



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

March 2, 2006

--SMALL ENTITY COMPLIANCE GUIDE--

Dear Permit Holder:

This letter is being sent to you to help you understand which regulations to follow if you have Vessel Monitoring System (VMS) requirements for different fisheries. Different fisheries may have different VMS regulations. Therefore, VMS regulations may differ for each vessel, depending on the permits issued to that vessel. For vessels with multiple permits, **the most restrictive VMS regulations apply**. This letter is a summary of some of those regulations and how they apply to common permit combinations. This letter also explains how a vessel can elect to use VMS and how a vessel can request a VMS power down exemption.

This letter only summarizes some of the regulations pertaining to VMS requirements and, therefore, is not a substitute for the regulatory text that governs these matters. A copy of the regulations may be requested by calling 978-281-9315 or can be found on the web at <http://www.nero.noaa.gov/sfd/>.

**VMS regulations are subject to change.** This letter will be updated as changes are implemented. To ensure that you have the most recent summary of these regulations, please call the Sustainable Fisheries Division at 978-281-9315, or regularly visit our website at <http://www.nero.noaa.gov/sfd/>.

## USING VMS

A vessel with a limited access Northeast (NE) Multispecies, Monkfish, Occasional Scallop, or Combination (NE Multispecies and Scallop) permit may *elect* to provide Days-at-Sea (DAS) notifications through VMS. Vessels with any Full-time or Part-time (Net or Small Dredge) Scallop Permit, General Category 1 B Scallop permit, a Monkfish Category F permit, or a Herring Category 1 permit are **required** to use VMS as a condition of the permit. A Combination vessel is required to use VMS for Scallop DAS notification, but may elect to use VMS for NE Multispecies DAS notification.

In addition, a vessel owner is required to use VMS when he/she chooses to fish in a program that requires VMS. Fishing in the U.S./Canada Resource Sharing Understanding Area, the Regular B DAS Pilot Program, any Special Access Program (SAP), or the Scallop Access Areas Program requires VMS. A vessel owner must enter the appropriate VMS activity code for one of these programs prior to leaving port. In addition to VMS, these programs may have other requirements, including 72-hour notification of a trip to the observer program. Consult the regulations regarding these programs for a complete listing of their requirements. A vessel owner may also



voluntarily elect to use VMS to account for DAS if the vessel does not fish in any of the special management programs if he or she so chooses. **All vessel owners who choose to fish in a program requiring VMS and all vessel owners who voluntarily elect to use VMS are required to remain in the VMS program for the remainder of the fishing year.**

Prior to participating in any fishery or special management program that requires VMS or voluntarily electing to use VMS, a vessel owner is required to provide initial documentation to the Regional Administrator that he/she has an operational VMS unit installed on the vessel. The documentation should provide the following information (see attached form):

- Federal Permit Number
- Coast Guard Documentation Number or State Registration Number
- Fisheries for which you are using VMS;
- VMS provider (Boatracs, Skymate, etc.);
- Email address of the unit;
- Unit serial number;
- Date of installation; and
- Name and signature of permit holder.

All vessels that have an operational VMS unit on board will be polled once per hour, at the vessel owner's expense, unless otherwise noted below.

## **POWERING DOWN YOUR VMS**

**General Category Scallop Category 1 B** vessel owners may power down their VMS units when tied to a dock or mooring after selecting the "power down" code and receiving a confirmation from the VMS vendor.

**Herring Category 1** vessel owners may power down their VMS unit when moored, anchored, or maneuvering in a port.

**Limited Access Full-time and Part-time Scallop vessels, Occasional Scallop vessels fishing in the Scallop Access Area Program, NE Multispecies and Monkfish vessels choosing to fish in a program that requires VMS or voluntarily electing to use VMS, Combination vessels, and Monkfish Category F vessels during the Category F season** (October 1 through April 30 of each year) are required to have their VMS unit operational at all times, unless otherwise noted below.

**Monkfish Category F** vessels may turn their VMS units off outside of the Monkfish Category F season, unless otherwise prohibited by other VMS regulations.

A **Letter of Exemption** to authorize a power-down of the VMS unit may be issued to the owner of any vessel required to have its VMS unit on at all times, if the vessel will be out of the water for more than 72 consecutive hours. Also, a vessel owner with *only* a NE Multispecies limited access permit may request a power-down Letter of Exemption if the vessel will not engage in any fishing activities for at least 30 calendar days.

A Letter of Exemption from the VMS transmitting requirements may be requested in writing from the Regional Administrator. The request must be sent to the Office of Law Enforcement (OLE), One Blackburn Drive, Gloucester, MA 01930, and the request must contain the following information:

- Location of the vessel during the time an exemption is sought;

- The exact time period for which the exemption is sought, i.e., the times the VMS signal will be turned off and turned on again; and
- If requesting an exemption because the vessel will be out of the water for more than 72 consecutive hours, sufficient information to determine that the vessel will be out of the water for that time period.

Upon receipt of the written request, the Regional Administrator may issue a Letter of Exemption if it is determined that the vessel has provided sufficient information and that the exemption will not jeopardize accurate monitoring of the vessel's DAS. The letter of exemption must be on board the vessel at all times and **the VMS cannot be turned off until the letter has been received**. Therefore, a vessel owner requesting an exemption letter should provide the Regional Administrator ample time to review the request and respond. The dates of the exemption may be revised if requested by the vessel owner in writing.

## COMMON PERMIT COMBINATIONS

This section contains a summary of specific requirements and conditions of the most common overlapping VMS regulations for several permit combinations. The summary does not include other general requirements and conditions of all VMS users. As noted above, you should consult the regulations at 50 CFR part 648 for each fishery for determining all VMS requirements applicable to your vessel.

### NE MULTISPECIES / SCALLOP

If you have been issued a **NE Multispecies** permit (whether or not you have elected to use VMS for your NE multispecies permit) **and** a **Limited Access Scallop** permit (excluding Occasional scallop vessels not participating in the Scallop Access Areas Program), your VMS requirements and conditions are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must keep your VMS unit on at all times, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the U.S./Canada Management Area, the Regular B DAS Pilot Program, any SAP, or in the Scallop Access Areas;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish in the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place; and
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see "Powering Down Your VMS."

If you **have elected** to use VMS for your **NE Multispecies** permit **and** have been issued an **Occasional Scallop** permit **and do not participate in the Scallop Access Areas Program**, your VMS requirements and conditions are:

- You must keep the VMS unit on at all times, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the U.S./Canada Management Area, the Regular B DAS Pilot Program, or any SAP; and
- You may request an exemption to power down your VMS unit only if the vessel will be continuously out of the water for more than 72 hours, see "Powering Down Your VMS."

If you **have not elected** to use VMS for your **NE Multispecies** permit **and** have been issued an **Occasional Scallop** permit **and do not participate in the Scallop Access Areas Program**, you are not subject to any mandatory VMS requirements.

If you **have not elected** to use VMS for your **NE Multispecies** permit and have been issued a **General Category Scallop 1B** permit (i.e., the General Category Scallop permit with a 400 lb per day limit), your VMS requirements and conditions are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the Scallop Access Areas;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish in the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place; and
- You may power down your VMS unit only when tied to a dock or mooring.

If you **have elected** to use VMS for your **NE Multispecies** permit and have been issued a **General Category Scallop 1B** permit, your VMS requirements and conditions are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must keep the VMS unit on at all times, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the Scallop Access Areas;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish in the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place; and
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS.”

## **NE MULTISPECIES / MONKFISH**

If you **have elected** to use VMS for your **NE Multispecies** permit and have been issued a **Monkfish Category C, D, or F** permit, your VMS requirements and conditions are:

- You must keep the VMS unit on at all times, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the U.S./Canada Management Area, the Regular B DAS Pilot Program, or any SAP; and
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS.”

If you **have not elected** to use VMS for your **NE Multispecies** permit and have been issued a **Monkfish Category F** permit, your VMS requirements and conditions are:

- You must keep your VMS unit on at all times during the Monkfish Category F season, i.e., October 1 through April 30, of each fishing year, except as noted below;
- You may request an exemption to power down your VMS unit **during** the Monkfish Category F season only if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS”; and
- You may power down your VMS **outside** of the Monkfish Category F season.

## **NE MULTISPECIES / HERRING**

If you **have elected** to use VMS for your **NE Multispecies** permit and have been issued a **Herring Category 1** permit, your VMS requirements and conditions are:

- You must keep the VMS unit on at all times, except as noted below;

- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the U.S./Canada Management Area, the Regular B DAS Pilot Program, or any SAP;
- When fishing for herring in the Gulf of Maine or Georges Bank, you must notify NOAA Fisheries OLE via VMS of the place and time of offloading at least 12 hours prior to landing (at least 6 hours prior if fishing for less than 12 hours); and
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS.”

If you **have not elected** to use VMS for your **NE Multispecies** permit and have been issued a **Herring Category 1** permit, your VMS requirements and conditions are:

- You may power down your VMS unit when moored, anchored, or maneuvering in port; and
- When fishing for herring in the Gulf of Maine or Georges Bank, you must notify NOAA Fisheries OLE via VMS of the place and time of offloading at least 12 hours prior to landing (at least 6 hours prior if fishing for less than 12 hours).

## **MONKFISH / SCALLOP**

If you have been issued a **Monkfish Category F** permit and a **Limited Access Scallop permit** (excluding Occasional Scallop vessels not participating in the Scallop Access Area Program), your VMS requirements and conditions are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must keep your VMS unit on at all times, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the Scallop Access Areas;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish in the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place; and
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS.”

If you have been issued a **Monkfish Category F** permit and a **General Category Scallop 1B** permit your VMS requirements and conditions are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must keep your VMS unit on at all times during the Monkfish Category F season, i.e., October 1 through April 30, of each fishing year, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the Scallop Access Areas;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place;
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS”; and
- You may power down your VMS outside of the Monkfish Category F season when tied to a dock or mooring.

## **NE MULTISPECIES / MONKFISH F / GENERAL CATEGORY SCALLOP 1B**

If you **have not elected** to use VMS for your **NE Multispecies** permit and have been issued a

**Monkfish Category F** permit and your vessel has been issued a **General Category Scallop 1B** permit, your VMS requirements and conditions are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must keep your VMS unit on at all times during the Monkfish Category F season, i.e., October 1 through April 30, of each fishing year, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the Scallop Access Areas;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish in the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place;
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS”; and
- You may power down your VMS **outside** of the Monkfish Category F season when tied to a dock or mooring.

### **NE MULTISPECIES / MONKFISH / HERRING**

If you **have elected** to use VMS for your **NE Multispecies** permit and have been issued a **Monkfish Category C, D, or F** permit and have been issued a **Herring Category 1** permit, your VMS requirements and conditions are:

- You must keep the VMS unit on at all times, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the U.S./Canada Management Area, the Regular B DAS Pilot Program, or any SAP;
- When fishing for herring in the Gulf of Maine or Georges Bank, you must notify NOAA Fisheries OLE via VMS of the place and time of offloading at least 12 hours prior to landing (at least 6 hours prior if fishing for less than 12 hours); and
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS.”

If you **have not elected** to use VMS for your **NE Multispecies** permit and have been issued a **Monkfish Category C, D, or F** permit and have been issued a **Herring Category 1** permit, your VMS requirements and conditions are:

- If issued a Monkfish Category F, you must keep your VMS unit on at all times during the Monkfish Category F season, i.e., October 1 through April 30, of each fishing year, except as noted below;
- When fishing for herring in the Gulf of Maine or Georges Bank, you must notify NOAA Fisheries Service OLE via VMS of the place and time of offloading at least 12 hours prior to landing (at least 6 hours prior if fishing for less than 12 hours);
- If issued a Monkfish Category F, you may request an exemption to power down your VMS unit during the Monkfish Category F season only if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS”; and
- If issued a Monkfish Category F, you may power down your VMS outside of the monkfish Category F season when moored, anchored, or maneuvering in port.

### **NE MULTISPECIES / MONKFISH / HERRING / SCALLOP**

If you have been issued a **NE Multispecies** permit (whether or not you have elected to use VMS for your NE Multispecies permit) and a **Monkfish Category C, D, or F** permit and a **Herring Category 1** permit and a **Limited Access Scallop** permit (excluding Occasional Scallop vessels not participating in the Scallop Access Area Program), your VMS requirements and conditions



are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must keep the VMS unit on at all times, except as noted below;
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the U.S./Canada Management Area, the Regular B DAS Pilot Program, any SAP, or Scallop Access Areas;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish in the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place;
- When fishing for herring in the Gulf of Maine or Georges Bank, you must notify NOAA Fisheries Service OLE via VMS of the place and time of offloading at least 12 hours prior to landing (at least 6 hours prior if fishing for less than 12 hours);
- You may request an exemption to power down your VMS unit if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS.”

If you **have not elected** to use VMS for your **NE Multispecies** permit and have been issued a **Monkfish Category C, D, or F** and a **General Category Scallop 1B** permit and a **Herring Category 1** permit, your VMS requirements and conditions are:

- You must pay for an additional positional poll per hour (i.e., polling occurs twice per hour);
- You must submit daily catch reports via VMS in accordance with the regulations when fishing in the Scallop Access Areas or when fishing for herring;
- You must provide notification to the Observer Program ([usca@aisobservers.com](mailto:usca@aisobservers.com)) via a VMS email of the intention to fish in the Scallop Access Areas prior to the 25<sup>th</sup> of the month preceding the month in which fishing is to take place;
- When fishing for herring in the Gulf of Maine or Georges Bank, you must notify NOAA Fisheries Service OLE via VMS of the place and time of offloading at least 12 hours prior to landing (at least 6 hours prior if fishing for less than 12 hours); and
- You may power down your VMS unit when tied to a dock or mooring, unless issued a monkfish Category F. In this case, you may only power down your VMS unit outside of the monkfish Category F season, i.e. October 1 through April 30 of each fishing year when tied to a dock or mooring, except as noted below; and
- You may request an exemption to power down your VMS unit during the Monkfish Category F season only if the vessel will be continuously out of the water for more than 72 hours, see “Powering Down Your VMS.”

If this summary does not address your particular vessel or combination of permits, or if you have any further questions regarding your VMS regulations, please call the Sustainable Fisheries Division at (978) 281-9315. For questions regarding VMS operations, please call the Office of Law Enforcement at (978) 281-9213.

Sincerely,



Patricia A. Kurkul  
Regional Administrator

# NORTHEAST VESSEL MONITORING PROGRAM

F/V NAME: \_\_\_\_\_

NMFS FISHERIES PERMIT NUMBER: \_\_\_\_\_

COAST GUARD DOCUMENTATION NUMBER: \_\_\_\_\_

MONITORING FOR (CIRCLE ALL THAT APPLY): SCALLOP      MULTISPECIES

MONKFISH      HERRING

=====

**PLEASE COMPLETE THIS FORM BY PROVIDING ALL REQUESTED INFORMATION.**

I CERTIFY THAT SUBJECT FISHING VESSEL HAS AN OPERATIONAL VMS UNIT INSTALLED BY:

PURCHASED FROM:      BOATRACS      \_\_\_\_\_      SKYMATE      \_\_\_\_\_

INSTALLING DEALER:      NAME, ADDRESS AND TELEPHONE NUMBER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INSTALLATION: \_\_\_\_\_

SERIAL NUMBER OF MCT: \_\_\_\_\_

EMAIL ADDRESS OF VESSEL: \_\_\_\_\_

VMS UNIT ACTIVATED ON VESSEL AND READY TO SEND FISHING ACTIVITY CODES?       YES       NO

VMS UNIT OPERATING INSTRUCTIONS SENT TO VESSEL OWNER BY VMS VENDOR?       YES       NO

VESSEL OWNER TRAINED ON USE OF VMS UNIT BY VMS VENDOR?       YES       NO

=====

I UNDERSTAND THAT THE VMS UNIT MUST REMAIN CONNECTED TO THE VMS VENDOR LISTED ABOVE AT ALL TIMES. I ALSO UNDERSTAND THAT I AM SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF 50 CFR §648.9 AND §648.10 REGARDING USE OF THE VMS. I HAVE RECEIVED INSTRUCTIONS FROM THE VMS VENDOR LISTED ABOVE AND UNDERSTAND HOW TO OPERATE THE VMS UNIT.

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PERMIT HOLDER'S NAME (printed): \_\_\_\_\_

PERMIT HOLDER'S SIGNATURE: \_\_\_\_\_      DATE: \_\_\_\_\_

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SEND THIS ORIGINAL, COMPLETED FORM TO:

NOAA FISHERIES  
NE OFFICE FOR LAW ENFORCEMENT  
ATTN: VMS PROGRAM  
1 BLACKBURN DRIVE, ROOM 206  
GLOUCESTER, MA 01930

or fax to 1-978-281-9317



Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930-2298; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The information will be used in the management of the Atlantic sea scallop, Northeast multispecies, monkfish and herring fisheries by insuring compliance with VMS regulations listed under 50 CFR §648.9 and §648.10 (b). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Any information submitted by any person to obtain a permit is not confidential, and may be disclosed upon request.