



Greater Atlantic Region Bulletin

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Atlantic Surfclam and Ocean Quahog Individual Transferable Quota (ITQ) Permit Holders

Implementation of Amendment 17 Cost Recovery Program

Final Rule Effective: July 15, 2016

We have approved and are implementing a cost recovery program for the ITQ fishery. There is nothing you need to do at this time, but be aware of these future changes.

- March 2017 – We will send you a letter announcing a new per-tag fee, which will apply for the 2017 fishing year. The fee will apply to any cage tag used to land surfclams or ocean quahogs in 2017. The initial quota shareholder who first received the allocation of cage tags will be responsible for the fee even if the tag is leased, sold, or otherwise used by someone else.
- March 2018 – We will issue bills to each quota shareholder based on the number of their tags that were used to land clams multiplied by the per tag fee. At the same time, we will notify you of the new per-tag fee for 2018.

A note for banks: If you are the ITQ permit holder of record and we issue cages tags to you each year, you will receive a bill based on how many of those cage tags get used, even if you are holding quota share as collateral on a loan and lease the tags to the borrower. You may come to your own arrangement with the borrower about how to handle this fee.

Amendment 17 also contains provisions to remove the optimum yield ranges from the management plan, and to change how biological reference points are incorporated into the plan. Additional details about these changes are available in the final rule document on our website: www.greateratlantic.fisheries.noaa.gov/

Frequently Asked Questions

Why are you doing this now?	The Magnuson-Stevens Act requires us to collect the “actual costs directly related to the management, data collection, and enforcement” of any limited access privilege program (LAPP), such as the surfclam and ocean quahog ITQ. The Mid-Atlantic Council developed, and we approved, Amendment 17 to comply with this provision of the Act.
Don’t we already pay a fee per cage tag?	The current charge is to purchase the physical tags from the tag vendor. That cost will continue and will not be affected by this rule.

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.

What if I have ITQ quota share for both surfclam and ocean quahog?	We will treat the surfclam and ocean quahog ITQ fisheries separately for cost recovery. This means that each fishery may have slightly different costs, different per-tag fees, and will receive separate bills.
How much will I be charged?	The per-tag fee will be announced in early 2017, and surfclam tag fees may be different from ocean quahog tag fees. Your bill will depend on how many of your initial allocation of cage tags are used to land clams during the year.
Why are you waiting until 2018 to issue bills?	We want to make sure the industry is fully informed and has time to prepare for this change, and do not want to implement this change mid-year.
What if I sell my quota share?	If you are allocated surfclam or ocean quahog cage tags at the start of the fishing year, you will be responsible for any cost recovery fee that results if those tags are used to land clams at any time during the year. This applies even if you lease the tags or permanently transfer your quota share allocation to someone else.
How do I pay my bill?	Instructions for payment will be included in the bill. All payments will be made through our Fish Online website using either a credit card or the account number and routing number from a bank account.
What if I forget to pay a bill?	The final rule provides details about payment compliance, including how we will notify you if you fail to pay, and how you may appeal the bill amount. If the bill continues to go unpaid, you may be prevented from transferring cage tags and quota share or renewing your ITQ permit. Ultimately, an overdue bill would be sent to the Department of Treasury for collection.
Who can I speak with if I have questions?	For questions about this final rule, please contact our Sustainable Fisheries Division at 978-281-9315.