



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
Sustainable Fisheries Division  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802

## Small Entity Compliance Guide

### Regulations for Vessel Monitoring System Requirements for U.S. Commercial Fishing Vessels in the Eastern Pacific Ocean

April 2016

The National Marine Fisheries Service (NMFS) issued regulations under the authority of the Tuna Conventions Act of 1950, as amended, for U.S. commercial fishing vessels that are 24 meters (m) or more in overall length and engaging in fishing activities for either tuna or tuna-like species in the eastern Pacific Ocean. The Inter-American Tropical Tuna Convention (IATTC) adopted C-14-02, *Resolution on the Establishment of a Vessel Monitoring System (VMS)*, at its 87<sup>th</sup> Meeting in July 2014. The United States is required to implement this resolution through domestic rulemaking. The final regulations were published in the *Federal Register* on October 7, 2015, at page 60533 of volume 80 and became effective January 1, 2016. These regulations are codified in the *Code of Federal Regulations* at [50 CFR 300.26](#).

This guide<sup>1</sup> provides a summary of how owners and operators of affected vessels, and other affected entities, can comply with new NMFS regulations. Regulations are subject to change, so this guide may become out of date. Any discrepancy between the contents of this guide and regulations will be resolved in favor of regulations published in the *Federal Register* and codified in the *Code of Federal Regulations*.

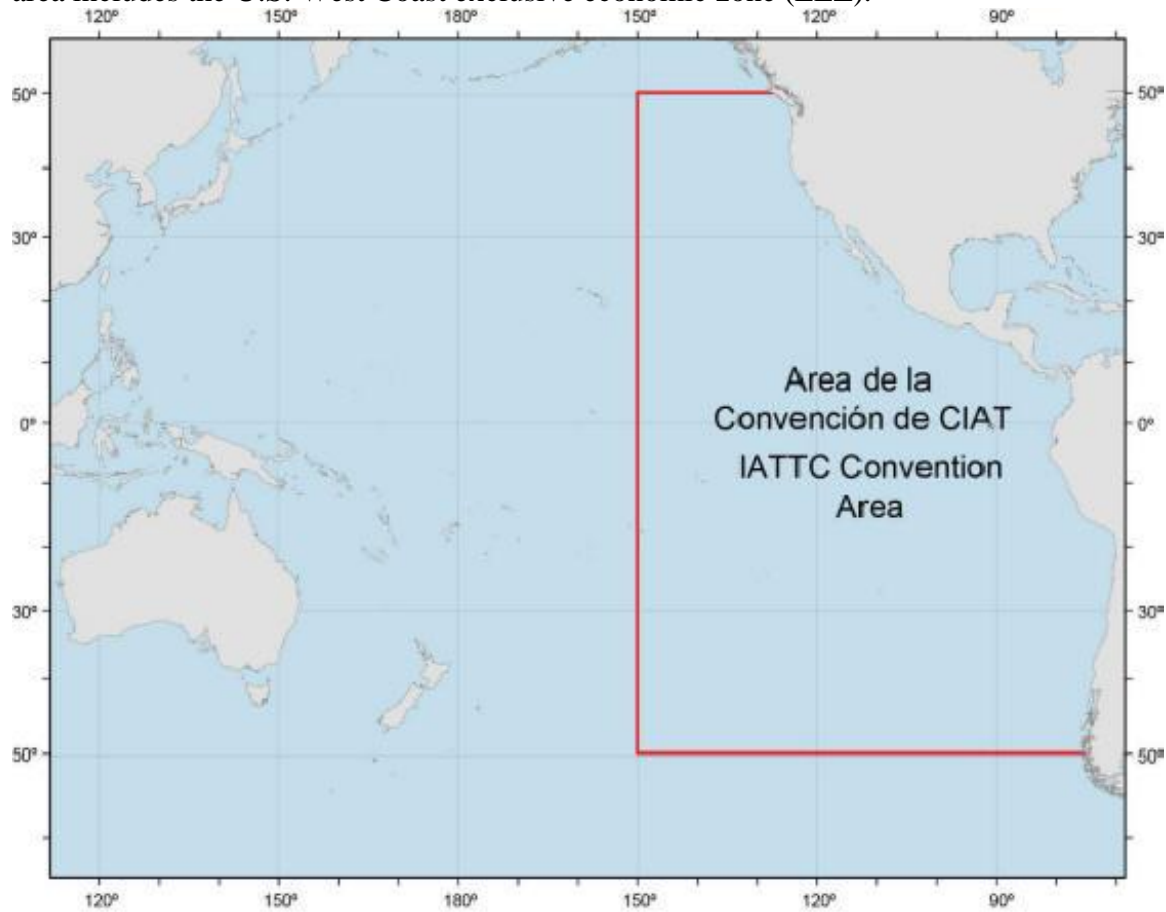
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<sup>1</sup> This small entity compliance guide is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996: Title II of Public Law 104-21.



## **Affected Area**

The new requirements apply to the IATTC Convention Area, which includes the waters bounded by the coast of the Americas, the 50° N. and 50° S. parallels, and the 150° W. meridian. This area includes the U.S. West Coast exclusive economic zone (EEZ).



**Figure 1.** Map of IATTC Convention Area

## **Vessel Monitoring System**

These VMS regulations apply to any U.S. commercial fishing vessel that is 24 m (78.74 feet) or more in overall length and engaging in fishing activities for tuna or tuna-like species in the IATTC Convention Area, and for which either of the following permits is required: Pacific highly migratory species permit under 50 CFR 660.707, or high seas fishing permit under 50 CFR 300.13.

## **Key Questions and Answers**

### **Question 1: Is there a certain type of VMS unit that I must have?**

**Answer:** Yes. The VMS units and mobile communications service providers must be type-approved by the National Oceanic and Atmospheric Administration (NOAA) for fisheries in the IATTC Convention Area. The following VMS units have been type-approved for use in the IATTC Convention Area:

Skymate I1500 VMS  
 Faria WatchDog 750VMS (with Messaging Terminal)  
 Network Innovations - Sailor VMS Gold  
 Network Innovations – Sailor VMS Gold Plus  
 CLS America Thorium TST A2.0  
 CLS America Thorium LEO A2.0

Please check NOAA’s website prior to purchase for the most up to date list: [http://www.nmfs.noaa.gov/ole/about/our\\_programs/vessel\\_monitoring.html](http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html) (click “Approved VMS Units”). The NOAA Office of Law Enforcement’s VMS Helpdesk (see Contact Information at end of this guide) provides both instructions for VMS installation and a list of the current type-approved VMS units and mobile communication service providers.

### **Question 2: If I have to buy a VMS unit, will NMFS reimburse me for the cost?**

**Answer:** The vessel owner and operator are responsible for all costs associated with the purchase, installation, and maintenance of the VMS unit, and for all charges levied by the mobile communications service provider. However, federal funds may be available to vessel owners or operators for reimbursement of the cost of purchasing type-approved VMS units.

To qualify for reimbursement, the VMS units must be installed by a VMS dealer approved by a type-approved VMS unit manufacturer. Funding for reimbursements is available until the end of 2018, and all applications for reimbursement should be submitted to the Pacific States Marine Fisheries Commission no later than **November 30, 2018**. The availability of reimbursement funds for the cost of purchasing a VMS unit is not guaranteed; the funds are available on a first-come, first-served basis. Information on both the VMS Reimbursement Program and the steps required for reimbursement is available online: <http://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms?pid=17>.

### **Question 3: Who receives my VMS unit transmissions?**

**Answer:** The vessel owner or operator shall arrange for a NOAA-approved mobile communications service provider to receive and relay transmissions from the VMS unit to NOAA at a default reporting interval of at least once per hour. NOAA, the U.S. Coast Guard, and other authorized entities are authorized to receive and relay transmissions from the VMS unit. The NOAA Office of Law Enforcement’s VMS Helpdesk (see Contact Information at end of this guide) is available to provide instructions for VMS installation and a list of the current type-approved VMS units and mobile communication service providers.

**Question 4: Are there certain requirements for activating my VMS unit?**

**Answer:** Yes. Certain requirements apply if the VMS unit has not yet been activated, or if the VMS unit has been newly installed or reinstalled, or if the mobile communications service provider has changed since the previous activation, or if directed by the Assistant Director, NOAA Office of Law Enforcement, Pacific Islands Division.

Prior to leaving port, vessel owners or operators are required to: (1) turn on the VMS unit to make it operational; (2) submit a written activation report via mail, facsimile, or email to the Assistant Director that includes the vessel's name, the vessel's official number, the VMS unit manufacturer and identification number, and the telephone, facsimile, or email contact information for the vessel owner or operator; and (3) receive verbal or written communication from NMFS that proper transmissions are being received from the VMS unit.

**Question 5: Can I turn off my VMS unit at sea?**

**Answer:** Generally no, unless an exemption applies **and** the Assistant Director authorizes the VMS unit to be shut down. The VMS unit must be turned on and continuously operated at all times at sea, unless the vessel is in port or otherwise not at sea. If authorized by the Assistant Director, a VMS unit may be shut down if, after the end of the fishing season, the vessel will no longer engage in fishing activities in the IATTC Convention Area for which either a Pacific highly migratory species permit or a high seas fishing permit is required.

**Question 6: Do I have to do anything if I wish to turn off my VMS unit?**

**Answer:** Yes. If you wish to shut down your VMS unit while in port or otherwise not at sea, you must first report the following information, via facsimile or email, to either the Assistant Director or the NOAA Office of Law Enforcement's VMS Helpdesk: the intent to shut down the VMS unit; the vessel's name; the vessel's official number; and the telephone, facsimile, or email contact information for the vessel owner or operator. In addition, the vessel owner or operator shall receive verbal or written confirmation from the Assistant Director before shutting down the VMS unit after the end of the fishing season.

**Question 7: Do I have to do anything when turning my VMS unit back on prior to leaving port?**

**Answer:** Yes. When turning the VMS unit back on, you must provide the following information to either the Assistant Director or the NOAA Office of Law Enforcement's VMS Helpdesk, via mail, facsimile, or email before you depart: (1) notice that the VMS unit has been turned on; (2) the vessel's name; (3) the vessel's official number; and (4) the telephone, facsimile, or email contact information for the vessel owner or operator. In addition, prior to leaving port, you must receive verbal or written confirmation from the Assistant Director that proper transmissions are being received from the VMS unit.

**Question 8: What do I do if my VMS unit stops working properly (e.g., I notice that the transmission of position reports has been interrupted; NMFS notifies me that the position reports are not being received; or an inspection indicates that the VMS unit has a problem)?**

**Answer:** If you are in port when your VMS unit stops working, you have to repair or replace the VMS unit and ensure it is operable before your vessel leaves port. You will then need to follow the VMS unit activation procedures discussed in the answer to Question 4 prior to leaving port. If you are at sea when your VMS unit stops working, you must contact the Assistant Director by telephone, facsimile, or email at the earliest opportunity during the Assistant Director's business hours and identify the caller and the vessel. The Assistant Director may require you to do one or more of the following: cease fishing, stow your fishing gear, return to port, submit periodic position reports at specified intervals by other means, and either repair or replace the VMS unit and ensure it is operable before starting the next trip.

**Question 9: I'm already required to operate a VMS unit under other fishing regulations. Do I need to do anything additionally or differently to comply with these regulations?**

**Answer:** If you already have installed, carry, and operate a VMS unit in compliance with the requirements set forth at 50 CFR Part 300, 50 CFR Part 660, or 50 CFR Part 665, you do not have to do anything else, so long as: (1) you operate your VMS unit continuously and at all times while the vessel is at sea; unless the Assistant Director authorizes a VMS unit to be shut down as described in response to Question 5; (2) the VMS unit is type-approved by NMFS for fisheries in the IATTC Convention Area; and (3) you follow the requirements set forth in the Answer to Question 8 when your VMS unit stops functioning properly.

**Question 10: Do I have any responsibilities for making sure that the VMS unit is properly maintained?**

**Answer:** Yes. Vessel owners and operators need to make sure that VMS units are not tampered with, disabled, destroyed, damaged, or operated improperly, and that their operation is not impeded or interfered with.

**Question 11: Should I expect inspection of my VMS unit?**

**Answer:** Yes. Vessel owners and operators need to make the VMS unit, including its antenna, connectors, and antenna cable, available for inspection by authorized officers.

## **Contact Information**

### **Regulatory Questions**

NMFS West Coast Region, Sustainable Fisheries Division  
501 West Ocean Blvd  
Long Beach, CA 90802

Rachael Wadsworth, Fishery Policy Analyst  
Telephone: (562) 980-4036  
E-mail: *Rachael.Wadsworth@noaa.gov*

### **Permit Questions**

Shannon Penna, Permits Coordinator  
Telephone: (562) 980-4238  
E-mail: *Shannon.Penna@noaa.gov*

## **VMS Communications and Questions**

### **Assistant Director**

NOAA, Office of Law Enforcement, Pacific Islands Division  
1845 Wasp Blvd., Building 176  
Honolulu, HI 96818

Telephone: (808) 725-6100  
Facsimile: 808-725-6199  
E-mail: *pidvms@noaa.gov*

Business hours:

Monday through Friday, except Federal holidays 8 a.m. to 4:30 p.m., Hawaii Standard Time

### **VMS Helpdesk**

NOAA, Office of Law Enforcement's VMS Helpdesk

Telephone: (888) 219-9228, ext. 2

E-mail: *ole.helpdesk@noaa.gov*

Business hours:

Monday through Friday, except Federal holidays 7 a.m. to 11 p.m., Eastern Time

## **Other VMS Resources**

### **NOAA Type-Approved VMS Units for IATTC Convention Area**

Online: [http://www.nmfs.noaa.gov/ole/about/our\\_programs/vessel\\_monitoring.html](http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html) (and click "approved VMS units")

### **VMS Reimbursement Program**

Pacific States Marine Fisheries Commission

Telephone: (503) 595-3100

Online: <http://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms?pid=17>