



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

October 30, 2006


Dear Federal Vessel Permit Holder:

This is a follow-up to the letter we sent you on October 16, 2006, regarding the implementation of limited access programs. Since sending the October 16 letter, we have received inquiries from fishermen asking us to clarify a point raised in that letter. Specifically, we were asked if, under scenario 3 (see both letters), it was necessary to “perform the vessel replacement before the effective date of the regulations that implement the limited access fishery.” The answer to that is no. We were also asked if, under the same scenario, it was necessary for the owner to own both vessels prior to the effective date of the regulations. The answer to that is no as well.

Under scenario 3, the term, “the original qualifying vessel,” means the replacement vessel that is initially issued the limited access permit, and that vessel does not have to be owned prior to the implementation of the limited access fishery. The example in the letter of October 16 mistakenly included the following stipulation: “Owner A owns two vessels, with ownership predating the effective date of regulations that establish a limited access fishery.” It should have read, “Owner A owns two vessels, with ownership predating the date of application for a limited access permit.” Thus, if a limited access program allows an applicant to come forward within a year of implementation, then an owner who owned two vessels could apply for a limited access permit with either vessel any time within that year, as long as the chosen vessel had transferred to it the documented fishing/permit history that proves eligibility for the limited access permit, and the transfer was in accord with the applicable permit splitting provisions.

As you know, the National Marine Fisheries Service (NOAA Fisheries Service) is in rulemaking for Amendment 1 to the Atlantic Herring Fishery Management Plan, thus, it would be inappropriate for me to provide advice specific to the measures proposed in that action. The information in this letter is provided to clarify previous permit holder letters, and is not legally binding as to any specific permit application that may be submitted pursuant to Amendment 1, if approved.

Sincerely,

*for*   
Patricia A. Kurkul

Regional Administrator

