



# NMFS Announces a Proposed Rule to Modify Vessel Monitoring System (VMS) Requirements in Atlantic Highly Migratory Species (HMS) Fisheries

August 29, 2013

The National Marine Fisheries Service (NMFS) proposes to modify the declaration requirements for vessels required to use VMS units in Atlantic HMS fisheries. This proposed rule would require operators of HMS-permitted vessels required to use VMS to provide hourly position reports 24 hours a day, 7 days a week. The proposed rule would also allow the vessel operators to make declarations out of the fishery when not targeting HMS for a period of time encompassing two or more trips. These changes would make the current Atlantic HMS VMS requirements consistent with other VMS-monitored Atlantic fisheries and would lessen the burden of existing hail in/hail out requirements. Additionally, these changes will continue to provide the NOAA Office of Law Enforcement with information necessary to facilitate enforcement of HMS regulations.

This proposed rule would apply to all vessels with Atlantic HMS permits that are required to use VMS, including vessels with pelagic longline gear, vessels with bottom longline gear in the vicinity of the mid-Atlantic closed area (between 33° N and 36° 30' N) from January 1 to July 31, and shark gillnet vessels fishing between November 15 and April 15.

This proposed rule would implement the following changes to VMS regulations for Atlantic HMS-permitted vessels:

- Provide vessel operators the option to “declare out of the fishery” when they are not fishing for or retaining HMS for a period encompassing two or more trips (declaring out of the fishery would only exempt the vessel operators from the HMS hail-in/hail-out VMS requirements; it would not exempt the vessels from any other applicable HMS requirements);
- Require that vessels provide hourly location signals via their VMS units 24 hours a day, 7 days a week during those times of the year VMS reporting is required, unless they are granted a documented “power down” exemption by NOAA Office of Law Enforcement;
- Modify the VMS declaration system so that vessel operators can “hail-out” when leaving port (versus the current requirement of 2 hours ahead of time), and “hail-in” no less than 3 hours but no more than 12 hours before returning to port.

These changes should reduce the burden on fishermen while continuing to provide NOAA Office of Law Enforcement needed information on the target fishery and gear possessed in order to facilitate enforcement of closed areas and other HMS regulations. They would also bring HMS fisheries regulations in line with VMS regulations placed on other fisheries.

### Submitting comments

We will hold a public hearing via conference call and webinar on September 23, 2013, from 1p.m. to 3p.m., EDT. During this public hearing, we will solicit public input on the management measures outlined in the proposed rule. Participants can call the conference line at 888-997-8509; participant passcode 3166031. We will also provide a brief presentation via webinar. Participants can

register for the webinar at <https://www1.gotomeeting.com/register/242124417>. Following registration, participants will receive a confirmation email with webinar log-in information. Presentation materials and other supporting information will be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms>. We will also discuss the proposed rule with the HMS Advisory Panel during the week of September 9, 2013; the details of that meeting will be published in a separate Federal Register notice.

The public comment period for this proposed rule closes on September 30, 2013. Written comments may be submitted electronically via the Federal eRulemaking Portal <http://www.regulations.gov>, or sent by fax or mail to the contact information below. Please include NOAA-NMFS-2013-0132 in the subject line or body of the comment. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. We will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Any attachments submitted electronically must be in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

This notice is a courtesy to the HMS fishery participants to help keep them informed about the fishery. Official notice of Federal actions is made through filing such notice with the Office of Federal Register. For further information on this proposed rule and Initial Regulatory Flexibility Analysis (IRFA)/Regulatory Impact Review (RIR), contact Cliff Hutt or Karyl Brewster-Geisz at (301) 427-8503. Copies of the proposed rule and IRFA/RIR are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-427-8503, fax: 301-713-1917). The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>.

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