



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

SEP 16 2010

Dear Federal Permit Holder:

A letter sent on August 26, 2010, notified all Federal fisheries permit holders that some members of the Passamaquoddy Tribe have been asserting that they, and possibly those from whom they lease a vessel or for whom they operate a vessel, are not subject to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and all Federal regulations while fishing in the Exclusive Economic Zone (EEZ). The agency's position remains that all persons, dealers, vessels, and vessel owners are subject to the provisions of the Magnuson-Stevens Act and all applicable Federal regulations while fishing in the EEZ, regardless of their membership in, or relationship to, the Passamaquoddy Tribe. Thus, any vessel fishing or possessing federally regulated fish species in or from the EEZ; and any person purchasing, possessing, or receiving for a commercial purpose any such species from vessels fishing in the EEZ; must hold a valid Federal permit and comply with all Federal fishing regulations. This includes any federally regulated fish species caught in the EEZ and landed on reservation land.

One vessel and its owner have been recently cited for allegedly not possessing the proper Federal vessel permits, despite that the vessel owner appears to have entered into a lease agreement with the Passamaquoddy Tribe. Investigation of this activity continues, and the U.S. Coast Guard and NOAA's Office for Law Enforcement will continue to pursue actions against vessels, their owners, and dealers that do not possess the proper Federal permits. As such, any individual who acts in violation of Federal fishing laws at this time risks seizure and forfeiture of any species illegally harvested, as well as possible related charges.

You may also receive permit holder letters, including closure notices, by e-mail by clicking on Permit Holder Letter 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 978-281-9135.¹

Sincerely,

Patricia A. Kurkul
Regional Administrator

¹*This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.*

