



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

August 18, 2008

Dear Northeast Region Vessel Permit Holder:

Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan (Amendment 11) established a new management program for the general category scallop fishery, including a limited access program for qualified general category vessels. In order to fish as a general category scallop vessel on or after July 1, 2008, a vessel owner must be issued a Limited Access General Category (LAGC) permit. This letter clarifies several points relating to the application process for the LAGC permits:

- (1) **AUGUST 30 APPLICATION DEADLINE:** Initial applications for a LAGC scallop permit or LAGC confirmation of permit history (CPH) must be postmarked no later than August 30, 2008. Failure to submit an application by August 30, 2008, permanently prevents issuance of a LAGC scallop permit to the vessel, unless the vessel replaces another vessel that has been issued a LAGC scallop permit.
- (2) **VESSEL REPLACEMENT APPLICATIONS:** You have the option of submitting a vessel replacement application for a LAGC permit in order to transfer fishing histories and limited access permit eligibility from one vessel that you own to another. In cases where both of the vessels meet the eligibility criteria for the LAGC permit, you may have the option of selecting which history should be used to establish your vessel eligibility.
- (3) **DEADLINES RELATED TO DENIALS:**
  - a. **Requesting an appeal:** If you received a denial letter for a LAGC scallop permit via certified mail, you were informed that you could make an appeal request in writing within 30 days of the denial. The 30-day deadline is the date 30 calendar days after you received the certified mail.
  - b. **Submitting records to support an appeal:** In some cases, applicants who received a denial letter for a LAGC scallop permit have requested an appeal, but noted that they are still collecting records to support their appeal. All such records must be received by the 30-day deadline, as specified in paragraph (a) above.
  - c. **Requesting a different permit category:** If you received a denial letter for a LAGC IFQ scallop permit and do not wish to appeal that denial, you were informed that you could request issuance of a Northern Gulf of Maine or Incidental category permit, provided you had a general category permit that was valid on November 1, 2004. The following deadlines apply to such requests:



For denials received on or before August 30, 2008, letters requesting a different permit category must be postmarked by September 30, 2008.

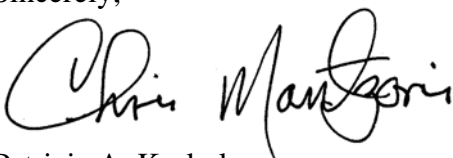
For denials received after August 30, 2008, letters requesting a different permit category must be received by the 30-day deadline, as specified in paragraph (a) above.

**(4) DEADLINES FOR IFQ CONTRIBUTION FACTOR APPEALS:**

- a. **Requesting an appeal:** If you were issued an IFQ LAGC permit, you also received a letter specifying your IFQ contribution factor. You were informed that you have the right to appeal the contribution factor by submitting a written request and evidence to demonstrate that the information used to determine the contribution factor is incorrect. Because the IFQ letters are not sent via certified mail, the 30-day deadline for submission of such an appeal is the date 40 calendar days after the date of the IFQ contribution letter (this allows 10 days for receipt of the letter).
  - b. **Submitting records to support an appeal:** In some cases, applicants who received a contribution factor letter have requested an appeal, but noted that they are still collecting records to support their appeal. The deadline for submission of all records is 40 calendar days after the date of the IFQ contribution letter, consistent with paragraph 3(a) above.
- (5) PROCESSING TIME:** If you have applied for a LAGC scallop permit, it may take at least 30 days for the Northeast Regional Office to review and respond to a standard vessel permit application. If you have applied for a LAGC permit for your current vessel based on the fishing and permit history of another vessel by submitting a "vessel replacement" application, the review of that application may take an additional 30 days, because there are additional legal requirements associated with a vessel replacement.

If you have questions about this information, please contact the Sustainable Fisheries Division at 978-281-9315.

Sincerely,

*for*   
Patricia A. Kurkul  
Regional Administrator