



Safe Harbor Guidance

This Safe Harbor Guidance is intended to guide commercial fishing vessels in need of safe harbor for reasons described herein.

August 10, 2016

Sea going commercial fishing vessels who cannot legally enter New York waters will be allowed to enter New York waters and/or dock in a New York port under the following declared circumstances:

- Mechanical Breakdown: A commercial fishing vessel having a mechanical problem that makes the continuation of the voyage unsafe and poses risk to life and property.
- Unsafe weather conditions: A commercial fishing vessel facing an extended period of high winds (35+knots), waves (10+ feet), ice or other adverse condition that makes the continuation of the voyage unsafe and poses risk to life and property.
- Loss of essential equipment: A commercial fishing vessel losing essential gear such as support system that renders the vessel unable to remain at sea or safely fish.
- Significant medical emergency: one which requires immediate medical attention necessary to protect the health of any person on board.

The New York State Department of Environmental Conservation (NYSDEC) may require the vessel captain to independently verify the reason for the unscheduled dockage with a mechanic deemed qualified by New York State, the National Weather Service or a medical professional, as appropriate.

Sea going commercial fishing vessels wishing to enter New York waters and/or dock in a New York port under one of the above declared circumstances must seek prior permission from New York State. A commercial fishing vessel seeking permission to enter New York waters and/or dock in a New York port:

- **SHALL** immediately notify the NYSDEC by calling the 24 hour dispatch at 1-844 DEC ECOS (1-844-332-3267), declare the need for safe harbor and:
 - Identify the caller;
 - Identify the vessel name;
 - Identify the vessel captain's 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.
- **SHALL NOT** offload cargo without the express authorization of and supervision by personnel of the NYSDEC Divisions of Marine Resources or Law Enforcement. Authorization to offload fish may be granted where the fish on board the vessel will

become unmarketable due to the unscheduled dockage. Authorization will be limited according to the willingness of the vessel's home state to accept the fish under that state's fish allocation.

Sea going commercial fishing vessels seeking refuge under this Safe Harbor Guidance are subject to inspection by the United States Coast Guard, other federal agents, and police or peace officers authorized by New York State law to ensure compliance with all laws and regulations.

Sea going commercial fishing vessels must be in compliance with Federal Marine Fisheries Law and the law of the vessel's home state. Fish possession limits will be evaluated subject to the possession limits of the state that the vessel is licensed to land in.

This guidance is not intended to disregard other circumstances that may prevent a vessel's entry to a New York 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. Additionally, NYSDEC may consult with other Federal and State agencies before granting safe harbor to a sea going commercial fishing vessel.

This guidance does not create any rights enforceable by any party and does not restrict or alter the authority or enforcement discretion of the NYSDEC Commissioner or the Commissioner's designee.