



Surfclam/Ocean Quahog Summary of Regulations

INTRODUCTION

This summary is not a substitute for the regulations; rather, it provides a broad overview of restrictions and requirements of NOAA's National Marine Fisheries Service (NMFS). Citations to the relevant sections of Title 50 part 648 of the Code of Federal Regulations are provided throughout this summary. You are strongly encouraged to read the regulations in conjunction with this information sheet to fully understand how this fishery is managed.

Individual states may set different regulations for their commercial fisheries. In cases where state measures conflict with Federal regulations, fishery participants must adhere to the more restrictive state or Federal measure.

GENERAL INFORMATION

Since 1977, the surfclam/ocean quahog fishery has been managed under a Fishery Management Plan developed by the Mid-Atlantic Fishery Management Council. With the exception of the Maine mahogany quahog zone fishery, the fishery has operated under an individual transferable quota (ITQ) management system since 1990.

PERMITS

There are three categories of permits in the fishery. Two are open access permits, one for surfclam and one for ocean quahog. These two permits, although open access, are ITQ permits for their respective species. To fish under these open access ITQ permits, a permit holder must have previously received an allocation or must obtain allocation through an allocation transfer. The third permit category is a limited access permit, and is only for harvesting Maine mahogany quahogs north of 43°50' N. latitude.

ITQ ALLOCATIONS (§ 648.70)

Each fishing year (FY), NMFS determines the initial allocations of surfclams and ocean quahogs for the next FY by multiplying the total quota by each allocation holder's allocation percentage. Each allocation is then converted to a number of clam cage tags (1 tag = 32 bushels or 60 ft³).

CAGE TAG TRANSFER PROGRAM (§ 648.70)

An ITQ permit holder who owns an allocation may transfer part or all of his/her allocation to any qualified entity. There are two types of transfers available: Permanent ITQ allocation transfers and temporary cage tag transfers. There is no limit on the number of transfers permitted per year. An application for transfer may not be made between October 15 and December 31 of each year. The cage tag transfer form can be obtained by calling (978) 281-9177 or at: <http://www.nero.noaa.gov/sfd>

CAGE TAGS (§ 648.75)

At the beginning of each FY, NMFS publishes a notice in the Federal Register announcing an approved vendor for cage tags. Each allocation permit comes with instructions for ordering the appropriate cage tags. The number of tags authorized is based on the owner's initial allocation and any allocation received through transfers. Each tag represents 32 bushels of clams.

Tags expire at the end of the FY for which they are issued. If tags are lost or stolen, the owner must notify NMFS, with the number s of the lost/stolen tags, by telephone as soon as the loss or theft is discovered and in writing within 24 hours. Thereafter, the reported tags are no longer valid for use. Lost or stolen tags may be replaced if the proper notice was provided. Replacement tags may be purchased from the

vendor with a written authorization from NMFS.

Before offloading, all cages that contain surfclams or ocean quahogs must be tagged with a valid tag. It must be fixed on or as near as possible to the upper crossbar of the cage. The tag or tags must not be removed until the cage is emptied by the processor, at which time the processor must promptly remove and retain the tag(s) for 60 days beyond the end of the calendar year, unless otherwise directed by authorized law enforcement agents.

If a vessel fishing under an IFQ allocation is not capable of carrying cages, it must offload unshucked surfclams or ocean quahogs into properly tagged cages.

MINIMUM SIZE (§ 648.72)

The minimum length for surfclams is 4.75 inches. Length is measured at the longest dimension of the surfclam shell. No more than 50 surfclams in any cage may be less than the minimum size limit. If more than 50 surfclams in any inspected cage of surfclams are less than 4.75 inches in length, all cages landed on that trip are deemed to be in violation of the minimum size restriction. However, the minimum size limit is considered, and may be suspended, on an annual basis. To determine if there is currently a minimum size limit, you may call the Sustainable Fisheries Division at 978-281-9315. There is no Federal minimum size limit for ocean quahogs.

MAINE MAHOGONEY QUAHOG ZONE REQUIREMENTS (§ 648.76)

A vessel issued a limited access Maine mahogany quahog permit and fishing for or possessing ocean quahogs within the Maine mahogany quahog zone (north of 43°50' N. latitude) must land its catch in the State of Maine. The annual quota for harvest of mahogany quahogs from within the Maine mahogany quahog zone is 100,000 Maine bushels (1 Maine bushel = 1.2445 ft³). The quota may be revised annually.

Catch from vessels with IFQ permits fishing in the Maine mahogany quahog zone will be counted against their respective surfclam or ocean quahog allocation.

All mahogany quahogs landed for sale in Maine by vessels issued a Maine mahogany quahog permit and not fishing for an IFQ allocation are applied against the Maine mahogany quahog quota, regardless of where the mahogany quahogs are harvested.

SHUCKING AT SEA (§ 648.74)

A vessel owner may apply to NMFS to shuck surfclams or ocean quahogs at sea. If approved, NMFS will determine whether such trips will require an at-sea observer. Additionally, NMFS will publish notification in the Federal Register to determine a conversion factor for shucked meats to accurately calculate the amount of surfclams or ocean quahogs harvested in the shell.

REPORTING REQUIREMENTS

Any vessel issued a surfclam or ocean quahog permit is required to have an operational vessel monitoring system (VMS). Also, the owner or operator of any vessel issued an ocean quahog/surfclam permit must maintain on board the vessel and submit to NMFS an accurate surfclam/ocean quahog report for all fishing trips. Surfclam/ocean quahog reports must be postmarked or received within 3 days after the end of each reporting week. Additionally, if species other than surfclam or ocean quahog are being retained, an additional fishing vessel trip report (VTR) must be submitted to NMFS as well. Instructions for completing the VTR can be found at: www.nero.noaa.gov/fso

SALE/PURCHASE REQUIREMENTS

Surfclams or ocean quahogs may be sold only to persons possessing a valid surfclam/ocean quahog dealer permit. Surfclams or ocean quahogs must be purchased only from vessel owners possessing a valid surfclam or ocean quahog vessel permit.

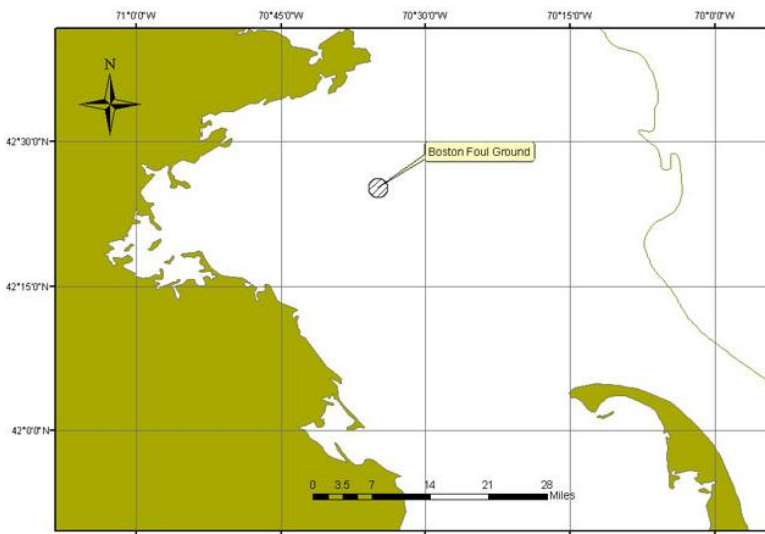
All federally permitted seafood dealers are required to report all purchases of fish to NMFS via computer, using one of the approved electronic means, unless otherwise directed by NMFS. For more information on dealer reporting, please call the dealer electronic reporting help desk at (978) 281-9212 or contact your local NMFS Field Office: www.nero.noaa.gov/fso/portoff.pdf

CLOSED AREAS (§ 648.73)

There are a number of areas closed to the harvesting of surfclams/ocean quahogs. Such areas are closed either due to environmental degradation, concentrations of undersized surfclams, or due to toxins that cause paralytic shellfish poisoning (PSP). See the attached images for charts and coordinates of closure areas.

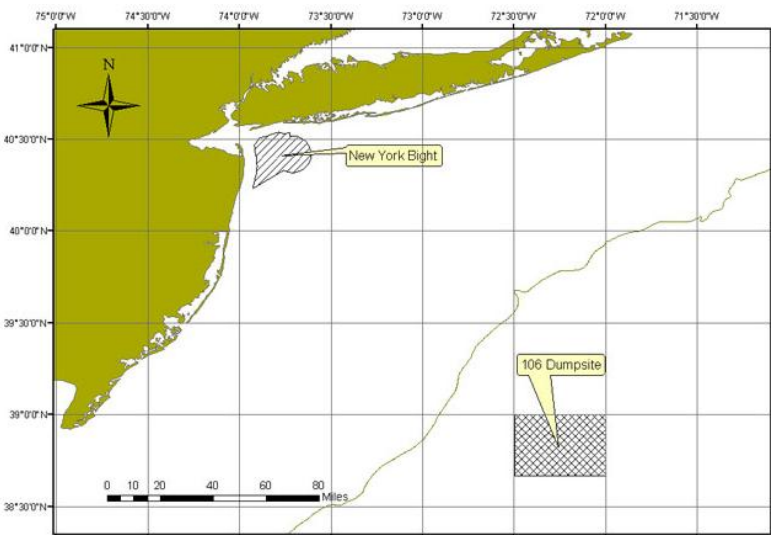
CLOSURE AREAS

BOSTON FOUL GROUND



The Boston Foul Ground is closed to all surfclam or ocean quahog fishing and is located at 42°25'36" N. lat., 70°35'00" W. long., with a radius of 1 nautical mile in every direction from that point.

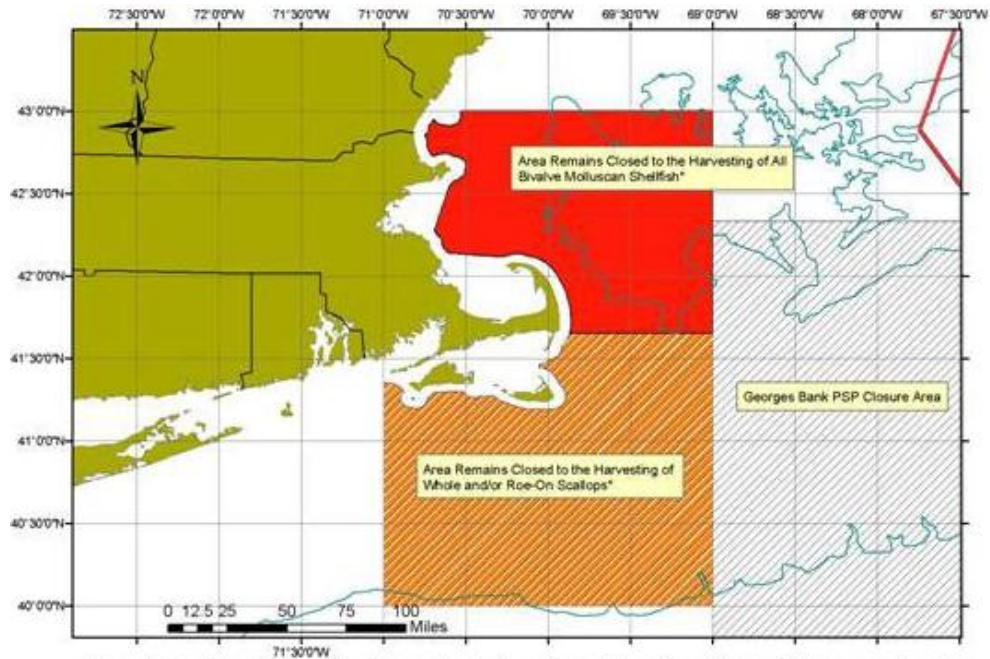
NEW YORK BIGHT AND 106 DUMPSITE



The New York Bight and 106 dumpsite is closed to all surfclam or ocean quahog fishing. The 106 Dumpsite is defined by straight lines connecting the following points in the order stated:

| 106 Dump Site | | |
|---------------|---------|---------|
| Point 1 | 39° 00' | 72° 30' |
| Point 2 | 39° 00' | 72° 00' |
| Point 3 | 38° 40' | 72° 00' |
| Point 4 | 38° 40' | 72° 30' |
| Point 1 | 39° 00' | 72° 30' |

PSP CLOSURE AREAS



*Exception allowed for scallop harvesting with onboard shucking of the adductor muscle only.

The northern portion of the Temporary PSP Closure Area is closed to all bivalve molluscan shellfish fishing, with the exception of sea scallop adductor muscles harvested and shucked at sea.

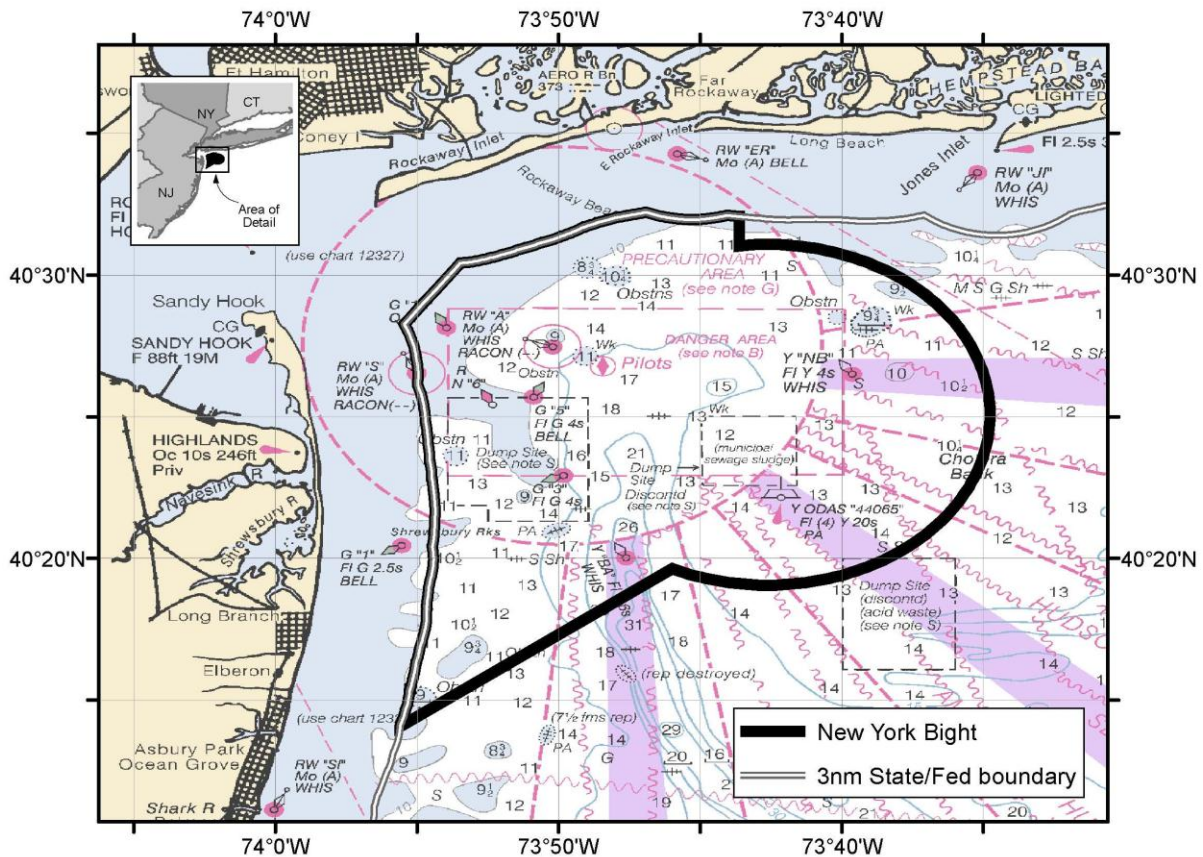
The southern portion of the Temporary PSP Closure Area is closed to the harvest of whole or roe-on scallops with all other bivalve shellfish harvests permitted. Therefore, Atlantic surfclam and ocean quahogs may be harvested from this area.

Both areas include all Federal waters and are defined by connecting the points in the order stated below.

| Northern Temporary PSP Closure Area | | |
|-------------------------------------|---------|---------|
| Point 1 | 43° 00' | 71° 00' |
| Point 2 | 43° 00' | 69° 00' |
| Point 3 | 41° 39' | 69° 00' |
| Point 4 | 41° 39' | 71° 00' |
| Point 1 | 43° 00' | 71° 00' |

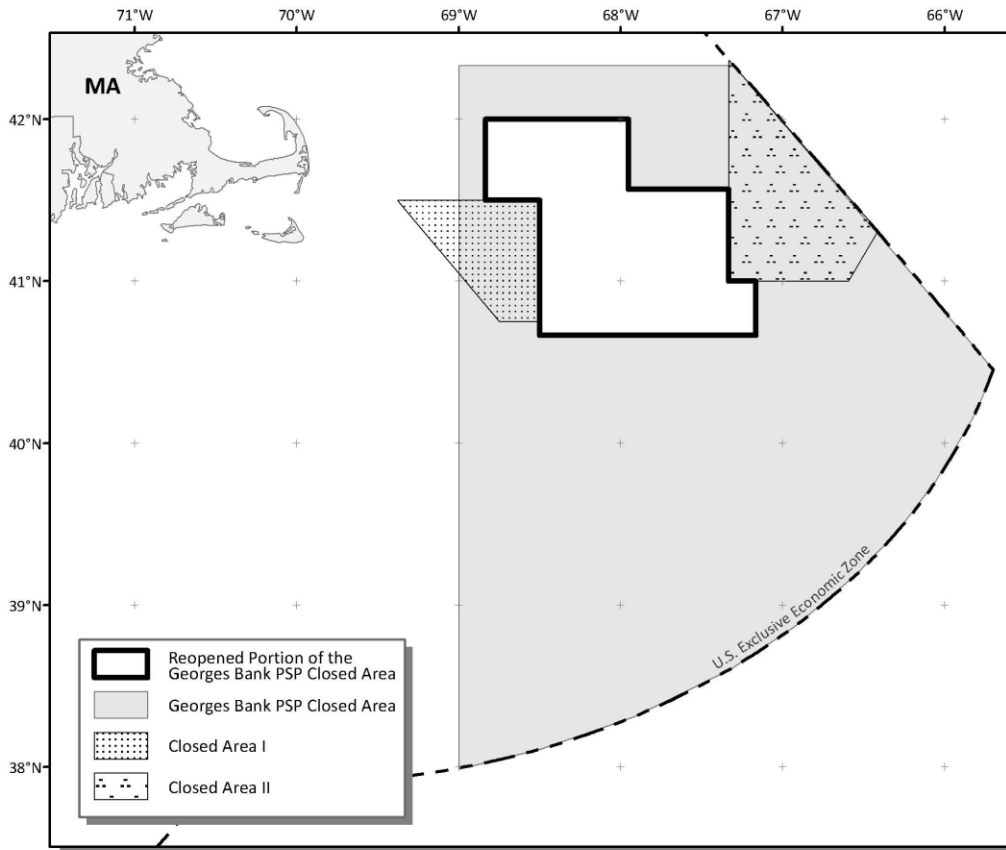
| Southern Temporary PSP Closure Area | | |
|-------------------------------------|---------|---------|
| Point 1 | 41° 39' | 71° 00' |
| Point 2 | 41° 39' | 69° 00' |
| Point 3 | 40° 00' | 69° 00' |
| Point 4 | 40° 00' | 71° 00' |
| Point 1 | 41° 39' | 71° 00' |

NEW YORK BIGHT



The New York Bight Closure Area is closed to all surfclam or ocean quahog harvesting and is located at 40°25'04" N. lat., 73°42'38" W. long., with a radius of 6 nm in every direction from that point, extending further northwestward, westward, and southwestward between a line from a point on the arc at 40°31'00" N. lat., 73°43'38" W. long., directly northward toward Atlantic Beach Light in New York to the limit of the state territorial waters of New York; and a line from the point on the arc at 40°19'48" N. lat., 73°45'42" W. long., to a point at the limit of the state territorial waters of New Jersey at 40°14'00" N. lat., 73°55'42" W.

GEORGES BANK PSP CLOSED AREA AND REOPENED PORTION OF THE CLOSED AREA



The Georges Bank PSP contaminated area, is closed to all bivalve molluscan shellfish fishing and is located east of 69° W. longitude, and south of 42°20' N. latitude and extends to the boundary of the exclusive economic zone. However, a portion of the Georges Bank Closed Area is reopened for Atlantic surfclam and ocean quahog harvesting provided specified PSP testing requirements are followed. In addition to the requirements of the traditional Atlantic surfclam/ocean quahog fishery, to fish in the reopened area, a vessel must also do the following:

1. Obtain a letter of authorization (LOA) from the NMFS. The LOA must be carried onboard for all trips into the area. The LOA application will be sent out annually in your permit renewal package or it can be obtained by calling the Permits Division at (978) 282-8438; and
2. The vessel must adhere to the terms and conditions of the testing protocol. All surfclams and ocean quahogs harvested from the area must be handled in accordance with the terms and conditions of the protocol from the first point of harvest through completion of testing and release by the State Shellfish Control Authority (SSCA). The protocol is located at www.nero.noaa.gov/sfd/clams/ApprovedProtocol.pdf; and

3. Submit to NMFS a document from the SSCA detailing that the state will accept your vessel's landings. Please note that the SSCA may also require you to develop an agreement of understanding with the state, outlining any additional requirements the state may have; and
4. Develop and submit to NMFS a written onboard lot segregation plan. The SSCA in the intended state of landing and the U.S. Food and Drug Administration must approve the proposed lot segregation plan. The plan must also be maintained onboard the vessel conducting the harvesting; and
5. Prior to leaving port at the start of a fishing trip, the vessels' owner or operator must declare its intent to fish in the area by calling the Northeast VMS Team at (978) 281-9274. The vessels' owner or operator must also declare either an Atlantic surfclam or ocean quahog trip through the vessel's VMS unit. In the future VMS codes will be developed that are specific to the Reopened Portion of the GB Closed Area. In the meantime, vessels will have to declare their intent to fish in the area by calling the Northeast VMS Team at the start of a trip as well as declaring an Atlantic surfclam or ocean quahog trip on their VMS unit.

| Reopened Portion of the Georges Bank PSP Closed Area | | |
|--|--------|--------|
| ROA1 | 42°00' | 68°50' |
| ROA2 | 42°00' | 67°57' |
| ROA3 | 41°34' | 67°57' |
| ROA4 | 41°34' | 67°20' |
| ROA5 | 41°00' | 67°20' |
| ROA6 | 41°00' | 67°10' |
| ROA7 | 40°40' | 67°10' |
| ROA8 | 40°40' | 68°30' |
| ROA9 | 41°30' | 68°30' |
| ROA10 | 41°30' | 68°50' |