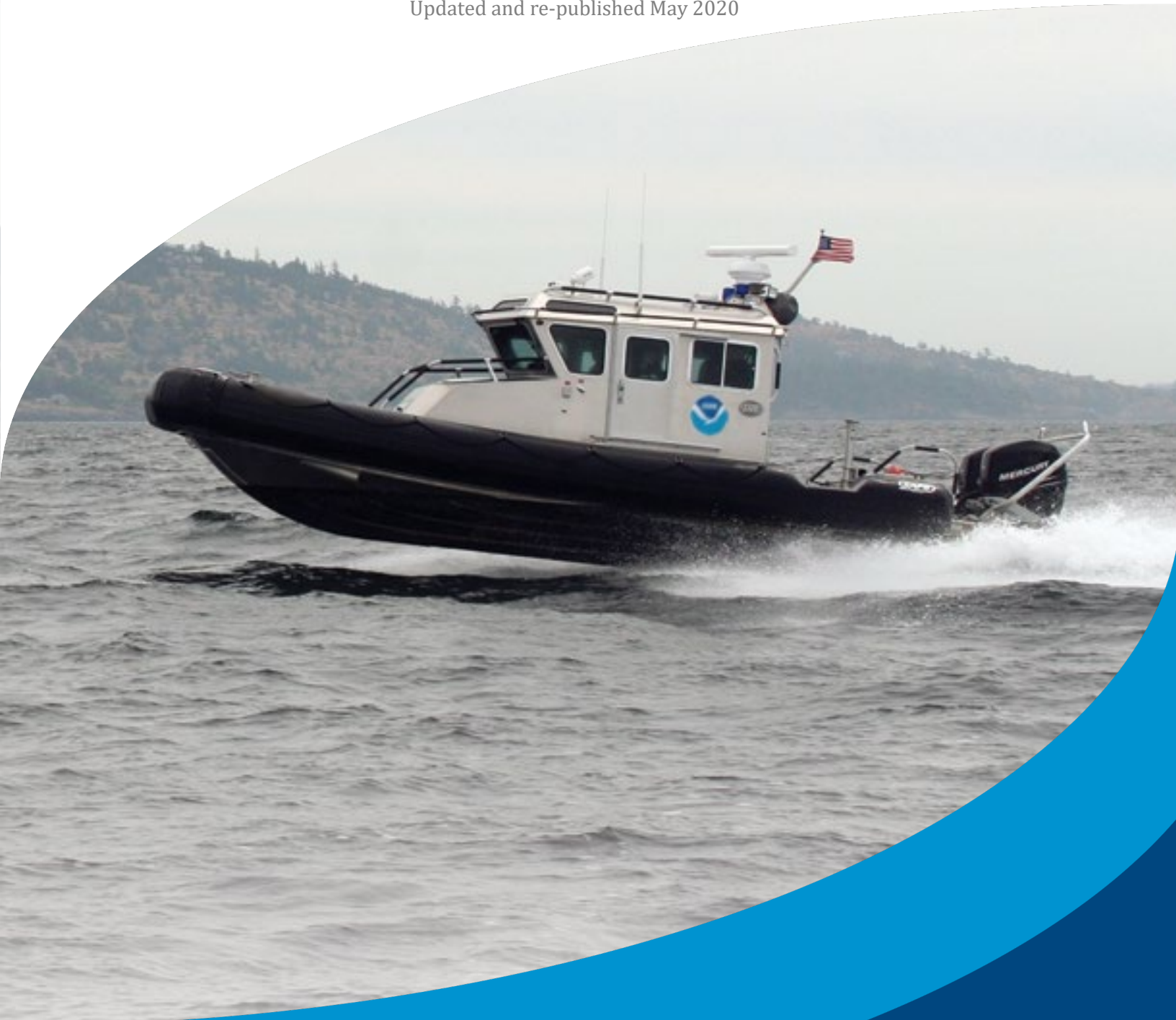




NOAA
FISHERIES

Pacific Coast Groundfish Fishery Vessel Monitoring Program Compliance Guide

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Summary

Why does the Pacific Coast Groundfish Fishery need a Vessel Monitoring Program?

A vessel monitoring program is an enforcement tool that can be used to monitor compliance with areas closed to fishing. Since the vessel monitoring pilot program was implemented on January 1, 2004, new closed areas have gone into effect and the Council has prioritized expanding the original requirements to the Open Access commercial groundfish fleet in order to monitor compliance with conservation areas. Conservation areas include Rockfish Conservation Areas (RCAs), Cowcod Conservation Areas (CCAs), Cordell Banks Closed Area, Farallon Islands Closed Areas, Bycatch Reduction Areas, Block Area Closures, Essential Fish Habitat Conservation Areas (EFHCAs), Deep-sea Ecosystem Conservation Areas, and Yelloweye Rockfish Conservation Areas (YRCAs), etc. A complete description of these closed areas, including detailed location information and to which sectors and gears they apply, is available on our ["Groundfish Closed Areas" page](#). Over time, the groundfish conservation area boundaries and restrictions will likely change. The National Marine Fisheries Service (NMFS) will keep the fishing fleet informed as these changes are made.

Parts of the Vessel Monitoring Program

The Pacific Coast vessel monitoring program consists of a vessel monitoring system and declaration reports.

Vessel Monitoring System (VMS)

consists of equipment that tracks a vessel's geographic position through a satellite communication system. A VMS transceiver unit is installed aboard the vessel that communicates via a satellite to a processing center. For the Pacific Coast program, a basic VMS system with 2-way communication will be used to track vessel activity in relation to closed areas.

Declaration Reports

are reports given by fishermen before a fishing trip to identify which gear type will be used for fishing, which fishery they are participating in, and if the vessel operator intends to fish within an RCA. Declaration reports are necessary for all fisheries required to have VMS and reports must be provided to NMFS Office of Law Enforcement (OLE) before a vessel leaves port.

Commonly Asked Questions

Vessel Monitoring Systems (VMS)

The vessel monitoring system (VMS) consists of equipment that tracks a vessel's geographic position through a satellite communication system. A VMS transceiver unit is installed aboard the vessel that communicates via a satellite to a processing center. For the Pacific Coast program, a basic VMS system with 2-way communication will be used to track vessel activity in relation to closed areas within 200 nautical miles along the Pacific coast.

Who is required to have VMS?

Any vessel registered to a limited entry groundfish permit must have VMS to fish in state or federal waters (0-200 nautical miles offshore). This includes:

1. Any vessel registered for use with a limited entry "A" endorsed permit (*i.e.*, not an MS permit) that fishes in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0-200 nm offshore).
2. Any vessel that uses non-groundfish trawl gear to fish in the exclusive economic zone (EEZ). The EEZ means the zone that encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles (370.40 km) from the baseline from the territorial sea of the U.S. is measured.
3. Any vessel that uses open access gear to take and retain, or possess groundfish in the EEZ or land groundfish taken in the EEZ.

Does a non-trawl vessel that is not registered to a limited entry groundfish permit need to have VMS if the vessel is used to fish in state waters and only transits through Federal waters with groundfish onboard?

Yes, VMS is required.

Does a non-trawl vessel that is not registered to a limited entry groundfish permit need to have VMS to fish in both state and federal waters on the same trip when only groundfish from state waters are retained?

Yes, VMS is required.

Which VMS units and communications service providers can I use?

A list of the type-approved VMS units for the open access fishery was published in the *Federal Register* and are available on our website at:

<https://www.fisheries.noaa.gov/national/enforcement/noaa-fisheries-type-approved-vms-units>

What are the vessel owner's responsibilities?

The vessel owner must install and use (according to NMFS OLE installation and operation instructions) a type-approved VMS transceiver unit 24 hours per day; establish a service agreement with a type-approved communication service provider; send an activation report at least 72 hours prior to leaving port on the first trip that requires VMS and maintain a valid declaration report with NMFS OLE.

When can I turn off my VMS?

A valid exemption report is required prior to turning off a VMS unit once it has been activated. Refer to the Exemptions section below.

What are the VMS transmission rate requirements?

VMS units must transmit a vessel's position every 15 minutes, 24 hours a day, throughout the year. Some exemptions to this frequency are discussed later in this document. Exemptions include: reduced transmission rates or when a valid exemption report has been received by NMFS OLE.

Can I reduce the transmission rate?

Less frequent reporting, at least once every 4 hours, may be authorized under the following conditions:

- 1) When a vessel has temporarily paused participation in the fishery and remains in port for an extended period of time.
- 2) Vessels that have installed and are using electronic monitoring systems for the duration of a given fishing year can maintain a position rate of one transmission per hour.
- 3) If a limited entry trawl vessel is fishing with midwater trawl gear, it can maintain a position rate of one transmission per hour.

What if VMS transmissions are interrupted?

When you become aware that VMS transmissions have been interrupted, or when notified by NMFS OLE that position reports are not being received, you must contact NMFS OLE at 888-585-5518 and follow the instructions.

Who pays for the costs associated with VMS?

The vessel owner or operator is responsible for purchasing the VMS equipment and paying all charges from the communication service provider to ensure continuous operation of the VMS transceiver units. Vessel owners may be reimbursed for the cost of

some VMS units. Information regarding reimbursement is available from Pacific States Marine Fisheries Commission web page (www.psmfc.org).

Can a VMS transceiver unit be registered to more than one vessel at the same time?

No, a VMS unit may only be registered and used on one vessel.

Can I have a back-up VMS transceiver unit certified and ready to go if the first unit fails?

Yes, but the second VMS unit must be certified ahead of time and designated as a back-up unit.

Activation Reports

An activation report is used by NMFS to verify that a type-approved unit was installed correctly, has been activated, and is sending a position report. It is also used to match VMS transceiver unit signals with a specific vessel.

How do I submit an activation report?

1. The installation/activation report form can be obtained from our website (<https://www.fisheries.noaa.gov/west-coast/resources-fishing/vessel-monitoring-system-west-coast>).
2. After installation and at least 72 hours before leaving port on the first trip that requires VMS, follow the instructions on the installation/activation report form, sign the VMS certification statement and submit it to NMFS by facsimile, mail, or email.
3. You must receive confirmation from NMFS OLE that your unit is working before you may participate in the fishery.

Do I need to send a new activation report following reinstallation of a VMS unit or change in service provider?

Yes.

Declaration Reports

The declaration reports are reports given by fishermen before a fishing trip to identify which gear type will be used for fishing, which fishery they are participating in, and if the vessel operator intends to fish within an RCA. Declaration reports are necessary for all fisheries required to have VMS and reports must be provided to NMFS OLE before a vessel leaves port.

Who must send declaration reports?

Any vessel required to have VMS must also provide a declaration report. Tribal vessels using trawl gear to fish in the trawl RCA, must send a declaration report.

What information is included in a declaration report?

Declaration reports include: the vessel name and/or identification number, and gear type. NMFS has prepared an example worksheet to help callers organize report information. A copy of this worksheet can be printed from the NMFS West Coast Region web page (<https://www.fisheries.noaa.gov/west-coast/resources-fishing/vessel-monitoring-system-west-coast>)

When are declaration reports required?

Declaration reports must be submitted before a vessel leaves port on the first trip in which the vessel is required to have VMS. A new declaration report must be submitted before leaving port on a trip in which a different gear type will be used. Tribal trawl vessels must submit a declaration report before the first trip in which the vessel is used to fish in the trawl RCA.

Limited entry (LE) trawl vessels fishing in the Shorebased IFQ Program must provide NMFS OLE with a new declaration report each time a different groundfish trawl gear (bottom or midwater only) of groundfish trawl gear is fished. The declaration may be made from sea and must be made to NMFS before a different type (bottom or midwater only) of groundfish gear is fished.

LE midwater trawl vessels targeting Pacific whiting may change their declarations while at sea between the Pacific whiting shorebased IFQ sector and the mothership sector. The declaration must be made to NMFS before a different sector is fished.

How long are declaration reports valid and when do I revise it?

1. A declaration report is for a specific gear type, monitoring, or fishery, and will be valid from the time that the declaration is made and until a new declaration report is received by NMFS OLE. The vessel operator must send a new declaration report before a trip that meets one of the following criteria: A gear type that is different from the gear type most recently declared for the vessel will be used, or
2. A monitoring type that is different from the monitoring type most recently declared for the vessel will be used, or
3. A vessel will fish in a fishery other than the fishery most recently declared, or
4. A vessel will perform activities such as gear testing, sea trials, recreational, etc.

A vessel cannot fish with a gear and monitoring type other than a gear type and monitoring type declared by the vessel or fish in a fishery other than the fishery most recently declared.

How do I submit a declaration report?

Declaration reports are submitted by using a toll free phone-in system. The phone-in system, can be accessed by dialing 1-888-585-5518. Reports may be submitted 24 hours a day.

With a phone-in system, what proof will I have that I sent a declaration report?

A confirmation number that verifies a report was sent is provided by NMFS. NMFS recommends that operators retain the confirmation code because it is verification that a valid declaration report was filed.

Can more than one gear type be declared in a single declaration report?

Vessels using non-trawl gear may declare more than one gear type. However, vessels using trawl gear may only declare one type of trawl gear. Vessels using trawl gear may not declare nontrawl gear on the same trip that trawl gear is declared.

Exemptions

Exemptions from VMS requirements may be allowed, as described below.

Can I get an exemption from the VMS requirement?

Exemptions may be allowed when an exemption report is submitted to NMFS OLE for the following conditions:

- 1) When the vessel will be continuously out of the water for more than 7 consecutive days;
- 2) If the vessel is operating in waters further than 200 nautical miles off Washington, Oregon, or California for more than 7 consecutive days;
- 3) When the limited entry permit has been transferred from the vessel and the vessel is not used for fishing;
- 4) When your open access vessel has not fished for groundfish in the EEZ during the new calendar year and will not be taking and retaining groundfish in the EEZ during the remainder of the calendar year; and
- 5) Within 72 hours of an emergency situation that is beyond the vessel owner's control.

How do I submit or cancel an exemption report?

Some exemption requests can be made via phone and some require written reports. Information pertaining to making exemption reports can be obtained via the West Coast Groundfish Declaration Line at 888-585-5518.

When do I submit an exemption report?

With the exception of an emergency exemption, exemption reports must be submitted at least 2 hours and not more than 24 hours before the exempted activity.

How long is an exemption report valid?

An exemption report is valid until NMFS OLE receives a report canceling the exemption or until NMFS OLE receives a new activation report.

Transiting Provisions

Any vessel may only be in an applicable conservation area for the purposes of continuous transit and all applicable gear must be stowed in accordance with gear/fishery-specific stowage requirements. Continuous transiting means that a fishing vessel crosses a groundfish conservation area or EFHCA on a heading as nearly as practicable to a direct route, consistent with navigational safety, while maintaining expeditious headway throughout the transit without loitering or delay.

Contact Us

For groundfish regulation questions, including requirements for VMS, contact staff in the Groundfish Branch by calling (888) 585-5518.

NMFS Office of Law Enforcement (OLE)

VMS transceiver unit installation or operation, declaration reports, or enforcement questions:

NMFS OLE – 888-585-5518 or wcd.vms@noaa.gov

<https://www.fisheries.noaa.gov/topic/enforcement>

Declaration Reports

Phone-in system for declaration reports, installation/activation, and exemption reports:

1-888-585-5518.

VMS Reimbursement Program

Contact the Pacific States Marine Fishery Commission:

888-219-9228, Ext 2, www.psmfc.org

NOAA Fisheries

West Coast Region, Seattle

7600 Sand Point Way NE Seattle, WA 98115

www.fisheries.noaa.gov/region/west-coast

This guide is published in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act and is intended to provide a plain-language summary of how small businesses can comply with the regulations finalized on December 7, 2007 for a vessel monitoring program in the Pacific Coast groundfish fishery.