



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

March 30, 2007

Dear Permit Holder:

New Atlantic herring (herring) vessel permit requirements that go into effect on June 1, 2007, require your vessel to be issued one of the permits described below in order to fish for, possess, or land Atlantic herring in or from the Exclusive Economic Zone (EEZ).

NMFS has analyzed the reports submitted by federally permitted dealers, and has determined that your vessel is not prequalified for any type of Atlantic herring limited access permit. That does not mean your vessel cannot qualify for an Atlantic herring limited access permit, just that NMFS records don't show that to be the case.

To be issued a limited access permit, you must complete the enclosed application, or Confirmation of Permit History (CPH) application, or Vessel Replacement Application, and submit it by May 31, 2008 to the Permit Operations office. Applications must be received by that date in order to be eligible for and receive a limited access permit.

If your vessel was issued a valid Category 1 or Category 2 herring permit for the 2007 permit year, you may continue to fish for, possess, and land herring until May 31, 2007. If your vessel still has a Category 1 or Category 2 permit as of May 31, 2007, you will automatically be reissued an Open Access Herring Permit, effective June 1, 2007.

If you no longer own this fishing vessel, but have not replaced it and have documentation to show that you retained its fishing history, you must apply for a CPH to preserve limited access eligibility. Additional information is provided under the heading "CPH."

If you own more than one vessel, you may replace a vessel that is eligible for a limited access permit with one of your other vessels, but may only use the eligibility on one vessel. If you elect to do this, you will need to submit a Vessel Replacement Application. Additional information is provided under the heading "Vessel Replacements."

There are several limited access permit categories. You must specifically request consideration for each permit category. For example, if your vessel has documented landings of at least 250 mt in a calendar year, but does not have documented landings of 500 mt in a calendar year, you would meet the landings criteria for two categories (the Area 2/3 category and the Incidental category). Therefore, you may specifically elect to be considered for this permit combination.



The permit categories and eligibility criteria are as follows:

1. ALL AREAS LIMITED ACCESS (On the application and for permitting purposes this is referred to as a Category A permit)

Authorizes the harvest of herring in any management area, without being subject to possession limits during the time when the total allowable catch (TAC) in the defined management area has not been reached.

The vessel must meet one of the two following permit history criteria, and the landings criteria:

PERMIT CRITERIA 1 OR 2	LANDINGS CRITERIA
<p>1. The vessel was issued a Federal herring permit (Category 1 or 2) that was valid as of November 10, 2005.</p> <p>2. The vessel is replacing a vessel that was issued a Federal herring permit (Category 1 or 2) between November 10, 2003, and November 9, 2005.</p>	<p>The vessel and/or any vessel it replaced landed at least 500 mt of herring in any one calendar year between January 1, 1993, and December 31, 2003, as verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS (dealers of Atlantic herring were required to obtain a dealer permit and to comply with reporting requirements as of January 10, 2001); OR</p> <p>An owner who can prove that a vessel that was under construction, reconstruction, or under written contract for purchase as of December 31, 2003, may meet the landings criteria if landings were made by December 31, 2004.</p>

2. AREAS 2/3 LIMITED ACCESS (On the application and for permitting purposes this is referred to as a Category B permit)

For vessels that do not qualify for an All Areas Limited Access permit, this permit authorizes the harvest of herring only in Areas 2 or 3, without being subject to possession limits during the time when the total allowable catch (TAC) in the defined management area has not been reached. Such a vessel would have to be issued another permit to harvest any herring in Areas 1A or 1B. A vessel that qualifies for the Areas 2/3 Limited Access permit would also have demonstrated landings sufficient to qualify for the Limited Access Incidental Catch permit. An owner could also apply for the Open Access permit to authorize fishing in Area 1A or 1B, but would then be limited to 6,600 lb of herring during the time when the TAC in the defined management area has not been reached, with a limit of one landing per calendar day.

The vessel must meet one of the two following permit history criteria and the landings criteria:

PERMIT CRITERIA 1 OR 2	LANDINGS CRITERIA
1. The vessel was issued a Federal herring permit (Category 1 or 2) that was valid as of November 10, 2005.	The vessel and/or any vessel it replaced landed at least 250 mt of herring in any one calendar year between January 1, 1993, and December 31, 2003, as verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS; OR An owner who can prove that a vessel that was under construction, reconstruction, or under written contract for purchase as of December 31, 2003, may meet the landings criteria if landings were made by December 31, 2004.
2. The vessel is replacing a vessel that was issued a Federal herring permit (Category 1 or 2) between November 10, 2003, and November 9, 2005.	

3. LIMITED ACCESS INCIDENTAL CATCH (On the application and for permitting purposes this is referred to as a Category C permit)

Authorizes the harvest of up to 55,000 lb herring in any management area for which a limited access herring permit has not been issued, during the time when the TAC in the defined management area has not been reached, with a limit of one landing per calendar day.

The vessel must meet one of the two following permit history criteria and the landings criteria:

PERMIT CRITERIA 1 OR 2	LANDINGS CRITERIA
1. The vessel was issued a Federal permit to fish for Herring (Category 1 or 2), <i>Loligo</i> or <i>Illex</i> squid, mackerel, butterfish, and/or whiting (a Northeast multispecies permit serves as a whiting permit), that was valid as of November 10, 2005.	The vessel and/or any vessel it replaced landed at least 33,000 lb (15 mt) of herring in any calendar year between January 1, 1988, and December 31, 2003, as verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS; OR An owner who can prove that a vessel that was under construction, reconstruction, or under written contract for purchase as of December 31, 2003, may meet the landings criteria if landings were made by December 31, 2004.
2. The vessel is replacing a vessel that was issued a Federal permit to fish for Herring (Category 1 or 2), <i>Loligo</i> or <i>Illex</i> squid, mackerel, butterfish, and/or whiting between November 10, 2003, and November 9, 2005.	

4. OPEN ACCESS (On the application and for permitting purposes this is referred to as a Category D permit)

Authorizes the harvest of up to 6,600 lb of herring in any management area for which a limited access herring permit or a limited access incidental catch herring permit has not been issued, during the time when the TAC in the defined management area has not been reached, with a limit of one landing per calendar day.

ACCEPTABLE EVIDENCE FOR LANDINGS REQUIREMENTS

- Landings must be verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS (dealers of Atlantic herring were required to obtain a dealer permit and to comply with reporting requirements as of January 10, 2001).
- Valid dealer receipts may be submitted that clearly link herring landings to a specific vessel for landings before January 10, 2001.
- In those cases where a vessel has sold herring but there are no required dealer reports, e.g., transfers of bait at sea and border transfers (BT), a vessel owner can submit other documentation that verifies such transactions and proves that the herring thus transferred should be added to the vessel's landings history.
- An applicant who submits written evidence that a vessel was under construction, reconstruction, or was under written contract for purchase as of December 31, 2003, may extend the period for determining landings specified above through December 31, 2004.
- Pair trawl vessels may qualify for a limited access permit using landings from pair trawl operations if the owners of the vessels engaged in the fishing operation agree on how to divide such landings between the two vessels, the landings as divided are sufficient to meet the landings requirements for each vessel, and the two vessels apply for the permit jointly.
- Vessel owners may request landings data from NOAA Fisheries Service for any period of time during which they owned the vessel, or for any period of time that they can prove with legal documentation (such as a purchase and sales agreement) that the prior owner has authorized them to receive such landings data. Such requests should be submitted to:

NOAA Fisheries Service/NERO
Fisheries Statistics Office
One Blackburn Drive
Gloucester, MA 01930

CONFIRMATION OF PERMIT HISTORY

If you no longer own the vessel named above, and have not replaced the vessel, you may apply for a CPH to preserve the limited access eligibility for use on a replacement vessel at a subsequent time. The size attributes of the CPH vessel would be used to establish the baseline against which future size upgrade restrictions would be evaluated. Once a CPH has been issued, a limited access permit could be issued to a replacement vessel, provided the horsepower of the replacement vessel does not exceed that of the CPH vessel by more than 20%; and the length, gross tonnage, and net tonnage of the replacement vessel do not exceed those of the CPH vessel by more than 10%. Applications for CPHs must be received by May 31, 2008. CPH applications can be obtained by calling 978-281-9315.

REPLACEMENT VESSELS

If you own more than one vessel, you may replace the vessel named above with one of your other vessels, but may only use the eligibility on one vessel. If you elect to perform a vessel replacement at this time, you will need to submit a Vessel Replacement Application. You can obtain this application by calling 978-281-9315.

The first vessel that is issued a limited access permit on the basis of this eligibility will establish the vessel size baseline attributes (length, net tonnage, gross tonnage, horsepower) against which future vessel size limitations will be evaluated.

To qualify as a replacement vessel, you must show that the replacement vessel and the vessel being replaced are both owned by you; or, if the vessel being replaced was sunk or destroyed, you must have owned the vessel at the time it sank or was destroyed; or, if the vessel being replaced was sold to another person, you must provide a copy of a written agreement between the buyer and yourself documenting that you retained the herring permit history and all herring landings history.

A vessel's herring history can not be used to qualify a vessel for a limited access herring permit if the vessel's permit or fishing history has previously been used to qualify another vessel for one of the other limited access permits issued by NOAA Fisheries Service.

APPEALS

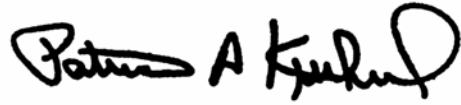
There is an appeals process if you are initially denied a limited access herring permit. You must submit an appeal in writing to the Regional Administrator within 30 days of the denial. The only basis for an appeal is to demonstrate that the information used by the Regional Administrator to evaluate the application was incorrect. If you are denied a limited access herring permit you may fish for herring, provided that the denial has been appealed, the appeal is pending, and your vessel has on board a letter from the Regional Administrator authorizing the vessel to fish under the limited access category while the appeal is pending.

If you have questions about this information, please contact the office indicated below:

Questions about the permit application form or instructions, 978-281-9370.

Questions about the limited access program requirements, 978-281-9315.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is fluid and cursive, with a large initial "P" and "K".

Patricia A. Kurkul
Regional Administrator

U.S. Department of Commerce
 NOAA/National Marine Fisheries Service
 Northeast Permit Operations
 One Blackburn Drive
 Gloucester, MA 01930-2298
 Tel: (978) 281-9370

**Application for
 Federal Limited Access
 and Open Access
 Atlantic Herring Permits
 March 30, 2007**

Please see attachment for application instructions

Section 1 - Owner and Vessel Information

Name of Vessel: Owner Name: Street Address: City: State: Zip Code:	Northeast Federal Vessel Permit Number: USCG Documentation Number or State Registration Number:
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Section 2 - Fishery Information

Gear Codes:	120-Purse Seine	210-Beach Seine	220-Boat Seine	310-Bottom Trawl	320-Midwater Trawl
330-Other Trawl	410-Dredge	700-Gill/Entangling nets	800-Pots & Traps	911-Hand Lines	912-Rod & Reel
913-Tub Trawl	1010-Harpoons	920-Longlines or Setlines	1200-Other Gears	1400-Diving Gear	

Fishery:	Categories [read attached instructions before checking off categories.]:	Gear Codes: please write in the gear codes from the list above that you intend to fish with.																														
Atlantic Herring	<input type="checkbox"/> Category A - All Areas Limited Access <input type="checkbox"/> Category B - Areas 2 and 3 Limited Access <input type="checkbox"/> Category B & C - Areas 2 and 3 Limited Access and Limited Access Incidental Catch <input type="checkbox"/> Category C - Limited Access Incidental Catch <input type="checkbox"/> Category D - Open Access	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 33%;"></td><td style="width: 33%;"></td><td style="width: 33%;"></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> </table>																														

Section 3 – Baseline Information

To establish the baseline for the vessel indicated in Section 1, you will need to provide a current copy of the vessel's Coast Guard Documentation and documentation of the vessel's engine's horsepower. You can verify total engine horsepower by providing one of the following: 1) Marine survey documentation showing the name and location of the marine surveyor; 2) Mechanic certification on the mechanic's letterhead; or 3) Engine manufacturer specifications and proof that the engine is installed on your vessel.

Section 4 - Owner's Signature

<input type="checkbox"/> Issue with Requested Changes Above <input type="checkbox"/> No Longer Own Vessel <input type="checkbox"/> Vessel Sold <input type="checkbox"/> Vessel Destroyed	I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in Section 1 above. I affirm, subject to the penalties provided in 18 USC 1001, that all information that I have given in obtaining this permit is true and correct. Signature: _____ Print Name: _____ Date: _____
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OMB# 0648-0202 EXP November 30, 2009

To avoid delay in processing, please include all information requested.

Any information submitted by any person to obtain a permit is not confidential, and may be disclosed upon request.

Instructions - Northeast Federal Fisheries
Initial Application for Atlantic Herring Limited Access and Open Access Permits

This is your Initial Vessel Permit Application for **Federal Atlantic Herring Limited Access and Open Access** permits. A complete application must be received by May 31, 2008. If you wish to apply for this permit, and **you have already renewed** your vessel's permit(s) for the 2008 permit year, verify and complete all sections, and return this application to the address on the front of this form.

If you wish to apply for this permit, and **your vessel has not been issued a permit for the 2008 permit year**, you must:

1. Verify and complete the **Federal Atlantic Herring Limited Access and Open Access** application and return it along with a copy of the vessel's unexpired Coast Guard Documentation or State Registration.

If your vessel is owned by a corporation, Partnership, or LLC, you must also submit:

2. A list, signed and dated, of the names and addresses of all corporate officers and shareholders owning twenty-five (25) percent or more of the corporation.
3. Or a current copy of the Partnership Agreement and a list of the names and addresses of all partners.

SECTION 1: VESSEL/OWNER INFORMATION: Enter information only for items that have changed or are incorrect

SECTION 2: FISHERY INFORMATION

Category: If you are applying for a limited access category, you must also submit documentation that the vessel meets the eligibility criteria outlined in the attached letter. Documentation will be reviewed against these criteria only for the categories you have selected. **BE CERTAIN TO INDICATE ALL LIMITED ACCESS CATEGORIES FOR WHICH YOU WISH TO HAVE THIS VESSEL EVALUATED.**

CPH: A person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has not been replaced, should apply for a Confirmation of Permit History (CPH) to document limited access eligibility. CPH applications must be requested by calling 978-281-9315.

Gear Code: You must select at least one gear code or multiple gear codes from those listed on the front of this form.

SECTION 3: BASELINE INFORMATION

This is to ensure that we have sufficient information to establish the baseline for your vessel.

SECTION 4: OWNER'S SIGNATURE AND INSTRUCTIONS

Please sign the form. Unsigned or incomplete applications will be returned. Your signature is an affirmation under penalty of perjury, that all the information provided in obtaining this permit is true [18 USC 1001].

OMB# 0648-0202 EXP November 30, 2009

Public reporting burden for this collection of information is estimated to average 35 minutes per response (three-year average), including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing & reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to: National Marine Fisheries Service, Permit Office, 1 Blackburn Drive, Gloucester, MA 01930-2298. The Paperwork Reduction Act requires that potential respondents for a fishing vessel permit be notified of certain information regarding their rights and the burden associated with applying for Federal fisheries permits. One of the regulatory steps taken by the National Marine Fisheries Service to carry out its conservation and management objectives is the requirement of a permit for users of the resources. The fishery included on this application requires a permit to fish for or retain this species in or from the EEZ, Section 303 (b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) specifically recognizes the need for permit issuance. The purpose and use of these permits are to: (1) register industry participants and fishing vessels, (2) list the characteristics of fishing vessels, (3) exercise influence over compliance, (4) provide a mailing list for the dissemination of important information to the industry, (5) register participants to be considered for limited entry, and (6) provide a universe for data collection samples. Both the MSFCMA and Executive Orders 12866 et al. require the determination of this information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. The information required to complete this application form is not confidential, and may be disclosed to any person upon request.