



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

APR 14 2008

APPLICATION COVER LETTER

Dear Vessel Owner:

The final rule for Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan (Amendment 11) was published on April 14, 2008, implementing the measures approved as part of Amendment 11. All Amendment 11 measures are effective June 1, 2008, with the exception of the requirement to have been issued an LAGC scallop permit in order to fish in the general category scallop fishery.

NMFS will send a separate letter to all scallop permit holders summarizing all of the Amendment 11 management measures. While Amendment 11 includes several new management measures as described in that letter, this letter and enclosed materials pertain to only the permit application process for the limited access general category (LAGC) scallop permit provisions.

AMENDMENT 11 PERMIT REQUIREMENT EFFECTIVE DATE: Open access general category permits issued for the 2008 fishing year (with an effective date of May 1, 2008), will not be valid after June 30, 2008. To continue fishing for scallops as a general category vessel, beginning July 1, 2008, a vessel must have been issued an LAGC scallop permit.

Please note that, although NMFS will try to expedite application reviews, NMFS may take up to 30 days to process applications for LAGC scallop permits. You are therefore encouraged to return the enclosed application and other required documents as soon as possible to ensure that your vessel receives a permit, if qualified, by July 1, 2008.

The following documents are enclosed with this letter:

- An application for an LAGC scallop permit, including instructions for applying for an LAGC scallop permit
- Vessel ownership form for IFQ scallop vessels
- Replacement, Upgrade, and Confirmation of Permit History (RUPH) Application Form
- Vessel Monitoring System (VMS) information

You must complete all applicable enclosed forms to be issued an LAGC scallop permit. Please see below for a description of each form.



LAGC PERMIT CATEGORIES

There are three categories of LAGC scallop permits. Applicants may select only one of the LAGC scallop permits on their application. Qualification criteria for each of the LAGC scallop permits are as follows:

1) Individual Fishing Quota LAGC scallop permit (IFQ permit)

In order to qualify for an IFQ permit, both of the following conditions must be satisfied:

Permit requirement: The vessel was issued a valid Federal scallop permit in any one of the 2000, 2001, 2002, and/or 2003 fishing years, and/or the 2004 fishing year on or before November 1, 2004; and

Landings requirement: The vessel landed at least 1,000 lb of scallop meats in any one of the 2000, 2001, 2002, or 2003 fishing years, or the 2004 fishing year between March 1 and November 1, 2004. Scallop landings must have occurred while the vessel held a valid Federal general category scallop permit

A vessel issued a limited access Full-time, Part-time, or Occasional scallop permit during the qualification time period may also qualify for the IFQ permit if it meets the landing criterion for trips taken while the vessel was not participating in the scallop DAS or Area Access Program as a limited access vessel.

2) Northern Gulf of Maine LAGC scallop permit (NGOM permit)

Permit requirement: The vessel was issued a valid Federal general category scallop permit as of November 1, 2004.

There is no landing requirement.

3) Incidental Catch LAGC scallop permit (Incidental permit)

Permit requirement: The vessel was issued a valid Federal general category scallop permit as of November 1, 2004.

There is no landing requirement.

- A vessel issued a limited access Full-time, Part-time, or Occasional scallop permit issued as of November 1, 2004, qualifies for an NGOM or Incidental permit.
- A vessel that qualifies for an IFQ permit automatically qualifies for an NGOM or Incidental permit.

VESSEL REPLACEMENTS AND CONFIRMATION OF PERMIT HISTORY (CPH)

1) Replacement Vessel

If your current vessel is replacing a vessel that meets the LAGC scallop permit qualification requirement, you must apply for the LAGC scallop permit on your current vessel as a replacement for the qualified vessel. The replacement and qualifying vessel must be owned by the same legal entity (either individual, corporation, or partnership). To complete this process, you must complete and submit:

- 1) The Initial LAGC scallop permit application;
- 2) The enclosed replacement, upgrade, and permit history (RUPH) application form, along with all required documents as specified in Section D of the RUPH application form (see the "RUPH application form" for detailed documentation requirements); and
- 3) Information to verify that your vessel has an operational VMS.

2) CPH

If you previously owned a vessel that qualifies for an LAGC scallop permit but you no longer own that vessel or a replacement vessel, to qualify for the LAGC scallop permit, you must submit an initial application for a CPH for the category of LAGC permit you intend to qualify for. To complete this process you must complete and submit Section C of the enclosed RUPH application form along with all required documents to verify that either the vessel was destroyed or that you retained the general category scallop fishing and permit history when you sold the vessel. Please see the "RUPH application form" for detailed documentation requirements.

90-DAY APPLICATION DEADLINE

In order to be issued an LAGC scallop permit, you must return the enclosed application, along with any other required forms specified in this letter and attached information, post marked no later than August 30, 2008. This includes RUPH applications for vessel replacements and CPHs.

If you do not submit a complete application for a LAGC scallop permit by August 30, 2008, your vessel will no longer be eligible to fish for scallops unless it replaces a vessel that has qualified for and been issued an LAGC scallop permit.

VMS REQUIREMENT

All LAGC scallop permits require the installation of an operational VMS. An LAGC permit will not be issued until NMFS has received confirmation that the VMS unit on the vessel for which an LAGC permit has been requested has been installed, activated, and is functioning properly. Please see the enclosed VMS Requirements for a description of how to comply with the VMS requirements.

Completion of the enclosed VMS information to verify that you have an operational VMS is required if your vessel was not required to operate a VMS prior to issuance of the LAGC scallop permit, or if you have a new vessel that has not been issued a general category permit.

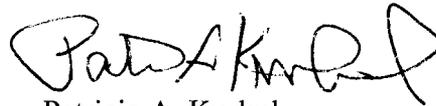
VMS Reimbursement Program. Vessel owners that purchased a new VMS unit after June 20, 2007, (the date) in response to the Council's adoption of Amendment 11 on that date, and in order to comply with the permit requirements of Amendment 11, are eligible for reimbursement of the purchase price of the VMS unit. Additional details on the VMS Reimbursement Program are provided in the enclosed VMS Requirements document.

PERMIT APPLICATION REVIEW PROCESS

NMFS will review each application for an LAGC scallop permit on a case-by-case basis to determine eligibility. NMFS will respond to applications with approval through issuance of an LAGC scallop permit or denial through issuance of a denial letter, within 30 days of NMFS's receipt of the LAGC permit application. Failure to submit all required documents will result in a permit denial.

If you have any questions about this letter or the enclosed information, please contact the Sustainable Fisheries Division at (978) 281-9315. Forms that are not vessel-specific can be downloaded and/or printed from NMFS's Amendment 11 website:
<http://www.nero.noaa.gov/nero/hotnews/scallamend11/>

Sincerely,



Patricia A. Kurkul
Regional Administrator

U.S. Department of Commerce
NOAA/National Marine Fisheries Service
Northeast Region Permit Office
One Blackburn Drive
Gloucester, MA 01930-2298
Tel: (978) 281-9370



**Application for
Federal Limited Access
General Category Scallop Permits**

April 14, 2008

Please see attachment for application instructions

Section 1 - Owner and Vessel Information

Owner Name: Street Address: City: State Zip Code:	Name of Vessel: Northeast Federal Vessel Permit Number (if one has been issued): USCG Documentation Number or State Registration Number:
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Section 2 - Fishery Information

Select only one category in the spaces provided below and write in the gear code(s) you intend to fish with.

Gear Codes:	120-Purse Seine	210-Beach Seine	220-Boat Seine	310-Bottom Trawl	320-Midwater Trawl
330-Other Trawl	410-Dredge	700-Gill/Entangling nets	800-Pots & Traps	911-Hand Lines	912-Rod & Reel
913-Tub Trawl	1010-Harpoons	920-Longlines or Setlines	1200-Other Gears	1400-Diving Gear	

Fishery:	Categories [read attached instructions before checking off a category. Please select only one category]:	Gear Codes: please write in the gear codes from the list above that you intend to fish with.
General Category Scallop	Individual Fishing Quota (IFQ) *	
	Northern Gulf of Maine *	
	Incidental Catch *	

* Vessel Monitoring System (VMS) required to be installed and in continuous operation onboard the vessel.

Section 3 – Applicant’s Name and Signature

<input type="checkbox"/> No Longer Own Vessel <input type="checkbox"/> Vessel Sold <input type="checkbox"/> Vessel Destroyed	I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in Section 1 above. I affirm, subject to the penalties provided in 18 USC 1001, that all information that I have given in obtaining this permit is true and correct.
	Signature: _____
	Print Name: _____
	Date: _____

To avoid a delay in processing, please verify and complete all sections above and include all information requested on the back of this form. If you select more than one permit category above, your application will be returned to you and it will not be processed.

Any information submitted on this NOAA approved permit application form, which is not otherwise protected under federal law, may be disclosed upon request.

Instructions - Northeast Federal Fisheries
Initial Application for General Category Scallop Limited Access Permit

This is your Initial Vessel Permit Application for **Federal General Category Scallop Limited Access** permit that are required by July 1, 2008.

If you wish to apply for this permit, and **you have already renewed** your vessel's permit(s) for the 2008 permit year:

1. Complete all sections and return this application to the address on the front of this form.
2. Ensure that your vessel has a VMS unit installed and that it is in continuous operation.
3. If applying for an IFQ scallop permit, complete the enclosed ownership form.

If you wish to apply for this permit, and **your vessel has not been issued a permit for the 2008 permit year**, you must:

1. Complete the **Federal General Category Scallop Limited Access** application and return it along with a copy of the vessel's unexpired Coast Guard Documentation or State Registration.
2. If your vessel is owned by a corporation, partnership, or LLC, you must also submit a list, signed and dated, of the names and addresses of all corporate officers and shareholders owning twenty-five (25) percent or more of the corporation.
3. If your vessel is owned by a partnership, you must submit a Partnership Agreement and a list of the names and addresses of all partners.
4. Enclose a VMS Certification and ensure your vessel's VMS unit is installed and is in continuous operation.
5. If applying for an IFQ scallop permit, complete the enclosed ownership form.

SECTION 1: VESSEL/OWNER INFORMATION: Enter current and correct information all for items

SECTION 2: FISHERY INFORMATION

Category: You must also submit documentation that the vessel meets the eligibility criteria for the permit category as outlined in the attached letter. Documentation will be reviewed against these criteria only for the categories you have selected. **BE CERTAIN TO INDICATE THE LIMITED ACCESS CATEGORY FOR WHICH YOU WISH TO HAVE THIS VESSEL EVALUATED.**

CPH: A person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has not been replaced, may apply for a Confirmation of Permit History (CPH) to document limited access eligibility. CPH applications may be requested by calling 978-281-9315 or obtained at our website at <http://www.nero.noaa.gov/permits/>.

Gear Code: You must select at least one gear code or multiple gear codes from those listed on the front of this form.

SECTION 3: OWNER'S SIGNATURE AND INSTRUCTIONS

Please sign the form. Unsigned or incomplete applications will be returned. Your signature is an affirmation under penalty of perjury, that all the information provided in obtaining this permit is true [18 USC 1001].

PAPERWORK REDUCTION ACT STATEMENT: Public reporting burden for this collection of information is estimated to average 30 minutes per Individual Fishing Quota application and 15 minutes per Northern Gulf of Maine and Incidental Catch applications, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to the Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

All landings and catch data, and any other information protected under federal law, will be kept confidential. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.



US Department of Commerce
NOAA/National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930-2298

Application for Vessel Replacement, Upgrade, and Confirmation of Permit History

Instructions

You can use this application to request a vessel replacement, a vessel upgrade, or a confirmation of permit history. Each of these actions is defined below. Please read this carefully and check the action(s) for which you are applying. You may apply for more than one action on this application.

Which of the following actions are being requested?

- Vessel replacement. **(Section A)** This is a replacement of one vessel by another vessel and the transfer of fishing histories and limited access permit eligibility from the old vessel to the new vessel. **Please read the vessel replacement information on page two of the instructions prior to completing Section A.**
- Vessel Upgrade. **(Section B)** This is an increase in the vessel's length, tonnage, or horsepower as the result of alterations made to the vessel. **Note:** There are no upgrade restrictions for vessels that hold **only** limited access lobster, handgear permits, and/or limited access general category (LAGC) scallop permits.
- Confirmation of Permit History. **(Section C)** A confirmation of permit history is required when a vessel that has been issued a limited access permit has sunk, been destroyed, or been sold to another person without its permit history and a new vessel has not been purchased. **Possession of a confirmation of permit history will allow the applicant to maintain permit eligibility without owning a vessel. An application for a confirmation of permit history must be received by the Regional Administrator no later than 30 days prior to the end of the first full fishing year in which a vessel's permit cannot be issued.**

Unless otherwise stated, the word "permit" means a limited access or moratorium permit.

You must complete and sign page 3, "General Information" or your application will be returned. After completing page 3, also complete the appropriate section applicable to your request. You must send all of the required verifying documents or your application will not be processed. You will also need to submit an Initial Vessel Application for the replacement vessel.

Supplemental Information for Vessel Replacements and Upgrades

Vessel Baseline Specifications and Allowed Upgrades

For all vessels with limited access permits (except lobster, handgear, and/or LAGC scallop), the vessel size and engine horsepower may only be increased once, either through upgrade or replacement. A **10%** increase in length overall, gross registered tonnage, and net tonnage, and a **20%** increase in engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage and net tonnage must be done at the same time. Note: If your vessel has **only** a lobster limited access, handgear limited access, and/or LAGC scallop permit, there are no size restrictions on the replacement vessel; however, if you have either of those permits and another limited access permit, the replacement vessel is subject to the above restrictions.

A limited access permit cannot be “split” from another limited access permit. This means if two or more limited access permits are on one boat they may not be divided and put on two boats. Please call 978-281-9315 for additional explanation if you have any questions about this restriction.

To determine whether your new vessel (or upgraded vessel) may be issued a limited access permit, the size of the new vessel is compared to the “vessel baseline.” A vessel baseline is the vessel’s length overall, gross registered tonnage, net tonnage, and engine horsepower as of:

- A. The date the vessel which was initially issued an Atlantic herring, a multispecies, or a scallop permit applied for that permit; or
- B. March 22, 1999, for the following limited access permits: Black sea bass, *Loligo* squid/butterfish, *Illex* squid, scup, summer flounder, and Maine mahogany quahog.
- C. The effective date of the permit for subsequent limited access fisheries (e.g., monkfish, tilefish, etc.).

If you have both a multispecies or limited access scallop permit **and** any one of the following permits: Atlantic herring, Black sea bass, *Loligo* squid, *Illex* squid, scup, summer flounder, monkfish, tilefish, or Maine mahogany quahog, you may have multiple baselines. The statement of accuracy, on pages 3 and 4 of this package, is needed to verify the vessels’ specifications.

Please be aware that fishing histories are directly related to the permits. If you wish to retain the fishing history of a species for which there is NOT a specific permit then the bill of sale must indicate this desire.

Scallop Trawl Net Authorization (Replacements Only)

Scallop vessels holding a permit authorization to fish for scallops with trawl nets can be replaced, and the scallop trawl net authorization passed to the replacement vessel. However, the replacement vessel must meet the same limitations on fishing for scallops with scallop dredges that the vessel it is replacing met. If the limitations are not met then the replacement vessel may have to relinquish the scallop trawl net authorization. These limitations include NOT having fished for scallops with a scallop dredge after December 31, 1987; NOT having fished for scallops with a scallop dredge on no more than 10 trips from January 1, 1988, through December 31, 1994; and having an engine with no greater than 450 horsepower.

General Information
This page must be completed by all applicants

Provide all verifying documentation, as requested (see Section D for acceptable forms).

Vessel Name: _____
(for Replacements: **old vessel**; for Confirmation of Permit History: **sold or sunken vessel**;
for Upgrades: vessel information **before the upgrade**)

Federal Northeast Fisheries Permit Number: _____

Coast Guard (CG) Documentation or State Registration Number: _____

Current owner of vessel or permit history: _____
Supporting document required: You must supply proof that you own the vessel (See Section D, Item 2) **or** that you own the fishing history and limited access permit eligibility of that vessel (See Section D, Item 3).

Owner's Address: _____

Owner's Phone Number: _____

All vessels: **You must submit documentation verifying the following (See Section D, Item 1):**

- Length Overall
- Gross Registered Tonnage
- Net tonnage
- Engine Horsepower

Statement of Accuracy

Please mark the appropriate box for the baseline (old) vessel:

- The information I am submitting in order to establish my vessel's baseline accurately represents the vessel specifications as of March 22, 1999 (and/or as of the date of my first application for a limited access permit).
- The information I *previously* submitted in order to establish the 1994 (or 1996 hook gear) baseline for my vessel's multispecies or scallop moratorium permit also represents the vessel specifications as of March 22, 1999 (and/or as the date of my first application for a limited access permit).

Signature of vessel owner or authorized agent: _____

Printed Name: _____

Date: _____

Section A--Replacement
Applicants requesting a vessel replacement must complete this section.

Replacement Vessel (new vessel to be permitted)

Vessel Name: _____

Federal Northeast Permit Number (if issued): _____

Coast Guard (CG) Documentation or State Registration Number: _____
(Submit copy of CG documentation or State registration).

CG documented vessels: **You must submit a copy of the CG documentation papers and proof of engine horsepower** (See Section D, Item 1).

Other vessels: **You must submit documentation verifying the following** (See Section D, Item 1):
 -- Length Overall -- Gross Registered Tonnage
 -- Net tonnage -- Engine Horsepower

Statement of Accuracy

Please mark the appropriate box for the **replacement** vessel:

- The information I am submitting in order to establish my vessel's size and horsepower specifications accurately represents the vessel specifications as of today's date.
- Information *previously* submitted to NOAA Fisheries for the replacement vessel accurately represents the vessel's specifications as of today's date.

Please mark the **limited access permit histories** that you are transferring. You may only select the limited access permits for which the vessel being replaced is currently qualified. Please keep in mind that all limited access permits must be transferred together and cannot be separated (See the definition of splitting above).

- | | |
|--|---|
| <input type="checkbox"/> Multispecies | <input type="checkbox"/> Scup |
| <input type="checkbox"/> Scallop (Full time, Part Time, or Occasional) | <input type="checkbox"/> Black Sea Bass |
| <input type="checkbox"/> Lobster | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder | <input type="checkbox"/> <i>Illex</i> Squid |
| <input type="checkbox"/> Maine Mahogany Quahog | <input type="checkbox"/> Monkfish |
| <input type="checkbox"/> Red Crab | <input type="checkbox"/> Tilefish |
| <input type="checkbox"/> Multispecies Handgear A | <input type="checkbox"/> Atlantic Herring |
-
- Scallop Type 7, 8, or 9 (authorized to use trawl nets). By checking this box you are also indicating that you have read the supplemental vessel replacement information regarding scallop trawl net authorizations on page 2 of the application.
 - LAGC Scallop

Section B--Upgrade

All applicants requesting a vessel upgrade **must** complete the following section.

The engine horsepower or size of a vessel with a limited access permit may be increased only once. A **10%** upgrade for length overall, gross registered tonnage, and net tonnage, and a **20%** upgrade for engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage, and net tonnage must be done at the same time. Increases are compared to the information required under the General Information section of this package (page 3).

All changes in vessel specifications indicated below require verifying documentation. (See Section D, Item 1).

New Length Overall (LOA) _____ New Gross Registered Tonnage (GRT) _____

New Net Tonnage (NT) _____ New Horsepower (HP) _____

Note: Instead of gross registered tonnage and net tonnage information, you may submit verification of vessel breadth and depth, and length overall. This information will then be used to calculate GRT and NT using the simplified calculation method.

Section C--Confirmation of Permit History

All applicants requesting a Confirmation of Permit History (CPH) **must** complete the following section.

Indicate the permits requiring issuance of a Confirmation of Permit History. The following are the only fisheries for which CPH certificates are required or available. You may only apply for those permits for which the vessel is currently qualified:

- | | |
|--|---|
| <input type="checkbox"/> Multispecies | <input type="checkbox"/> Multispecies Handgear A |
| <input type="checkbox"/> Scallop (Full time, Part time, or Occasional) | <input type="checkbox"/> Scup |
| <input type="checkbox"/> LAGC Scallop | <input type="checkbox"/> Black Sea Bass |
| <input type="checkbox"/> Lobster | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder | <input type="checkbox"/> <i>Illex</i> Squid |
| <input type="checkbox"/> Maine Mahogany Quahog | <input type="checkbox"/> Monkfish |
| <input type="checkbox"/> Red Crab | <input type="checkbox"/> Tilefish |
| | <input type="checkbox"/> Atlantic Herring |

Please check all that apply:

- Vessel sold, but I have retained the permit history in the Bill of Sale (*Supporting documentation required. See Section D, Item 3*)
- Vessel destroyed (*Supporting documentation required. See Section D, Item 4*)

Section D--Supporting Documentation Required

The following are acceptable forms of verification. You are only required to submit one of the acceptable forms of documentation for any category.

1. Vessel specification documentation (Please Note: All documentation must include the name and documentation number of the vessel)
 - ▶ For all vessels, you must verify total engine horsepower by providing one of the following:
 - Marine survey documentation showing the name and location of the marine surveyor;
 - Mechanic certification on the mechanic's letterhead; or
 - Engine manufacturer specification and proof that the engine is installed on your vessel.
 - ▶ For Coast Guard documented vessels, you must provide a copy of the documentation papers.*
 - ▶ For State registered vessels, you must verify length overall, gross registered tonnage, and net tonnage by providing one of the following:
 - Marine survey documentation showing the name and location of the marine surveyor (survey may indicate either gross and net tons or provide information on the vessel's breadth and depth (not draft), and length overall); or
 - US Bureau of Shipping document.
2. Vessel ownership documentation
 - ▶ To verify the ownership of a vessel, please provide a copy of one of the following:
 - Current Coast Guard documentation; or
 - Current State registration.
 - Scallop vessel owners must include a list of all vessel names and permit numbers in which you have an ownership interest.
3. *Vessel permit history ownership*
 - ▶ To verify that you have retained the permit history of a vessel you no longer own, please provide one of the following:
 - A bill of sale or document stating that the permit history has been retained by you (the seller) and signed by you and the buyer; or
 - A copy of the confirmation of permit history.
4. *Vessel destruction*
 - ▶ To verify that the vessel has been destroyed or is no longer seaworthy, please provide one of the following:
 - Coast Guard accident report;
 - Insurance adjustor's report; or
 - Verification from certified marine surveyor that vessel is no longer seaworthy.

* By submitting this documentation, you confirm that the vessel length overall is correct as indicated on the CG documentation. If it is not, please submit additional documentation to confirm the length overall of the vessel.

NOTE: Submission of fraudulent or inaccurate information could result in enforcement action, up to and including fines, permit sanctions, or the revocation of limited access permits.

YOUR COMPLETED APPLICATION SHOULD INCLUDE THE FOLLOWING:

APPLICATION FOR VESSEL REPLACEMENT

1. You should complete and submit:
 - ▶ Page 3 - General Information
 - ▶ Page 4 - Section A--Replacement
2. You should submit the following supporting documentation for BOTH* the vessel being replaced (old vessel) and the replacement vessel:
 - ▶ Vessel specification documentation (See Section D-Item 1)(not necessary for vessels holding only limited access lobster and/or handgear permits)
 - ▶ Vessel/History ownership verification (See Section D-Items 2 or 3 as applicable) or proof of vessel destruction (See Section D-Item 4)
3. You will need to submit an Initial Vessel Application for the replacement vessel.

* Note: If you have already established a baseline for the old vessel by submitting information verifying your vessel's baseline specifications, you will not need to submit additional verification. You should submit information about the replacement vessel.

APPLICATION FOR A VESSEL UPGRADE

1. You should complete and submit:
 - ▶ Page 3 - General Information
 - ▶ Page 5 - Section B--Upgrade
2. You should submit the following supporting documentation:
 - ▶ Vessel specification documentation (See Section D-Item 1)

APPLICATION FOR A CONFIRMATION OF PERMIT HISTORY

1. You should complete and submit
 - ▶ Page 3 - General Information
 - ▶ Page 5 - Section C--Confirmation of Permit History
2. You should submit the following supporting documentation:
 - ▶ History ownership verification (See Section D-Item 3) or proof of vessel destruction (See Section D-Item 4)

rev.04/2008

OMB # 0648-0202 Expires 11/30/2009
OMB #0648-0491 Expires 3/31/2011

Request for a replacement, upgrade notification, or history retention:

The application to allow the respondent to request a replacement of one vessel by another, change vessel specifications due to an upgrade, or retain a vessel's history, and is meant to aid in the administration and enforcement of the regulations that relate to these programs. This form will save the respondent time and effort in that all the requirements relating to the interrelated actions are included on one form. These requirements have been adopted as part of the effort reduction programs under the Fishery Management Plans (FMPs) that govern the fisheries involved, and are consistent with the conservation goals of the FMPs. The information provided on this application will allow industry members to replace older vessels with new vessels or retain histories, in a manner consistent with the effort reduction requirements of the FMPs. The information provided through any requests to upgrade a vessel specification will be used for the purposes of monitoring compliance with effort reduction programs.

The information requested on this form is not confidential and will be available to the general public.

BURDEN STATEMENT: Public reporting burden for this collection of information is estimated to average three hours per response for vessel replacements and upgrades, and 30 minutes for vessel history retention. These estimated response times include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to National Marine Fisheries Service, Sustainable Fisheries Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a current valid OMB Control Number.

VMS REQUIREMENTS

In order to be issued a limited access general category permit (LAGC), a vessel owner or operator must purchase and install a vessel monitoring system (VMS) by June 1, 2008. An operational VMS unit is required to fish for Atlantic sea scallops under LAGC rules.

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

Once a VMS unit has been activated and installed, and the certification form sent to NMFS, the owner/operator must contact the NMFS OLE to verify that NMFS is receiving a positional signal from the VMS unit. OLE will also provide a VMS overview and instruct the owner/operator to send a test activity declaration from the VMS unit to confirm vessel-to-NMFS connectivity. Contact NMFS OLE at (978) 281-9213 and ask for the "VMS Team".

If an operational VMS unit is currently on the vessel to meet existing permit requirements, it is important that: (1) the VMS unit is transmitting a positioning signal, (2) a power down activity declaration was sent, if authorized, or (3) the vessel has an authorized letter of exemption issued from NMFS. One of these conditions is necessary for the Permits Office to verify VMS compliance in order to issue the new LAGC permit. Owners/operators who have a previously-installed VMS unit are not required to send the certification form (described above) to NMFS OLE or to call OLE to verify connectivity.

A properly-operating VMS unit from a LAGC vessel must send a positioning signal every half-hour, 24 hours per day, seven days per week, unless the vessel is authorized to send the power down activity declaration while tied to the dock or mooring, or the vessel was issued a letter of exemption.

APPROVED VMS VENDORS. Currently, three VMS vendors are approved in the NMFS Northeast Region.

Skymate, Inc:

Address: 4230 Lafayette Center Drive, Suite A, Chantilly, VA 20151
Phone: 1-866-SKYMATE or (703) 961-5800 (e-mail: support@skymate.com)
Web Address: www.skymate.com

Boatracs, Inc.

Address: 9155 Brown Deer Rd., San Diego, CA 92121
Phone: 1-800-262-8722 (customer service) (e-mail: operations@boatrac.com)
1-800-262-8722 (technical support) (e-mail: support@boatrac.com)
Web Address: www.boatrac.com

Thrane & Thrane, Inc.

Address: 509 Viking Drive, Suites K, L, and M, Virginia Beach, VA 23452

Phone: 1-757-463-9557

Web Address: www.us.thrane.com

VMS REIMBURSEMENT PROGRAM. New VMS units purchased after June 20, 2007 (the date the Council adopted Amendment 11) to comply with the permit requirements of Amendment 11, are eligible for reimbursement of the purchase price of the VMS unit. Currently, VMS units are reimbursable up to \$3,095, the price considered to be the least expensive unit for purposes determining the maximum amount for reimbursement. Only the cost of the VMS equipment itself is reimbursable. Any additional equipment, such as a personal computer, is not reimbursable through this program.

In order to receive reimbursement, a vessel owner and/or operator must have the unit properly installed on the vessel and activated utilizing one of the above listed VMS vendors. After the unit is properly installed and activated, the vessel owner and/or operator must contact the VMS Support Center, NOAA Fisheries Headquarters, Office for Law Enforcement (OLE), by phone at 888-219-9228, or fax 301-427-0049, to ensure the vessel is properly registered in the NMFS VMS system. The OLE does not consider a vessel in compliance until a signal has been received.

Once a vessel owner and/or operator has validated compliance with the VMS Support Center, the owner and/or operator must contact the Pacific States Marine Fisheries Commission (PSMFC) (tel: 503-595-3100 or fax: 503-595-3232) to obtain a reimbursement application. The application is also available from the PSMFC website at <http://www.psmfc.org>. Once completed, the application must be returned to PSMFC along with (1) proof of a valid commercial fishing permit for the fishery requiring VMS, (2) proof of purchase and the purchase price of the unit, and (3) a valid compliance confirmation code issued by the NMFS OLE.

As a further requirement, the vessel owner and/or operator must not be in arrears with any payment owed to the Agency for a civil monetary penalty. If a reimbursement request is denied for failure to pay a penalty, the applicant may become eligible for the reimbursement by paying the penalty in full within 30 days of the denial of the reimbursement. After payment, the owner and/or operator must contact the VMS Support Center and provide documentation that payment has been received by the agency to receive a confirmation code for reimbursement purposes.

NMFS NORTHEAST VESSEL MONITORING PROGRAM

FISHING VESSEL NAME: _____

NMFS FISHERIES PERMIT NUMBER: _____

COAST GUARD DOCUMENTATION/STATE REGISTRATION NUMBER: _____

MONITORING FOR (CIRCLE ALL THAT APPLY):

SCALLOP MULTISPECIES MONKFISH HERRING SURFCLAM/OCEAN QUAHOGS
=====

SURFCLAM/OCEAN QUAHOG VESSEL OWNER/OPERATORS MUST CALL THE NOAA FISHERIES NORTHEAST VMS TEAM AT (978) 281-9213 BEFORE COMPLETING AND MAILING THIS FORM, AND BEFORE TAKING YOUR FIRST FISHING TRIP. THE VMS TEAM WILL VERIFY THAT YOUR VMS UNIT IS POSITIONING AND THAT POSITION REPORTS AND A TEST DECLARATION ARE BEING RECEIVED BY NOAA FISHERIES OFFICE OF LAW ENFORCEMENT.
=====

***** PLEASE COMPLETE THIS FORM BY PROVIDING ALL REQUESTED INFORMATION *****

I CERTIFY THAT SUBJECT FISHING VESSEL HAS AN OPERATIONAL VMS UNIT INSTALLED BY:

PURCHASED FROM: BOATRACS _____ SKYMATE _____ THRANE & THRANE _____

INSTALLING DEALER: NAME, ADDRESS AND TELEPHONE NUMBER:

DATE OF INSTALLATION: _____

SERIAL NUMBER OF VMS UNIT: _____

E-MAIL ADDRESS OF VESSEL: _____

VMS UNIT ACTIVATED ON VESSEL AND READY TO SEND FISHING ACTIVITY CODES? YES NO

VMS UNIT OPERATING INSTRUCTIONS SENT TO VESSEL OWNER BY VMS VENDOR? YES NO

VESSEL OWNER TRAINED ON USE OF VMS UNIT BY VMS VENDOR? YES NO
=====

I UNDERSTAND THAT THE VMS UNIT MUST REMAIN CONNECTED TO THE VMS VENDOR LISTED ABOVE AT ALL TIMES. I ALSO UNDERSTAND THAT I AM SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF 50 CFR §648.9 AND §648.10 REGARDING USE OF THE VMS. I HAVE RECEIVED INSTRUCTIONS FROM THE VMS VENDOR LISTED ABOVE AND UNDERSTAND HOW TO OPERATE THE VMS UNIT.
=====

PERMIT HOLDER'S NAME (printed): _____

PERMIT HOLDER'S SIGNATURE: _____ DATE: _____
=====

SEND THIS ORIGINAL, COMPLETED FORM TO:

NOAA FISHERIES
NE OFFICE OF LAW ENFORCEMENT
1 BLACKBURN DRIVE, ROOM 206
GLOUCESTER, MA 01930
ATTN: VMS PROGRAM

or fax to 1-978-281-9317

OMB# 0648-0202 Expires 11/30/2009
OMB# 0648-0558 Expires 06/30/2010

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930-2298; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The information will be used in the management of the Atlantic sea scallop, Northeast multispecies, monkfish and herring fisheries by insuring compliance with VMS regulations listed under 50 CFR §648.9 and §648.10 (b). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Any information submitted by any person to obtain a permit is not confidential, and may be disclosed upon request.