

AQUACULTURE & COMMERCIAL FISHING COMPLIANCE

Guidelines for Small Vessel Operations under 5 Net Tonnes

Introduction

For operators in the aquaculture and commercial fishing sectors, understanding the intersection of the Jones Act and the Commercial Fishing Industry Vessel Act is vital. When utilizing specialized vessels for oyster farming or fishing, the "U.S.-built" requirement is a primary concern. However, significant exemptions exist for smaller vessels.

The 5 Net Tonne Exemption

The 46 U.S.C. § 12113 requirements for a "Fisheries Endorsement" (which mandates a U.S.-built hull) apply to vessels that are federally documented.

Documentation Threshold: Only vessels of **5** net tonnes or more must be federally documented. Vessels below this threshold are exempt from federal documentation and, by extension, do not require a federal Fisheries Endorsement to engage in commercial harvesting.

Operators of vessels under **5** net tonnes typically operate under **State Commercial Fishing Licenses**, allowing for the use of foreign-built hulls in state-managed waters for specific harvesting activities.

Permitted Activities for Foreign-Built Small Vessels

1. Harvesting and Tending

Using a vessel to tend oyster cages, move bags within a lease, or harvest marine life for your own commercial operation is generally permitted. These activities are viewed as "harvesting" rather than "point-to-point transportation."

2. Transportation of "Gear"

Nets, cages, rakes, and other fishing tackle are considered "equipment of the trade." Transporting your own gear to your lease or fishing grounds is permitted.

3. Incidental Transport

Bringing your own catch from the harvesting site back to your own dock is typically considered incidental to the fishing activity and does not violate the Jones Act merchandise restrictions.

Prohibited Activities (Compliance Risks)

To maintain compliance, foreign-built small vessels should avoid the following "transportation" activities:

Activity	Status	Reasoning
Third-party catch delivery	Prohibited	Considered merchandise transportation between two U.S. points.
Commercial towing of other vessels	Prohibited	Violates the Towing Statute (46 U.S.C. § 55111).
Freight delivery for other farms	Prohibited	Classified as commercial coastwise trade.

Compliance Summary

- **Weight Verification:** Ensure your vessel is certified under 5 net tonnes.
- **State Licensing:** Maintain valid state commercial fishing and aquaculture permits.
- **Operational Scope:** Use the vessel strictly for your own farm's gear and harvest to avoid "transportation" triggers.

***Disclaimer:** This guide provides general information and is not legal advice. Regulatory enforcement can vary by district. Owners should consult with maritime experts or legal counsel to ensure specific operations meet all state and federal requirements.*