



# *New England Fishery Management Council*

## *Press Backgrounder – Groundfish Fishery Regulations*

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Newburyport, MA

February 1, 2007

The text below addresses the following issues and questions:

- Overview of federal groundfish regulations
- How are fishing days-at-sea counted and tracked?
- Does a fishing boat lose a day-at-sea when it leaves port?
- Do fishing regulations force vessels to remain at sea?
- How many days-at-sea are allocated to each boat?
- What safety measures are currently required?
- Does the Council consider safety when it develops management measures?

The Council's Northeast Multispecies (Groundfish) Fishery Management Plan regulates catches of cod, haddock, pollock, redfish, white hake and several species of flounders in federal waters. There are approximately 800 to 900 vessels currently active in the fishery. Boats range in size from 30 to 110 feet, with the majority measuring between 30 and 70 feet.

### **What kind of rules apply to groundfish boats?**

Vessels that fish for groundfish must comply with federal rules that are aimed at rebuilding stocks to levels that will sustain larger harvests of fish in the future. Specific provisions apply to the type of gear used. Otter trawls (dragners) predominate in the groundfish fishery, while gillnets (stationary nets) and hooks, or longlines, are used to a lesser degree.

Other rules that apply involve seasonal and year-round closed areas and limits on catches. Each vessel also has a limited number of allocated days that it may use for groundfish fishing. That system, known the days-at-sea (DAS) program, has been in place since the mid-1990s.

### **How are DAS counted and tracked?**

With some exceptions, each DAS is counted in hours and minutes used and not in 24 hour or any other increment. A Vessel Monitoring System (VMS), required on all groundfish boats, tracks each vessel's time away from the dock. When the vessel returns to port the "counting" ceases and is not reactivated until the next trip. More simply put, a vessel with 50 DAS in 2007 has 1,200 hours to fish for groundfish.

### **Is it possible for a groundfish boat to "lose" a day-at-sea simply by leaving the dock?**

A vessel does not lose a day when it leaves the dock. As described above, the VMS tracks the time spent at sea, whether it is only several hours or several days. Only actual time used is deducted from a boat's DAS allocation. Days-at-sea may be used during the fishing year which runs from May 1 through April 30 of the subsequent year. All vessels can carry over a maximum of 10 DAS to the next fishing year. This carry-over provision was adopted to avoid a circumstance in which fishermen feel compelled to use their remaining DAS in unsafe conditions. Unused DAS can occur for various reasons, including but not limited to vessel maintenance and weather conditions.

### **Are vessels forced to remain at sea?**

There are no circumstances in which the regulations force a vessel to remain at sea. Decisions about DAS use and whether to return to port in the event of bad weather rest entirely with the captain and/or vessel owner. Because they have a full year to use valuable and limited DAS, many owners and captains avoid bad weather if conditions are expected to slow down steaming

time and possibly curtail fishing operations. Public testimony, however, also indicates that fish commands higher prices in winter and that decisions are also made on the basis of other factors such as needed vessel repairs and availability of crew.

**How many DAS are allocated to each groundfish vessel?**

DAS are allocated to individual vessels depending on their level of historical participation in the fishery. Boats have been subject to reductions in their DAS allocations over time, most recently in 2004 and 2006 to ensure continued groundfish stock rebuilding. Because the number of groundfish DAS are specific to each vessel, a flat statement about how many days each vessel is currently allocated is not possible.

It is a fact that many boats have fewer than 50 DAS annually to harvest groundfish. Boats may increase their allocation by leasing DAS from other groundfish permit holders who have chosen not to fish their allocated DAS. Approximately 229 leases have been processed to date totaling 6934 DAS.

**Are safety measures currently required?**

The U.S. Coast Guard and not the Council has oversight of safety at sea. The Coast Guard requires that vessels have onboard and maintain certain safety equipment that is evaluated in the course of routine boardings, either at the dock or at sea.

Safety inspections are necessary as a condition of fishing if a groundfish vessel is requested to carry a federal observer. Otherwise, neither mandated inspections nor licensing is currently required for commercial fishing vessels and their operators, even after a vessel is significantly modified. Recreational party and charter boats have required inspections because they are licensed to carry passengers. Such measures for other fishing boats have been discussed over the years but many in the industry have resisted further government regulation. Pro-active, voluntary efforts to address safety have been undertaken in a number of New England ports.

**How does the Council address safety at sea?**

Federal legislation mandates that Council fishery management plans promote safety at sea. It is one of ten National Standards in the Magnuson-Stevens Fishery Conservation and Management Act that must be addressed before NOAA Fisheries, on behalf of the Secretary of Commerce, approves any federal plan, such as the Groundfish Plan. The Council's Enforcement Committee also is in the process of developing recommendations concerning the use of Vessel Monitoring Systems and other tools to address safety at sea.

The New England Fishery Management Council, one of eight regional Councils established by federal legislation in 1976, is charged with managing and conserving fishery resources from three to 200 miles off the coasts of Maine, New Hampshire, Massachusetts and Connecticut.

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