



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

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**Atlantic Mackerel Fishery**  
**New Limited Access Permit System**  
*New Vessel Permits Required as of March 1, 2012*

**Why we're writing to you**

On March 1, 2012, a new vessel permit program will go into effect for Atlantic mackerel. This program was developed by the Mid-Atlantic Fishery Management Council in Amendment 11 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (Amendment 11).

In order to fish for, possess or land mackerel after March 1, 2012, your vessel must be issued one of the new permits.

**This package includes**

- An initial application for a limited access mackerel permit (**Attached**);
- Descriptions of the new permits (**page 2**);
- Instructions on how to apply for the new limited access mackerel permit (**page 2**);
- Requirements for qualifying for the new limited access mackerel permit (**page 3**);
- A table displaying the new permit qualification criteria (**pages 6 - 8**); and
- Frequently asked questions (**pages 9 - 14**)

**Where to get more information**

Please review the information in this letter carefully to determine which permit you want to apply for and for an overview of the new restrictions for each permit. Although this letter provides the information you need to apply for a new mackerel permit, you may also want to review the regulations, which can be found on our website at [www.nmfs.nero.com](http://www.nmfs.nero.com).

This is a new program with many new requirements. If you find that you need assistance with your application or have questions about the restrictions, please do not hesitate to call us.

If you have questions:

- About the permit application or limited access program requirements listed in this letter, contact the NERO Permits Office at 978-282-8438.
- About possession limits, other mackerel fishery restrictions, or need background information on these new measures, call Sustainable Fisheries at (978) 281-9315.



## The new mackerel permits and possession limits

You will need to apply for one of three different limited access mackerel permits. Each permit type has different eligibility requirements (see tables on pages 6 - 8) and different restrictions. The program is designed so that vessels will qualify for a permit type that reflects their historic or recent level of participation in the fishery.

Permit	For vessels with...	Possession limit when fishery is open	Possession limit when 90% of quota is taken	Possession limit when 100% of quota is taken
Tier 1 limited access	The highest level of historic participation	No possession limit	20,000 lb	Possession prohibited
Tier 2 limited access	A moderate level of historic participation	135,000 lb	20,000 lb	Possession prohibited
Tier 3 limited access**	A low level of historic participation	100,000 lb	20,000 lb	Possession prohibited
Open Access	Any vessel that does not qualify for above, as well as new participants	20,000 lb	20,000 lb	Possession prohibited

\*\*Vessels issued Tier 3 permits will be limited to no more than 7% of the annual commercial quota. When 90% of the Tier 3 allocation has been reached, the possession limit would be reduced from 100,000 lb to 20,000 lb.

### How to apply for a limited access mackerel permit

To get a new limited access mackerel permit, you will have to submit the ATTACHED application. We will use mackerel landings information submitted for your vessel by dealers to determine your vessel's eligibility, along with any additional valid landings records that you submit. You will only be issued one kind of limited access permit.

### How to apply for an open access mackerel permit

If you would like an open access mackerel permit only and currently have a mackerel permit, you do not need to submit an application. All currently permitted mackerel vessels will be automatically issued open access mackerel permits on March 1, 2012. If you do not have an open access mackerel permit but would like one, simply indicate that you'd like an open access permit on the permit renewal pre-print for the 2012 fishing year (you'll get this in the mail shortly).

## **When to apply**

Please submit your application as soon as possible. If you would like to be issued one of the new limited access mackerel permits by March 1, 2012, you will need to submit an application by January 31, 2012. If we receive your application after January 31, 2012, or if your application is incomplete, we are unlikely to be able to process it in time to issue you a limited access permit for March 1, 2012.

If you currently have a mackerel permit, and we do not receive your application by January 31, 2012, you will be issued an open access mackerel permit. On March 1, 2012, you will be issued an open access permit if you do not qualify for a limited access permit. We will replace your open access permit with a limited access permit if you qualify at a later date.

If you decide not to apply for a limited access mackerel permit right away, the final deadline for submitting an application for a limited access mackerel permit is February 28, 2013. This gives you just over one year to apply for the permit. We will not consider applications for a limited access mackerel permit that are postmarked after that date, so if you are interested in this permit, be sure that your application is received or postmarked no later than February 28, 2013. Please note that your vessel will be issued an open access mackerel permit, which allows a lower possession limit than for a limited access permit.

## **How to determine if you are eligible for a limited access mackerel permit**

To qualify for a limited access permit, the vessel you list on your application must meet two requirements (detailed for each permit type on pages 6 - 8):

1. It must have been issued a Federal permit to fish for mackerel during a specific period; and
2. It must have landed at least a certain amount of mackerel within a specific period of time.

In order for your vessel to qualify for any of the limited access vessel permits, your vessel must meet both the permit and landings criteria specified for each permit type. Your vessel's permit and landings history must be derived from the same vessel or have been joined on a vessel through a Northeast Region vessel replacement completed before March 21, 2007. You can apply using history retained from another vessel that meets the above qualification requirements and any additional requirements on pages 6 - 8.

## **Applying for a limited access permit using history of a vessel you no longer own**

You can use the permit and fishing history of a vessel that was owned by various owners at different times during the qualification period to qualify more than one vessel for a limited access mackerel permit. Each owner who applies for a limited access mackerel permit must independently meet the permit and landing qualifications.

If you no longer own the vessel, you must provide documentation with your application to verify that you have the rights to the permit and landings history. This could be a bill of sale, purchase and sale agreements, contracts, or other agreement between the buyer and seller. The agreement must be signed by both the buyer and seller.



Owners that split a mackerel permit and landings history from other limited access permits must have retained the mackerel history prior to April 3, 2009.

If you are applying for a limited access mackerel permit using a retained vessel history, the vessel named on the application must have also held a mackerel permit that was valid on March 21, 2007. Applicants must be able to provide vessel size information for the vessel that created the retained history, and the new applicant vessel in order to show that the vessel issued the permit meets the vessel size upgrade restrictions (see page 13).

### **Applying for a confirmation of permit history (CPH)**

You can apply for a CPH if you have a qualifying mackerel eligibility (permit and landings history), but no longer own a fishing vessel. The CPH application is provided in the application package. If you need an additional copy, the application is also available online at [nero.noaa.gov](http://nero.noaa.gov) on the "Permit Office" page, or can be requested by phone at (978) 281-9370.

### **Vessel baselines and size restrictions**

Vessel size baseline and upgrade restrictions will also apply to all new limited access mackerel permits. A table showing how your new mackerel permit baseline will be determined is provided on page 12 under Frequently Asked Questions.

The new limited access vessel permit program has the same vessel size limits previously in effect for Atlantic mackerel. This means that mackerel permits (both limited and open access) will only be issued to vessels that are less than 165 ft in length overall, less than 650 gross registered tons, and with a horsepower under 3,000. If you have a vessel larger than any of these measurements, contact the Permits Office for information on how to get an at-sea processing permit.

### **New vessel baseline specification for Tier 1 and Tier 2 permits**

If you are issued a Tier 1 or Tier 2 limited access mackerel permit, you must submit a fish hold volume certification by December 31, 2013. If you submit a vessel replacement application prior to that date, you must submit a hold certification with the application.

### **What to do if you receive a denial letter**

After we have reviewed your application, we will either issue or deny the permit that you have requested. If you receive a denial letter, you can appeal the decision, but you must support your appeal. To appeal, you must do these two important things:

- Submit a written appeal, postmarked no later than 30 days after your receipt of the denial;
- Include in your appeal evidence to support your appeal. This may include additional landings records, affidavits by dealers, and other evidence.

Your denial letter will provide detailed instructions for your appeal options. We will send all permit denials by certified mail. If you do not sign for them and they are returned to us, we will resend the denial by regular mail. We will use the date we sent you the letter by regular mail as the date starting the 30-day appeal deadline.

If you are denied a second time, you can appeal the second denial by following the same steps as above. Your second appeal will be considered by a hearing officer. You may therefore request that your second appeal be conducted in person or over the phone with the hearing officer.

During your appeal, you may request a Letter of Authorization (LOA) to fish under the regulations for the limited access permit category for which you applied. You will be able to fish under this LOA until a final decision on your appeal has been made. If you request an LOA, the request must be made in writing, must indicate the permit category you are appealing for, and may be submitted with your letter of appeal.

**Table 1 – Tier 1 Limited Access Permit Eligibility Requirements**  
 (Each vessel must meet both the permit and landing requirement at time of application.)

If...	You will need to meet the following eligibility requirements...		
	Permit Requirement	Landing Requirement	Baselines and Fish Hold Certification
You are applying with the vessel that created the permit and landings history	Your vessel must have been issued a Federal mackerel permit that was valid on March 21, 2007.	Your vessel must have landed at least 400,000 lb (149.3 mt) of mackerel in any one calendar year between January 1, 1997, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for your vessel at the time of application; and</li> <li>• A fish hold volume certification by December 31, 2013, or with your next vessel replacement, whichever is sooner.</li> </ul>
Your vessel was sold, destroyed, or transferred before March 21, 2007, and a mackerel permit was not issued to your replacement vessel as of March 21, 2007	Your vessel must have been issued a Federal mackerel permit between March 21, 2006, and March 21, 2007	Your vessel must have landed at least 400,000 lb (149.3 mt) of mackerel in any one calendar year between January 1, 1997, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for your vessel at the time of application; and</li> <li>• A fish hold volume certification by December 31, 2013, or with your next vessel replacement, whichever is sooner.</li> </ul>
You are applying with a vessel that is replacing another vessel that created the permit and landings history	Your vessel must be replacing a vessel that was issued a Federal mackerel permit that was valid on March 21, 2007.	Your vessel must be replacing a vessel that landed at least 400,000 lb (149.3 mt) of mackerel in any one calendar year between January 1, 1997, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for BOTH the old and new vessels. The vessel that will be issued the permit must meet the upgrade restrictions.</li> <li>• A fish hold volume certification by December 31, 2013, or your next vessel replacement, whichever is sooner.</li> </ul>
You split your mackerel history from other limited access permits	Prior to April 3, 2009, you must have retained the permit and landings history of a vessel that was issued a Federal mackerel permit that was valid on March 21, 2007.	Prior to April 3, 2009, you must have retained the permit and landings history of a vessel that landed at least 400,000 lb (149.3 mt) of mackerel in any one calendar year between January 1, 1997, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for BOTH the old and new vessels. The vessel that will be issued the permit must meet the upgrade restrictions.</li> <li>• A fish hold volume certification by December 31, 2013, or your next vessel replacement, whichever is sooner.</li> </ul>



**Table 2 – Tier 2 Limited Access Permit Eligibility Requirements**  
 (Each vessel must meet both the permit and landing requirement at time of application.)

If...	You will need to meet the following eligibility requirements...		
	Permit Requirement	Landing Requirement	Baselines and Fish Hold Certification
You are applying with the vessel that created the permit and landings history	Your vessel must have been issued a Federal mackerel permit that was valid on March 21, 2007.	Your vessel must have landed at least 100,000 lb (37.3 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for your vessel at the time of application; and</li> <li>• A fish hold volume certification by December 31, 2013, or with your next vessel replacement, whichever is sooner.</li> </ul>
Your vessel was sold, destroyed, or transferred before March 21, 2007, and a mackerel permit was not issued to your replacement vessel as of March 21, 2007	Your vessel must have been issued a Federal mackerel permit between March 21, 2006, and March 21, 2007	Your vessel must have landed at least 100,000 lb (37.3 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for your vessel at the time of application; and</li> <li>• A fish hold volume certification by December 31, 2013, or with your next vessel replacement, whichever is sooner.</li> </ul>
You are applying with a vessel that is replacing another vessel that created the permit and landings history	Your vessel must be replacing a vessel that was issued a Federal mackerel permit that was valid on March 21, 2007.	Your vessel must be replacing a vessel that landed at least 100,000 lb (37.3 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for BOTH the old and new vessels. The vessel that will be issued the permit must meet the upgrade restrictions.</li> <li>• A fish hold volume certification by December 31, 2013, or your next vessel replacement, whichever is sooner.</li> </ul>
You split your mackerel history from other limited access permits	Prior to April 3, 2009, you must have retained the permit and landings history of a vessel that was issued a Federal mackerel permit that was valid on March 21, 2007.	Prior to April 3, 2009, the vessel owner retained the permit and landings history of a vessel that landed at least 100,000 lb (37.3 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for BOTH the old and new vessels. The vessel that will be issued the permit must meet the upgrade restrictions.</li> <li>• A fish hold volume certification by December 31, 2013, or your next vessel replacement, whichever is sooner.</li> </ul>

**Table 3 – Tier 3 Limited Access Permit Eligibility Requirements**  
 (Each vessel must meet both the permit and landing requirement at time of application.)

If...	You will need to meet the following eligibility requirements...		
	Permit Requirement	Landing Requirement	Baselines
You are applying with the vessel that created the permit and landings history	Your vessel must have been issued a Federal mackerel permit that was valid on March 21, 2007.	Your vessel must have landed at least 1,000 lb (0.4 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for your vessel at the time of application.</li> </ul>
Your vessel was sold or destroyed or transferred before March 21, 2007, and a mackerel permit was not issued to your replacement vessel as of March 21, 2007	Your vessel must have been issued a Federal mackerel permit between March 21, 2006, and March 21, 2007	Your vessel must have landed at least 1,000 lb (0.4 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for your vessel at the time of application.</li> </ul>
You are applying with a vessel that is replacing another vessel that created the permit and landings history	Your vessel must be replacing a vessel that was issued a Federal mackerel permit that was valid on March 21, 2007.	Your vessel must be replacing a vessel that landed at least 1,000 lb (0.4 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for BOTH the old and new vessels. The vessel that will be issued the permit must meet the upgrade restrictions.</li> </ul>
You split your mackerel history from other limited access permits	Prior to April 3, 2009, you must have retained the permit and landings history of a vessel that was issued a Federal mackerel permit that was valid on March 21, 2007.	Prior to April 3, 2009, the vessel owner retained the permit and landings history of a vessel that landed at least 1,000 lb (0.4 mt) of mackerel in any one calendar year between March 1, 1994, and December 31, 2005.	You must submit: <ul style="list-style-type: none"> <li>• Baseline information (LOA, GRT, NT, HP) for BOTH the old and new vessels. The vessel that will be issued the permit must meet the upgrade restrictions.</li> </ul>



## Frequently Asked Questions

**Q: When is the application period open?**

Your application for a limited access mackerel permit must be received or postmarked by February 28, 2013. You may not apply for a limited access mackerel permit after that date, so if you are interested in this permit, be sure to submit your application is postmarked by February 28, 2013.

**Q: What will happen on March 1, 2012?**

All vessels that are currently issued mackerel permits will be issued one of the new permits shortly before March 1, 2012. If we receive your application for a limited access permit by January 31, 2012, there will be time for us to review it and issue you limited access permit, if the vessel meets all of the eligibility criteria. All other vessels will be issued an open access mackerel permit shortly before March 1, 2012. Unless your vessel is issued a limited access permit by March 1, 2012, you will be limited to a 20,000-lb possession limit while your application is being reviewed.

We will continue to review applications that are received after January 31, 2012, and will issue limited access permits to vessels as we determine they are eligible.

**Q: Can I be issued more than one type of mackerel permit?**

No, a vessel can only be issued one type of mackerel permit at a time.

**Q: Can I request my landings data from NOAA Fisheries Service?**

Yes. You can request landings data from us for any period of time during which you owned the vessel, or for any period of time that you can prove with legal documentation that the prior owner authorized you to access his/her confidential landings data. Data requests should be submitted via email to [FSO.Data.Requests@noaa.gov](mailto:FSO.Data.Requests@noaa.gov) or by mail to the following address:

NMFS/Northeast Regional Office  
DATA REQUEST  
55 Great Republic Drive  
Gloucester MA 01930

**Q: Can pair trawl vessels share landings in order to meet the landings eligibility criteria?**

Yes. The owners of vessels involved in the pair trawl operation must agree on how to divide landings between the two vessels and apply for permits jointly. Landings must be verified by dealer reports, dealer receipts, or affidavits, as detailed above.

**Q: If I sold a vessel with limited access permits on it, but retained the mackerel history through the use of a purchase and sale agreement, can I apply for a limited access mackerel permit using that retained history?**

Yes, as long as you have a signed purchase and sale agreement that shows that you retained the history prior to April 3, 2009. The retained history must meet both the permit and landings requirements of the eligibility criteria. When you apply, you'll need to provide the baseline information for the vessel that created the history AND the applicant vessel in order to use this provision. The permit can be issued to the applicant vessel only if the size attributes are within the maximum established by the management program (see the upgrade restrictions in the table on page 12 of this letter).

You can retain the history even if you sold your vessel with other limited access permits (permit splitting), as long as it was done before April 3, 2009. However, once you are issued a limited access mackerel permit, any new limited access permits you qualify for must remain as a package with the mackerel permit.

**Q: I don't own a fishing vessel anymore. Can I apply for a Confirmation of Permit History (CPH) for my mackerel permit?**

Yes. If you no longer own a fishing vessel because it has sunk, been destroyed, sold, or transferred, but have not replaced it and have documentation to show that you retained its permit and fishing history, you can apply to have your mackerel permit put into CPH.

If you put your mackerel permit in CPH, you will be able to hold onto the limited access eligibility so that you can use it on a replacement vessel in the future. Once a CPH has been issued, your limited access mackerel permit could be issued to a replacement vessel, provided the baseline measurements of the replacement vessel do not exceed the upgrade restrictions of the CPH permit.

You will need to submit an application for a CPH along with the enclosed limited access permit application. The CPH application is included in this package, but is also available online at [nero.noaa.gov](http://nero.noaa.gov) on the "Permit Office" page, or can be requested by phone at (978) 282-8438.

**Q: What is the new fish hold measurement requirement for Tier 1 and 2 permits?**

There is a new fish hold capacity baseline that has to be established for Tier 1 and Tier 2 mackerel permits. The fish hold capacity measurement can be obtained from:

- An individual credentialed by the National Association of Marine Surveyors (NAMS) as a Certified Marine Surveyor with a fishing specialty.
- An individual credentialed by the Society of Accredited Marine Surveyors (SAMS) as an Accredited Marine Surveyor with a fishing specialty.

Vessels that qualify for a Tier 1 or Tier 2 permit must submit a fish hold capacity measurement to NMFS in writing by December 31, 2013, or at the first vessel replacement after qualifying for a Tier 1 or Tier 2 permit, whichever is sooner.

Vessels that are sealed by the Maine State Sealer of Weights and Measures will be deemed to meet this requirement. Simply submit documentation to prove that your vessel has been sealed in Maine.



**Q: How will you determine the baseline for my limited access mackerel permit?**

A limited access vessel's baseline refers to the measurements (length, gross registered tonnage, net horsepower, fish hold capacity) against which future vessel size changes are measured. In most cases, the baseline for a vessel is based on the measurements of the first vessel issued a limited access permit. So, in most cases, your baseline for your mackerel permit will be based on your current vessel. However, there are several cases where the baseline will be determined in a different way. The table explains all of the ways your baseline could be determined.

<b>If...</b>	<b>Then...</b>
The vessel you currently own created the mackerel eligibility, or replaced a vessel that created the eligibility...	<ul style="list-style-type: none"> <li>• Your baseline will be based on your current vessel.</li> </ul>
Your mackerel eligibility is based on an eligibility that was retained when you sold a previous vessel...	<ul style="list-style-type: none"> <li>• Your baseline is the vessel that created the history.</li> <li>• You must supply proof of the baseline specifications for the vessel that made the mackerel history, and the vessel you put the mackerel permit on must fall within the vessel upgrade restrictions.</li> <li>• For Tier 1 and 2 vessels, the new vessel will create your fish hold capacity baseline.</li> </ul>
Your first mackerel permit is issued directly into CPH...	<ul style="list-style-type: none"> <li>• The vessel that created the CPH will be used to establish the baseline.</li> <li>• For Tier 1 and 2 vessels, the fish hold capacity baseline will be that of the first replacement vessel after the permit is removed from CPH.</li> <li>• <i>See below if the vessel that your CPH is based on is less than 20 ft.</i></li> </ul>
The vessel that created your CPH is less than 20 ft AND the vessel DOES have other limited access permits in CPH...	<ul style="list-style-type: none"> <li>• Baseline specifications will be those associated with your other limited access permits.</li> <li>• For Tier 1 and 2 vessels, the fish hold capacity baseline will be that of the first replacement vessel after the permit is removed from CPH.</li> </ul>
The vessel that created your CPH is less than 20 ft AND the vessel DOES NOT have other limited access permits in CPH...	<ul style="list-style-type: none"> <li>• You can submit documentation of the baseline specifications of the vessel that created the mackerel eligibility, and those will be used as the baseline.</li> <li>• For Tier 1 and 2 vessels, the fish hold capacity baseline will be that of the first replacement vessel after the permit is removed from CPH.</li> </ul>

**Q: What are the vessel upgrade restrictions?**

You can replace or refit your vessel and still keep your mackerel permit as long as the upgrades comply with these limitations in the table below.

<b>Baseline</b>	<b>Upgrade restrictions</b>
Horsepower (HP)	<ul style="list-style-type: none"><li>• Cannot exceed 20 percent of the vessel's baseline HP.</li><li>• May be increased only once, but can be increased independent of the other baseline specifications.</li></ul>
Vessel length overall Gross Registered Tonnage (GRT) Net Tonnage (NT)	<ul style="list-style-type: none"><li>• Cannot exceed 10 percent of the vessel's baseline for each.</li><li>• May be increased only once.</li><li>• Can be increased independent of the HP and fish hold capacity. However, if any increases are made to any one, increases must be made to the other two at the same time.</li></ul>
Fish hold capacity	<ul style="list-style-type: none"><li>• Cannot exceed 10 percent of the vessel's baseline fish hold capacity.</li><li>• May be increased only once, but can be increased independent of the other baseline specifications.</li></ul>

**Q: I qualified for a permit, but I think I had more landings in my best year than you are showing. Can I appeal for a different permit category?**

Yes. You can appeal in writing for a different permit category. To appeal for a different permit category, you must send proof that you had additional landings that we didn't consider in our first review of your application. To do this, send a letter, along with evidence, such as:

- Dealer receipts on letterhead that lists the dealer's name, address. The date, vessel name and permit number, amount and species landed must be clearly written on the dealer receipt.
- Catch affidavits that prove that mackerel should be added to the vessel's landings history. To verify landings, additional landing must be verified by catch affidavits from two independent third-party sources (e.g., dealers) on business letterhead or verified by a notary public. Each affidavit must include a current mailing address and phone number for the persons signing the affidavits. The date, vessel name and permit number, amount and species landed must be clearly written on the affidavit. More information on supplying catch affidavits will be provided during the appeal process.

**Q: If I am denied a limited access permit, can I appeal that decision?**

Yes. You may appeal the decision, but the only grounds for appeal are that the information we used to determine your eligibility was incorrect. The appeal must be made in writing within 30 days of the denial, and must include facts to support your claim of an incorrect decision. It is not sufficient to merely request an appeal. If you are denied a limited access mackerel permit, we will include instructions on how to appeal in your denial letter.

**Q: What should I submit as proof of landings when I appeal?**

You may submit the following documentation to verify landings for your vessel(s):

- **Dealer reports** submitted to NMFS. We should have dealer reports confirming your landings history on file if you have been selling mackerel to a federally permitted dealer, but you can also submit your own copies of dealer reports.
- **Dealer receipts** that prove mackerel landings should be added to the vessel's landing history. Each dealer receipt should clearly identify the dealer name, mailing address, and list the landings date, the amount of mackerel landed, and the landing vessel.
- **Catch affidavits** that prove that mackerel landings should be added to the vessel's landings history. You need to submit at least two catch affidavits from independent third party sources (e.g., dealers) on business letterhead or verified by a notary public. Each affidavit must include a current mailing address and phone number for the persons signing the affidavits. The date, vessel name and permit number, amount and species landed must be clearly written on the affidavit. More information on supplying catch affidavits will be provided during the appeal process.

**Q: Can I fish while my appeal is pending?**

Yes. If you didn't qualify for a permit at all and we accept your appeal, you may request a Letter of Authorization (LOA) to fish under the regulations for the limited access permit category for which applied. You will be able to fish under this LOA until a final decision on your appeal has been made. If you request an LOA, the request must be made in writing, must indicate the permit category you are appealing for, and may be submitted with your letter of appeal.

If you did qualify for a permit and are appealing to change your permit category, you can fish but will be bound by the possession limits associated with the permit you are initially issued until we reach a final decision about your appeal.

*This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region.*