



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

April 21, 2005

Dear Permit Holder:

On January 14, 2005, the National Marine Fisheries Service (NOAA Fisheries Service) published the proposed rule for Amendment 2 to the Monkfish Fishery Management Plan (FMP), including a modified limited access vessel permit program for vessels fishing for monkfish south of 38°20' N. lat. Although a final decision on whether to approve this provision of Amendment 2 has not yet been made, and the final regulations are not yet in effect, the Northeast Regional Office of NOAA Fisheries Service has begun the process of preliminarily qualifying fishing vessels for these new limited access permits in order to streamline the process for issuing new permits should this provision be approved. However, you cannot officially qualify for and be issued a modified permit until Amendment 2 is approved and implemented through Federal regulations.

Enclosed is a permit application for the purpose of applying for a limited access monkfish permit under the proposed modified limited access program. If your vessel pre-qualifies for one of the new limited access monkfish permits (Category G or H) based on landing information available to NOAA Fisheries Service, an additional letter is enclosed in this package informing you of your vessel's qualification and the permit category for which it qualified. If you pre-qualify and would like to qualify for the category other than the one that has been pre-selected for your vessel, or if a pre-qualifier letter is not enclosed and you wish to apply for a limited access permit, you must submit proof that your vessel meets the qualification criteria described in this permit holder letter for the limited access vessel permit category that you select. Please note that Amendment 2 **does not** provide an additional opportunity to qualify vessels for any of the four existing limited access monkfish permits created by the original limited access program (Permit Categories A, B, C, and D) implemented in the FMP.

Fishing vessel owners whose vessels do not qualify for a limited access monkfish permit under the following criteria may elect a monkfish Incidental Catch permit (Category E) to fish for and land monkfish.

**All of the new regulations that result from Amendment 2 will be explained in a subsequent permit holder letter once the final rule is published. NOAA Fisheries Service expects to implement Amendment 2 for the new fishing year that begins on May 1, 2005. However, we urge you to act now and apply early so that your vessel may be issued the appropriate permit upon the effective date of the regulations implementing Amendment 2. Applications for an initial monkfish limited access Category G or H permit must be received within 12 months of the effective date of the regulations. Vessels that do not obtain an initial monkfish limited access permit under the modified limited entry program will not be issued a limited access permit in subsequent years.**



## **MONKFISH VESSEL CATEGORY G AND H LIMITED ACCESS PERMIT CRITERIA**

Amendment 2 may provide a renewed opportunity for non-limited access monkfish vessels to qualify for a new limited access monkfish permit if it can demonstrate that it had landed monkfish at a port located south of 38°00' N. lat. during the qualification period. The qualification period requires that landings be made between March 15 through June 15, in the years 1995 through 1998. Two permits would be available, depending on the amount of monkfish the vessel landed during the qualification period. Qualifying monkfish landing levels for these permits (specified below) would be the same amounts that were required for the original monkfish limited access permits.

To qualify for a **Limited Access Category G** monkfish permit, your vessel must satisfy the following:

- Must demonstrate it landed at least 50,000 lb tail weight or 166,000 lb whole weight of monkfish at a port located south of 38°00' N. lat. during the qualification period.

To qualify for a **Limited Access Category H** monkfish permit, your vessel must satisfy the following:

- Must demonstrate it landed at least 7,500 lb tail weight or 24,900 lb whole weight of monkfish at a port south of 38°00' N. lat. during the qualification period.

Alternate ways to qualify for a limited access monkfish Category G or Category H permit:

- < Your vessel is replacing a vessel that meets the above criteria for one of the permit categories, or;
- < Your vessel replaced a vessel that fished for and landed sufficient amounts of monkfish during the qualification period, and you are using the replaced vessel's history in lieu of or in addition to your vessel's fishing history, unless the owner of the replaced vessel retained the vessel's permit or fishing history.

### *Open Access Permit - Category E (Incidental Catch)*

A vessel that has not been issued a limited access monkfish permit is eligible for and may be issued a monkfish Incidental Catch permit to fish for, possess, or land monkfish. This permit will allow your vessel to retain a limited amount of monkfish depending on the days-at-sea (DAS) program, area, and gear fished.

## **DAS AND TRIP LIMITS**

If your vessel qualifies for one of the two limited access monkfish permits listed above, the vessel must participate in the monkfish fishing effort-control program if the vessel operator intends on landing more than the allowed incidental bycatch of monkfish. Like other limited access monkfish permit categories, vessels fishing under a monkfish Category G or H permit will be allocated up to 40 monkfish DAS per fishing year.

Vessels that qualify for a limited access Category G or H permit will be subject to the trip limits established for the Southern Fishery Management Area (SFMA). Category G vessels fishing under a monkfish DAS will have the same trip limits established for Category A and C vessels. Category H vessels fishing under a monkfish DAS will have the same trip limits established for Category B and D vessels.

The number of DAS that a limited access monkfish vessel is authorized to use in the SMFA, and

the trip limits for vessels fishing in the SFMA, are adjusted annually. The details of the DAS allocation and trip limits for the 2005 fishing year will be provided in a separate permit holder letter when the final rule for the 2005 annual adjustment is published.

## **VESSEL LIMITED ACCESS PERMIT APPLICATION PROCESS**

If you received a pre-qualification letter in this package and agree with the limited access permit category selected for your vessel, complete the enclosed permit application and return it to NOAA Fisheries Service.

If you did not receive a pre-qualification letter in this package and believe your vessel qualifies for a Category G or H limited access monkfish permit, or if your vessel pre-qualified for a Category H permit and you would like to select a Category G permit, please apply for the appropriate permit on the enclosed permit application and submit evidence demonstrating your vessel's qualification. Acceptable proof of landings includes weighout slips (dealer slips) and Federal and state landing records.

### *Replacement vessels*

If your vessel is replacing a vessel that qualified for a Category G or H limited access monkfish permit, in addition to completing the vessel application for your current vessel, you should provide the name, Coast Guard documentation number, and permit number of the vessel it is replacing. If you sold the vessel that is being replaced, you should provide a copy of any written agreement between yourself and the new owner with respect to ownership of the vessel's permit history or fishing rights.

## **VESSEL LIMITED ACCESS APPEALS**

If you are notified that a limited access permit for which you are applying has been denied, you may appeal that denial. Appeals must be requested in writing within 30 days of the notice of denial. NOAA Fisheries Service will respond to your appeal in writing. The only grounds for appeal is that the Regional Administrator erred in concluding that the vessel did not meet the qualification criteria.

Upon appeal, a hearing officer appointed by the Regional Administrator will review your case. You may request to present your case in person to a hearing officer. After the review, the hearing officer will make a recommendation to the Regional Administrator concerning your appeal and the Regional Administrator will make the final determination regarding your vessel's eligibility for a limited access Category G or H permit.

## **STATUS OF VESSELS PENDING AN APPEAL**

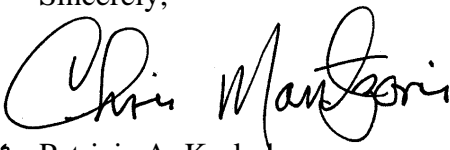
If you appeal the denial, your vessel may fish under the monkfish DAS program after the effective date of the regulations, pending the outcome of the review by the hearing officer and the Regional Administrator's final decision, by requesting a Letter of Authorization (LOA) from the Regional Administrator. Such requests must be made in writing. The LOA must be carried on board the vessel. If your appeal is denied after the hearing officer's review, you will receive written notice of this denial from the Regional Administrator that will be the final decision of the U.S. Department of Commerce. Any LOA previously issued will become invalid 5 days after receipt of the final notice of denial, but no later than 10 days from the date of the denial letter.

## CONFIRMATION OF PERMIT HISTORY (CPH)

A person who does not currently own a fishing vessel, but who has owned a vessel qualifying for a limited access monkfish permit that has sunk, been destroyed, or transferred to another person, may apply for and receive a CPH if the fishing and permit history of that vessel has been retained by the applicant. To be eligible to obtain a CPH, the applicant must show that the qualifying vessel meets the qualification requirements for a Category G or H monkfish limited access permit. Issuance of a valid and current CPH preserves the eligibility of the applicant to apply for a limited access monkfish permit for a replacement vessel based on the qualifying vessel's fishing and permit history at a subsequent time, subject to vessel replacement provisions. Vessels have a one-time opportunity to replace the qualifying vessel with another vessel that exceeds the qualifying vessel's baseline specification up to a maximum of 10% above the length overall and/or net and gross tons baseline and up to a maximum of 20% above the horsepower baseline.

This letter is only a summary of the monkfish permit information and qualification criteria for the modified monkfish limited access program that may be implemented through Amendment 2, if approved. Detailed information on the new management measures contained in Amendment 2 will be forthcoming in a separate permit holder letter. For further information, please call 978-281-9315.

Sincerely,

  
for Patricia A. Kurkul  
Regional Administrator

enclosures