



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

February 8, 2007

Dear Atlantic Surfclam and/or Ocean Quahog Permit Holder:

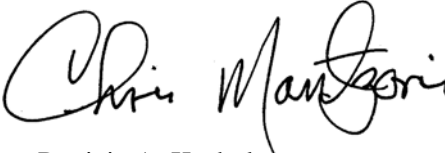
This letter is to inform you that on December 13, 2006, the Mid-Atlantic Fishery Management Council (Council) voted to recommend to the National Marine Fisheries Service (NMFS) that a vessel monitoring system (VMS) requirement for Atlantic surfclam and ocean quahog fishing vessels, including Maine mahogany quahog vessels, be implemented for the respective fisheries. This action was submitted to NMFS on January 8, 2007, as Framework Adjustment 1 (FW 1) to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP). The Council has proposed VMS in this fishery in order to: (1) Eliminate the requirement to notify NMFS Office of Law Enforcement (OLE) via telephone prior to beginning a fishing trip; (2) facilitate the monitoring of areas closed to fishing due to environmental degradation (e.g., harmful algal blooms and former dump sites); and (3) facilitate the monitoring of borders between state and Federal fishing jurisdictions.

If NMFS approves this action, proof of an installed and operational VMS unit would be a condition of the issuance of the applicable vessel permits. There are three commercial fishing vessel permit categories for these fisheries: An open access Atlantic surfclam permit, an open access ocean quahog permit, and a limited access Maine mahogany quahog permit. The surfclam and ocean quahog permits are for use in the individual transferable quota (ITQ) program that utilizes cage tags. An open access permit may be applied for, or cancelled, at the vessel owner's discretion and without loss of eligibility to be reissued in future years due to not having been issued the permit in the previous fishing year. The Maine mahogany quahog permit is a limited access permit that must be issued to the vessel in the previous year, or be confirmed in permit history (CPH), in order to be re-issued to a vessel in the following fishing year.

FW 1 contains a provision to delay, by one year, the VMS requirement for the limited access Maine mahogany quahog fishery permitted vessels. Vessels fishing under the ITQ program in the Maine mahogany quahog zone would not be eligible for this deferment. Vessel owners who do not have VMS, do not intend to purchase a VMS, and do not intend to fish for surfclams or ocean quahogs in 2007, are advised not to request the open access surfclam and ocean quahog permits as part of their annual permit renewal. If FW 1 is approved by NMFS, and the vessel is not compliant with the VMS requirement, the open access surfclam and ocean quahog permits would not be issued or be cancelled by NMFS and the remaining permits reissued. These open access permits can be reapplied for, and reissued, at a future date when the vessel actually intends to participate in the fishery and complies fully with the VMS requirement in FW 1. This advice is given due to the fact that a final rule implementing FW 1, if approved by NMFS, may not be effective until after permits have been issued for the 2007 permit year.

If you have any questions regarding FW 1 or the proposed VMS requirement for the surfclam and ocean quahog fishery, please call the Sustainable Fisheries Division at 978-281-9315.

Sincerely,


for Patricia A. Kurkul

Regional Administrator

