



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

June 18, 2008

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

The New England Fishery Management Council (Council) is considering the creation of new sectors, and the modification of the two existing sectors, under the NE Multispecies Fishery Management Plan (FMP). In preparation for this possibility, NOAA's National Marine Fisheries Service (NMFS) sent out a permit holder letter dated February 22, 2008, notifying you of important deadlines for all limited access NE multispecies vessels interested in participating in a sector for fishing year (FY) 2009. On April 16, 2008, the Council voted to delay until May 1, 2010, the implementation of new sectors in Amendment 16. As a result, NMFS has developed the attached timeline (see Attachment #1) for sector participation in FY 2010, which replaces the previous timeline and submission deadlines specified in the February 22, 2008, permit holder letter. Please note that the milestones of the attached timeline refer to submissions by sector managers or representatives to NMFS; sector managers or representatives may set different timelines and deadlines for prospective members to provide information to the sector.

Important Information for Individual Vessel Owners About Historical Landings Data:

At the April 2008 Council meeting, NMFS staff made a presentation about the quality of the data being used to provide vessel-level landings for computing allocations, including contributions to NE multispecies sector allocations. As noted in the presentation, we are aware of several types of errors in the database that could affect a vessel's historical data, and therefore affect the calculation of that vessel's potential contribution to a sector allocation. For example, there may be missing dealer reports, either due to non-submission by a dealer or to an error in the vessel permit number that attributes the landings to the wrong vessel. There may also be data entry errors for the species or poundage that was reported.

As was discussed at the Council meeting, it is in the interest of vessel owners to request trip-level landings data from NMFS, review it for errors, and request that an error correction be made, should there be documented proof that NMFS's information is incorrect. NMFS is handling a high volume of data requests and you should request your data and any corrections as soon as possible. Please be aware that you will need to allow time for any correction requests to be reviewed and validated. A Data Request Fact Sheet (see Attachment #2) is enclosed that provides instructions on requesting landings data from NMFS. The best way to review your data is to request trip-level data from Vessel Trip Reports and Dealer Reports so that you can compare the two data sets. NMFS prefers to provide this information to you in an Excel spreadsheet via electronic mail (if you provide an email address in your request) or by mailing you a diskette. Hard copy data will be sent only if specifically requested, and will be summarized by month, unless you specify otherwise. Because the regulations require that dealer data be the basis of the sector allocations, owners will need to provide copies of dealer records to prove that an error correction should be made. We urge you to coordinate with your dealers in case they can help document reports that are missing from the database.

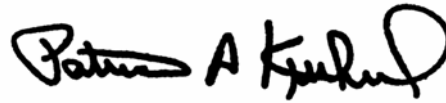


Questions and Answers:

NMFS has received numerous inquiries about sectors. As a result, the attached list (see Attachment #3) of commonly asked questions and their answers has been developed, based on current regulations and policies. This list is not meant to be comprehensive; rather it addresses some of the most frequently asked questions. This Question and Answer document is posted on the NE Regional Office's website at <http://www.nero.noaa.gov/nero/>. Because Amendment 16 is still under development, the answers to these questions could change. As more information becomes available, NMFS will post additional questions and answers on our website.

**Please visit our website or contact either the Council, at (978) 465-0492, or NMFS at (978) 281-9315, if you have any questions regarding Sectors.**

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized and cursive.

Patricia A. Kurkul  
Regional Administrator

Attachments

cc: New England Fishery Management Council

## **Fishing Year (FY) 2010 Timeline for Northeast (NE) Multispecies Sectors**

### **Information for Individual Vessel Owners**

Vessel owners should begin to act now to request landings data if they want to ensure that their landings data are correct in time for the start of FY 2010, on May 1, 2010. The best way to review your data for inaccuracies is to request from the National Marine Fisheries Service (NMFS) trip-level data from Vessel Trip Reports and Dealer Reports so that you can compare the two data sets. NMFS prefers to provide this information to you in an Excel spreadsheet via electronic mail (if you provide an email address in your request) or by mailing you a diskette. Hard copy data will be sent only if specifically requested, and will be summarized by month, unless you specify otherwise. Because the regulations require that dealer data be the basis of the sector allocations, vessel owners will need to provide copies of dealer records to NMFS to prove that an error correction should be made. We urge you to coordinate with your dealers in case they can help document reports that are missing from the database. Verified error correction requests will be processed as soon as possible. Any corrections must be completed prior to NMFS computing a sector's FY 2010 total allowable catch (TAC) allocations.

### **Information About Sector Rosters that were Submitted in March 2008**

On April 25, 2008, NMFS sent tracking sheets to the sector manager, or representative, of each of the sectors proposed for FY 2010. The tracking sheet lists the ownership history of each vessel on that sector's roster and states who currently has the right to see the confidential landings data of each vessel on the roster. These tracking sheets do not contain any landings data. Landings data will not be provided to the sector manager or representative until the manager or representative either submits all necessary confidential data releases to NMFS or informs NMFS that no additional data releases will be submitted.

Approximately 60 days after the sector manager or representative submits the confidential data releases for all vessels on the tracking sheet (or notifies NMFS that they will not be providing further releases), NMFS will provide to the sector manager or representative trip-by-trip landings data for the qualifying period for each vessel on the roster. Trip-by-trip landings data will not be provided for vessels for which confidential data releases have not been received. Landings data for vessels without confidential data releases may be provided to the sector manager or representative in an aggregate form, provided it is possible to protect the confidentiality of the landings data. Sector TACs for FY 2010 computed based on the rosters submitted in March 2008 will not be provided. Because the implementation of new and modified sectors has been delayed until FY 2010, each sector may change the membership roster submitted in March 2008 and is expected to submit a new roster for FY 2010 (see below).

## **Information About Submitting New Sector Rosters For FY 2010**

Approximately 30 days after a sector submits its proposed FY 2010 roster to NMFS, NMFS will provide an updated tracking sheet to the sector manager or representative. However, rosters submitted prior to September 1, 2008, may not receive updated tracking sheets within 30 days. This is because NMFS is continuing to research the ownership history of each limited access NE multispecies vessel and it is unlikely this will be completed before September 1, 2008.

Approximately 60 days after a sector submits its final FY 2010 roster to NMFS, with the necessary confidentiality releases, NMFS will provide the sector manager or representative with TAC allocations for their sector for each stock authorized by the Council. No vessels may be added to or subtracted from a sector's final roster. If there are changes to a sector's final roster, NMFS will complete the necessary calculations for all other sectors before recomputing the TAC allocations for the sector whose roster has been changed. This may result in that sector beginning operations after May 1, 2010. Further, changes to the final roster may raise confidentiality issues that will affect the computation of the sector's FY 2010 TAC allocations.

**This schedule provides sector managers and representatives flexibility in requesting TAC allocations; however, it is incumbent upon Sector Managers or Representatives to make these requests early enough to meet the May 1, 2010, implementation time line. In order to meet a May 1, 2010, implementation deadline, proposed Sector Operations Plans, signed Sector Contracts, and Environmental Analyses for FY 2010 should be submitted to NMFS by September 1, 2009.**

### **SUMMARY OF TIMELINE**

<b>WHEN</b>	<b>WHAT</b>
April 25, 2008	NMFS sent tracking sheets to the sector manager or representative of each of the 19 proposed sectors.
Approximately 60 days after a sector resolves all confidentiality issues for March 1, 2008, rosters with NMFS	NMFS will provide to the sector manager or representative trip-by-trip landings data for each vessel on the sector roster for the qualifying period.
Approximately 30 days after a sector submits its new FY 2010 roster to NMFS	NMFS will provide an updated tracking sheet to the sector manager or representative.
Approximately 60 days after a sector submits its final FY 2010 roster and resolves all confidentiality issues with NMFS	NMFS will provide the sector manager or representative with TAC allocations for their sector for each stock authorized by the Council.
September 1, 2009	Proposed Sector Operations Plans, signed Sector Contracts, and Environmental Analyses for FY 2010 should be submitted to NMFS.

**NORTHEAST FISHERIES STATISTICS OFFICE**  
**DATA REQUEST FACT SHEET**  
**June 2008**

Northeast Region permit holders provide data about fishing vessel catches and landings by submitting mandatory fishing vessel trip reports and dealer reports. The data submitted are statutorily confidential, as set forth in section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act. Because the information submitted in vessel and dealer reports is confidential, it can only be provided, with limited exceptions, to the individual who submitted the information, unless that individual provides written authorization for the agency to release it to someone else.

In recent months, industry members have asked for clarification of the language that should be used to authorize the release of confidential data to someone other than the submitter. In many cases, individuals thought that language in a bill of sale would be sufficient to address the release of confidential data. However, in most cases, the language included in bills of sale has only been sufficient to satisfy the requirements of the Northeast Region vessel permit regulations [50 CFR 648.4(a)(1)(i)(D)], that specify that fishing and permit histories are presumed to transfer with the vessel unless there is written evidence to the contrary. Most bills of sale submitted by vessel owners use the term "fishing and permit histories" and are sufficient to preserve their rights under this regulation. However, this language is not specific enough to authorize the release of confidential landings information.

This requirement is more stringent than in previous years. Over the past year, a review of the handling of confidential data was conducted. It indicated that existing procedures needed to be modified to assure compliance with the Magnuson-Stevens Act requirements. This fact sheet has been prepared to clarify these requirements.

To request catch/landings data you must:

1. Mail a written request to: **FSO Data Requests, NOAA Fisheries, One Blackburn Drive, Gloucester, MA 01930**, or fax to 978-281-9161. It must include:

- Vessel name
- Federal fishing permit number
- USCG documentation number or State registration number
- Vessel owner name and address
- Information requested, including time period
- Signature and date

2. Specify whether you are requesting dealer reports, vessel trip reports, or both.

3. If you are requesting information for a time period when the vessel was not owned by you, you must submit a written document in which the previous owner authorizes you by name to receive confidential catch/landings records. This language may be included in a purchase and sales agreement, or a separate document signed by the previous owner. Suggested specific language would be, "This transfer conveys to the buyer the right to access all catch records relating to this vessel that were submitted to NMFS while under the ownership of the seller. This authorization is transferable to future owners of this vessel unless authorization is withdrawn by a future seller in a written document."

4. If there are several previous owners, you must obtain a signed authorization from each owner.

Cautions about the use of information received

Many of the management programs developed by the New England and Mid-Atlantic Fishery Management Councils have programs that allow participation only if a vessel has a history of landing a certain species. For example, limited access vessel permits are issued only to vessels with sufficient landings to meet the criteria developed by the Councils. NOAA Fisheries Service staff cannot provide advice about the likelihood that a vessel will or will not qualify for a future limited access program. Eligibility determinations for management programs can be made only after final regulations are implemented to establish the eligibility criteria and review process.

If you have any questions or need more information regarding data requests, please call 978-281-9133.

**Q 1. What is a “sector”?**

- A. The New England Fishery Management Council’s (Council) sector policy defines a “sector” as a group of persons holding limited access vessel permits under the fishery management plan (FMP) through which the sector is being formed, who have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time, and which has been granted a total allowable catch (TAC) in order to achieve objectives consistent with applicable FMP goals and objectives.

The Council is currently working on Amendment 16 to the Northeast (NE) Multispecies FMP. Among other measures, Amendment 16 proposes to make changes to the regulations pertaining to groundfish sectors and is considering the authorization of new sectors and modified versions of the two existing sectors. The Council is proposing that all vessels with a Federal limited access groundfish permit be eligible to join a groundfish sector.

**Q 2. What is the difference between a NE multispecies sector and an Individual Fishing Quota (IFQ)?**

- A. A NE multispecies sector is a voluntary group of vessels that is allocated a TAC for specific species managed under the NE multispecies FMP on an annual basis. A TAC allocated to a sector under the NE Multispecies FMP is a management restriction on a group of vessels participating in a sector during a given fishing year, not a permit to harvest fish that can be held for exclusive use by a person. Unlike an IFQ fishery, there is no individual vessel allocation made by NMFS, nor is there a permanent allocation that could be fished or transferred. Eligible vessels that do not elect to join a sector for a given fishing year would remain in the common pool and fish under common pool rules and regulations during that fishing year. Once a sector’s TAC for a specific stock is reached, all vessels participating in that sector are prohibited from fishing in that specific stock area under a NE multispecies day-at-sea (DAS), possessing or landing regulated species managed under the NE Multispecies FMP, or using gear capable of catching groundfish (unless fishing under recreational or charter/party regulations).

**Q 3. Do I have to join a sector?**

- A. No. Vessel owners are not required to join a sector. Each fishing year a vessel owner may choose to join a sector or not join a sector. If you are interested in joining a sector you must talk to that sector’s manager or representative. Sectors are self-selecting and voluntary, which means that the members of a sector may decide who can join and who cannot join.

- Q 4. If I don't join a sector (i.e., If I remain in the common pool), will I be able to use my DAS when it is to my advantage?**
- A. Vessels that remain in the common pool will continue to be required to follow all implementing regulations under the NE Multispecies FMP. This includes regulations regarding the use of DAS, such as: DAS reductions; differential DAS counting; closed areas; closed seasons; possession limits; and gear restrictions. Amendment 16 will likely change the regulations currently in place for the common pool; however, at this time it is not known what these changes will be.
- Q 5. What happens if I have signed up for a sector and ultimately that sector decides not to accept me?**
- A. Each sector may decide who may participate in that sector. If you have been included on a sector's roster and that sector subsequently refuses to admit you, or your vessel is otherwise ineligible to participate in that sector, your vessel will still be allowed to fish in the common pool. In subsequent fishing years, you may attempt to join that sector again or another sector.
- Q 6. What happens if I enroll in a sector and either the Council and/or NMFS does not authorize that sector to fish in FY 2010?**
- A. If a sector is not authorized for FY 2010 (or any fishing year), the vessels that signed the Sector Contract for that sector would remain in the common pool and fish under the common pool regulations for the fishing year in question.
- Q 7. What happens if I did not own my Federally permitted vessel for the entire qualification period?**
- A. When a vessel with a Federal limited access permit changes ownership, the fishing and permit history transfers with the vessel unless the fishing and permit history are retained in a signed written agreement. Therefore, the current owner of a vessel issued a limited access permit owns the entire historical limited access landings history of that permit. Dealer-reported landings for the entire qualifying period of each limited access permit participating in a sector may contribute to that sector's allocation.
- Dealer and Vessel Trip Report (VTR) data submitted to NMFS are confidential, as set forth in the Magnuson-Stevens Fishery Conservation and Management Act. Therefore, the right for a new vessel owner to see the landings data submitted by the previous owner of the vessel issued the permit does not automatically transfer with the ownership of a limited access permit and vessel. With limited exceptions, you may only have access to the landings data associated with your permit if you generated the landings yourself, or if you have written authorization from the previous owner. If you do not have authorization to access all of the landings data for your permit, the confidential landings data do not count

towards the sector allocation unless they are combined with landings from several permits such that the data are no longer considered confidential.

**Please see the attached Data Request Fact Sheet for detailed information about requesting confidential landings data.**

**Q 8. What happens if my landings records do not agree with NMFS's records?**

- A. The current regulations regarding sectors state: "Documented catch shall be based on dealer landings reported to NMFS." Therefore, NMFS exclusively uses landings reported by dealers to determine the history of a vessel that is applicable to a sector allocation. It is in the interest of vessel owners to request trip-level landings data from NMFS, review it for errors, and request that an error correction be made, should there be documented proof that NMFS's information is incorrect. The best way to review your data is to request trip-level data from Vessel Trip Reports and Dealer Reports so that you can compare the two data sets. NMFS prefers to provide this information to you in an Excel spreadsheet via electronic mail (you must provide an email address) or by mailing you a diskette. Hard copy data will be sent only if specifically requested, and will be summarized by month, unless you specify otherwise. Because the regulations require that dealer data be the basis of the sector allocations, owners will need to provide copies of dealer records to prove that an error correction should be made. We urge you to coordinate with your dealers in case they can help document reports that are missing from the database. Vessel owners who need to contact previous owners to obtain confidentiality releases (see Q 7 above) may also want to ask those owners if they kept their landings records. Such records could be used to identify errors in a vessel's landings data.

**Q 9. May I use more than one gear type in a sector (e.g., gillnet and trawl)?**

- A. At this time, the Council is not proposing restrictions on the number of types of gear that may be used by a single sector. Each sector's Operations Plan must specify the rules under which the sector will operate, including permitted and prohibited gear types. The Environmental Analysis of a sector's operations must include analysis of all the gears that sector will employ.

**It is important to note that neither the Council, nor NMFS, has made final recommendations regarding sectors. Sector rules and restrictions are still under development and answers to these questions could change. We urge you to follow the Council's process and discussions regarding sectors.**