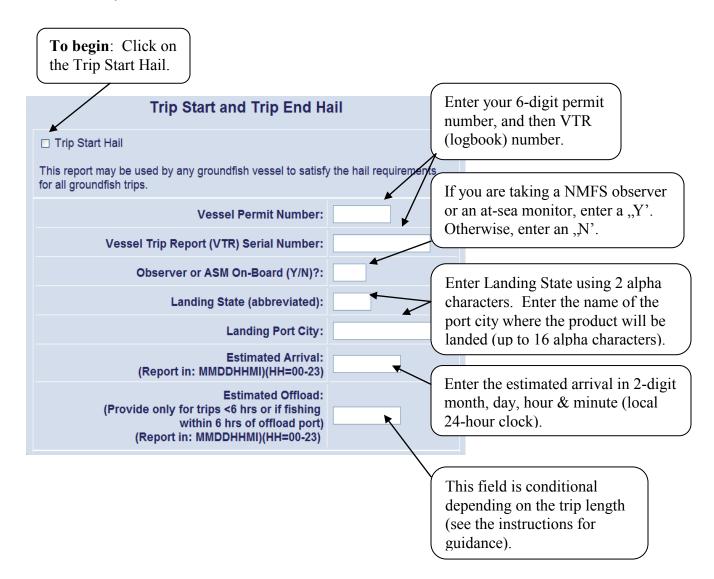
Now, let's take a look at each of the new and revised SkyMate forms. Please note that for <u>all</u> forms, when you've filled in all <u>required</u> fields, the "**Send**' tab will pop up at the top of the screen which allows you to submit the form to NMFS.

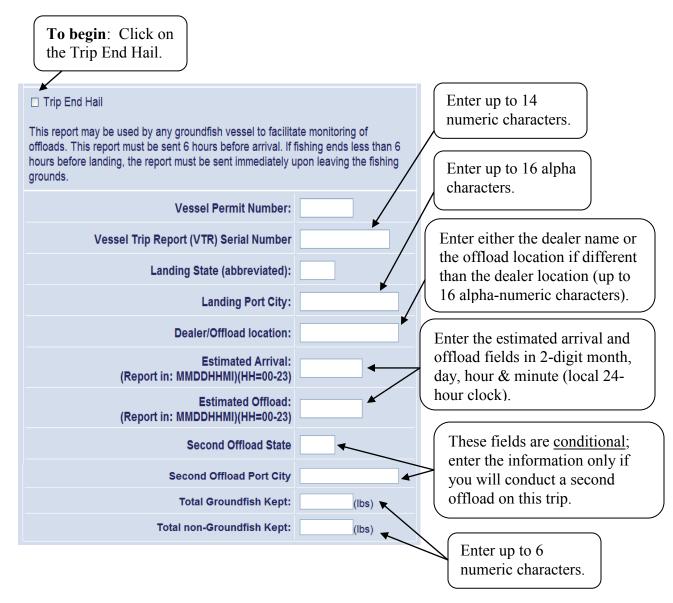
Multispecies Catch Report. Your reporting requirement is determined by whether you are a sector or common pool vessel; whether fishing in a single broad stock area (BSA) or multiple BSAs on the same trip; and whether you're fishing in the US/CA Management Area, under the Regular B-DAS Program, or in a special access program (SAP), as follows:

Vessel	Frequency of Report Submission	Multiple BSA Trip	Single	US/CA Management Area,
Category			BSA Trip	B-DAS, SAP Trip
Sector	Once at the end of the trip	Send all fields except ,,DATE	Send VTR	Send all fields except ,,DATE
		FISH CAUGHT' and	serial	FISH CAUGHT', and
		"STATISTICAL AREA".	number	"STATISTICAL AREA"
			only.	when the trip is fished in
				more than one statistical area.
Common	Daily – if fishing in a special	Send all fields except	Send VTR	Send all fields except
Pool	management program.	"STATISTICAL AREA' when	serial	"STATISTICAL AREA"
	Once at the end of the trip – if	the trip is fished in more than	number	when the trip is fished in
	fishing outside of a special	one statistical area.	only.	more than one statistical area.
	management program and in a			
	single or in multiple BSAs.			

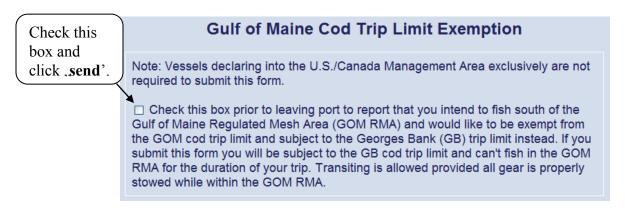
	Multisp	ecies Catcl	n Report		
	, US/Canada M		cluding trips into m a, Regular B-DAS P		
For Multiple BSA demarcation line of For Single BSA Tribefore crossing the For US/CA, B-DAS must be submitted submitted when no Important: Report spaces below in w	Trips: Submit on on return trip. rips: Submit only e VMS demarca S and/or SAP Tr I by 9 AM the fol of fish were caug species in lbs ke thich no fish were later. If you use r	the VTR Serial tion line on retu ips: For each da lowing day. Neght. Pet. You are not e kept. VTR sernultiple VTR par	Number and no other trip. ay of a declared triplative reports (0 lb) required to enter a rial number must be ges this trip, record	ner information , this report must be 'zero' in those the same as	To send a <u>negative</u> daily report, you <u>only</u> need to fill in the "VTR Serial Number' field. Enter your VTR (logbook) serial or page number (up to 14 numeric characters).
Vessel Trip Repo	· · ·				
Date fish caught	: Month Sele	ct a Month 🛂 D	ay Select a Day 💌		Only if required, enter the 3-digit NMFS statistical area where the
Statistical Area:		4			fish were caught.
SPECIES KEPT	GOM	IN GB	OFF GB	SNE/MA	Tibil Wole edugit.
Cod Yellowtail Pollock White hake Winter findr Witch findr					These labels refer to the 4 broad stock areas: - Gulf of Maine - Inshore Georges Bank - Offshore Georges Bank - Southern New England Mid-Atlantic
Haddock					Enter only the fields (up to
Redfish					6 numbers each) in which
Plaice					fish were kept (in lbs).
Halibut				-	You do <u>not</u> have to enter a zero in the other fields.
All Fish Kept					There 4 fields about
Note: For 'All Fish	Kept', include to	tal lbs of all gro	undfish <u>and non-gr</u>	oundfish.	These 4 fields should reflect the total (in lbs)
				,	of <u>all</u> fish species kept.

Trip Start Hail and Trip End Hail. In the Trip Start Hail, all fields are required with the exception of the "Estimated Offload' field. The new "Observer/ASM' field may be used to determine whether dockside monitoring is required in 2011 and 2012. In the Trip End Hail, all fields are required with the exception of the "Second Offload State' and "Second Offload Port City' fields. In the "Dealer/Offload' field, state either the dealer or the offload location if different than the dealer location.

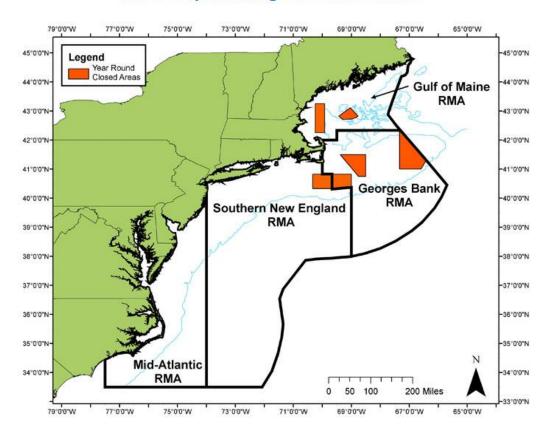




Gulf of Maine Cod Trip Limit Exemption. Previously, you only had to read the form and send it. The only change is to check the box and send it. This form is <u>only</u> required for common pool groundfish trips with possession limits fished <u>outside</u> the U.S./Canada Management Area. See the next page for a view of the multispecies RMAs.



NE Multispecies Regulated Mesh Areas



DISCLAIMER: These charts are not meant for navigational purposes. They are informational only.

AREA DEFINITIONS	50 CFR CITATIONS		
GOM/GB Regulated Mesh Area	§ 648.80(a)		
SNE Regulated Mesh Area	§ 648.80(b)		
MA Regulated Mesh Area	§ 648.80(c)		

Gulf of Maine Gillnet Mesh Exemption. This form is required by groundfish <u>sector</u> vessels only. To declare this NMFS-authorized sector exemption from the Gulf of Maine gear restriction, you must check the box and send the form <u>before</u> leaving port. Refer to the above chart for a view of the GOM Regulated Mesh Area (RMA).

Check this box and hit .send'.

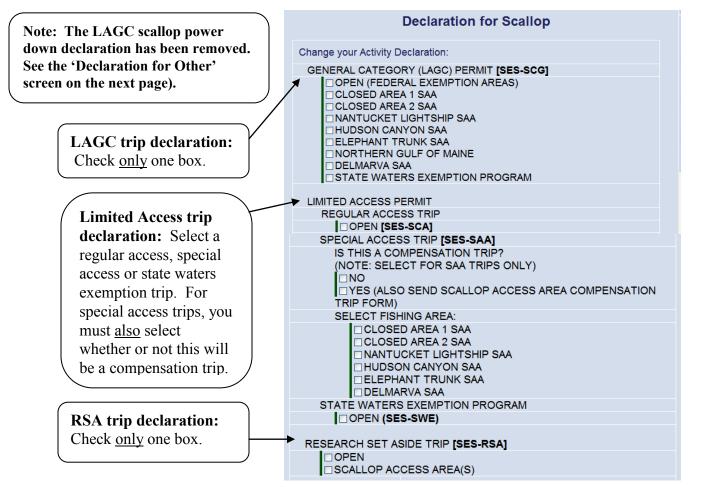
Gulf of Maine Gillnet Mesh Exemption

☐ Check this box and submit this form prior to leaving port if you are a sector vessel and intend to fish under this exemption using 6 inch mesh gillnets in the Gulf of Maine Regulated Mesh Area.

Monkfish Trip Limit Overage DAS Adjustment. All three fields are required to be filled in before sending the form. The form must be sent <u>before the trip ends</u> (before crossing the VMS demarcation line) so that NMFS automated processes associate the DAS adjustment request with the trip dates. The DAS charge for the trip is automatically adjusted.

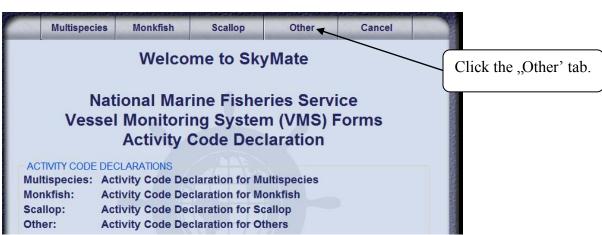
Monkfish Trip Limit Overage DAS Adjustment First, enter the Enter up to information in Instruction: This form only applies to vessels fishing on a Monkfish Day-at-Sea 14 numeric (DAS) and is required to be sent before the vessel crosses the VMS demarcation the 2 fields to line on the return to port. Complete all fields below. characters. the right, and ☐ Check this box to report that your vessel has exceeded the applicable Monkfish then check this daily trip limit by no more than one extra limit and you are requesting that your box and hit Monkfish DAS allocation be charged to account for the extra one-day trip limit. Your Enter arrival vessel's Monkfish DAS charge will be increased up to the next 24 hour period plus .send'. information in 2-digit month Vessel Trip Report (VTR) Serial Number: and day, and Estimated Port Arrival Date: (MMDDYYYY): 4-digit year).

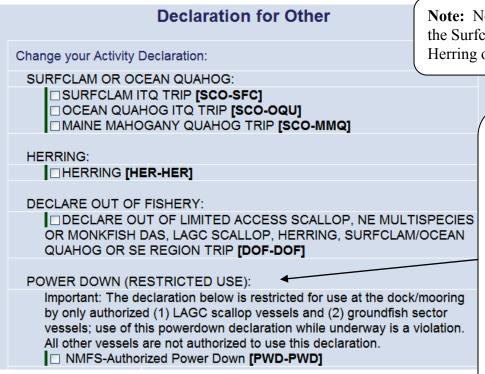
Scallop Declaration Screen. Remember - you may not declare into a scallop access area <u>until</u> that area is <u>open</u> to fishing. You may declare into the State Waters Exemption Program as of May 1, 2011; if you have both a limited access and LAGC permit, declare into the exemption program under the "Limited Access Permit' declaration menu. If you're declaring an RSA trip into one or more scallop access areas open to fishing, you may select "Scallop Access Area(s)' as of May 1, 2011.



'Other' Declaration Screen. Click on the "Activity NE' tab, followed by the "Other' tab:



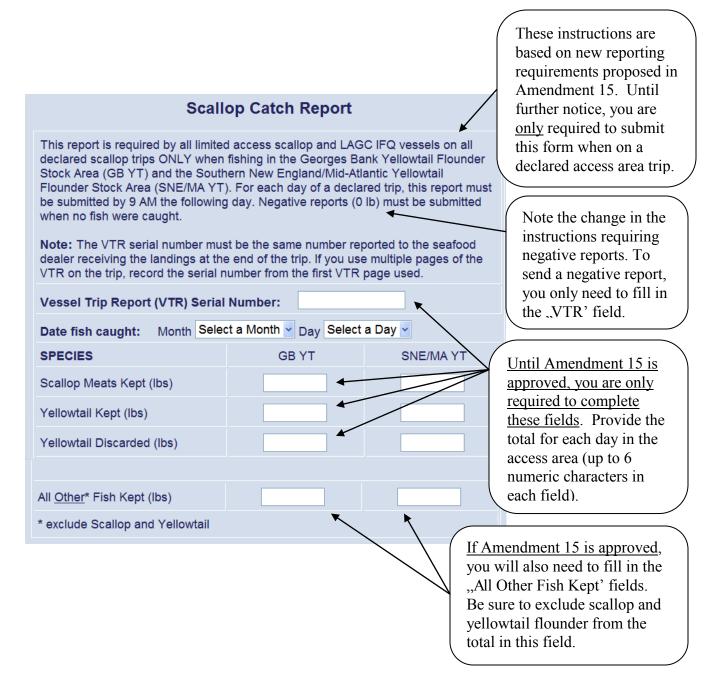




Note: No changes were made to the Surfclam, Ocean Quahog, Herring or DOF declarations.

Caution: This declaration can only be used by groundfish sector vessels granted a NMFS exemption as well as LAGC scallop vessels IF those vessels do not have more restrictive permits requiring 24/7 VMS reporting. The new VMS Code is: PWD-PWD-XXXXXX

Vessels on a NMFSauthorized LOE do not need to send this declaration. **Scallop Catch Report.** The scallop catch report form has been updated to reflect changes that would occur if Amendment 15 is approved. However, until you have been notified by NMFS of the approval and implementation of Amendment 15, you are <u>only required to send this daily report when declared into a scallop access area and only the following fields are required: VTR, Scallop Meats Kept, Yellowtail Kept, and Yellowtail Discarded. Since reporting by Yellowtail Stock Area is not currently required, you should enter the species kept/discarded information in the "GB YT' column <u>only</u>.</u>



LAGC Scallop Pre-Landing Notification. Read the "Instructions' and the "Note' below to determine whether you must send this form before returning to port. If you won't be landing any scallops, you don't have to complete the fields below the "Scallops Retained/Landed' field. In the "Estimated Scallops onboard' field, you may enter "Meats' or "Bushels in-shell' or enter a quantity in both fields if both meats and in-shell scallops are being landed.

LAGC Scallop Pre-Landin	g Notification	
Instructions: All LAGC IFQ and NGOM-permitted ve form on (1) all declared LAGC scallop trips and (2) a kept. Send form at least 6 hours prior to landing, an demarcation line. However, if the scallop harvest er landing, then the report is to be sent immediately up	all other trips when scallops are d before crossing the VMS nds less than 6 hours before	Enter up to 20 alpha characters.
Note: Limited Access scallop vessels holding LAGO send this form only when fishing on a declared LAG		Enter "Y' if you need to
Vessel Captain/Operator's Name:		send corrected
Correction of a prior report (Y/N):		information for a previously-sent report.
If yes, Date of prior report (MMDDYY):		In the next field,
If yes, all information provided below, including data submitted in the prior report.	g blank fields,will replace the	provide the date (2-digit month, day, year) of the previous report.
VTR Serial Number:		Otherwise, enter an ,,N'.
Scallops Retained/Landed? (Y/N):		
If NO, send form. If YES, complete remaining blocks then send form.		If no scallops will be
Any scallops caught in Northern Gulf of Maine (NGOM) Area? (Y/N):		landed, enter an "N" and send the form. If "Y",
Estimated Scallops onboard: Note: Only enter lbs <u>and</u> bushels if intending to	o land both.	complete the remaining fields.
Meats (lbs):	—	
Bushels in-shell:		Enter meats, bushels, or
Estimated Landing Date (MMDDYY):		meats and bushels (up to 5 numeric characters each).
Estimated Landing Hour (00 - 23):	Select an Hour	
Estimated Landing Minute (00 - 59):	Select a Minute	Enter your estimated landing date (2-digit
Landing Port State (Abbreviated):		month, day, year) and
Landing Port City:		time (24-hour local clock).
		Enter up to 25 alpha characters.

Scallop Broken Trip Notification. This report is <u>only</u> for limited access vessels declared into a scallop access area. Complete <u>all</u> fields to send the form. See the revised instructions that explain the situations when the form must be sent to receive a compensation trip from NMFS.

Scallop Broke	n Trip Notification	
This report is to be sent once the Li determines that the scallop access prior to entering the access area, or possession limit is reached.	area trip must be terminated eith	Enter up to 50
Vessel Captain/Operator's Name:		alpha characters.
Time of Fishing Termination: Hour Minute	Select an Hour Select a Minute	Enter up to 5 numeric characters.
Estimated Landing Month:	Select a Month	F. 4. 25
Estimated Landing Day:	Select a Day	Enter up to 35 alpha characters.
Estimated Landing Hour:	Select an Hour	
Estimated Landing Minute:	Select a Minute	Note: You can find this form at
Estimated Scallop Meats:	lbs	http://www.nero.noaa.gov/sfd/ under "Forms and Applications".
Reason for Termination:		
Note: You must also mail or fax a compl to receive a compensation trip.	eted broken trip adjustment sheet to	NMFS

Herring Catch Report. DO NOT SUBMIT UNTIL NOTIFIED FURTHER. NMFS is in the process of developing a rulemaking to revise 2011 reporting requirements. While this form is available on your VMS, please DO NOT use this form to report herring catch and discard information. Until notified otherwise, please continue reporting herring catch/discards weekly via the IVR system. When rulemaking is final, you'll receive a permit holder letter detailing any new reporting requirements and, if appropriate, instructions for using the approved catch report.

Herring Catch Report						
This report is required by all limited access herring vessels on all declared herring trips. For each day of a declared trip, this report must be submitted by 9 AM the following day. Negative reports (0 lb) must be submitted when no fish were caught.						
Reminder: Herring Permit Category A and B vessels fishing with mid-water trawl or purse seine gear on a declared herring trip are also required to send a Herring Pre- Landing notification report through VMS.						
Note: VTR serial number must be the same number reported to the seafood dealer receiving the landings at the end of the trip. If you use multiple pages of the VTR on the trip, record the serial number from the first VTR page used.						
Vessel Trip Report (VTR) Serial Number:						
Date fish caught: Month Select a Month Day Select a Day						
SPECIES	AREA 1A	AREA 1B	AREA 2	AREA 3		
Herring kept (lbs)						
Herring discarded (lbs)						

Herring Pre-landing Notification. Only All Areas (Cat A) and Areas 2/3 (Cat B) vessels on a VMS-declared herring trip using mid-water trawl or purse seine gear are required to send this form. It must be sent while at sea – refer to the instructions below. The form is self-explanatory.



We've reviewed all the new or revised VMS screens on your SkyMate unit. Remember, your SkyMate unit documents a copy of your sent messages. You can find your activity declarations and acknowledgments in your "Code Log' (go to your "Activity NE' tab and then click on any fishery tab). The view below shows the Code Log tab accessed through the multispecies tab.



And, you can find a copy of your other forms (catch reports, hails, etc) in your "**Form Log**'. Go to your "Forms NE' tab, click on any fishery tab, and then any form tab. The view below shows the Form Log accessed through the scallop catch report tab.



If you have any questions about this letter or your VMS reporting requirements, including the submission of the above forms, please call the Northeast VMS Team at (978) 281-9213.