



Northeast (NE) Multispecies Information Sheet Days-At-Sea (DAS) Leasing 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(k) and § 648.92(b)(2)(ii).

Introduction:

The Days-At-Sea (DAS) Leasing Program allows the temporary transfer of DAS between two limited access Northeast (NE) multispecies DAS vessels. ONLY NE MULTISPECIES DAS MAY BE LEASED.

DAS Leasing Program Requirements:

Below are the requirements and conditions of the DAS Leasing Program. Vessels leasing out their DAS are referred to as the "lessor" vessel and vessels receiving DAS from the lease transaction are referred to as the "lessee" vessel.

- Only NE multispecies Category A DAS may be leased.
- Leased DAS may only be used in the fishing year in which the lease occurs. Vessels are not allowed to carry-over leased DAS into a subsequent fishing year.
- Leased DAS are deducted before allocated DAS.
- A sector vessel may only lease DAS from another sector vessel. A vessel in the common pool may only lease DAS from another vessel in the common pool.
- A lessor vessel may not lease DAS to any vessel with a DAS leasing baseline length-over-all (LOA) that is 10% greater than the DAS leasing baseline LOA of the lessor vessel.
- A lessor vessel may not lease DAS to any vessel with a DAS leasing baseline horsepower (HP) rating that is 20% greater than that of the DAS leasing baseline HP of the lessor vessel.
- Some sectors have requested, and been approved, to allow their vessels to be exempt from leasing baseline restrictions.
- One vessel may lease DAS to or from multiple vessels.
- No subleasing of NE multispecies DAS is allowed.
- Vessels issued a NE Multispecies Small Vessel or Handgear A permit (i.e., vessels that do not require the use of NE multispecies DAS), may not lease DAS.
- Additional DAS associated with obtaining a Large Mesh Permit may not be leased.

DAS Leasing Baseline:

For the purposes of this program, the baseline HP and LOA are those associated with the permit as of January 29, 2004. Corrections to baseline specifications made after this date do not apply to the DAS leasing baseline. DAS leasing baseline specifications for 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_base_line.htm.

DAS Leasing Baseline Downgrades:

If the DAS leasing baseline HP or LOA is larger than the currently permitted vessel, the baseline specifications may be downgraded to the HP and/or LOA of the currently permitted vessel for the purposes of the DAS Leasing Program only. The downgrade does not affect the DAS Transfer Program baseline or any future replacement. A downgrade application can be obtained by downloading the form at the Sustainable Fisheries Division forms website (<http://www.nero.noaa.gov/sfd/forms.html>) or by calling 978-281-9315.

A vessel may only downgrade its DAS leasing baseline once. Once downgraded, the DAS leasing baseline remains downgraded until the permit is put onto another vessel through a vessel replacement, or the vessel transfers DAS under the DAS Transfer Program (with one exception, see the DAS Transfer Program information sheet for details). After replacement or transfer, the DAS leasing baseline reverts to the original DAS leasing baseline HP and LOA for that permit, and may not be downgraded again.

DAS Leasing Application Procedures:

An eligible vessel intending to lease NE multispecies DAS must submit a complete DAS lease application to the Regional Administrator at least 45 days prior to the time that the vessel intends to fish the leased DAS. A lease transaction can be completed either on the internet or through a paper lease application submitted to the NE Regional Office. Upon approval of the application by NOAA's National Marine Fisheries Service (NMFS), the lessor and lessee will be sent confirmation of the approved application. An application to lease DAS for a particular fishing year may be submitted from the beginning of the fishing year, May 1, through the following March 1.

Information obtained from the application will be held confidential in accordance with the requirements of the Magnuson-Stevens Act and applicable regulations.

The Regional Administrator may deny an application for any of the following reasons, including, but not limited to:

- The application is incomplete or submitted past the March 1 deadline;
- The lessor or lessee has not been issued a valid limited access NE multispecies DAS permit, or is otherwise not eligible;
- The lessor or lessee has failed to submit past due Vessel Trip Reports;
- The lessor's or lessee's DAS or NE multispecies permit are under sanction pursuant to an enforcement proceeding; or
- The lessor has an insufficient number of allocated or unused NE multispecies DAS available to lease.
- The lessee has a negative DAS balance.

Upon denial of an application, the Regional Administrator will provide the applicant a letter describing the reason(s) for the application's rejection. The decision by the Regional Administrator is the final agency decision. There is no appeal process.

Applying for a Lease On the Internet Through "Fish Online"

DAS leases can be requested and approved through the internet by accessing "Fish Online" at: <https://www.nero.noaa.gov/NMFSlogin/>. The DAS leasing website is intended to be a tool to allow leases to be completed more efficiently. It is recommended that you make an agreement with your leasing partner before entering a lease into the system, as any lease entered is considered a binding agreement. This website requires you to provide your permit number and Fish Online password. For assistance accessing this website call the NE Regional Office at (978) 281-9133.

For the Lessor: To propose a DAS lease, log onto Fish Online. Once logged in:

1. Click on "Days At Sea Leasing" on the right side of the screen to access the transaction page.
2. Enter the number of DAS you are attempting to lease.
3. Click on the arrow to the right and select "To" if you are attempting to lease out DAS, "From" if you are attempting to lease in DAS.
4. Enter the price you are either looking to lease the DAS for.
5. Within the box underneath "Lease Candidates" is a list of vessels that qualify for your proposed lease transaction. You can access vessel information, including the permit holder's address and contact information, by clicking on the "details" link to the right of the vessel description.
6. Select the vessel/permit that you wish to offer a lease. DO NOT make multiple lease offers simultaneously; any approvable offer accepted will be processed immediately.

7. Return to the site periodically to check whether the lease offer was accepted. Accepted or Rejected lease bids will be listed under "Completed DAS leases" at the bottom of the page (you may need to scroll down the screen to see this portion).
8. The far right column under "Completed DAS leases" is the official lease approval or denial letter. You should keep this for your records.

For the Lessee: To accept or reject a DAS lease, log onto Fish Online. Once logged in:

1. Click the link on the right side of the Fish Online homepage that says, "Days at Sea Leasing."
2. On the left side of the page you will see a pending lease waiting for you to "Accept" or "Refuse." Click which link, "Accept" or "Refuse," you prefer.
3. If the lease is approved by NMFS you will be able to view and print a PDF of the approval letter under the "Completed DAS Leases" section on the bottom of the page you may need to scroll down the screen to see this portion).
4. If NMFS rejects the lease, the rejection letter will also be present under "Completed DAS Leases."

Paper Leases Submitted to the NE Regional Office

DAS lease 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>. A complete application consists of the following:

1. Lessor's owner name, vessel name, permit number, and official number or state registration number;
2. Lessee's owner name, vessel name, permit number, and official number or state registration number;
3. Whether the lessor vessel permit is in Confirmation of Permit History.
4. The number of NE multispecies DAS to be leased;
5. Total price paid for the leased DAS;
6. *Original* signatures of lessor and lessee with the date the form is completed. (Faxed lease applications are not accepted due to the need for original signatures.)

History of DAS Use and Landings:

History of leased DAS usage will be presumed to remain with the lessor vessel, and landings resulting from the use of the leased DAS will be presumed to be attributed to the lessee vessel. In the case of multiple lessors, the leased DAS used will be attributed to the lessors based on the order in which such leases were approved by NMFS.

Monkfish Category C and D Vessels

Some vessels with a monkfish Category C or D permit are allocated fewer NE multispecies Category A DAS than monkfish DAS. In this instance, the remaining monkfish DAS are treated as "monkfish-only" DAS and regulated separately from DAS that are "tied" to the allocation of NE multispecies Category A DAS. Monkfish-only DAS can only be used once a vessel's allocation of NE multispecies Category A DAS has been fully exhausted. Monkfish-only DAS must be fished in a monkfish exemption area. Monkfish Category C and D vessels that have just monkfish-only DAS remaining may submit a NE multispecies DAS Leasing Application as a lessee. If the lease application is approved, those "monkfish-only" DAS would be linked to a NE multispecies Category A DAS and therefore, no longer monkfish-only DAS.

For example: If a vessel with 8 “monkfish-only” DAS leases an additional 5 NE multispecies Category A DAS, the lessee would then have 5 monkfish DAS linked to 5 NE multispecies Category A DAS, and 3 “monkfish only” DAS. The vessel must fish the monkfish DAS jointly with the NE multispecies Category A DAS, must fish the linked DAS prior to fishing the monkfish-only DAS, and could only fish the remaining monkfish-only DAS in a monkfish exemption area. If the vessel chooses to fish a NE multispecies Category A DAS without the linked monkfish DAS, that previously-linked monkfish DAS is no longer useable and an additional multispecies Category A DAS must be acquired for that monkfish DAS to be fished.

If a monkfish Category C or D vessel leases NE multispecies A DAS to another vessel, the vessel is required to forfeit a monkfish DAS for each NE multispecies A DAS that the vessel leases, equal in number to the difference between the number of remaining NE multispecies A DAS and the number of unused monkfish DAS at the time of the lease.

For example: If a lessor vessel that had 40 unused monkfish DAS and 47 allocated NE multispecies A DAS leased 10 of its NE multispecies A DAS, the lessor would forfeit the use of 3 of its monkfish DAS ($40 \text{ monkfish DAS} - 37 \text{ NE multispecies A DAS} = 3 \text{ DAS}$) because it would have 3 fewer NE multispecies A DAS than monkfish DAS after the lease.