



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

October 16, 2006

Dear Federal Vessel Permit Holder:

I am writing to clarify a point that was made in the February 17, 2006, letter to Federal Vessel Permit Holders that explained the existing Northeast Region regulations and policies regarding the implementation of limited access programs. That letter stated, in part, that there are five scenarios we have traditionally faced when implementing limited access programs. One of those scenarios has caused some confusion, and we have received inquiries asking us to explain what we meant by the phrase “the original qualifying vessel,” which was used in scenario 3, as follows, in the February 17th letter:

“If an individual owns more than one vessel, but only one of those vessels has the landings and permit history required in order to be eligible for the fishery in question, then that individual can replace the vessel that is determined to be eligible with one of his/her other vessels, but may only use the eligibility on one vessel. The original qualifying vessel would establish the size baseline against which future vessel size limitations would be evaluated.”

The term, “the original qualifying vessel,” means the replacement vessel that is initially issued the limited access permit. To more fully explain the way in which the National Marine Fisheries Service (NOAA Fisheries Service) has interpreted this term in the past, please consider the following example. Owner A applies for a limited access permit. Owner A owns two vessels, with ownership predating the effective date of regulations that establish a limited access fishery. Vessel 1 is 25’ long and has the fishing/permit history necessary to establish eligibility for the limited access permit; Vessel 2 is 100’ long and does not. Under Scenario 3, Owner A is allowed to present documentation that the fishing/permit history of Vessel 1 proves eligibility for the limited access permit. As the owner of two vessels, Owner A may request that Vessel 2 be issued the limited access permit on the basis of Vessel 1’s eligibility. The entire fishing/permit history from Vessel 1 must be transferred to Vessel 2. If the size of the replacement vessel violates the vessel size upgrade allowed for any other limited access fishery, then that limited access eligibility must be permanently surrendered as part of the application procedure. Vessel 2 would establish the size baseline for the new limited access permit, against which any vessel size increases would be evaluated in the future. (Vessel 2 is the “original qualifying vessel,” to use the terminology in the February 17th permit holder letter).



As you know, the NOAA Fisheries Service is in rulemaking for Amendment 1, thus, it would be inappropriate for me to provide advice specific to the measures proposed in that action. This information above is provided to clarify only the February 17th permit holder letter, 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