

# **Summary Presentation of White Paper on HMS General Category Permitted Vessels Meeting Commercial Fishing Vessel Safety Exam Requirements**

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# Background

- Request from the Southeastern Fisheries Association to obtain information on the number of vessels possessing a commercial HMS general category permit but not certified as compliant by the USCG for the safety requirements of a commercial fishing vessel.
  - Concern over inequity for vessels that are in compliance.
- At the December 2016 meeting, Council directed staff to provide further information on the issue.
- This issue has also recently been discussed by the Mid-Atlantic Council and the HMS Advisory Panel.



# HMS General Category Permits

- Four general category permits that allow sale of HMS
  - Atlantic Tunas (General, Harpoon, Purse Seine)
  - Swordfish General Commercial,
  - Combination Swordfish/Tunas
  - Atlantic HMS Charter/Headboat
    - Dual purpose permit that authorizes both recreational for-hire and commercial fishing for HMS species.
- All four permits are open access (with the exception of the Purse Seine Atlantic Tunas Permit)



# Commercial Fishing Vessel Exam Requirement

- Effective October 15, 2015, federal law requires all commercial fishing vessels (CFVs) operating outside of 3 nautical to obtain a USCG Commercial Fishing Vessel Dockside Safety Examination at least once every five years.
- To meet the mandatory five-year dockside safety exam requirement, a CFV must have successfully completed an exam on or after January 1, 2013.
- CFV safety equipment requirements vary by vessel size, region fished, and distance from shore that commercial fishing activity takes place.
- A vessel that is commercial fishing is defined as “a vessel that commercially engages in the catching, taking, or harvesting of fish which, either in whole or in part, is intended to enter commerce through sale, barter, or trade.



# HMS General Category Permit Holder Information

- Compared HMS commercial general category permitted vessels with a home port in the South Atlantic Region with the U.S.C.G. Marine Information for Safety and Law Enforcement (MISLE) database.
  - Stores data on marine accidents, pollution incidents, search and rescue cases, law enforcement activities, and vessel inspections/examinations.
- Vessel types included in the summary tables were commercial fishing vessels (CFV), uninspected passenger vessels (UPV), recreational vessels (Rec), inspected vessels (inspected), and “Other.”
- At times, vessels holding an HMS general category permit were not listed in the MISLE database.
  - Due to an error in how the vessel ID was entered or that the vessel had never interacted with the USCG.



# CFV safety exam compliance for all SA vessels holding a HMS general category permit

Vessel Type	CFV Safety Exam	Number of Vessels
CFV	No	135
CFV	Yes	112
UPV	No	109
UPV	Yes	96
Rec	No	322
Rec	Yes	1
Other	No	3
Other	Yes	0
Inspected	Not Required	54
Not in USCG database	N/A	265
Total	-	1,097



# Discussion

- Many HMS general category permitted vessels were not in the MISLE as receiving a CFV safety exam at the time that the analysis was performed.
- Suggests that there may be a relatively high level of non-compliance with the CFV safety exam requirement.
  - Among other confounding factors, dual purpose of the Charter/Headboat permit makes determining non-compliance difficult in some cases.
  - 63% of HMS general category permit holders in the South Atlantic held the Charter/Headboat permit.
  - Both the Mid-Atlantic Fishery Management Council and the National Association of Charterboat Operators have recently suggested splitting the sale and no-sale components of the HMS Charter/Headboat permit into two separate permits.



# Recommendations

- MAFMC Recommendation

- Split HMS Charter/Headboat permit into two permits:

- “Party/Charter No Sale” permit - purely recreational use
- “Party/Charter Sale” permit – mixed recreational and commercial use
  - Would require CFV exam.

- Require HMS logbook or VTR reporting for HMS Charter/Headboat and General Category permit holders

- NACO Recommendation

- Replace HMS Charter/Headboat permit with:

- “HMS Charter/Headboat Recreational permit” - purely recreational
- “HMS Charter/Headboat Commercial permit” - mixed recreational and commercial use

- Would clarify CFV requirements and help enforcement.





# Actions Taken to Improve CFV Exam Compliance

- The USCG and NOAA Fisheries recently provided a statement and news release reminding HMS commercial permit holders of the CFV exam requirements.
- The USCG has notified commercial fishing vessel examiners of the findings of this issue and will continue to follow up in the field with HMS permitted vessels fishing commercially.
- It is believed that compliance will improve through targeted outreach and education of the CFV safety exam requirement coupled with on the water enforcement.
- Updated analysis would likely show improved compliance.



# Questions?

