



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

Small Entity Compliance Guide

Dear Permit Holder:

This is to inform you that the Secretary of Commerce has approved an interim final rule to implement restrictions under the Northeast Multispecies Fishery Management Plan (FMP) for the start of the May 1, 2002, fishing year* and continuing through at least July 31, 2002. This rule reduces overfishing on Northeast groundfish stocks through measures that include an extension of existing area closures, new area closures, new gear restrictions, days-at-sea (DAS) restrictions, and more restrictive recreational fishing measures. After July 31, 2002, additional measures may be implemented. If additional measures are implemented, you will be informed of this through another permit holder letter.

These measures are effective from May 1, 2002, through July 31, 2002, unless otherwise noted. Following is a summary of the management measures that will be implemented under this interim final rule. All management measures under the Northeast Multispecies FMP not changed or modified by this rule remain in effect.

* *These measures could change through a Federal Court decision expected by April 26, 2002, in Conservation Law Foundation, et al., v. Evans. The National Marine Fisheries Service (NMFS) will immediately inform the public of any such change through a NOAA Weather Radio/Coast Guard Radio notice and through a posting on the Northeast Regional Office's web page at: <http://www.wh.who.edu/ro/doc/nero.html>.*

GULF OF MAINE (GOM) AND GEORGES BANK (GB) REGULATED MESH AREAS (RMA)

This interim action divides the GOM/GB RMA into two areas, since some measures are specific to the GOM area only. These areas are: (1) The GOM RMA, the area north of the GOM cod exemption line currently used to define the divide between the GOM cod and GB cod trip limit allowances; and (2) the GB RMA, that part of the GOM/GB RMA that lies south of the GOM cod exemption line (see Figure 1).

The GOM RMA is that area:

- Bounded on the east by the U.S.-Canada maritime boundary defined



by straight lines connecting the following points, in the order stated:

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long.</u>
G1	(¹)	(¹)
G2	43°58'	67°22'
G3	42°53.1'	67°44.4'
G4	42°31'	67°28.1'
G5	(²)	67°20'

¹ The intersection of the shoreline and the U.S.-Canada Maritime Boundary.

² The intersection of the U.S.-Canada Maritime Boundary and 67°20' W. long.

- Bounded on the south by straight lines connecting the following points, in the order stated:

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long.</u>
G5	(¹)	67°20'
G6	42°20'	67°20'
G7	42°20'	69°30'
G8	42°00'	69°30'
G9	42°00'	(²)

¹ The intersection of the U.S.-Canada Maritime Boundary and 67°20' W. long.

² The intersection of the Cape Cod, MA coastline and 42°00' N. lat.

The GB RMA is that area:

- Bounded on the north by the southern boundary of the GOM RMA, as defined above; and
- Bounded on the east and south by straight lines connecting the following points, in the order stated:

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long.</u>	Approximate loran C bearings
G5	(¹)	67°20'	
G10	41°18.6'	66°24.8'	
G11	40°55.5'	66°38'	5930-Y-30750-Y-43500
G12	40°45.5'	68°00'	9960-Y-43500 and 68°00' W. lat.
G13	40°37'	68°00'	9960-Y-43450 and 68°00' W. lat.
G14	40°30'	69°00'	
NL3	40°22.7'	69°00'	
NL2	40°18.7'	69°40'	
NL1	40°50'	69°40'	
G11	40°50'	70°00'	
G12		170°00'	

¹ Northward to its intersection with the shoreline of mainland Massachusetts.

DAS RESTRICTIONS

Minimum DAS Counting of 15 hours (all multispecies DAS vessels)

Beginning May 1, 2002, and for the duration of this interim action, the first day of a multispecies DAS fishing trip that lasts longer than 3 hours will be counted as a minimum of 15 hours on the DAS clock. Trips of 3 hours or less will be counted as actual time to account for aborted trips due to bad weather, breakdowns, etc. For example, if a vessel calls in to the multispecies DAS program at 6 a.m. to begin a trip, and calls out of the DAS program at 4 p.m. that same day to end its trip, the vessel will be charged a minimum of 15 hours, rather than actual time (in this case, 10 hours). This portion of the alternative is summarized in Table 1.

Table 1. DAS counting scheme during May through July.

ALL AREAS	
DAS Counting--all vessels*	
* From 0 to 3 h	Counted as actual time
* From > 3 to 15 h	Counted as 15 h
* > 15 h	Counted as actual time

Limitation on DAS Use (all areas)

Any vessel fishing under a multispecies DAS between May 1-July 31, 2002, is allowed to use no more than 25 percent of its annual allocated DAS during that period. For example, a vessel with a multispecies Fleet DAS allocation fishing during May-July may use a maximum of 22 allocated multispecies DAS (88 DAS x 0.25). Because carry-over DAS are not part of a vessel's allocated DAS, carry-over DAS may not be used when determining the 25-percent DAS usage allowed for the May-July period. This effort control measure is intended to remove fishing effort from periods when cod landings are traditionally at their highest for both GOM and GB cod.

A separate permit holder letter is being sent to all multispecies vessels with an individual allocation of DAS which will inform them of the number of multispecies DAS available to fish during the May-July period, i.e., the amount equivalent to 25 percent of their annual allocation of multispecies DAS.

Prohibition on "Frontloading"

Beginning May 1, 2002, and for the duration of the interim action, owners of multispecies vessels or their authorized representative must notify the Regional Administrator no earlier than 1 hour prior to the vessel leaving port to fish under the multispecies DAS program. A DAS begins once the call has been received and a confirmation number is given to the vessel. This measure applies to all vessels fishing on a multispecies DAS, regardless of the period or area fished.

CLOSED AREAS

This action implements two GOM closure areas for the entire duration of this action, and expands spatially the May and June GOM Rolling Closure Areas, Rolling Closure Areas III and IV, respectively.

Closures for duration of this action

From May 1-July 31, 2002, no fishing vessel or person on a fishing vessel may enter, fish in, or be in; and no fishing gear capable of catching multispecies, unless otherwise allowed as described below under "Exemptions," may be in, or on board a vessel in, the areas known as the Western GOM (WGOM) Area Closure and the Cashes Ledge Area Closure (see Figure 1).

The WGOM Area Closure is defined by straight lines connecting the following points:

WGOM Area Closure

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long.</u>
WGM1	42°15'	70°15'
WGM2	42°15'	69°55'
WGM3	43°15'	69°55'
WGM4	43°15'	70°15'
WGM1	42°15'	70°15'

The Cashes Ledge Area Closure is defined by straight lines connecting the following points:

Cashes Ledge Area Closure

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long.</u>
CL1	43°07'	69°02'
CL2	42°49.5'	68°46'
CL3	42°46.5'	68°50.5'
CL4	42°43.5'	68°58.5'
CL5	42°42.5'	69°17.5'
CL6	42°49.5'	69°26'
CL1	43°07'	69°02'

Expansion of GOM Rolling Closure Areas III and IV

Rolling Closure Area III

From May 1-May 31, 2002, no fishing vessel or person on a fishing vessel may enter, fish in, or be in; and no fishing gear capable of catching multispecies, unless otherwise allowed as described below, may be in, or on board a vessel in, the areas known as Rolling Closure Area III (see Figure 2).

For the duration of this action, Rolling Closure Area III is defined as the straight lines connecting the following points:

Rolling Closure Area III

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long. (*)</u>
GM1	42°00'	(¹)
GM2	42°00'	(²)
GM3	42°00'	(³)
GM4	42°00'	70°00'
GM23	42°30'	70°00'
GM6	42°30'	68°30'
GM14	43°30'	68°30'
GM10	43°30'	(⁴)

-
- * or other intersecting line
¹ Massachusetts shoreline.
² Cape Cod shoreline on Cape Cod Bay.
³ Cape Cod shoreline on the Atlantic Ocean.
⁴ Maine shoreline.

Rolling Closure Area IV

From June 1-June 30, 2002, no fishing vessel or person on a fishing vessel may enter, fish in, or be in; and no fishing gear capable of catching multispecies, unless otherwise allowed as described below, may be in, or on board a vessel in, the areas known as Rolling Closure Area IV (see Figure 2).

For the duration of this action, Rolling Closure Area IV is defined by straight lines connecting the following points:

Rolling Closure Area IV

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long. (*)</u>
GM9	42°30'	(¹)
GM23	42°30'	70°00'
GM17	43°30'	70°00'
GM19	43°00'	(²)
GM20	44°00'	(²)
GM21	44°00'	69°00'
GM22	(³)	69°00'

-
- * or other intersecting line
¹ Massachusetts shoreline.
² U.S.-Canada maritime boundary.
³ Maine shoreline.

Exemptions:

The following vessels are exempt from the WGOM Area Closure, the Cashes Ledge Area Closure, Rolling Closure Area III and Rolling Closure Area IV:

- Vessels that are fishing with pelagic hook and line, pelagic

longline, spears, rakes, diving gear, cast nets, tongs, harpoons, weirs, dipnets, stop nets, pound nets, pelagic gillnets, pots and traps, purse seines, shrimp trawls (with a properly configured grate, as defined under 50 CFR part 648), surf clam and ocean quahog dredges, and midwater trawls; and

- Vessels that are fishing under charter/party or private recreational regulations and not under a multispecies DAS, provided that, for vessels fishing under charter/party regulations, it has on board a letter of authorization issued by the Regional Administrator for the duration of the action

In addition, the following vessels are exempt from Rolling Closure Area III and Rolling Closure Area IV:

- Vessels that have not been issued a NE multispecies permit and that are fishing exclusively in state waters;
- Vessels that are fishing with scallop dredge gear when fishing under a scallop DAS or when fishing in the Scallop Dredge Fishery Exemption Area, provided that the vessel uses an 8-inch twine top and complies with other applicable multispecies possession limits; and
- Vessels that are fishing in the Raised Footrope Trawl Exempted Whiting Fishery, as specified in the regulations.

Transiting: A vessel may transit the WGOM Area Closure, the Cashes Ledge Area Closure, and the GOM Rolling Closure Areas, provided that the gear is stowed properly according to the regulations.

GEAR RESTRICTIONS

Minimum Mesh Size Requirements when Fishing in the GOM RMA

Otter Trawl Vessels: Effective May 15, 2002, and for the duration of the interim action, vessels using trawls (other than midwater trawls) and fishing any part of a multispecies DAS trip in the GOM RMA will be required to fish with a minimum of 6.5-inch diamond or 6.5-inch square mesh in the codend. This requirement applies only to the codend of the net; the minimum mesh-size for the remaining portion of the net is unchanged. Therefore, trawl vessels that currently fish with 6.5-inch square mesh throughout the entire net will not be subject to mesh changes under this rule. For this measure, codend is defined as 25 meshes for diamond mesh (50 bars, in the case of square mesh) from the terminus of the net for vessels 45 ft in length and less, and 50 meshes for diamond mesh (100 bars, in the case of square mesh) from the terminus of the net for vessels greater than 45 ft in length. The current mesh size of 6.0-inch diamond or 6.5-inch square mesh throughout the net when fishing under a multispecies DAS remains in effect in the GB RMA.

Gillnet Vessels: Effective May 15, 2002, and for the duration of the

interim action, limited access multispecies vessels that apply for and obtain an annual designation as a Trip gillnet vessel, when fishing in the GOM RMA during any part of a trip under a multispecies DAS, will be required to fish with nets with a minimum of 6.5-inch mesh. NE multispecies vessels that apply for and obtain an annual designation as a Day gillnet vessel must fish with nets with a minimum mesh size of 6.5 inches when fishing with roundfish gillnets, or 7 inches when fishing with flatfish gillnet gear when fishing any part of a trip under a NE multispecies DAS in the GOM RMA.

Additional Gillnet Restrictions

Effective May 1, 2002, and for the duration of the interim action, limited access multispecies vessels that obtain an annual designation as a Day gillnet vessel, will be allowed to fish up to 50 roundfish nets (stand-up nets) or 100 flatfish nets (tie-down nets) when fishing under the NE multispecies DAS program, regardless of where the vessel is fishing. Vessels may fish any combination of roundfish and flatfish gillnets, up to 100 nets, provided the number of roundfish and flatfish gillnets does not exceed the limitations specific to each.

Because this interim rule makes changes to several gillnet measures, vessel owners will be allowed the opportunity to change their annual designation as a Trip or Day gillnet vessel. All vessels that have obtained a gillnet designation for the May 1, 2002, fishing year, will be sent a new gillnet designation application form concurrent with this permit holder letter and will be allowed until May 15, 2002, (postmark date) to change their gillnet designation. Vessels will be required to fish under the rules and regulations of their current designation until a new gillnet designation is issued to the vessel.

Due to uncertainties arising out of the decision in the recent groundfish case Conservation Law Foundation, et al., v. Evans, NMFS had delayed the processing of new gillnet tag orders. Given this delay, **tagging requirements will be waived for the duration of the interim action.** NMFS will renew processing of all new gillnet tag orders beginning May 15, 2002, once it is determined what vessels will remain in the Day gillnet vessel category. However, checks will be returned to those vessels who requested to have all of their current tags replaced for the new May 1, 2002, fishing year.

Monkfish Category C and D vessels

Monkfish vessels that have a monkfish limited access Category C or D permit (i.e., vessels that possess both a monkfish and multispecies limited access permit) and that are fishing as a Day gillnet vessel under a monkfish DAS will be restricted to 150 nets (from the current 160 nets), provided the vessel fishes with nets with a minimum mesh size of 10 inches, for the duration of this interim action.

RECREATIONAL AND CHARTER/PARTY VESSEL RESTRICTIONS

Minimum fish size increase (private charter/party vessels)

This action increases the minimum length for cod retained by federally permitted charter/party vessels, and private recreational vessels not holding a Federal permit and fishing in the EEZ, to 23 inches from the current size limit of 21 inches.

Possession limit (charter/party vessels)

This action implements a cod and haddock bag (possession) limit for the charter/party recreational fishing sector when fishing any part of a trip in the GOM RMA. Each person on a charter/party vessel will be allowed to possess no more than 10 cod or haddock, combined, per trip. The current per person bag limit for private recreational vessels of 10 cod and/or haddock, combined, when fishing anywhere within the EEZ, remains unchanged (as do all other recreational restrictions not changed by this interim action).

GOM closed area authorization to fish (charter/party vessels)

The regulations currently prohibit a vessel fishing under the charter/party regulations, from fishing in the GOM closure areas unless the vessel has on board a letter of authorization (LOA) issued by the Regional Administrator. This LOA is currently valid for a period of 3 months and exempts the charter/party vessel from the GOM closure areas, provided the vessel does not fish under a multispecies DAS (and does not sell fish) during the time of the authorization. Under this interim action, charter/party vessels are required to obtain an LOA for the full span of this interim final rule in order to fish as a charter/party vessel in the GOM closure areas.

LOAs issued to vessels before May 1, 2002, and which would expire prior to the expiration of this interim action, will automatically be canceled on May 15, 2002. Vessels wanting to obtain an LOA for the entire duration of this interim action will need to obtain a new LOA by May 15, 2002, by calling the NMFS Permit Office at 978-281-9370.

Table 2. Charter/party and private recreational fishing measures.

	Minimum Fish Size, Inches (cod only) ¹	Bag Limit (combined)	Closure Exemption Authorization
Charter/party	23	10 cod/haddock ²	Duration of interim action
Private Recreational	23	10 cod/haddock	N/A

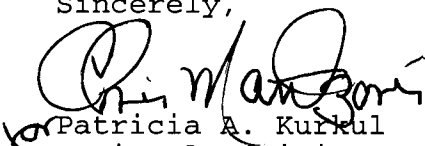
¹ All other minimum fish sizes remain unchanged.

² When fishing in the GOM RMA.

This letter is only a summary of the regulations that have been implemented. To read these regulations in their entirety, you are encouraged to obtain a complete copy by calling (978) 281-9278, or by accessing the Northeast Regional Office's web page at: <http://www.wh.who.edu/ro/doc/nero.html>

This Small Entity Compliance Guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.

Sincerely,


Patricia A. Kurkul
Regional Administrator

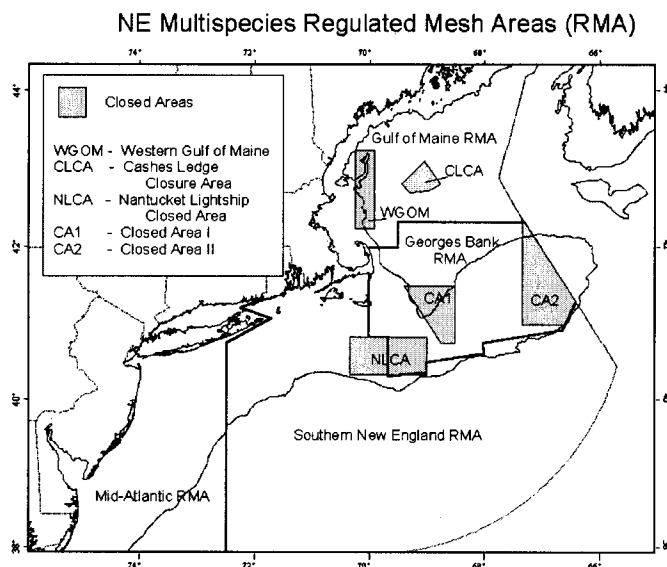


Figure 1.

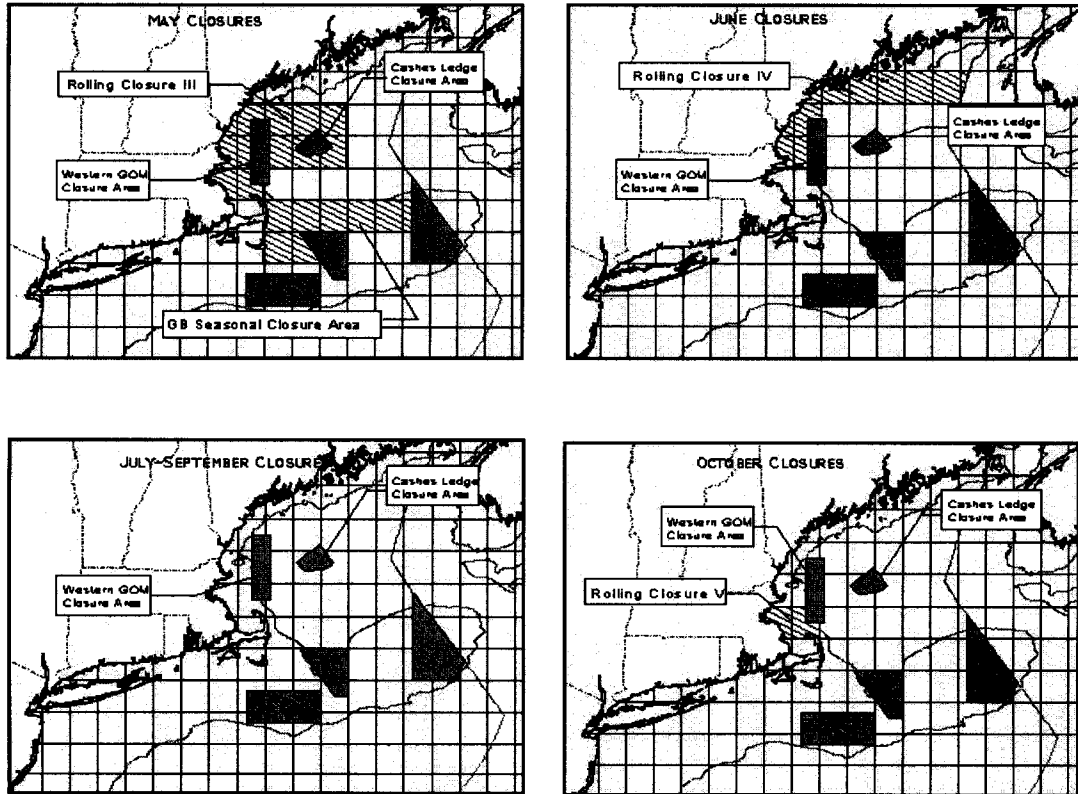


Figure 2. Closures for duration of action and rolling closures.