



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

December 12, 2007

Dear Atlantic Surfclam and/or Ocean Quahog Permit Holder:

This letter is to remind you of regulations coming into effect on January 1, 2008, requiring the use of a vessel monitoring system (VMS) for vessels issued either an Atlantic surfclam or ocean quahog open access permit. You are receiving this letter if our records indicated that you landed Atlantic surfclams or ocean quahogs as part of the individual transferable quota (ITQ) program during the past year. This letter is a supplement to the letter that was sent to you on September 21, 2007, regarding Framework Adjustment 1 (FW 1) to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (available on NOAA's National Marine Fisheries Service (NMFS) webpage: <http://www.nero.noaa.gov/nero/nr/nrdoc/07clamFW1PHL.pdf>).

Implementation of the VMS requirement in this fishery will: (1) Replace the current 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. The end of this letter contains some frequently asked questions regarding VMS trip declarations.

ATLANTIC SURFLAM AND OCEAN QUAHOG ITQ VESSELS

All vessels issued a Federal open access surfclam and/or ocean quahog permit must purchase and install a VMS unit by January 1, 2008, in order to fish for Atlantic surfclams or ocean quahogs. Until such time that a VMS unit is purchased, installed, and activated with NMFS, your vessel's surfclam and/or ocean quahog permits will not be reissued for the 2008 permit year (May 1 – April 30). If, at a later time, you wish to participate in the surfclam and/or ocean quahog fishery, you will need to re-apply for the vessel permit and certify that you have an operational VMS on board the vessel. For information on turning off, or powering down your VMS unit, please see the "power-down" section of this letter.

MAINE MAHOGANY QUAHOG LIMITED ACCESS VESSELS

Although FW 1 delays, by one year, the VMS requirement for the Federal limited access Maine mahogany quahog permitted vessels, it will be possible to declare a Maine Mahogany Quahog Trip beginning January 1, 2008. Vessels fishing under the ITQ program in the Maine mahogany quahog zone must be VMS compliant beginning January 1, 2008. See the frequently asked questions at the end of this letter for more information on declarations in the Maine mahogany quahog zone.

VERIFICATION AND ACTIVATION OF VMS

The vessel owner/operator must complete the enclosed "NMFS Northeast Vessel Monitoring Program" VMS certification form certifying that the vessel has a properly installed and operational VMS unit. The form is mailed to the Office of Law Enforcement, Northeast Division, or may be faxed to (978) 281-9317.



Once a VMS unit has been installed, activated, a certification form has been submitted to NMFS, and the owner has contacted NMFS Office of Law Enforcement to verify that NMFS is receiving a positional signal, the vessel may depart on a fishing trip. A properly operating VMS unit must transmit location signals every 60 minutes, unless otherwise required by a different Federal permit requiring VMS, and must indicate a vessel's position 24 hours a day, 7 days a week. Surfclam and ocean quahog permitted vessels must have an operational VMS turned on at all times unless powered down (turned off) in accordance with the power-down rules, explained below.

TRIP DECLARATION

Surfclam and/or ocean quahog vessel owners or operators must declare their intention to fish via the VMS prior to leaving from port on each trip, unless otherwise notified, regardless of the vessel activity (e.g., fishing or transiting). An activity code must be declared and sent anew prior to every trip, whether it is a fishing trip or other activity away from the dock or mooring such as transiting. Sailing without declaring an activity code prior to leaving port is in violation of the Northeast fisheries regulations and may result in enforcement action. In general, surfclam and/or ocean quahog vessel owner/operators will choose from four activity code declaration options prior to leaving port: (1) SURFCLAM ITQ TRIP; (2) QUAHOG ITQ TRIP; (3) MAINE MAHOGANY QUAHOG TRIP (VMS requirement effective January 1, 2009); and (4) DECLARE OUT OF FISHERY.

EXAMPLES OF VMS UNIT VIEWS

Boatracs VMS Unit (Macro 24)

NE - OTHER DECLARATIONS

SURFCLAM OR OCEAN QUAHOG:

- _ SURFCLAM ITQ TRIP (SCO-SFC)
- _ OCEAN QUAHOG ITQ TRIP (SCO-OQU)
- _ MAINE MAHOGANY QUAHOG (SCO-MMQ)

HERRING:

- _ HERRING (HER-HER)

DECLARE OUT OF FISHERY:

- _ DECLARE OUT OF LIMITED ACCESS
SCALLOP, NE MULTISPECIES OR MONKFISH
DAYS AT SEA, GENERAL CATEGORY SCALLOP,
HERRING, SURFCLAM/OCEAN QUAHOG AND
SOUTH EAST REGION TRIP (DOF-DOF)

Thrane and Thrane VMS Unit

Trip Declaration and Catch Reporting System

Trip Declaration
Reports

Current Declaration is: 'SCO-SFC-OQXXXX'.

To change Declaration, either use the mouse or the TAB and SPACE keys.

Type

Multispecies
Monkfish - SFMA
Scallop

Mults+Monk Opt.
Monkfish - NFMA
Other

Day Type

None

Activity

Herring
Ocean Quahog ITQ Trip

Surflam ITQ Trip
Maine Mahogany Quahog Trip

Declare out of Fishery

Options

N/A

Fishing Area

Surflam/Quahog Open

Gear Type

N/A

Resend 'SCO-SFC-OQXXXX' Declaration

Skymate VMS Unit

Declaration for Other

Change your Days at Sea Activity Code

- SURFCLAM OR OCEAN QUAHOG:
 - SURFCLAM ITQ TRIP [SCO-SFC]
 - OCEAN QUAHOG ITQ TRIP [SCO-OQU]
 - MAINE MAHOGANY QUAHOG TRIP [SCO-MMQ]
- HERRING:
 - HERRING [HER-HER]
- DECLARE OUT OF FISHERY:
 - DECLARE OUT OF LIMITED ACCESS SCALLOP, NE MULTISPECIES OR MONKFISH DAYS AT SEA, GENERAL CATEGORY SCALLOP, HERRING, SURFCLAM/OCEAN QUAHOG AND SOUTH EAST REGION TRIP [DOF-DOF]

Distance 16.25 Nautical Miles inside of the demarcation line

The last activity code successfully acknowledged is NMS-MNK-OPAXGX

The last activity code sent is NMS-MNK-OPAXGX

POWER-DOWN RULES

A vessel owner issued a surfclam or ocean quahog permit may power down the VMS unit if such a vessel will be out of the water for more than 72 consecutive hours, or if the vessel does not participate in any fisheries for a minimum period of 30 consecutive days. To receive permission to power down, the vessel owner must apply for and obtain a letter of exemption from the Regional Administrator, as discussed below. Please note that a surfclam or ocean quahog vessel holding another permit with VMS requirements, such as scallop, is not allowed to power down except when the vessel will be out of the water for more than 72 consecutive hours, because it is subject to the most restrictive VMS requirement.

The enclosed “VMS Power Down Exemption Request” form must be sent to the Office of Law Enforcement (OLE), One Blackburn Drive, Gloucester, MA 01930, or faxed to (978) 281-9317, and the request must contain the following information:

- Location of the vessel during the exemption period for which an exemption is sought;
- The exact time period for which the exemption is sought, i.e., the times/dates the VMS signal will be turned off and turned on again; and
- If requesting an exemption because the vessel will be out of the water for more than 72 consecutive hours, sufficient information to determine that the vessel will be out of the water for that time period.

Upon receipt of the written request, the Regional Administrator may issue a Letter of Exemption if it is determined that the vessel has provided sufficient information and, in the case where a vessel may also hold a permit that utilizes days-at-sea (DAS), that the exemption will not jeopardize accurate monitoring of the vessel’s DAS. The letter of exemption must be on board the vessel at all times and **the VMS cannot be turned off until the letter has been received**. Therefore, a vessel owner requesting an exemption letter should provide the Regional Administrator ample time to review the request and respond. The dates of exemption may be revised if requested by the vessel owner in writing and approved by the Regional Administrator.

If you have any questions regarding FW 1 or the VMS requirement for the surfclam and ocean quahog fishery, please call the Sustainable Fisheries Division at 978-281-9315. For questions regarding VMS requirements and usage, you may also contact the Northeast VMS Team within the Office of Law Enforcement at (978) 281-9213.

FREQUENTLY ASKED QUESTIONS

Q1. What VMS declaration do I use if I am fishing for surfclams or ocean quahogs exclusively in state waters (less than 3 miles from shore)?

A1. Use the Declare Out of Fishery (DOF) declaration if you are fishing for surfclams or ocean quahogs exclusively in state waters.

Q2. If I already have a VMS unit installed on my vessel, and I am fishing in the Maine Mahogany Quahog Zone on a limited access Maine Mahogany Quahog permitted trip, can I

declare a Maine Mahogany Quahog Trip on my VMS unit prior to the January 1, 2009, implementation date?


A2. Yes. Although it is not required, you may select a Maine Mahogany Quahog Trip prior to the January 1, 2009, effective date for the VMS requirement for vessels issued a Federal limited access Maine Mahogany Quahog permit. If you choose not to declare a Maine Mahogany Quahog Trip, then the appropriate trip declaration (e.g., Declare Out of Fishery) must be declared per the requirements of your Federal permits that require a VMS.

Q3. If I am on a surfclam or ocean quahog trip and I intend to retain an incidental catch of scallops that I am allowed to keep under my General Category scallop permit, what should my VMS declaration be?

A3. If you are on either a surfclam or ocean quahog trip and you wish to retain scallops authorized by a General Category scallop permit and you are NOT in a scallop access area (e.g. Elephant Trunk, Delmarva) then you must be declared on a surfclam or ocean quahog trip. If you intend to retain more than 40 lbs of scallops AND plan to fish in a scallop access area, then you must declare the appropriate scallop access area trip via the VMS unit prior to sailing. The table below should help you determine what VMS fishing declaration you should be using.

Fishing activity	Surfclam or Ocean Quahog Fishing Trip VMS Declaration	Scallop Fishing Trip VMS Declaration*
Posses up to 400 lb of scallops while on a surfclam or quahog fishing trip in a scallop access area.	No	Yes
Posses not more than 40 lb of scallops while on a surfclam or quahog fishing trip in a scallop access area.	Yes	No
Posses not more than 40 lb of scallops while on a surfclam or quahog fishing trip outside a scallop access area.	Yes	No
Posses up to 400 lb of scallops while on a surfclam or quahog fishing trip outside a scallop access area.	Yes	No
Fish for surfclams or ocean quahogs in a scallop closed area (possession of scallops is prohibited).	Yes	No
*Assumes vessel has been issued, and has on board the vessel, the appropriate Federal scallop permit.		

Sincerely,

for 
 Patricia A. Kurkul
 Regional Administrator