



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

AUG 26 2010

Dear Federal Fisheries Permit Holder:

NOAA is aware that the Passamaquoddy Indian Tribe, or members thereof, are asserting that they, and possibly those for whom they fish or operate a vessel, are not subject to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and all Federal regulations while fishing in the Exclusive Economic Zone (EEZ). Although NOAA is exploring, in government-to-government discussions with the Tribe, the basis for these assertions, NOAA, at this time, does not recognize any claims that Passamaquoddy tribal members are not subject to Federal fishing laws and regulations.

NOAA, therefore, reminds all persons, vessels, and vessel owners, regardless of their affiliation with the Passamaquoddy Tribe, that the Magnuson-Stevens Act and Federal fishing regulations apply to all fishermen while fishing in the EEZ. Any vessel fishing or possessing federally regulated species in or from the EEZ, and any person purchasing, possessing, or receiving for a commercial purpose any federally regulated species from the vessels fishing in the EEZ, must hold a valid Federal permit and comply with all Federal fishing regulations. This includes any federally regulated species caught in the EEZ and landed on Passamaquoddy reservation land. Additionally, NOAA reminds all persons, vessels, and vessels owners, that they are subject to the provisions of the Marine Mammal Protection Act, and the Endangered Species Act, regardless of their affiliation with the Passamaquoddy Tribe.

Any member of the Passamaquoddy Tribe who acts in violation of Federal fishing laws at this time risks seizure and forfeiture of any species illegally harvested as well as possible related charges. Anyone who is not a member of the Tribe can anticipate facing such consequences even if it were later determined that tribal members, including those fishing from or operating boats owned by others, are exempt from any fishing laws.

You may also receive permit holder letters, including closure notices, by e-mail by clicking on Permit Holder Letter on our website at <http://www.nero.noaa.gov>; or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135.¹

Sincerely,

Patricia A. Kurkul
Regional Administrator

¹*This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.*

