

Small Entity Compliance Guide

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

This letter is to remind vessels equipped with a vessel monitoring system (VMS) that they must ensure that the correct VMS activity declaration (activity code) is entered before beginning any type of trip. Also, vessels reporting daily catch (kept and discard) must ensure that a correct reporting form is used to report catch of each declared trip. Information submitted through VMS is used by the National Marine Fisheries Service (NOAA Fisheries Service) to monitor and track Days-at-Sea (DAS) usage, the amount of groundfish kept and discarded, and vessel compliance with the regulations. NOAA Fisheries Service is concerned that incorrect activity codes may affect the accuracy of the data used to monitor the fishery. The following is an overview of the VMS requirements.

Vessels participating in the following programs must use VMS: U.S./Canada Management Area, the Closed Area II Yellowtail Flounder Special Access Program (SAP), the Eastern U.S./Canada Haddock SAP Pilot Program, the Closed Area I Hook Gear Haddock SAP, and the Regular B DAS Pilot Program. Groundfish vessels fishing in other areas may also elect to use VMS.

Activity Code Selection: Activity codes let NOAA Fisheries Service know what activity you intend to pursue on each trip. These codes must be selected before a vessel leaves port for any reason.

Because the last activity code entered on the VMS will remain as the activity code selected for the next trip unless it is manually changed, it is important to make sure the correct activity code is selected prior to leaving port. If fishing under a groundfish only DAS, the following four activity codes apply:

1. **Regular Access Using Trawl Gear:** Select this code when fishing outside of one of the above programs requiring VMS (e.g., a SAP or another program) with trawl gear.
2. **Regular Access Using Gillnets:** Select this code when fishing outside of one of the above programs requiring VMS (e.g., a SAP or another program) using gillnet gear.
3. **Special Access Programs:** Select the appropriate code when fishing in the U.S./Canada Management Area, a SAP, or the Regular B DAS Pilot Program.
4. **Declare out of all fisheries:** Select this code when fishing outside of the groundfish fishery (e.g., in the squid fishery) or when transiting to another port.
 - If fishing under a monkfish DAS only, or on a monkfish and a groundfish DAS, other activity codes may apply.

DAS and Area Declaration: Depending on the activity code selected, you may be required to enter the category of DAS to be used or the area to be fished. Please refer to the Amendment 13 and Framework 40-A permit holder letters for descriptions of these DAS categories and areas.

Instructions for entering activity codes for the two approved VMS vendors (Boatrac and Skymate) are included in this letter. Please refer to these instructions when entering your VMS activity codes. If you have any questions regarding VMS or entering any information using VMS, contact Linda Galvin at (978) 281-9230.

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

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

BOATRACS VMS INSTRUCTIONS TO GROUND FISH VMS VESSELS FOR AREA DECLARATION AND CATCH/DISCARD REPORTING

Amendment 13 and Framework 40-A to the Northeast (NE) Multispecies Fishery Management Plan requires that all groundfish days-at-sea (DAS) vessels intending to fish within the U.S./Canada Management Area, the Closed Area (CA) II Yellowtail Flounder Special Access Program (SAP), the Eastern U.S./Canada Haddock SAP Pilot Program, or the Regular B DAS Pilot Program possess and use a certified vessel monitoring system (VMS). In order to participate in these programs or fish in the groundfish fishery using VMS, groundfish DAS vessel owners or operators are required to submit specific information electronically via VMS.

This letter is intended to provide instructions on how to enter information required to participate within the groundfish fishery using a Boatracs VMS unit.

Groundfish DAS vessels fishing within the U.S./Canada Management Area, an approved SAP, or the Regular B DAS Pilot Program are required to submit the following information via VMS:

- Declaration of the intent to fish in a particular program by selecting an activity code;
- Declaration of the area intended to be fished within the U.S./Canada Management Area, an approved SAP, or the Regular B DAS Pilot Program;
- Declaration of the category of DAS that will be used within these programs; and
- Daily electronic reporting of the amount of catch for all of the programs listed above.

Groundfish DAS vessels electing to use VMS and not fishing in one of the above programs are only required to enter a VMS activity code and their gillnet designation, if appropriate.

Selection of a VMS Activity Code: Prior to leaving the dock, vessel operators using VMS are required to select the appropriate VMS activity code depending on the intended fishing activity. Keep in mind that the last activity code entered on the VMS will remain the activity code selected for the next trip until changed. Therefore, it is important to make sure the activity code is correct prior to leaving port.

Declaration of Area and DAS Intended to be Fished: Vessels must specify which particular area they intend to fish in and what category of DAS they intend to use during their trip. For specific information regarding areas and DAS that may be fished, refer to the attached charts.

To declare the VMS activity code, area and DAS to be fished using a Boatracs VMS unit, follow these steps:

- To select an activity code, vessel operators must create a new message in their Boatracs unit by hitting the “create message” button, then hit the “enter” button until macro message #18 appears.
- Type in an “x” next to “Multispecies” in the space provided;
- Type an “x” beside the desired activity (Regular Access Using Trawl Gear, Regular Access Using Gillnets, or Special Access Program);
- If fishing with gillnet gear, type an “x” in the space beside either Day or Trip gillnetter;
- If fishing in a SAP, type an “x” next to the appropriate program (US/CA Area, B-DAS Pilot Program, or the Hook Gear Haddock SAP);

- For the US/CA Area, type an “x” next to the appropriate area code to be fished (1-8, see attached chart);
- For all SAP trips, type an “x” next to the appropriate DAS category to be used; and
- To transmit the message, press the “send” button.

Within 10 minutes, an advisory message from Boatracs will confirm the selection that has been made. If this confirmation is not received, vessel operators must contact Boatracs Network Center at 1-800-336-8722 to correct the situation prior to sailing.

Daily Catch Reporting: Amendment 13 and Framework 40-A require all vessels fishing within the U.S./Canada Management Area, the CA II Yellowtail Flounder SAP, the Eastern U.S./Canada Haddock SAP Pilot Program, or the Regular B DAS Pilot Program to report their catches (including discards) of certain regulated species through their VMS on a daily basis. These reports must be submitted in 24-hr intervals for each day beginning at 0000 hours and ending at 2400 hours. **The reports must be submitted by 0900 hours of the following day.**

The following are the reporting requirements based on the program in which a vessel fished:

- Eastern U.S./Canada Area (including the CA II Yellowtail Flounder SAP and the Eastern U.S./Canada Haddock SAP Pilot Program): Total pounds of cod, haddock, and yellowtail flounder caught and total pounds of cod, haddock, and yellowtail flounder discarded.
- Western U.S./Canada Area and/or Outside of the Western U.S./Canada Area: Total pounds of yellowtail flounder kept and total pounds of yellowtail flounder discarded. For vessels fishing inside and outside of this area on the same trip, this information, along with the statistical area fished, must also be submitted every time the vessel crosses into or out of the Western U.S./Canada Area.
- Regular B DAS Pilot Program: Statistical area fished, total pounds of cod, yellowtail flounder, American plaice, white hake, witch flounder, and haddock kept and total pounds of cod, yellowtail flounder, American plaice, white hake, witch flounder, and haddock discarded.

To submit daily catch reports, follow these steps:

- Create a new message using the Boatracs VMS unit by hitting the “create message” button;
- Hit the “enter” button until macro message #21 appears for the U.S./Canada Management Area catch screen or until macro message #20 appears for the Regular B DAS Pilot Program catch screen appears;
- Enter the pounds caught and pounds discarded in the appropriate fields for each species;
- Press “enter” to move to other fields; and
- When finished, press the “send” button.

It is estimated that declaring into the U.S./Canada Management Area, an approved SAP, or the Regular B DAS Pilot Program and selecting the appropriate DAS category will take approximately five minutes to complete, including the time to read the instructions and menu options, for each submission. Daily reporting of catch and discards is estimated to take approximately 15 minutes, including the time to read the instructions and menu options.

This information is required to track and monitor DAS usage, participation in SAPs, enforce possession and landings regulations, and to monitor the catch and discard rates for regulated species in these programs. It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information.

SKYMATE VMS INSTRUCTIONS TO GROUND FISH VMS VESSELS FOR AREA DECLARATION AND CATCH/DISCARD REPORTING

Amendment 13 and Framework 40-A to the Northeast (NE) Multispecies Fishery Management Plan requires that all groundfish days-at-sea (DAS) vessels intending to fish within the U.S./Canada Management Area, the Closed Area (CA) II Yellowtail Flounder Special Access Program (SAP), the Eastern U.S./Canada Haddock SAP Pilot Program, or the Regular B DAS Pilot Program possess and use a certified vessel monitoring system (VMS). In order to participate in these programs or fish in the groundfish fishery using VMS, groundfish DAS vessel owners or operators are required to submit specific information electronically via VMS.

This letter is intended to provide instructions on how to enter information required to participate within the groundfish fishery using a Skymate VMS unit.

Groundfish DAS vessels fishing within the U.S./Canada Management Area, an approved SAP, or the Regular B DAS Pilot Program are required to submit the following information via VMS:

- Declaration of the intent to fish in a particular program by selecting an activity code;
- Declaration of the area intended to be fished within the U.S./Canada Management Area, an approved SAP, or the Regular B DAS Pilot Program;
- Declaration of the category of DAS that will be used within these programs; and
- Daily electronic reporting of the amount of catch for all of the programs listed above.

Groundfish DAS vessels electing to use VMS and not fishing in one of the above programs are only required to enter a VMS activity code and their gillnet designation, if appropriate.

Selection of a VMS Activity Code: Prior to leaving the dock, vessel operators using VMS are required to select the appropriate VMS activity code depending on the intended fishing activity. Keep in mind that the last activity code entered on the VMS will remain the activity code selected for the next trip until changed. Therefore, it is important to make sure the activity code is correct prior to leaving port.

Declaration of Area and DAS Intended to be Fished: Vessels must specify which particular area they intend to fish in and what category of DAS they intend to use during their trip. For specific information regarding areas and DAS that may be fished, refer to the attached charts.

To declare the VMS activity code, area and DAS to be fished using a Skymate VMS unit, follow these steps:

- **Open the Skymate program;**
- **Click on the NMFS-VMS icon** on the left side of the screen.
- **Click on “Activity”** to change your Days-at-Sea (DAS) Activity Code.
- **Select an activity code** by clicking on one of the options in the Activity Code drop down menu. A description of the activity code will appear to the right of the drop down menu. For example, select “NMS-USC” for a trip into the U.S./Canada Management Area under a NE multispecies DAS.
- **Select the area** you intend to fish in during your trip into the U.S./Canada Management Area by selecting one of the options from the Area drop down menu. For example, to fish in the

Closed Area II (CA II) Yellowtail Flounder Special Access Program (SAP), Area 1, select Area 1 from the menu. A description of the area will appear to the right of the drop down menu.

- **Select the DAS category** to be used in a specific area. The program will not allow you to enter a DAS category that cannot be used in the area selected.
- **Click on Send** at the top of the screen to send the declaration.

Within 10 minutes, an advisory message from Skymate will confirm the selection that has been made. If this confirmation is not received, vessel operators must contact Skymate at 1-866-Skymate to correct the situation prior to sailing.

Daily Catch Reporting: Amendment 13 and Framework 40-A require all vessels fishing within the U.S./Canada Management Area, the CA II Yellowtail Flounder SAP, the Eastern U.S./Canada Haddock SAP Pilot Program, or the Regular B DAS Pilot Program to report their catches (including discards) of certain regulated species through their VMS on a daily basis. These reports must be submitted in 24-hr intervals for each day beginning at 0000 hours and ending at 2400 hours. **The reports must be submitted by 0900 hours of the following day.**

The following are the reporting requirements based on the program in which a vessel fished:

- Eastern U.S./Canada Area (including the CA II Yellowtail Flounder SAP and the Eastern U.S./Canada Haddock SAP Pilot Program): Total pounds of cod, haddock, and yellowtail flounder caught and total pounds of cod, haddock, and yellowtail flounder discarded.
- Western U.S./Canada Area and/or Outside of the Western U.S./Canada Area: Total pounds of yellowtail flounder kept and total pounds of yellowtail flounder discarded. For vessels fishing inside and outside of this area on the same trip, this information, along with the statistical area fished, must also be submitted every time the vessel crosses into or out of the Western U.S./Canada Area.
- Regular B DAS Pilot Program: Statistical area fished, total pounds of cod, yellowtail flounder, American plaice, white hake, witch flounder, and haddock kept and total pounds of cod, yellowtail flounder, American plaice, white hake, witch flounder, and haddock discarded.

To submit daily catch reports using a Skymate VMS unit, follow these steps:

- **Open the Skymate program;**
- **Click on the NMFS-VMS icon** on the left side of the screen;
- **Click on “Catch”** to send a catch report for the U.S./Canada Management Area or the B-Regular DAS Pilot Program.
- Enter the amount of cod, haddock, and yellowtail flounder caught and discarded in the appropriate fields; and
- **Click on Send** at the top of the screen to send the declaration.

It is estimated that declaring into the U.S./Canada Management Area, an approved SAP, or the Regular B DAS Pilot Program and selecting the appropriate DAS category will take approximately five minutes to complete, including the time to read the instructions and menu options, for each submission. Daily reporting of catch and discards is estimated to take approximately 15 minutes, including the time to read the instructions and menu options.

This information is required to track and monitor DAS usage, participation in SAPs, enforce possession and landings regulations, and to monitor the catch and discard rates for regulated species in these programs. It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information.



