



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

September 20, 2007

--SMALL ENTITY COMPLIANCE GUIDE--

Dear Permit Holder:

This letter is to inform you that, in response to a New England Fishery Management Council (Council) request, the National Marine Fisheries Service (NMFS) has developed an alternative method of declaring a fishing trip prior to leaving port. Currently, vessel owner/operators are required to inform NMFS of their intended fishing activity by making a declaration through the Vessel Monitoring System (VMS) prior to leaving port on each trip. Beginning on September 24, 2007, vessel owner/operators who intend to fish a trip under the same VMS activity code as selected on their previous trip now have the option of informing NMFS that they are confirming their previous VMS declaration by calling the Interactive Voice Response (IVR) system. This IVR option allowing vessels to confirm a previous VMS declaration is a pilot program that will be evaluated after it has been in place for one year.

The VMS monitoring system is set up to retain the most recent code successfully declared by a vessel owner/operator. This retained code is often referred to as the "legacy code." Recently, NMFS informed vessel owner/operators that they could not rely on the legacy code and must submit a declaration prior to leaving port on each trip. The alternative IVR method of declaring a trip was developed in response to concerns raised by industry and the Council and is intended to ease the financial, time, and technical burdens associated with making a VMS declaration prior to each trip. Thus, for trip declarations that are identical to the most recent trip, vessel owner/operators have a choice of declaring through this new IVR method or continuing to declare through the VMS reporting system prior to leaving port. Please note, that a vessel owner/operator **must** use one of these methods (IVR or VMS) **prior to leaving port on each trip** to be in compliance with the regulations.

**The use of the IVR system is only authorized for vessel owner/operators who intend to make a trip that has the identical activity code under which the vessel landed its previous trip.** If the vessel owner/operator intends to make a different type of fishing trip, he/she must declare a new activity code through the VMS prior to leaving port. Vessel operators who utilize the General Category Scallop Power Down code must submit a fishing code through the VMS for a trip subsequent to a power down.

If you intend to use the IVR method of declaring a fishing trip, please follow the instructions below:

- Call the IVR system at 1-888-284-4904.
- Press "1" for "Days-at-Sea reporting, declare a block, or confirm the use of a previous VMS code."



- Follow the instructions to enter your vessel's permit number and PIN, and to state your name and operator number.
- Press "4" to "confirm the use of a previous VMS activity code." The IVR system will report back to you the VMS activity code most recently received by NMFS under which that vessel most recently landed.
- Follow the instructions to either confirm the use of that specific code (press "1") or if that code does not represent the type of trip you intend to make, press "2" and end the call.
- If you are confirming that the trip you are intending to make is identical to the trip described by the IVR system, you will receive a confirmation number. Please make a note of the confirmation number.
- If you are not going to fish under the exact activity code described, hang up and make your activity code declaration through the VMS.

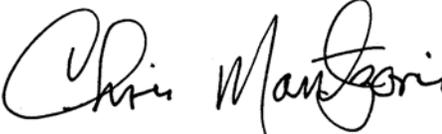
Please note, if the vessel owner/operator altered the code at sea (by "flipping" DAS or "flexing" areas), the code that is recorded is the code under which the vessel **landed** its previous trip, not the code under which the vessel set sail. In addition, there may be situations where a vessel operator selected a VMS code, received acknowledgement from the VMS vendor, but NMFS has not yet received the code. Please listen carefully to the activity code description that is read back from the IVR system to ensure that it represents the **exact** activity code and trip intended.

**If the code that is read back to you by the IVR, is not the exact type of fishing trip that you intend to make, you must declare a new activity code through your VMS.**

For assistance in selecting the proper code, other questions regarding VMS operations, and information on IVR PINs, please contact the Northeast VMS Team in the Office of Law Enforcement for assistance at: 978-281-9213 or [NMFS.OLE.NE@NOAA.GOV](mailto:NMFS.OLE.NE@NOAA.GOV)

For questions regarding VMS regulations, please call the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

*for*   
Patricia A. Kurkul  
Regional Administrator

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