



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

MAR 30 2011

SMALL ENTITY COMPLIANCE GUIDE

Subject: Clarifying a Previous Permit Holder Letter Regarding Letters of Authorization (LOA)

Dear Northeast (NE) Multispecies Seafood Dealer Permit Holder:


On February 18, 2011, NOAA's National Marine Fisheries Service (NMFS) sent a letter to remind you that NE Multispecies Seafood Dealer Permit Holders are prohibited from purchasing, possessing, or receiving as a dealer, regulated species or ocean pout from a vessel on a sector trip that does not have a valid sector LOA issued by the Regional Administrator (50 CFR 648.14(k)(3)(i)). Each sector vessel must have a valid LOA according to an approved sector operations plan. Dealers may check the NMFS NE Region Permit website (www.nero.noaa.gov/permits/display/) to determine whether or not a vessel is in an approved sector and whether or not it is currently issued a valid LOA.

The February letter was intended to assist dealers in complying with the regulations and was not meant to imply that a dealer must check the website for the status of every vessel each time it offloads catch. It is reasonable that a dealer, in the first instance of purchasing fish from a vessel, ensure that the vessel has a valid multispecies LOA indicating sector membership by requesting a copy of the LOA from the vessel owner/operator. After that, a dealer normally will not need to take any further action. The dealer will receive a notice from NMFS if a vessel has been removed from a sector and no longer has a valid sector LOA. NMFS encourages dealers' due diligence efforts at compliance, while not dictating internal practices and procedures. Further, the dealer must still ensure that it is purchasing fish consistent with other regulations at 50 CFR 648, such as fish size limits and landing limit restrictions.

NMFS is developing a notification system for dealers that would announce changes to sector membership, LOAs, and other pertinent regulatory information. We will inform dealers once this system is operational.

This letter summarizes the actual regulations and is not considered a substitute for them. The full regulations are available on the Northeast Regional Office website (www.nero.noaa.gov), or by calling 978-281-9315.

Sincerely,


for Patricia A. Kurkul
Regional Administrator

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





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FEB 18 2011

SMALL ENTITY COMPLIANCE GUIDE

Subject: Letters of Authorization (LOA) for Fishing Vessels Issued a Federal Northeast (NE) Multispecies Permit

Dear NE Multispecies Seafood Dealer Permit Holder:

Prior to the start of each fishing year, NOAA's National Marine Fisheries Service (NMFS) issues an LOA to each vessel participating in a sector that has been approved by NMFS. Because NMFS may rescind an LOA for cause at anytime, you should ensure that any sector vessel attempting to sell Atlantic cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, redfish, white hake, Atlantic halibut, or ocean pout possesses a valid LOA.

You may check the NMFS NE Region Permit website (www.nero.noaa.gov/permits/display/) to determine whether or not a vessel is in an approved sector and whether or not it is currently issued a valid LOA. NMFS is developing a notification system for dealers to announce changes to LOA issuance and other pertinent regulatory information, and will inform dealers once this system is operational. Currently, the following vessels no longer have a valid LOA for fishing year 2010 (May 1, 2010 through April 30, 2011):

F/V MELISSA SUE NE Federal Permit # 148036
F/V BELINDA B NE Federal Permit # 113154

In accordance with § 648.87(b)(1)(iv)(B), vessels that have had their sector LOA rescinded are also prohibited from fishing in the common pool fishery for the remainder of the fishing year.

This letter is only a summary of the actual regulations, which you are encouraged to read, and is not considered a substitute for the regulations. The full regulations are available on the Northeast Regional Office website (www.nero.noaa.gov), or by calling 978-281-9315.

Sincerely,

Patricia A. Kurkul
Regional Administrator

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