

**NORTHEAST FISHERIES STATISTICS OFFICE
VESSEL LANDING HISTORY 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 to the Agency to release it to someone else. This may be accomplished at the time of a vessel purchase and sales agreement, or subsequently for specific data needs. In both cases the authorization must be specific and signed by the owner of the information.

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 discussing transfer of permit and fishing history 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.

To request catch/landings data you may:

1. Mail a written request to: FSO Data Requests
NOAA Fisheries
One Blackburn Drive
Gloucester, MA 01930,

Or fax your request to: 978-281-9161
Attn: FSO Data Requests

The request should include: Vessel name & Federal fishing permit number
USCG documentation or state registration number
Vessel owner name, address and phone number
Email address, if applicable
Information requested, including time period
Signature of the vessel owner or authorized agent
Date signed
Authorization(s) to release data, if applicable

2. For all vessel landings requests, trip-level dealer and vessel data for your vessel will be provided, unless otherwise specified in your request or unless a paper copy is requested (see #5 below).

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3. If you are requesting information for a time period when the vessel was not owned by you, you must obtain and submit a written document in which the previous owner(s) 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.
5. Data will be emailed to you as an Excel attachment if an e-mail address is provided with your request; this is the fastest way to receive your data. Data sent via USPS mail will be sent on a CD unless a paper copy is requested. If you require a paper copy of the data to be mailed to you, the landings may be summarized by month and species, depending on the amount of data.

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. Also, be aware that if a dealer reported making purchases from your vessel during the same time period your vessel has a Did Not Fish report on file, those landings may not be counted towards qualification requirements. Eligibility determinations for management programs can be made only after final regulations are implemented to establish the eligibility criteria and review process.

Resolving discrepancies in your vessel's data

If you identify discrepancies or omissions in the dealer purchases reported for your vessel, please contact your local Port Agent and the dealer to resolve.

If you identify errors or omissions in the Vessel Trip Report data, please contact the Vessel Trip Reporting Office at 978-281-9246.

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