



Northeast (NE) Multispecies Information Sheet

Days-At-Sea (DAS) Transfer Program



This summary provides a broad overview of restrictions and requirements; it is not a substitute for the regulations. You must read the regulations in conjunction with this information sheet to fully understand how this fishery is managed. This information sheet will be updated when regulations are revised. The regulations summarized here may be found at 50 CFR 648.82(l).

Introduction:

The Days-At-Sea (DAS) Transfer Program allows the permanent transfer and consolidation of DAS between two limited access Northeast multispecies DAS vessels. Unlike leasing, transferred DAS are permanent and do not expire at the end of the fishing year. **ONLY NE MULTISPECIES DAS MAY BE TRANSFERRED AND COMBINED.**

DAS Transfer Program Requirements:

Below are the requirements and conditions of the DAS Transfer Program. Vessels transferring DAS to another vessel are known as the “transferor” vessel and vessels receiving DAS in the transfer are known as “transferee” vessel.

- The transferor vessel must transfer all of its NE multispecies DAS.
- Because permits that are associated with a vessel may not subsequently be split onto another vessel, the transferor vessel must transfer all other Federal permits to the transferee vessel under the normal replacement procedures, or permanently relinquish those permits.
- Any duplicative permits would be forfeited.
- The transferor vessel may acquire other Federal or state fishing permits and continue to operate as a fishing vessel.
- A transferor vessel may not transfer DAS to any vessel with a baseline horsepower (HP) rating that is 20% greater than that of the baseline HP of the transferor vessel. (See below.)
- A transferor vessel may not transfer DAS to any vessel with a baseline length-overall (LOA) that is 10% greater than the baseline LOA of the transferor vessel. (See below.)
- A vessel may not transfer DAS to another vessel if it has participated in the DAS Leasing Program as either a lessee or a lessor within the same fishing year. A DAS transfer request submitted by such a vessel would not become effective until the start of the following fishing year.
- Hook Gear permitted vessels (NE Multispecies Permit Category D) may only transfer DAS to a vessel that is also a Hook Gear permitted vessel. Hook Gear vessels may receive DAS through a DAS transfer from any other eligible vessel.
- All catch and effort history associated with the transferor permit goes to the transferee. Individual history elements cannot be separated from the permit and retained by the seller.
- During the fishing year in which the vessel is a member of a particular sector, a sector vessel may not transfer DAS to or from vessels that are fishing under the provisions of the common pool or another sector, but may transfer DAS to or from another vessel participating in that vessel's sector.
- Due to the restriction on in-season DAS transfers for sector vessels, permit holders may submit an application for a DAS transfer at any time during the fishing year to be processed with a delayed effectiveness (i.e., the transfer would be effective at the start of the next fishing year).

DAS Transfer Baseline:

For the purposes of this program, the baseline HP and LOA are those associated with the permit as of January 29, 2004. No baseline downgrades are available in the DAS Transfer Program. A downgrade that was approved for the DAS Leasing Program does not apply to the DAS Transfer Program. Only if the transferee vessel had an approved DAS leasing baseline downgrade, *and* the transferee vessel maintains its current specifications, would the DAS leasing baseline downgrade remain active. In all other circumstances, upon transfer, a DAS leasing baseline downgrade is voided.

With respect to the vessel baseline specifications, the transferee (receiving) vessel must adopt the smaller of the two baselines. The transferee vessel may adopt the larger of the two baselines *if* it has not previously utilized its one-time allowable upgrade, and the larger baseline is within the replacement procedures allowable upgrades. This would serve as the one-time upgrade for that vessel.

DAS transfer baseline specifications (LOA and HP) for all NE multispecies permitted vessels can be found at the NOAA Fisheries Service Northeast Regional Offices webpage at: http://www.nero.noaa.gov/amend13/das_baseline.htm.

Replacement Procedures:

If the transferee (receiving) vessel chooses to retain other eligible limited access permits from the transferor vessel, normal vessel replacement procedures will apply. The vessel owner must submit a replacement application and all relevant supporting documentation, including proof (state registration or Coast Guard Document) that both of the vessels are under the same ownership.

For the purposes of the replacement permits (i.e., *not* the NE multispecies permit), replacement provisions states that the transferee vessel can not be more than 10% greater in LOA, gross registered tonnage, and net tonnage, and that the transferee can not be more than 20% greater in HP than the baseline transferor vessel, apply.

Application Process:

Owners of the vessels applying to transfer and receive DAS must submit a completed application form obtained from the Regional Administrator. The application **must be signed** by both seller/transferor and buyer/transferee of the DAS, and submitted to the Regional Office **at least 45 days** before the date on which the applicant desires to have the DAS effective on the buying vessel. The Regional Administrator will notify the applicants of any problems in the application. Applications may be submitted at any time during the fishing year by March 1. DAS Transfers that include other limited access permits must include a standard replacement application as well.

Approval of transfer application: Unless an application to transfer NE multispecies DAS is denied, the Regional Administrator will issue confirmation of approval to both transferor and transferee within 45 days of receipt of an application.

Denial of transfer application: The Regional Administrator may reject an application to transfer NE multispecies DAS for the following reasons, including, but not limited to:

- the application is incomplete or submitted past the March 1 deadline;
- the transferor or transferee does not possess a valid limited access NE multispecies permit;
- the transferor has participated in the DAS Leasing Program in the same fishing year;
- the transferor's or transferee's DAS are sanctioned, pursuant to an enforcement proceeding;
- the transferor's or transferee's vessel is prohibited from fishing;
- the transferor's or transferee's limited access NE multispecies permit is sanctioned pursuant to enforcement proceedings;
- the transferee's baseline is outside the allowable upgrade for the transferor's baseline; or
- the transferor has a DAS baseline allocation of zero.

Upon denial of an application to transfer NE multispecies DAS, the Regional Administrator will send a letter to the applicants describing the reason(s) for application rejection. The decision by the Regional Administrator is the final agency decision and there is no opportunity to appeal the Regional Administrator's decision.

DAS Transfer applications may be obtained by calling 978-281-9315, or by downloading the form from the NE Regional Office's web page at <http://www.nero.noaa.gov/permits/forms.html>.

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