



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

December 19, 2003

SMALL ENTITY COMPLIANCE GUIDE

Dear Atlantic Surfclam, Ocean Quahog, and Maine Mahogany Quahog Permit Holder:

This letter is to inform you of new regulations implementing Amendment 13 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan. The management measures contained in Amendment 13, which are **effective January 15, 2004**, include:

- A multi-year fishing quota process beginning with the 2005 fishing year;
- A mandatory vessel monitoring system (VMS), when such a system is economically viable;
- The ability to suspend or adjust the surfclam minimum size limit through a framework adjustment; and
- The elimination of the restriction on the transfer of allocation tags of amounts less than 160 bushels (i.e., 5 cage tags);

In addition, Amendment 13 implements a new surfclam overfishing definition and provides an analysis of fishing gear impacts on Essential Fish Habitat (EFH) for surfclams and ocean quahogs.

Multi-year Fishing Quotas

Amendment 13 establishes a multi-year quota specification process in which the Council may identify quotas that may be effective for up to 3 years. The current annual specifications process will continue until the multi-year quota process comes into effect, beginning in 2005.

Mandatory VMS

Amendment 13 does **not** establish a mandatory VMS requirement for the Atlantic surfclam and ocean quahog fishery, but rather lays the groundwork to implement a mandatory VMS once the Council determines that an economically viable VMS system is available. Once such a system becomes available, a mandatory VMS could then be implemented through rulemaking consistent with the Administrative Procedure Act.

Surfclam Minimum Size Limit

Amendment 13 allows the Council to suspend or modify the surfclam minimum size limit through a future framework action. The current size limit of 4.75 inches for surfclams is still in effect and must be suspended annually unless discard, catch, and survey data indicate that 30 percent of the surfclams are smaller than 4.75 inches.



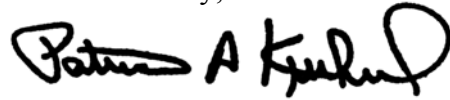
Elimination of the Minimum Cage Tag Transfer Amount

The elimination of the restriction on the transfer of allocation tags of amounts less than 160 bushels (i.e., 5 cage tags) allows allocation owners to transfer cage tags in any amount through October 15, or December 10, of each fishing year to accomplish either a permanent or temporary transfer of allocation, respectively.

This letter is only a summary of the Amendment 13 regulations that have been implemented, and has no legal force or effect. To read these regulations in their entirety, you are encouraged to obtain a complete copy by calling (978) 281-9278, or by accessing the Northeast Regional Office's web page at: <http://www.nero.noaa.gov>.

You may also receive permit holder letters by e-mail by clicking on "NOAA Fisheries News Releases" on our website at <http://www.nero.noaa.gov>; or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135.

Sincerely,



Patricia A. Kurkul
Regional Administrator

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.