



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

June 27, 2008

Dear Atlantic Surfclam and/or Ocean Quahog Permit Holder:

This letter is to remind you that the final rule implementing Framework Adjustment 1 (FW 1) to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) published on September 11, 2007. This rule requires the use of a vessel monitoring system (VMS) for Atlantic surfclam and ocean quahog individual transferable quota (ITQ) fishing vessels beginning on **January 1, 2008**. The VMS requirement for the Federal limited access Maine mahogany quahog vessels becomes effective **January 1, 2009**. A permit holder letter was sent on September 21, 2007, to all vessel owners that held an Atlantic surfclam and/or ocean quahog permit explaining the new VMS requirements in the fishery.

VESSELS WHO WERE RECENTLY DENIED SCALLOP LIMITED ACCESS PERMITS

It has come to our attention that several vessels that did not qualify recently for a scallop Limited Access General Category permit, but that hold an Atlantic surfclam or ocean quahog permit, have incorrectly powered down their VMS units. A requirement of your Federal open access Atlantic surfclam and/or ocean quahog permit is to maintain an active and positioning VMS unit on your vessel at all times, unless you are properly powered down. For information on turning off, or powering down your VMS unit, please see the "power-down rules" below.

MAINE MAHOGANY QUAHOG LIMITED ACCESS VESSELS

FW 1 delayed, for 1 year, the VMS requirement for the Federal Limited Access Maine mahogany quahog permitted vessels. Vessels fishing under the ITQ program in the Maine mahogany quahog zone are not eligible for this delayed implementation. Once the VMS requirement for Maine mahogany quahog vessels is in effect, vessel owners will not be required to install the VMS unit until they elect to participate in the fishery. Once a vessel elects to participate in the fishery, the vessel owner must comply with the VMS requirement for an operational unit as long as the permit is issued to the vessel. For information on turning off, or powering down your VMS unit, please see the "power-down rules" below.

POWER-DOWN RULES

A vessel owner issued a surfclam or ocean quahog permit may power down the VMS unit if such a vessel will be out of the water for more than 72 consecutive hours, or if the vessel does not participate in any fisheries for a minimum period of 30 consecutive days. To receive permission to power down, the vessel owner must apply for and obtain a Letter of Exemption from the Regional Administrator, as discussed below. All vessels that have an operational VMS unit on board are subject to the most restrictive VMS requirement and power-down rules that apply. Thus, please note that a surfclam or ocean quahog vessel holding another permit with VMS requirements, such as scallop, may not be allowed to power down except when the vessel will be out of the water for more than 72 consecutive hours.

The "VMS Power Down Exemption Request" form is available from the Northeast Regional Office, or on the internet at <http://www.nero.noaa.gov>. This form must be sent to the Office of Law Enforcement (OLE), One Blackburn Drive, Gloucester, MA 01930, or faxed to (978) 281-9317, and the request must contain the



following information:

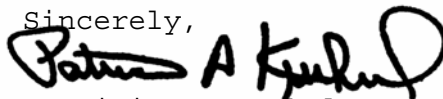
- Location of the vessel during the exemption period for which an exemption is sought;
- The exact time period for which the exemption is sought, i.e., the times/dates the VMS signal will be turned off and turned on again; and
- If requesting an exemption because the vessel will be out of the water for more than 72 consecutive hours, sufficient information to determine that the vessel will be out of the water for that time period.

Upon receipt of the written request, the Regional Administrator may issue a Letter of Exemption if it is determined that the vessel owner has provided sufficient information and, in the case where a vessel may also hold a permit that utilizes days-at-sea (DAS), that the exemption will not jeopardize accurate monitoring of the vessel's DAS.

The Letter of Exemption must be on board the vessel at all times and **the VMS cannot be turned off until the letter has been received.** Therefore, a vessel owner requesting a Letter of Exemption must provide the Regional Administrator ample time to review the request and respond. The dates of exemption may be revised if requested by the vessel owner in writing and approved by the Regional Administrator.

If you have any questions regarding FW 1 or the VMS requirement for the surfclam and ocean quahog fishery, please call the Sustainable Fisheries Division at 978-281-9315. For questions regarding VMS requirements and usage, you may also contact the Northeast VMS Team within the Office of Law Enforcement at (978) 281-9213. If you wish to have your Federal open access Atlantic surfclam and/or ocean quahog permit cancelled, please contact the Permit Office at 978-281-9370.

Sincerely,



Patricia A. Kurkul
Regional Administrator