



United States Department of Commerce
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930

June 26, 2002

Federal Permit: 555555

Address

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Dear Owner of the F/V Vessel :

In the recent Federal Court decision in Conservation Law Foundation, et al. v. Evans et al., the court adopted a Settlement Agreement among certain parties in which the National Marine Fisheries Service (NMFS) agreed to implement interim regulations by August 1, 2002, to reduce overfishing on fishes governed by the Northeast Multispecies Fishery Management Plan. The Settlement Agreement includes a measure to freeze multispecies days-at-sea (DAS) allocations at a level equal to the maximum DAS used by each vessel, based on the fishing history associated with that vessel's permit, in any single year from fishing years 1996 - 2000, not to exceed the current allocation for that vessel. The Settlement Agreement further provides that this allocation be reduced by 20%.

In order to inform you of how many DAS you would likely be allocated under the Settlement Agreement, this letter provides your DAS used for each fishing year from May 1, 1996 - April 30, 2001 (See Table 1, page 2). Additionally, Table 2 (attached where applicable) provides a detailed listing of the trip-by-trip information from the DAS, Vessel Monitoring System (VMS) or Vessel Trip Report (VTR) databases, which were used to calculate your vessel's yearly DAS usage totals from May 1, 1996 - April 30, 2001. This information is preliminary only and the final determination of how many DAS you would be allocated will not be official until the Settlement Agreement is implemented through final regulations on or before August 1, 2002.

DAS usage criteria

Your maximum DAS used in any single year from fishing years 1996 - 2000 was determined based on the following criteria:

- DAS usage was based on the information contained in the NMFS DAS call-in or VMS databases for the period from May 1, 1996 - April 30, 2001.
- For vessels not required to report under the DAS call-in or VMS systems during the period of May, 1996 - June, 1996, DAS used were based on VTRs submitted to NMFS prior to April 9, 2002.
- DAS carried over from fishing year 2000 to fishing year 2001 **were not** included in the DAS total for the period May 1, 1996 - April 30, 2001.
- For fishing years in which no DAS usage was recorded in the NMFS DAS call-in or VMS databases, DAS were counted as zero for that fishing year.
- Vessels with less than 10 DAS used in each fishing year from 1996 - 2000 shall receive a baseline allocation of 10 DAS as specified in the Settlement Agreement.

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Table 1. DAS used and DAS used baseline

This table contains the DAS used for each fishing year from May 1, 1996 - April 30, 2001*, the maximum DAS used in any single year for fishing years 1996 - 2000, the 2001 fishing year allocation, the DAS used baseline, and the 20% reduction in baseline for the F/V Vessel (Federal permit number 555555).

DAS used per fishing year					Single-year high from 1996 - 2000	2001 fishing year allocation	DAS used baseline**	20% reduction
1996	1997	1998	1999	2000				

*If the number of DAS used in a particular fishing year from 1996 - 2000 was greater than the vessel's allocation in that year, the number of DAS used in the calculation was the vessel's actual allocation.

**The DAS used baseline shall not exceed the 2001 fishing year allocation for each vessel. The DAS used baseline was based on either the above single-year high from 1996 - 2000 or the 2001 fishing year allocation, whichever was lower.

20% Reduction

The Settlement Agreement specifies that each vessel's DAS available for use shall be 20% less than DAS used baseline. The DAS available for use will remain at 20% less than the DAS used baseline for fishing year 2002 and fishing year 2003, until such time that Amendment 13 is implemented. Thus,

DAS available for the **F/V Vessel**

(**Federal permit number 555555**) will be: **DAS** (Table 1, page 2).

Any DAS used from May 1, 2002, through July 31, 2002, will be deducted from the DAS available, after the 20% reduction in DAS used baseline, for the purpose of determining how many DAS you may fish after August 1, 2002. If you have fished more DAS than your allocation as of August 1, 2002, you will have zero DAS available for the remainder of the 2002-2003 fishing year. To obtain information on the amount of DAS fished from May 1, 2002, through July 31, 2002, send a written request with a copy of your Federal fisheries permit to the Office of Law Enforcement (see address on the top of the first page of this letter).

DAS carried over from the 2001 fishing year to the 2002 fishing year have not been added to the above adjusted DAS allocation. If you have carry-over DAS from the 2001 fishing year, they may be added to your DAS available for the 2002 fishing year.

A worksheet is enclosed with this letter to help you determine the amount of DAS you have remaining after August 1, 2002.

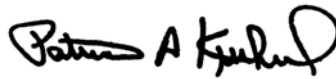
Corrections

If you believe that there are errors in the DAS call-in or VMS records for your vessel and you wish to dispute those data, you may submit a written request to correct the error to the Regional Administrator (see address on the top of the first page of this letter). The request to correct the error must be received by the Regional Office no later than August 31, 2002. The request must be in writing and provide credible evidence that the information used by the Regional Administrator in making the above determination of your vessel's DAS baseline was based on mistaken or incorrect data. Decisions on the requests shall be determined solely on the basis of written information submitted to the Regional Administrator. Once the Settlement Agreement is officially implemented, the Regional Administrator's decision on the request is the final decision of the Department of Commerce.

For additional information contained in this letter, please contact the following:

Please have your Federal vessel permit number ready when calling the Northeast Regional Office		
DAS questions	Northeast Regional Office; Fisheries Statistics Office	(978) 281-9148
Multispecies regulations	Northeast Regional Office; Sustainable Fisheries Office	(978) 281-9344 (978) 281-9315
Groundfish and lawsuit information	Northeast Regional Office Website- NOAA Fisheries News Releases	http://www.nero.nmfs.gov

Sincerely,



Patricia A. Kurkul,
Regional Administrator

Table 2 - Permit 55555

Trip-by-trip records of days fished compiled from the DAS, VMS, and VTR databases.

Fishing Year	Date Sailed	Date Landed	Days Fished	Start Confirm #	End Confirm #	Source
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Worksheet to determine DAS available for 2002 fishing year

Note: This worksheet is for your own records, please do not return completed worksheets to NMFS.

Section A – Determining DAS used baseline and DAS available for the 2002 fishing year

Step 1. Write your **single-year high of DAS** used from fishing years 1996 – 2000 in Box A1.

A1.

Step 2. Write your **2001 fishing year allocation** in Box A2.

A2.

Step 3. In Box A3, place either the single-year high from 1996 – 2000 (Box A1) or the 2001 fishing year allocation (Box A2), whichever was lower. This is your **DAS used baseline**.

A3.

Step 4. Determine DAS available for the 2002 fishing year after a 20% reduction. Multiply your DAS used baseline (from Box A3) by 0.8. This will be your 20% reduction in baseline DAS. Place this value in Box A4.

- $[\text{Box A3}] \times 0.8 = 20\% \text{ reduction in baseline}$



A4.

The value in Box A4 is your DAS available for the 2002 fishing year before any changes due to DAS used from May 2002 – July 2002.

Section B - Determining remainder of DAS available for the 2002 fishing year as of August 1, 2002

To determine the amount of DAS that can be fished for the remainder of 2002 fishing year, you must deduct any DAS used from May 2002 – July 2002 from the DAS available after the 20% reduction.

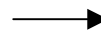
Step 1. Copy the value of Box A4 (DAS available) into Box B1.

Step 2. In Box B2, write the amount of DAS you used from May 2002 – July 2002.*

B2.

Step 3. Subtract the DAS used from May 2002 – July 2002 in Box B2 from DAS available in Box B1. If you have fished more DAS than your DAS available as of August 1, 2002, you will have zero DAS available for the remainder of the 2002 – 2003 fishing year.

- $[\text{Box B1}] - [\text{Box B2}] = \text{remainder of DAS available (if less than 0, enter 0)}$



B3.

The value in Box B3 is your DAS remaining for the 2002 fishing year. **

* To obtain information on the amount of DAS fished from May 1, 2002, through July 31, 2002, send a written request with a copy of your Federal fisheries permit to the Office of Law Enforcement (address on the top of the first page of this letter).

** This worksheet does not address any DAS carried over from 2001 fishing year. If you have carry-over DAS from the 2001 fishing year, they may be added to your DAS remaining for the 2002 fishing year (Box B3).