



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

SEP 14 2010

## Small Entity Compliance Guide

Subject: Late Observer Policy and Requirements for Trips that Exclusively Set Gear

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

This letter clarifies several provisions of the NE multispecies regulations, including dockside and at-sea monitoring (DSM and ASM, respectively) and vessel trip report (VTR) requirements for vessel on set-only trips, and informs you of NOAA's National Marine Fisheries Service's (NMFS) policy on late observers, and recent updates to the Pre-Trip Notification System.

### Late Observer Policy

NMFS has revised the policy regarding the late arrival of an observer or at-sea monitor for a trip selected for coverage. The following protocols should be used to both address and minimize instances where an observer or at-sea monitor does not arrive at the scheduled time.

Specific trip information (sail date, sail time, trip duration, vessel departure location, and captain's phone number) is necessary for observers and monitors to meet vessels in a timely manner, and should be relayed directly from the captain to the observer or at-sea monitor. If a trip is selected for coverage, the electronic selection notice will include the observer or at-sea monitoring company name and telephone number. A vessel owner/captain may also confirm their selection status on the PTNS website: <http://fish.nefsc.noaa.gov/PTNS/>. Should trip details change, it is critical that all parties clearly communicate such changes to one another. It is especially important for the vessel owner/captain to communicate final trip information clearly to the observer or at-sea monitor, or the program manager.

If an observer or at-sea monitor fails to arrive prior to the scheduled sail time and/or vessel departure location and cannot be reached, it is recommended that the vessel owner/captain contact the applicable provider's program manager (listed below) to ensure that the observer or at-sea monitoring provider has received the proper trip information. Below is the contact information for Northeast Fisheries Observer Program (NEFOP) Observer and ASM Service Providers:

AIS (NEFOP) – Gwynne Schnaittacher, 774-200-1504

AIS (ASM) – Lauren Wahl, 508-742-5510

EWTS (ASM) – Karl Cygler, 860-223-5165

MRAG Americas (ASM) – Bryan Belay, 877-768-7121, 888-428-8772



Once selected for coverage, the trip may not sail without an observer or at-sea monitor, unless it has been issued a written or verbal waiver from NMFS. If the observer is not at the location and time of departure identified by the vessel owner/captain, the vessel owner/captain must contact the PTNS Coordinator at 508-495-2309 (business hours), or 508-681-9104 (after-hours cell phone) to obtain a waiver prior to sailing. When calling, the vessel owner/captain should identify the vessel name, permit number, the PTNS confirmation number (if known), and describe the reason for calling. The call will be logged and a verbal waiver will be issued for the trip. If NMFS staff is not available to take the call, the vessel owner/captain may leave a voice message, including the information identified above, and then the vessel may sail. The recorded message will provide the information necessary to document the issuing of a waiver, without delaying the vessel's departure.

Observers with unexplained or unacceptable reasons for being late will be put on probation and may be decertified. Also, a vessel owner/captain who seeks to avoid observer coverage by failing to provide clear and accurate information for observer placement will be referred to the Office for Law Enforcement.

#### Requirements for Trips that Exclusively Set Gear

A vessel that leaves port to exclusively set fixed gear (i.e., does not haul any gear on the trip) is not required to submit a vessel trip report (VTR) for that trip. The regulations at 50 CFR 648.7(c) specify that "Log reports... must be filled out with all required information, except for information not yet ascertainable, prior to entering port with fish." Since a vessel returning from a set only trip will not be returning to port with fish, no VTR is required. This is consistent with previous VTR instructions and guidance. Although these trips would have zero catch and are therefore excluded from DSM and ASM, vessels on a set-only trip must still follow the notification requirements for both programs, as described below. Trips that set fixed gear, but also engage in other fishing activity such as jigging or handlining, must comply with all reporting requirements, and, if fish is landed, complete a VTR.

The PTNS was recently updated to allow users to identify trips as "set only" when providing the required 48-hour notification. In the event that a vessel operator intending to only set gear does not identify a trip as set-only through the PTNS, and is selected for at-sea observer/monitor coverage, the vessel owner, when contacted by the monitor, should inform the monitoring provider that the trip will be set-only. Alternately, the vessel owner may contact NMFS at [NEFSC.PTNS@noaa.gov](mailto:NEFSC.PTNS@noaa.gov) or by telephone at either of the PTNS numbers listed above, provide the necessary information as described above, and specify that the trip is to set gear only.

Regulations implementing Amendment 16 to the NE Multispecies Fishery Management Plan require that a trip-level vessel monitoring system (VMS) catch report, including the VTR serial number for the trip, be submitted for any trip declared into the groundfish fishery. Because set only trips do not require a VTR, please submit the following information in its place: Vessel permit number followed by 99999999 (a total of eight-9's). For example, if a vessel with permit number 654321 only sets gear on a trip, the following would be submitted as the VTR serial number in the VMS catch report: 65432199999999.



Sector vessels that leave port on a trip exclusively to set gear should contact their sector manager or DSM provider to determine the best way for the vessel to submit a Trip Start Hail that notifies the monitoring provider that the trip will only set gear. This information will allow the DSM provider to issue a waiver to the trip. For such trips, vessels should submit the Trip End Hail, reporting zero pounds of groundfish and zero pounds of non-groundfish.

### PTNS Modifications

A new version of the PTNS (<http://fish.nefsc.noaa.gov/PTNS/>) was released on August 16, 2010, and includes several important updates. The following list summarizes these modifications:

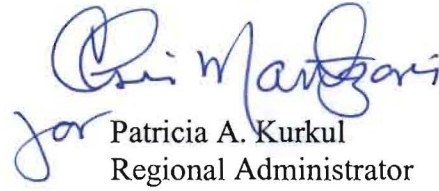
- Set-only trips can now be declared through the PTNS. These trips will be waived of the observer coverage requirement. Set-only PTNS declarations will be monitored for compliance to ensure that this declaration is used correctly.
- A vessel that cancels a trip selected for an observer or at-sea monitor will automatically be selected for coverage on the next trip declared through the PTNS. The vessel will continue to be selected on all subsequent trips until the vessel carries an observer.
- The sailing date for multi-day trips (>48 hours) cannot be edited to be greater than 48 hours from the original date of sailing or less than 48 hours from the time at which the edits are made. Please notify NMFS of any trip cancellations or delays beyond 48 hours, whether the trip has been selected for coverage or issued a waiver.
- The sailing date for day trips (<48 hours) can no longer be edited. In the event that a declared day trip is not made, the trip should be canceled and a new trip declaration made.

The updated version also includes upgrades to several features affecting general usability, some of which are in response to industry comment, as follows:

- The PTNS confirmation email text will be more informative. For vessels, the subject line and text will now include the vessel name and an indication as to whether the trip was preliminarily selected for coverage or waived. If the trip was preliminarily selected for coverage, the subsequent emails will inform the vessel whether an observer or at-sea monitor has been assigned to the vessel or the trip has been waived. The system will now automatically fill in the port of departure, fishing area, and gear, using the information provided from the last PTNS entry by the vessel. Different information may be entered by simply overwriting the automatically generated text.
- There will be a link on the “New Trip” page to a map that defines the PTNS fishing areas. This will assist those users who may be unsure as to which region to declare into.
- The PTNS Frequently Asked Questions (FAQ) sheet and User's Manual will both be available directly from the website.
- Gear descriptions will be more informative, with full text descriptions (i.e., otter trawl) replacing the previous codes (i.e., OTF).

Should you have any questions, please call 978-281-9135.

Sincerely,

  
for Patricia A. Kurkul  
Regional Administrator

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