



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
C.M. 'Rip' Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

FREQUENTLY ASKED QUESTIONS ABOUT CONTROL DATES

- ***What is a “control date”?***

A control date is a point in time established by publication of a notice in the *Federal Register* that is used as a reference point in the development of management measures in a fishery management plan (FMP). The date is the date of publication. The publication of a control date is intended to promote awareness that fishing activity after the date may be treated differently from activity prior to the date, and also gives the public notice that interested participants should locate and preserve records that substantiate and verify their ownership or control of fishing permits and other fishing privileges, as well as landings history in Federal waters.

- ***What is a control date used for?***

A control date is primarily used by the Council to deter speculative activity in anticipation of the adoption of management measures where participation in a fishery is the basis for those measures. The most common use is when the Council is considering adopting a limited entry program based on a vessel's history of participation in that fishery. Vessels that enter the fishery after the control date may not be eligible for a permit in that fishery once the limited entry program becomes effective. The Council may also use a control date to discourage speculative behavior in anticipation of history-based allocation schemes, such as the accumulation of permits, increased landings of target species, or increased usage of days-at-sea. If a referendum is required (under the Magnuson-Stevens Act, one is required in New England for limited access privilege programs), then the control date may be used to determine eligibility to vote, including eligibility of captains and/or crew.

- ***What does a control date not do?***

A control date does not establish any management measures. It is simply an advanced notice that the Council may develop management measures that use the date as a reference point. Establishment of a control date does not obligate the Council to develop those measures.

- ***If an FMP already has a control date, can the Council establish another one?***

Yes, if the initial control date was adopted for a specific purpose, such as a limited entry program, and later the Council considers developing an allocation management system, it may set a second control date to use as the basis for allocating fishing privileges, or reaffirm the original control date. In some cases, when a substantial amount of time has passed between publication of a control date and the development of the FMP or management measures which use that control date, the Council may publish a newer control date.

- ***Why does the Council use a control date?***

By discouraging speculative activity, the establishment of a control date protects the interests of participants who already have made investments in the fishery and who historically depended on a given level of activity in the fishery. Where excessive accumulation of ownership shares is a concern for fishermen or fishing communities, the setting of a control date may allow for a smoother transition to allocation systems by discouraging speculation and accumulation of shares before the management measures take effect.