

**Northeast (NE) Multispecies Emergency Action
Common Questions and Answers**

GENERAL QUESTIONS

Q1: Why is emergency action necessary?

A1: Results from the latest groundfish stock assessment (August 2005) indicate that several groundfish stocks need substantial fishing mortality (F) reductions for the 2006 fishing year (May 1, 2006–April 30, 2007). Framework Adjustment (FW) 42 was intended to implement measures to reduce F for these stocks to maintain the Amendment 13 rebuilding objectives for fishing year 2006. However, due to a delay in the development of FW 42, implementation of this action in time for the start of the 2006 fishing year is not possible. Therefore, an emergency Secretarial action is necessary to immediately reduce F for certain groundfish stocks to maintain efforts to rebuild groundfish stocks until FW 42 can be implemented.

Q2: When do these changes take effect and how long will they last?

A2: Emergency management measures would be effective from May 1, 2006, through October 10, 2006, and may be extended an additional 180 days. If measures proposed under FW 42 are approved and implemented during that time, they will supersede some or all of the emergency measures. The anticipated effective date of FW 42 is August or September 2006.

Q3: What are the differences between the emergency action and FW 42?

A3: See Table 1 below.

Measure		Emergency Action	FW 42
Differential DAS Counting	Rate Non-Day Gillnet Vessels	1.4:1 when fishing any part of a trip outside of the U.S./Canada Management Area	2:1
		1:1 when fishing exclusively within the U.S./Canada Management Area	
	Rate Day Gillnet Vessels	1.4:1 when fishing any part of a trip outside of the U.S./Canada Management Area for any trip that is 0-3 hours, or longer than 11 hours in duration; trips between 3-11 hours are charged 15 hours.	15 hours for trips between 3-7.5 hours long; DAS charged at a rate of 2:1 for all other trip durations
		1:1 when fishing exclusively within the U.S./Canada Management Area for any trip 0-3 hours in duration, or longer than 15 hours in duration; trips between 3-15 hour are charged 15 hours.	
Area	See above	Inshore GOM and/or an offshore area of SNE/MA	
Trip Limits	GOM Cod	600 lb/DAS, up to 4,000 lb/trip	800 lb/DAS, up to 4,000 lb/trip
	CC/GOM and SNE/MA Yellowtail Flounder	500lb/DAS, up to 2,000 lb/trip (July, August, September, Dec, Jan, Feb, March, April)	250 lb/DAS, up to 1,000 lb/trip
		250lb/trip limit during (May, June, Oct and Nov)	
	GB Yellowtail Flounder	10,000 lb/trip	10,000 lb/trip
	GB Winter Flounder	5,000 lb/trip	5,000 lb/trip
	White Hake	1,000 lb/DAS, up to 10,000 lb/trip	1,000 lb/DAS, up to 10,000 lb/trip
Regular B DAS Program	Continued, but limited to the U.S./Canada Management Areas on GB	Continued, but not restricted to any area	
DAS Leasing Program	Continued unchanged	Continued unchanged	
Mandatory VMS Requirement	N/A	All groundfish vessels intending to fish on a DAS	
DAS Transfer Program	No change	Allow retention of other permits	
		DAS “conservation tax” applied to smallest allocation	
		Permit category restrictions	
Fixed Gear Sector	N/A	Fixed Gear Sector	

Table 1: Comparison of Major Measures Between the Groundfish Emergency Action and Framework Adjustment 42

Q4: Will my Category A days-at-sea (DAS) be reduced by 8 percent on May 1, 2006?

A4: Yes, all NE multispecies Category A DAS will be reduced by 8 percent starting May 1, 2006. This is a default measure of Amendment 13, and not a new measure under the emergency action.

DIFFERENTIAL COUNTING OF GROUND FISH DAS

Q5: How will my DAS be counted under this emergency action?

A5: All NE multispecies Category A DAS used on a fishing trip to harvest fish partially or wholly outside of the U.S./Canada Management Area will be charged at a rate of 1.4 DAS for every one DAS fished (i.e., at 1.4:1). Any NE multispecies Category A DAS used on a fishing trip to harvest fish exclusively within the U.S./Canada Management Area will be charged at a rate of 1:1.

Q6: How will DAS be counted for trips that start before and end after May 1, 2006?

A6: Any NE multispecies Category A DAS used before May 1, 2006, will be counted at a rate of 1:1. Any NE multispecies Category A DAS used on or after May 1, 2006, regardless of when the trip began, will be counted as explained in the answer to question 5 above.

Q7: How will DAS be counted for Day gillnet vessels?

A7: A Day gillnet vessel harvesting fish under a Category A DAS outside of the U.S./Canada Management Area on a trip less than 3 hours, or greater than 11 hours in duration will be charged at a rate of 1.4:1 for the actual hours used on the trip. A Day gillnet vessel harvesting fish on any part of a trip under a Category A DAS outside of the U.S./Canada Management Area of between 3 and 11 hours duration will be charged 15 hours for the trip. A Day gillnet vessel harvesting fish under a Category A DAS exclusively inside the U.S./Canada Management Area on a trip less than 3 hours, or greater than 15 hours, will be charged DAS at a rate of 1:1 for the actual hours used on the trip. A Day gillnet vessel harvesting fish under a Category A DAS exclusively within the U.S./Canada Management Area of between 3 and 15 hours duration will be charged 15 hours for the trip (see Table 2 below).

Trips Harvesting Fish <u>Exclusively Inside</u> the U.S./Canada Management Area		Trips Harvesting Any Fish <u>Outside</u> of the U.S./Canada Management Area	
Duration of trip	DAS Charged	Duration of trip	DAS Charged
Less than 3 hours	Actual time fished	Less than 3 hours	Actual time fished times 1.4
Between 3-15 hours	15 hours	Between 3-11 hours	15 hours
Greater than 15 hours	Actual time fished	Greater than 11 hours	Actual time fished times 1.4

Table 2: DAS charge for Day gillnet trips based on duration and area fished.

Q8: Do I need to use a vessel monitoring system (VMS) to fish in the U.S./Canada Management Area?

A8: Yes, if you fish in the U.S./Canada Management Area you must use a VMS and comply with all other U.S./Canada Management Area regulations. This is not a new requirement of the emergency rule.

Q9: Can I fish inside and outside of the U.S./Canada Management Area on the same trip?

A9: Yes, you can fish inside and outside of the U.S./Canada Management Area (both Eastern and Western portions) on the same trip, provided you declare your intent to do so via VMS and abide by the more restrictive regulations (i.e., trip limits, DAS counting, daily catch reports) of the areas fished.

Q10: How do I declare my intent to fish inside and outside of the U.S./Canada Management Area on the same trip?

A10: To declare your intent to fish inside and outside of the U.S./Canada Management Area, you must select one of the following VMS options:

- **Area 4 + Open:** This declaration allows you to fish inside the Western U.S./Canada Area (i.e., Area Code 4) and outside of the U.S./Canada Management Area on the same trip. You must submit your declaration prior to leaving the dock at the start of the trip. Under this option, you would be charged NE multispecies Category A DAS at a rate of 1.4:1.
- **Flex Out:** This declaration allows you to fish in the Eastern U.S./Canada Area (i.e., Area Codes 2, 5, or 6) and outside of the U.S./Canada Management Area on the same trip. You may submit this declaration in conjunction with a declaration into the Eastern U.S./Canada Area (i.e., by declaring Area Codes 2, 5, or 6) prior to leaving the dock at the start of the trip, or prior to leaving the Eastern U.S./Canada Area. Under this option, you would be charged NE multispecies Category A DAS at a rate of 1.4:1.
- **Flex West:** This declaration allows you to fish in the Eastern U.S./Canada Area (i.e., Area Codes 2, 5, or 6) and within the Western U.S./Canada Area (i.e., Area Code 4) on the same trip. You may submit this declaration in conjunction with a declaration into the Eastern U.S./Canada Area (i.e., by declaring Area Codes 2, 5, or 6) prior to leaving the dock at the start of the trip, or prior to leaving the Eastern U.S./Canada Area. Under this option, you would be charged NE multispecies Category A DAS at a rate of 1:1.

Q11: How will steaming time be counted if I'm fishing inside and outside of the Eastern U.S./Canada Area on the same trip?

A11: If you fish both inside and outside of the Eastern U.S./Canada Area on the same trip, you will not get credit for steaming time to and from the Eastern U.S./Canada Area and will be charged Category A DAS at a rate of 1.4:1 for the entire trip, unless you are fishing under a Flex West code exclusively in the Eastern and Western U.S./Canada Areas.

Q12: How will DAS be counted if I declare my intent to fish inside and outside of the U.S./Canada Management Area on the same trip, but never fish outside of the U.S./Canada Management Area?

A12: If you declare your intent to fish inside and outside of the U.S./Canada Management Area on the same trip, you will be charged Category A DAS at a rate of 1.4:1 for the entire trip, regardless of whether you actually fish outside of the U.S./Canada Management Area.

MONKFISH DAS COUNTING

Q13: If I have been issued a limited access monkfish Category C, D, F, G, or H permit (i.e., I have a vessel that has been issued a limited access monkfish and a limited access NE multispecies permit), how will my monkfish DAS be counted under this emergency action?

A13: All monkfish DAS will continue to be counted at a rate of 1:1.

Q14: Will I still be able to fish my full monkfish DAS allocation of 40 DAS?

A14: Yes. In order to account for differential counting of any NE multispecies Category A DAS, the monkfish-only DAS allocation of any limited access monkfish Category C, D, F, G, or H vessel that fishes any of its NE multispecies DAS outside of the U.S./Canada Management Area will be increased by 0.286 monkfish-only DAS for each NE multispecies Category A DAS used outside of the U.S./Canada Management Area. These monkfish-only DAS are in addition to the monkfish-only DAS initially allocated to vessels allocated fewer NE multispecies Category A DAS than monkfish DAS. All monkfish-only DAS can be used once all NE multispecies Category A DAS have been used.

Q15: Why are my monkfish-only DAS increased by 0.286 for each NE multispecies DAS used outside of the U.S./Canada Management Area?

A15: This number represents the rate at which monkfish-only DAS increase for each additional NE multispecies Category A DAS used outside of the U.S./Canada Management Area at a rate of 1.4:1, using the formula: $\text{Monkfish-only DAS} = \text{Net Monkfish DAS Allocation} - (\text{Net NE Multispecies Category A DAS Allocation} \div 1.4)$. That is, $0.286 = 1 - (1 \div 1.4)$. It is to ensure that you get to fish all of your monkfish DAS, even though your groundfish DAS are charged at 1.4:1

COD RUNNING CLOCK PROVISION

Q16: Does differential DAS counting affect the “cod running clock” provision?

A16: Yes. Differential DAS counting does affect the cod running clock. See the answers to questions 17, 18, and 19 below for details.

Q17: If I fish for 25 hours, how much cod can I land?

A17: You can land up to an additional day's worth of cod (600 lb from the Gulf of Maine (GOM) or 1,000 lb from Georges Bank (GB)), provided you notify the NOAA Fisheries Service that you intend to land an additional day's worth of cod.

Q18: If I land an additional day's worth of cod, how will my DAS be charged?

A18: If you fish between 24-34 hours outside of the U.S./Canada Management Area and declare that you intend to land an additional day's worth of cod, you will be charged for 48 hours of DAS use. If you fish more than 34 hours outside of the U.S./Canada Management Area and declare that you intend to land an additional day's worth of cod, you will be charged DAS at a rate of 1.4:1. If you have declared your intent to fish exclusively within the U.S./Canada Management Area and harvested fish exclusively within the area, you will be charged up to an additional 24 hours of DAS use, provided you declare that you intend to land an additional day's worth of cod.

Q19: How do I declare that I intend to land an additional day's worth of cod?

A19: If you have a non-VMS vessel fishing under a Category A DAS and catch an additional DAS's worth of GOM or GB cod, you must call out of the DAS program upon landing and declare that you have caught an additional day's worth of cod via the Interactive Voice Response (IVR), or call-in system (888-284-4904). If you have a VMS vessel fishing under a Category A DAS and catch an additional DAS worth of GOM or GB cod, you must declare that you have caught an additional day's worth of cod via VMS prior to crossing the VMS demarcation line on your return to port.

REGULAR B DAS PROGRAM

Q20: What are the trip limits if I flip to a Category A DAS?

A20: The trip limits (groundfish, skate, and monkfish) for vessels fishing under a Regular B DAS under the Regular B DAS Program or under a Category A DAS which apply if a vessels has "flipped" to a Category A DAS are detailed in Tables 3 and 4.

Based on public questions received by NOAA Fisheries Service, additional Q & A's may be posted on the NERO website at <http://www.nero.noaa.gov/nero/hotnews/multiemer/index.html>.

Species	Regular B DAS Landing Limits		Category A DAS Landing Limits
	Trawl Gear	Non-Trawl Gear	All Gear Types
GB cod	100 lb/DAS; 1,000 lb/trip		1,000 lb/DAS, up to 10,000 lb/trip (Western U.S./Canada Area)
			500 lb/DAS, up to 5,000 lb/trip, not to exceed 5% of catch on board (Eastern U.S./Canada Area)
American Plaice	100 lb/DAS, up to 500 lb/trip of all flatfish species combined	100 lb/DAS, up to 1,000 lb/trip	Unlimited
Witch Flounder		100 lb/DAS, up to 1,000 lb/trip	Unlimited
GB Yellowtail Flounder		100 lb/DAS, up to 1,000 lb/trip	10,000 lb/trip, or as modified by the Regional Administrator
GB Winter Flounder		100 lb/DAS, up to 1,000 lb/trip	5,000 lb/trip
White Hake	100 lb/DAS, up to 1,000 lb/trip		1,000 lb/DAS, up to 10,000 lb/trip
Monkfish			
Skates (all species)	500 lb/trip	10,000 lb of skate wings for trips less than 24 hours	10,000 lb of skate wings for trips less than 24 hours
		20,000 lb of skate wings for trips greater than 24 hours	20,000 lb of skate wings for trips greater than 24 hours

Table 3: Groundfish and Skate Landing Limits for Limited Access NE Multispecies Vessels Fishing in the Regular B DAS Program.

Permit Category	Area	Regular B DAS Landing Limits		Category A DAS Landing Limits	
		Trawl Gear	Non-Trawl Gear	Trawl Gear	Non-Trawl Gear
C or D	NFMA	500 lb/trip (whole weight)	400 lb/DAS, or 50% of the total weight of fish on board, whichever is less	No Trip Limit	
	SFMA	500 lb/trip (whole weight) or 50 lb/DAS (tail weight), whichever is less	50 lb/DAS	50 lb/DAS	50 lb/DAS
F	NFMA	500 lb/trip (whole weight)	400 lb/DAS, or 50% of the total weight of fish on board, whichever is less		
	SFMA	500 lb/trip (whole weight) or 50 lb/DAS (tail weight), whichever is less	50 lb/DAS	300 lb/DAS	50 lb/DAS
E	NFMA	500 lb/trip (whole weight)	400 lb/DAS, or 50% of the total weight of fish on board, whichever is less		
	SFMA	500 lb/trip (whole weight) or 50 lb/DAS (tail weight), whichever is less	50 lb/DAS		

Table 4: Monkfish Trip Limits (lb is in tail weight, unless otherwise noted) for Vessels Issued Category C, D, F, or E Monkfish Permits and Fishing in the Regular B DAS Program.