



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

January 13, 2005

SMALL ENTITY COMPLIANCE GUIDE

Dear Northeast (NE) Multispecies Permit Holder:

This letter clarifies requirements for a fishing vessel that comes into port with fish on board and that intends to resume the fishing trip without offloading fish. This clarification is in response to questions about whether a fishing vessel could layover in a port for weather reasons without offloading its catch and then continue fishing, including going back into the U.S./Canada Management Area, to catch the remainder of its trip limit.

Under current regulations, any fishing vessel may come into port without offloading its fish, provided the vessel is in compliance with all applicable fishing regulations, including possession limits. By coming into port, however, the vessel is still subject to days-at-sea (DAS) requirements, which means the vessel must call out of the DAS program if it does not have a VMS. The vessel can then go back to fishing with its fish still onboard, provided the vessel complies with DAS program requirements for declaring into another fishing trip.

For example, if a fishing vessel comes into port with 10,000 lb of yellowtail flounder from the Eastern U.S. / Canada Area and the trip limit for yellowtail flounder is 15,000 lb per trip (with no daily possession limit), the vessel may layover in port without offloading and go back into the Eastern U.S./ Canada Area with the fish on board, provided it complies with requirements to start another fishing trip. Once the vessel goes back into the Eastern U.S./Canada Area, the vessel can harvest and possess another 5,000 lb of yellowtail flounder and land a total of 15,000 lb of yellowtail flounder when it comes into port again.

A vessel that comes into port with species managed by a daily landing limit (such as Gulf of Maine cod) may also layover without offloading its catch, but cannot go back out fishing on its next trip if the vessel has more than one day's worth of fish on board. For example, if a vessel comes into port with 800 lb of cod caught in the Gulf of Maine, and the daily landing limit for Gulf of Maine cod is 800 lb/DAS, the vessel can layover in port without offloading and go back out to continue to fish on a subsequent trip with the fish still on board. In this example, if a vessel comes into port with 1,600 lb of cod caught in the Gulf of Maine, the vessel would be required to offload at least 800 lb of cod prior to starting its next trip, so that it would be in possession of only one day's daily limit on the first day of that trip. Vessels subject to daily landing limits must have fished sufficient DAS for the amount of fish onboard both when calling out of and when calling back into the DAS program.



Vessels fishing in the U.S./Canada Management Area or under the Regular B DAS Pilot Program are still subject to the requirement to notify the observer program before beginning the next trip. To facilitate the ability of a vessel to come into port to avoid unsafe conditions, the vessel will continue in its observer status for the next trip. In other words, if an observer has been placed on board the vessel, the observer will remain with the vessel for the subsequent trip. If an observer waiver is granted on the interrupted trip, the observer program will continue to waive the placement of an observer for the subsequent trip. The NOAA Fisheries Observer Program contact number is: (508) 990-9057.

This is intended to clarify the flexibility currently available to vessels that may want to interrupt a fishing trip by coming into port without offloading fish for weather or other emergencies. To facilitate the ability of a vessel to come into port to avoid unsafe conditions, the observer program will waive the placement of an observer on a vessel that notifies the observer program that it is interrupting its trip without offloading fish. The NOAA Fisheries Observer Program contact number is: (508) 990-9057.

This interpretation of the regulations will be clarified in a proposed rule soliciting comments on several corrections being made to the NE multispecies regulations.

Sincerely,



for

Patricia A. Kurkul
Regional Administrator

