



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

July 6, 2009

Small Entity Compliance Guide

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

This letter is to inform you that the possession limit of 5,000 lb per trip for Georges Bank (GB) winter flounder is no longer in effect, and there is no possession limit for this stock. Also, the possession limit for white hake is increased from 1,000 lb per day-at-sea (DAS) to 2,000 lb per DAS. The maximum amount of white hake that may be retained will remain at 10,000 lb per trip. NE multispecies DAS vessels that have declared a trip through the Vessel Monitoring System (VMS), and started the trip by crossing the VMS demarcation line, are subject to the less restrictive limits described above. These measures are part of interim measures implemented for the current fishing year (FY), 2009, which will be in effect through at least October 28, 2009, and if extended by a subsequent action, through April 30, 2010. A subsequent letter will be sent if the interim rule for FY 2009 is extended.

These possession limit changes are in response to a request from the New England Fishery Management Council to consider increases in these limits in order to allow additional opportunity for groundfish vessels, while still achieving the goals of the interim action for fishing year FY 2009.

This letter also clarifies various aspects of the management measures for FY 2009 as follows:

Pollock possession limit for special management programs. Vessels fishing in the Regular B DAS Program, the Closed Area I Hook Gear Haddock Special Access Program (SAP) or the Eastern U.S./Canada Haddock SAP may not land more than 100 lb per DAS, or any part of a DAS, up to a maximum of 1,000 lb of pollock per trip.

VMS Declaration of “Area 4 and Open” or “Area 2 flex Open” (declaring intent to fish inside and outside of the U.S./Canada Management Area). Vessels that declare their intent to fish inside and outside of the U.S./Canada Management Area are bound by the most restrictive possession limit for yellowtail flounder and for winter flounder (if fishing in the Southern New England (SNE) winter flounder stock area). For example, a vessel that declares “Area 4 and open” may not possess more than 250 lb of yellowtail flounder per DAS, up to 1,000 lb per trip. Also, a vessel that declares “Area 4 and open” and fishes in the SNE winter flounder stock area during that trip may not possess any winter flounder. A vessel that declares “Area 4 and open” and fishes in the Gulf of Maine (GOM) winter flounder stock area (but not in the SNE winter flounder stock area) may possess winter flounder and is not subject to a trip limit.



Possession limits for gillnet vessels fishing in the Regular B DAS Program. A gillnet vessel fishing in the Regular B DAS Program is prohibited from using a tie-down gillnet and may not land more than 100 lb per DAS, or any part of a DAS, up to a maximum of 1,000 lb per trip of any of the following species/stocks: Cod, pollock, white hake, witch flounder, GB winter flounder, GB yellowtail flounder, and southern windowpane flounder; and may not land more than 25 lb per DAS, or any part of a DAS, up to a maximum of 250 lb per trip of Cape Cod/GOM or SNE/Mid-Atlantic yellowtail flounder.

In addition, vessels using gillnet gear are restricted to the following trip limits: 500 lb of all flatfish species (American plaice, witch flounder, winter flounder (GOM or GB), windowpane flounder (south), and yellowtail flounder), combined; 500 lb of monkfish (whole weight); 500 lb of skates (whole weight); and zero possession of lobsters, ocean pout, SNE/MA winter flounder, and windowpane flounder (north).

In the past, the regulations were unclear regarding the applicability of the flatfish, monkfish, skate and lobster restrictions to gillnet vessels fishing in the Regular B DAS Program. Because the interim rule for FY 2009 prohibits the use of tie-down gillnets in the Regular B DAS Program, NMFS is clarifying the fact that the restrictions in the paragraph above apply not only to vessels using trawls, but also to vessels using gillnets.

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

This notice is authorized by the Administrator of the National Marine Fisheries Service, Northeast Region.