

Atlantic States Marine Fisheries Commission

Guiding Principles for Quota Transfer Related to Safe Harbor

Maritime tradition in the United States and around the world has allowed vessel to seek safe harbor under perilous conditions. The following is intended as an informational document for states considering a policy regarding safe harbor and landings due to safe harbor circumstances. It contains common definitions and practices states have used when setting policies regarding landings due to safe harbor.

States with policies for safe harbor and landings associated with safe harbor have done so to assist commercial fishing vessels in need of safe harbor.

Safe Harbor Provision: a port will not reject any deserving, damaged or needful vessel.

Seagoing vessels in need of harbor should declared under one of the following circumstances:

1. **Mechanical Breakdown:** a vessel having a mechanical issue which make the continuation of the voyage unsafe and poses a risk to life and property.
2. **Unsafe Weather Conditions:** A vessel facing an extended period of high winds, waves, ice or other adverse condition which makes the continuation of the voyage unsafe and poses risk to life and property.
 - a. Under this provision some states define high winds as 35+ knots and waves as 10+ feet while others do not have specific wind speed or wave height
3. **Loss of Essential Equipment:** A vessel losing essential gear such as a support system which renders the vessel unable to remain at sea or safely fish.
4. **Medical Emergency:** a member of the crew needs medical attention that necessitates landing at the nearest port.

This guidance is not intended to disregard other circumstances that may prevent a vessel's entry to a state port. For example, a sinking vessel, or a vessel leaking oil or fuel, or a port's capacity to accommodate a vessel, may prevent or delay entry to a port.

Vessels seeking refuge under the provisions of safe harbor may be subject to inspection by the host state Environmental Police to ensure compliance with all laws and regulations.

Vessels seeking safe harbor should call into the state it is seeking harbor from and declare the need for safe harbor and provide the following information:

- Identify the vessel captain's name and vessel name;
- Identify the home state in which they are licensed to commercially fish;
- Describe the nature of the problem;
- Identify the port they intend to enter and the approximate time of arrival;
- Verbally declare the type and amount of fish on board; and
- Provide a call back phone number or other method of contact.
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Circumstances for Requesting Permission for Landing Quota in another State

Vessels that do not have a license to land in the state or jurisdiction it has sought safe harbor should not be allowed to offload fish unless the vessel is determined to be required to remain in port for repairs related to their original landing request or if weather conditions persist for a period which would result in the fish on board becoming unmarketable. A vessel could not offload unless it has been authorized to do so from the host state.

If a vessel is allowed to offload then the host should confirm the home state trip limit(s) for the species on-board. First communication to the home state should come from the vessel captain to determine if the home state is willing to transfer quota to another state. The host state should communicate with the vessel's home state to discuss quota transfers prior to allowing offloading. States should discuss the specifics of the transfer including issues such as who would cover trip limit overages and providing the proper documentation. A packout slip to confirm landings and finalize quota transfers should be provided to the vessels home state.

Examples of offloading policies in states for vessels landing fishing in a state they have sought safe harbor:

1. The vessel cannot land more than the trip limit of the host state it is landing in.
2. Fish beyond the host state trip limit is forfeited to a food bank or similar charity.
3. Authorization to offload fish can be limited according to the willingness of the vessel's home state to accept the fish under that state's fish allocation. The State should contact the home state of the vessel/permit holder to determine if a quota transfer between states could occur.
4. At least one state does not grant permission for vessels to land quota in another state due to weather conditions but do allow for other safe harbor provisions.