



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

APR 19 2011

SMALL ENTITY COMPLIANCE GUIDE

Subject: New or Revised Management Measures for Fishing Year (FY) 2011

Dear Northeast (NE) Multispecies Permit Holder:

This letter is to inform you of regulations implementing new or revised measures for FY 2011, including those approved under Framework Adjustment 45 (FW 45) to the NE Multispecies Fishery Management Plan (FMP). The measures explained in this letter become effective on May 1, 2011. All management measures that were previously in effect and not modified by FW 45 remain in effect. A set of information sheets providing additional detail on different aspects of NE multispecies regulations, including information sheets specific to sectors, non-sector (common pool) vessels, and recreational vessels are available on the Northeast Regional Office website (www.nero.noaa.gov), or by calling 978-281-9315. This letter and the information sheets are only summaries of the actual regulations, which you are encouraged to read.

The final rule implementing FW 45 revises the annual catch limits (ACLs) for several stocks based on updated information, offers further protection to spawning cod in the Gulf of Maine (GOM), and reduces economic impacts to vessels by increasing the economic efficiency of vessel operations and access to available resources. This action also specifies several measures based on existing authority provided to the Regional Administrator, including FY 2011 trip limits and days-at-sea (DAS) counting rates for common pool vessels, and access to both the U.S./Canada Management Area and associated special access programs (SAPs). One measure proposed by the New England Fishery Management Council (Council) in FW 45, delaying the responsibility of the sector vessels to pay for at-sea monitoring coverage in FY 2012, was disapproved because it would have undermined efforts to collect the information needed to accurately monitor catch in the NE multispecies fishery.

To help you better understand which regulations apply to you, this letter is divided into three main sections outlining changes to, or new, measures applicable to different segments of the fishery:

- **Section 1:** Measures applicable to all NE multispecies vessels, beginning on **page 2**
- **Section 2:** Common pool measures, beginning on **page 7**
- **Section 3:** Sector measures, beginning on **page 13**

Please call the Sustainable Fisheries Division at (978) 281-9315 if you have any questions regarding the information in this letter, or the management measures for FY 2011.

Sincerely,

for Patricia A. Kurkul
Regional Administrator

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



SECTION 1: MEASURES APPLICABLE TO ALL NE MULTISPECIES VESSELS

ACL SPECIFICATIONS

In 2010, the FW 44 final rule set the ACLs for all groundfish stocks through FY 2012. The FW 45 final rule modified the 2011 ACLs for five stocks (Georges Bank (GB) haddock, GB cod, GB yellowtail flounder, white hake, and pollock). Table 1 specifies the FY 2011 ACLs available to various components of the fishery, while Table 2 shows specific allocations of groundfish to the Atlantic sea scallop fishery, the herring mid-water trawl fishery, and the groundfish recreational fishery for FY 2011.

The preliminary common pool and sector sub-ACLs listed in Table 1 are based on sector rosters submitted in December 2010. Final sub-ACLs for the common pool and sectors will be specified in another letter that will be distributed once the FY 2011 sector rosters are finalized on May 1, 2011 to account for any vessels that chose to switch to the common pool by April 30, 2011.

Table 1: Total ACLs, Sub-ACLs, and ACL-subcomponents for FY 2011 (lb, live weight)

Stock	Total ACL	Groundfish Sub-ACL	Preliminary Common-pool Sub-ACL	Preliminary Sector Sub-ACL	State Waters ACL Sub-component	Other ACL Sub-components
GB cod*	10,008,987	9,482,082	205,030	9,277,052	105,822	421,083
GOM cod	18,838,500	16,863,158	196,211	10,383,773	1,316,160	659,182
GB haddock*	71,905,971	67,990,562	279,987	67,710,575	753,981	3,020,333
GOM haddock	2,515,474	2,414,062	24,251	1,710,787	19,842	77,162
GB yellowtail flounder*	3,121,746	2,517,679	35,274	2,482,405	0	160,937
Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder	1,413,163	1,155,222	249,122	906,100	15,432	59,525
Cape Cod (CC)/GOM yellowtail flounder	2,186,986	2,072,345	66,139	2,006,207	22,046	92,594
American plaice (dabs)	7,231,162	6,851,967	169,756	6,682,211	74,957	304,238
Witch flounder (gray sole)	2,874,828	2,724,914	52,911	2,672,003	30,865	121,254
GB winter flounder	4,669,391	4,424,678	26,455	4,398,222	0	244,713
GOM winter flounder	507,063	348,330	19,842	328,489	132,277	26,455
SNE/MA winter flounder	1,856,292	1,600,556	1,600,556	0	158,733	99,208
Redfish	17,546,591	16,625,059	125,663	16,499,396	185,188	736,344
White hake*	6,918,106	6,556,548	68,343	6,488,204	72,753	291,010
Pollock*	35,639,929	30,758,895	264,555	30,494,340	1,695,355	3,185,680
Northern windowpane flounder	354,944	242,508	242,508	0	4,409	108,027
Southern windowpane flounder	496,040	339,512	339,512	0	4,409	152,119
Ocean pout	557,770	526,905	526,905	0	6,614	24,251
Atlantic halibut	167,551	72,753	72,753	0	85,980	8,818
Atlantic wolffish	169,756	160,937	160,937	0	2,205	6,614

*Denotes that the total ACLs for these stocks have been revised under FW 45.

Table 2: Allocations to the Atlantic Sea Scallop Fishery, Atlantic Herring Mid-Water Trawl Fishery, and Recreational Groundfish Fishery for FY 2011 (lb, live weight)

Atlantic Sea Scallop Fishery	
GB yellowtail flounder	442,688
SNE/MA yellowtail flounder	180,779
Atlantic Herring Mid-Water Trawl Fishery*	
GB haddock	185,188
GOM haddock	4,409
Recreational Groundfish Fishery	
GOM cod	6,225,854
GOM haddock	679,024

*Allocations to the Atlantic herring mid-water trawl fishery may be revised by the Council as part of FW 46, which is scheduled for implementation by the early fall of 2011.

REPORTING REQUIREMENTS

Vessel Trip Report (VTR) Serial Number: Previous regulations required the submission of the VTR serial number prior to leaving port on each sector or common pool trip. To reduce redundancy, the owner or operator of any NE multispecies vessel fishing on either a common pool or a sector trip is now required to provide the VTR serial number for the first page of the VTR for that particular trip only once prior to returning to port at the end of a either a common pool or sector trip via either the vessel monitoring system (VMS) catch report, or the interactive voice response (IVR/call-in) system.

Trip-end Hail Report: To facilitate dockside inspections by both state and Federal enforcement personnel, beginning in FY 2011, a sector vessel fishing on a sector trip, and a common pool vessel fishing under a NE multispecies DAS must submit a trip-end hail report via VMS prior to returning to port on each trip. A vessel subject to dockside monitoring (i.e., sector vessels starting in FY 2010 and common pool vessels starting in FY 2012) is required to submit both a trip-start and a trip-end hail report for that trip, consistent with current practice and existing regulations. A common pool vessel that is not required to use VMS and does not have an operational VMS on board (i.e., a vessel issued a Handgear A, Handgear B, or Small Vessel Category permit) is not required to submit a trip-end hail report at the end of each groundfish trip.

DOCKSIDE/ROVING MONITOR REQUIREMENTS

The FW 45 final rule includes several revisions to existing dockside/roving monitoring requirements, as described below. All other existing dockside/roving monitoring measures remain unchanged.

Exemption for Certain Permit Categories: A common pool vessel issued a limited access NE multispecies Handgear A or Small Vessel Category permit, or an open access NE multispecies Handgear B permit is exempt from the dockside/roving monitoring requirements.

Dockside/Roving Monitoring Cost Responsibility and Coverage Levels: Requirements for the fishing industry to pay for dockside/roving monitoring costs are delayed until FY 2013 for both common pool and sector vessels. NOAA's National Marine Fisheries Service (NMFS) will cover costs associated with dockside/roving monitoring coverage through FY 2012, based on available funding.

- FYs 2011 and 2012: For FY 2011, NMFS appears to have enough funding to provide dockside/roving monitoring coverage for 100 percent of the trips not assigned an observer or at-sea monitor. At this time, it is unknown how much funding will be available to NMFS for dockside/roving monitoring coverage in FY 2012.
- FY 2013 and beyond: Beginning in FY 2013, 20 percent of both sector and common pool trips are intended to be randomly assigned a dockside/roving monitor.

Declaring the Assignment of an Observer/At-sea Monitor: To help NMFS assign and deploy the appropriate amount of dockside/roving monitoring coverage, as described above, the owner/operator of a sector vessel fishing on a sector trip during FYs 2011 and 2012, or a common pool vessel fishing under a NE multispecies DAS in FY 2012, must declare whether an observer or at-sea monitor has been assigned to that vessel for that particular trip. This declaration must be submitted via VMS as part of the existing trip-start hail report requirements.

Inspection of Fish Holds: Starting in FY 2011, all dockside/roving monitors must inspect fish holds, or any other areas where fish are stored, to determine if all fish have been offloaded. Vessel owners/operators and crew must assist the dockside/roving monitors to safely enter and exit all areas of the vessel where fish would normally be stored so that they can conduct their inspection.

Approved Dockside/Roving Monitoring Service Providers: For FY 2011, the service providers specified below have been approved by NMFS to provide dockside/roving monitoring services.

- A.I.S., Inc., 89 North Water Street, New Bedford, MA 02747, phone 508-990-9054, fax 508-990-9055, website www.aisobservers.com.
- MRAG Americas, 65 Eastern Ave., Unit B2C, Essex, MA 01929, phone 978-768-3880, fax 978-768-3878, website www.mragamericas.com.
- Saltwater Inc., 733 N. Street, Anchorage, AK 99501, phone 907-276-3241, fax 907-258-5999, website www.saltwaterinc.com.
- Atlantic Catch Data Ltd., 99 Wyse Road, Suite 815, Dartmouth, Nova Scotia, CANADA B3A 4S5, phone 1-902-422-4745, fax 1-902-422-9780, website www.atlanticcatchdata.ca.

Contracts with Approved Service Providers: Beginning in FY 2013, each sector manager or each individual common pool vessel owner must contract with an approved dockside/roving monitor service provider to provide dockside/roving monitoring services for that FY.

U.S./CANADA MANAGEMENT AREA

Overall FY 2011 U.S./Canada Management Area Total Allowable Catches (TACs) for U.S. Sector and Common Pool Vessels (lb, live weight):

- Eastern GB Cod: 440,925
- Eastern GB Haddock: 21,252,562

- GB Yellowtail Flounder: 3,214,340

Access to the Eastern U.S./Canada Area: A common pool vessel fishing with trawl gear may not fish in the Eastern U.S./Canada Area until August 1, 2011. A sector vessel, or a common pool vessel fishing with hook and gillnet gear can fish in the Eastern U.S./Canada Area beginning May 1, 2011.

CLOSED AREA I HOOK GEAR HADDOCK SAP

Overall Haddock TAC: For FY 2011, the overall haddock TAC for the Closed Area I Hook Gear Haddock SAP applicable to both common pool and sector vessels participating in this SAP is 6,961,096 lb. Once this overall haddock TAC is caught, this SAP will be closed to all groundfish vessels. All other measures for this SAP are unchanged.

CLOSED AREA II YELLOWTAIL FLOUNDER/HADDOCK SAP

Each year the Regional Administrator must determine if there is sufficient GB yellowtail flounder ACL available to enable vessels to target this stock in the Closed Area II Yellowtail Flounder/Haddock SAP. Based on the FY 2011 GB yellowtail flounder ACL, and past fishing practices, there is not enough GB yellowtail flounder sub-ACL to open this SAP to targeting GB yellowtail flounder during FY 2011. Therefore, for FY 2011, this SAP is only open to targeting haddock. The following FY 2011 measures are in effect for this SAP:

Season: The SAP will be open from August 1, 2011, through January 31, 2012.

Gear Requirements: Because the SAP is open only to target haddock during FY 2011, vessels fishing in this SAP, including both common pool and sector vessels, may only use the following gear: Haddock separator trawl, Ruhle trawl, or hook gear. Flounder trawl nets or gillnets may not be used. Other gear may be on board when in this SAP, provided it's properly stowed.

Trip Limits for Common Pool Vessels: Common pool vessels fishing in the SAP are subject to the following trip limits:

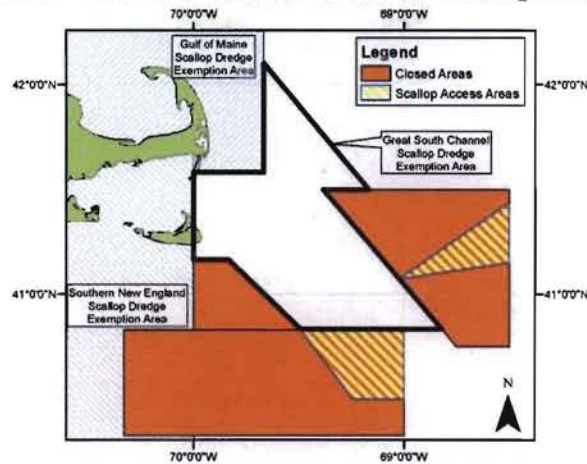
- GB cod: 500 lb/DAS, up to 5,000 lb/trip
- GB haddock: Unlimited
- If fishing with trawl gear:
 - Flatfish species (all species combined): 500 lb/trip, not to exceed the individual species trip limits specified in Table 3
 - Monkfish: 500 lb/trip (whole weight), unless otherwise restricted by the Monkfish FMP
 - Skates: 500 lb/trip (whole weight), unless otherwise restricted by the Skate FMP
 - Lobsters: Zero lobsters
- Discards: A common pool vessel may not discard legal-sized groundfish when fishing in the SAP, except for species that vessels are prohibited from possessing (ocean pout, windowpane flounder, and Atlantic wolffish) and Atlantic halibut. If a common pool vessel fishing under a Category B DAS in this SAP exceeds the trip limits specified in Table 3, the vessel operator must flip its Category B DAS to a Category A DAS.

Number of Trips per Vessel: For FY 2011, there is no limit on the number of trips that each vessel may take into this SAP on a monthly or yearly basis.

GREAT SOUTH CHANNEL EXEMPTION AREA

The FW 45 final rule eliminates the yellowtail flounder spawning closure areas within the Great South Channel Exemption Area (see Figure 1 below). This allows a limited access general category (LAGC) scallop vessel to fish within this area throughout the year in accordance with applicable scallop regulations. These yellowtail flounder spawning closure areas are no longer necessary because a LAGC vessel is now subject to limits on the amount of scallops and, therefore, yellowtail flounder that it may catch.

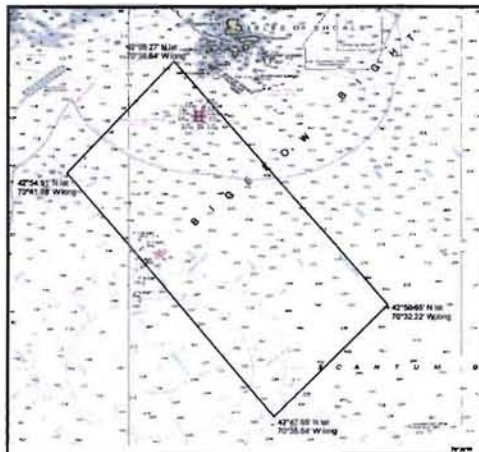
Figure 1: The Great South Channel Exemption Area



GOM COD SPAWNING PROTECTION AREA

To prevent fishing activities from interfering with known areas of spawning activity for GOM cod located just south of the Isle of Shoals off NH, the FW 45 final rule created the GOM Cod Spawning Protection Area (see Figure 2). The provisions for this protection area are described below.

Figure 2: The GOM Cod Spawning Protection Area



Point	N. Latitude	W. Longitude
CSPA1	42° 50.95'	70° 32.22'
CSPA2	42° 47.65'	70° 35.64'
CSPA3	42° 54.91'	70° 41.88'
CSPA4	42° 58.27'	70° 38.64'

Gear Restrictions: The following gear restrictions apply to either a commercial or recreational fishing vessel fishing in the GOM Cod Spawning Protection Area:

- **Commercial vessels:** From June 1 through June 30 of each year, a commercial fishing vessel is prohibited from fishing within the GOM Cod Spawning Protection Area using gear capable of catching groundfish, including mid-water trawl and purse seine gear. A commercial fishing vessel may use only the following exempted gear in this area during June:
 - Pelagic hook-and-line gear, pelagic longline gear, spears, rakes, diving gear, cast nets, tongs, harpoons, weirs, dipnets, stop nets, pound nets, pelagic gillnets, pots and traps, shrimp trawls with a properly configured grate, and surfclam and ocean quahog dredges.
 - Pelagic gillnet gear is defined as a single pelagic gillnet that is no longer than 300 ft and not greater than 6 ft deep, with a maximum mesh size of 3 inches (7.6 cm), that is attached to the boat and fished in the upper two-thirds of the water column.
- **Recreational vessels:** From April 1 through June 30 of each year, a recreational vessel, including a private recreational and a charter/party vessel, may only use pelagic hook-and-line gear, as defined below, when fishing in the GOM Cod Spawning Protection Area.
 - Pelagic hook-and-line gear is defined as handline or rod and reel gear that is designed to fish for, or that is being used to fish for, pelagic species. No portion of this gear may be operated in contact with the bottom at any time.

Possession Restrictions: Any vessel fishing in the GOM Cod Spawning Protection Area and using the exempted gear described above, including pelagic hook-and-line gear by recreational vessels, is prohibited from possessing or retaining regulated species or ocean pout from April 1 through June 30 of each year.

Transiting: Both a recreational and a commercial vessel may transit the GOM Cod Spawning Protection Area, provided all gear is stowed according to existing regulations.

CORRECTIONS TO OTHER REGULATIONS

The following regulatory corrections were made through the FW 45 final rule:

- **Offloading prohibition:** A new prohibition was added at 50 CFR 648.14(k)(18)(i)(D) that makes it illegal for a vessel to offload its catch before an assigned dockside/roving monitor arrives at the designated offloading site specified by the vessel operator in the trip-end hail report, as required by 50 CFR 648.87(b)(1)(i)(C).
- **Regulations when carrying passengers for hire:** The regulations at 50 CFR 648.82(a)(2) were revised to state that, in addition to a vessel fishing under a NE multispecies DAS, a vessel issued a limited access NE multispecies permit may not fish under a sector trip or under the limited access NE multispecies Small Vessel Category or Handgear A permits, if such vessel carries passengers for hire for any portion of a fishing trip.

SECTION 2: COMMON POOL MEASURES

DIFFERENTIAL DAS COUNTING

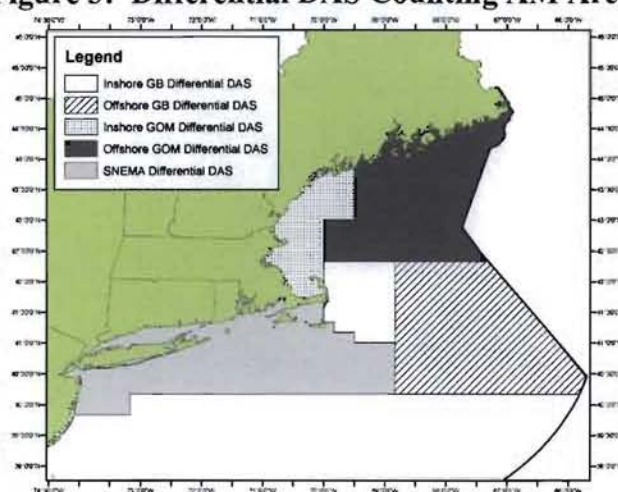
For overages of a common pool sub-ACL (quota) for any stock, the Regional Administrator must increase the DAS counting rate proportional to the overage (i.e., implement a differential DAS counting rate). During FY 2010, the common pool exceeded its sub-ACL for witch flounder by 30 percent. Therefore, the DAS counting rate is increased by 30 percent in the areas where witch flounder is predominantly caught, as described below.

Differential DAS Counting Rate and Areas Affected: For FY 2011, all Category A DAS used by a common pool vessel in the Offshore GOM Differential DAS Area, the Inshore GB Differential DAS Area, or the Offshore GB Differential DAS Area (see Figure 3 below) are charged at a rate of 1.3:1, or 31.2 hours for each DAS or part of a DAS fished in these areas (1.3 x 24-hr DAS counting).

The differential DAS counting rate is applied to each Category A DAS used in the stock areas described above based on the first VMS position into and out of the applicable differential DAS counting areas.

Example: If a vessel fished 12 hr inside the Offshore GOM Differential DAS Area where differential DAS counting applies, and 10 hr inside the Inshore GOM Differential DAS Area, the vessel will be charged 48 hr of DAS use. This is because DAS charge is still applied in 24-hr increments ((12 hr inside the area x 1.3 = 15.6 hr) + 10 hr outside the area = 25.6 hr, which is then rounded to the next 24-hr increment for a 48 hr DAS charge).

Figure 3: Differential DAS Counting AM Areas



Amendment 16 regulations state that vessels in the directed groundfish fishery, including common pool vessels, shall be responsible for any overages of the overall ACL for each groundfish stock to prevent overfishing on the stock as a whole, even if the overage was caused by vessels in other fisheries such as state-waters fisheries, exempted fisheries, and the scallop and herring fisheries that are allocated sub-components of the ACL. Therefore, the differential DAS counting rate and the areas affected may increase based on an updated estimate of the total catch of these stocks by vessels in all other fisheries. This updated estimate is expected to be completed in July 2011.

TRIP LIMITS

Beginning May 1, 2011, common pool vessels are subject to the trip limits listed in Table 3. The Regional Administrator has the authority to revise trip limits for common pool vessels to ensure that common pool sub-ACLs (see Table 1) are not exceeded or underharvested. You will be notified of any future changes through another letter. As a reminder, if fishing in multiple stock areas on the same trip, the most restrictive possession limit applies for each species for the entire trip.

Table 3: 2011 Common Pool Trip Limits under a Category A or B DAS.

Species	Stock Area ¹	A DAS	Handgear A	Handgear B	Eastern US/Canada Haddock SAP ³	Regular B DAS Program	
						Separator or Ruhle Trawl ³	Non-Trawl Gear
Cod	GOM	500 lb/DAS, up to 2,000 lb/trip	300 lb/trip	75 lb/trip	1,000 lb/trip	100 lb/DAS, up to 1,000 lb/trip	
	OFF GB, IN GB, and SNE	3,000 lb/DAS, up to 30,000 lb/trip (outside of the Eastern U.S./Canada Area) ²	300 lb/trip	75 lb/trip			
		500 lb/DAS, up to 5,000 lb/trip (E. U.S./Canada Area)					
		1,000 lb/trip Closed Area I Hook Gear Haddock SAP -or- Closed Area II Yellowtail Flounder/Haddock SAP (for targeting haddock)					
Haddock	GOM	1,000 lb/trip					
	OFF GB, IN GB, and SNE	10,000 lb/trip					
Pollock	All Areas	Unlimited				100 lb/DAS to 1,000 lb/trip	
Redfish	All Areas				Unlimited		
White hake	All Areas	1,500 lb/trip				100 lb/DAS to 1,000 lb/trip	
Atlantic halibut	All Areas				1 fish/trip		
Yellowtail flounder	GOM, IN GB	500 lb/DAS, up to 2,000 lb/trip			NA	25 lb/DAS to 250 lb/trip	
	SNE	500 lb/DAS, up to 2,000 lb/trip					
	OFF GB	2,500 lb/trip			100 lb/DAS, up to 500 lb/trip of all flatfish combined	100 lb/DAS for each stock, up to 500 lb/trip of all flatfish combined	100 lb/DAS, to 1,000 lb/trip
American plaice (dabs)	All Areas	Unlimited			500 lb/trip of all flatfish combined		100 lb/DAS, to 1,000 lb/trip
Witch flounder (gray sole)	All Areas	250 lb/trip					100 lb/DAS, to 250 lb/trip
	OFF GB	1,000 lb/trip			100 lb/trip		100 lb/DAS, to 1,000 lb/trip
Winter flounder	GOM	250 lb/trip			NA	250 lb/trip	
	SNE	Zero – possession prohibited⁴					
Windowpane Flounder	All Areas	Zero – possession prohibited					
Ocean Pout							
Atlantic Wolffish							

¹ Broad Stock Areas: Gulf of Maine (GOM), Inshore Georges Bank (IN GB), Offshore Georges Bank (OFF GB), and Southern New England (SNE)

² Vessel must submit GOM Cod Trip Limit Exemption Form via VMS

³ Gear performance trip limits of 500 lb all flatfish combined, 500 lb whole monkfish (unless otherwise restricted by trip limits of the monkfish FMP), 500 lb whole skate, and zero lobsters also apply

⁴ A vessel may transit the InGB and SNE areas with GOM or OffGB winter flounder on board, provided that fishing gear is properly stowed.

Cod Trip Limits for Handgear-Permitted Vessels: The FW 45 final rule revises the cod trip limits applicable to Handgear A and B vessels to be specific to either the GOM or GB cod stock, including any adjustments to such trip limits, as detailed below. The stock cod stock areas are defined based on existing regulated mesh areas depicted in Figure 4.

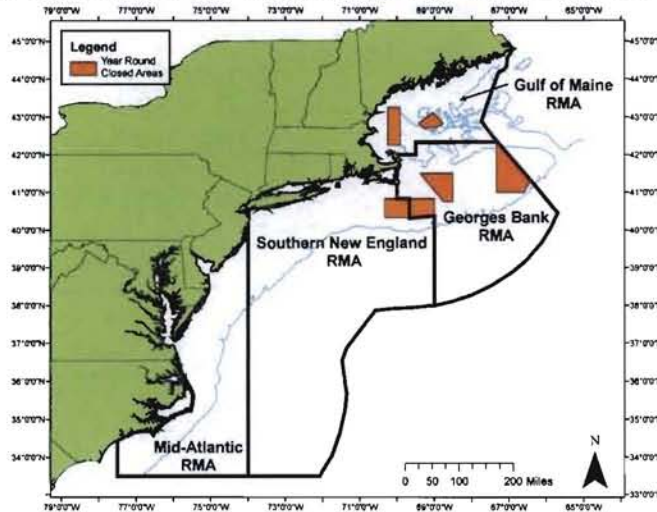
- **Initial trip limits:** Unless otherwise revised as described below, the following trip limits will apply:
 - Handgear A Vessels: For both GOM and GB cod, 300 lb per trip.
 - Handgear B Vessels: For both GOM and GB cod, 75 lb per trip.
- **Adjustment to initial trip limits:** You will be notified of any adjustments to trip limits through another letter. Adjustments to Handgear A and Handgear B cod trip limits are as follows:
 - Handgear A Vessels: Once either the GOM or GB cod trip limits for common pool DAS vessels are reduced below 300 lb per DAS, then the applicable trip limit for a Handgear A vessel shall be reduced to be equal to the trip limits for common pool vessels fishing under a DAS.

Example: If the GOM cod trip limit for NE multispecies DAS vessels was reduced to 250 lb per DAS, then the cod trip limit for a vessel issued a Handgear A permit that is fishing in the GOM Regulated Mesh Area (see Figure 4) would also be reduced to 250 lb. In this example, no changes to the GB cod trip limit would be made.
 - Handgear B Vessels: The cod trip limits for Handgear B shall still be revised proportional to adjustments to the applicable trip limit for common pool DAS vessels for either the GOM or GB cod stock, rounded up to the nearest 25 lb.

Example: If the GOM cod trip limit for common pool vessels fishing under a NE multispecies DAS was reduced to 250 lb per DAS (by 50 percent), then the cod trip limit for a vessel issued a Handgear B permit that is fishing in the GOM Regulated Mesh Area would also be reduced by 50 percent to 37.5 lb per trip that is then rounded up to the nearest 25 lb, or 50 lb per trip. In this example, no changes to the GB cod trip limit would be made.
- **GB Cod declaration:** The owner or operator of a Handgear A or B vessel must declare an intent to fish for GB cod south of the GOM Regulated Mesh Area (see Figure 4) by either obtaining a paper letter of authorization from the Regional Administrator, or by declaring this intent via VMS if required or electing to use VMS. If issued a paper letter of authorization, the vessel owner or operator commits to fishing south of the GOM Regulated Mesh Area for a minimum of 7 days. If declaring via VMS, the vessel owner or operator commits to fishing south of the GOM Regulated Mesh Area only for that particular trip.

Please note that on page 11, this letter mistakenly states that a vessel issued a limited access Northeast multispecies Handgear A permit “may access” the Sector Rolling Closure Areas II, III, and IV in the Gulf of Maine (GOM) from April through June. Instead, the letter should have stated that a vessel issued a Handgear A permit “is subject to” these areas, and may not fish within these areas during these months. These areas are smaller than the existing GOM Rolling Closure Areas, enabling Handgear A vessels to fish closer to shore from April through June than in previous years. A correction letter will be sent to Handgear A vessels shortly.

Figure 4: Regulated Mesh Areas Used to Specify GOM and GB Cod Trip Limits



HANDGEAR ACCESS TO SEASONAL CLOSURE AREAS

To provide handgear-permitted vessels with the ability to fish for groundfish closer to shore, a Handgear A or Handgear B vessel may now access the GB Seasonal Closure Area during the month of May (see Figure 5), and a Handgear A vessel may access the Sector Rolling Closure Areas II, III, and IV in the GOM from April through June (see Figures 6-8). A Handgear A vessel is not subject to either the March or October-November GOM Rolling Closure Areas. Please contact NMFS at 978-281-9315 if you would like to receive a copy of the coordinates for these areas.

Figure 5: GB Seasonal Closure Area (May)

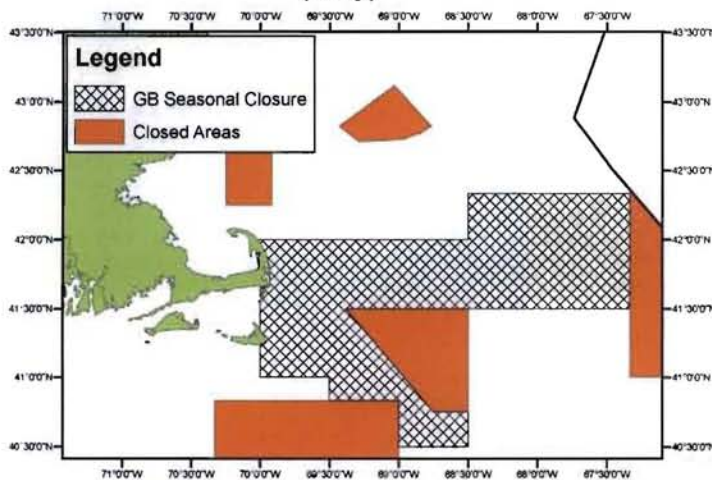


Figure 6: Sector GOM Rolling Closure Area II (April)

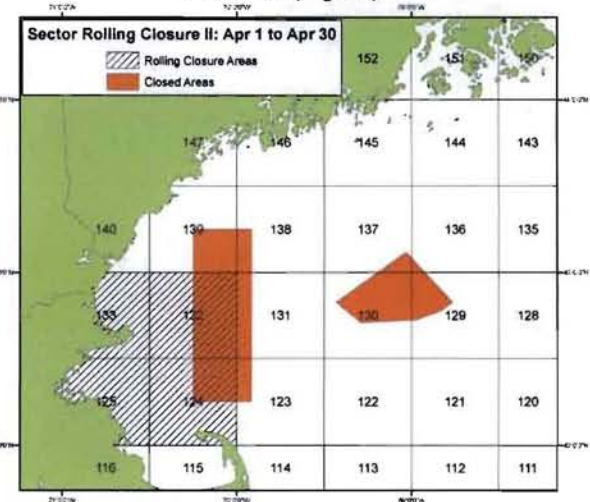


Figure 7: Sector GOM Rolling Closure Area III (May)

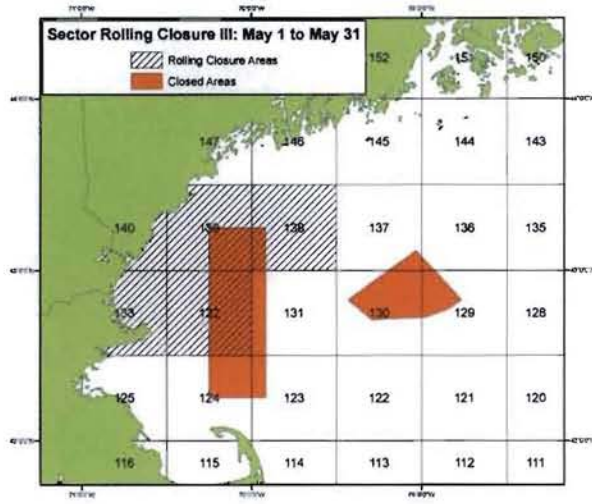
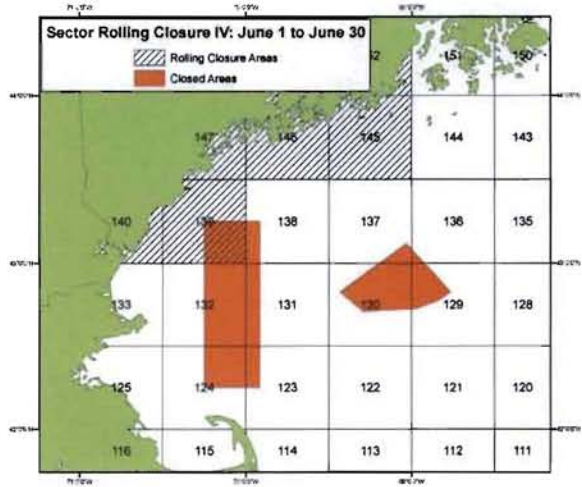


Figure 8: Sector GOM Rolling Closure Area IV (June)



INCIDENTAL CATCH TACs

A common pool vessel participating in either the Regular B DAS Program or a SAP when fishing on either a Category B Regular or Category B Reserve DAS must comply with incidental catch TACs for certain species. Table 4 indicates the distribution of incidental catch TACs for these programs for FY 2011, while Table 5 shows the distribution of incidental catch TACs among quarters in the Regular B DAS Program. Once any of these incidental catch TACs is caught, the use of Category B DAS in these special management programs (SMP) are prohibited, or the program closes to common pool vessels. You will be notified of any future changes through another letter.

Table 4: Distribution of FY 2011 Incidental Catch TACs Among SMPs (lb, live weight).

Stock	Regular B DAS Program	Closed Area I Hook Gear Haddock SAP	Eastern U.S./Canada Haddock SAP
GB cod	2,205	661	1,543
GOM cod	2,866	0	0
GB yellowtail flounder	331	0	220
CC/GOM yellowtail flounder	661	0	0
SNE/MA yellowtail flounder	2,425	0	0
American plaice (dabs)	8,598	0	0
Witch flounder (gray sole)	2,646	0	0
SNE/MA winter flounder	16,094	0	0
GB winter flounder	220	0	220
White hake	1,543	0	0

Table 5: Distribution of FY 2011 Incidental Catch TACs by Calendar Quarters for the Regular B DAS Program (lb, live weight).

Stock	Quarter 1 (May – July)	Quarters 2 through 4 (August – April)
GB cod	287	639
GOM cod	373	831
GB yellowtail flounder	43	96
CC/GOM yellowtail flounder	86	192
SNE/MA yellowtail flounder	315	703
American plaice (dabs)	1,118	2,493
Witch flounder (gray sole)	344	767
SNE/MA winter flounder	2,092	4,667
GB winter flounder	29	64
White hake	201	448

SECTION 3: SECTOR MEASURES

AUTHORIZED SECTORS

The FW 45 final rule authorizes five new sectors, as listed below. The yearly operations plans for each sector must be approved through a separate rulemaking. For 2011, 19 sectors submitted operations plans that have been approved by NMFS. Complete operations plans for permit bank sectors associated with the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island were not submitted for approval for FY 2011. A separate letter describing the approval of these operations plans and the associated exemptions from existing regulations is being sent to each sector manager and participating sector vessel.

New Sectors Authorized under FW 45:

1. State of Maine Permit Bank Sector
2. State of Rhode Island Permit Bank Sector
3. State of New Hampshire Permit Bank Sector
4. State of Massachusetts Permit Bank Sector
5. Sustainable Harvest Sector III

SECTOR ANNUAL CATCH ENTITLEMENT (ACE)

Landing history of cancelled permits: Previously, potential sector contributions (PSCs) were calculated based on limited access NE multispecies permits issued as of May 1, 2008. Since then, several permits have been permanently cancelled. The FW 45 final rule redistributes the landings history associated with cancelled permits to all valid limited access NE multispecies permits.

Timing of PSC calculations: The PSCs of each permit shall be calculated on June 1 of each year to reflect permits cancelled through April 30 of each year. These updated PSCs will be used to determine sector ACEs for the following FY based on the cumulative PSCs of each permit participating in a particular sector. Letters specifying updated PSCs for each valid limited access

NE multispecies permit will be sent to permit holders by July 1 of each year. For FY 2011, NMFS recalculated PSCs for each permit using valid permits as of February 11, 2011, to reflect permits cancelled through that date.

ACE Carry-over: Existing regulations allow a sector to carry-over up to 10 percent of unused ACE for each stock into the next FY, except GB yellowtail flounder. The FW 45 final rule clarifies that this carry-over is based upon the amount of ACE for each stock originally allocated to each sector at the start of a FY before any leasing occurs. For the purposes of calculating the ACE carry-over amount, NMFS interprets ACE leased out to another sector as being used by the original sector.

Example: If a sector is allocated 1,000 mt of GOM cod, and acquires another 50 mt of GOM cod from another sector through an ACE transfer, but only lands 850 mt during FY 2010, that sector could only carry over 100 mt (10 percent of 1,000 mt originally allocated) into FY 2011, despite having 200 mt of unused ACE at the end of FY 2010.

ACE TRADING

To enable NMFS to complete a year-end evaluation of sector catch and allow sector managers to have all of the information they need to complete an ACE trade with another sector and avoid exceeding its ACE for any stock, FW 45 allows the Regional Administrator to extend the Amendment 16 ACE trading deadline until 2 weeks after the NMFS year-end evaluation is completed. Once this date is determined, NMFS will notify sector managers of the ending date for ACE transfers through a separate letter or email.

UNIVERSAL SECTOR EXEMPTIONS

The FW 45 final rule revises the universal sector exemptions specified in Amendment 16 to enable sectors to request exemptions from dockside/roving monitoring requirements to minimize monitoring costs for sector trips, or any other reason. Any exemption from the dockside/roving monitoring requirements must be approved by NMFS on a yearly basis through a sector's operations plan.

SECTOR ROSTERS

To provide additional flexibility for sectors, sector managers must submit preliminary sector rosters by September 1, and final rosters by December 1 of each year, as part of their yearly submission of operations plans for NMFS approval. A sector may establish its own sector roster deadline for its own purposes.

NMFS may also consider a window for additional sector roster changes to accommodate changes in vessel ownership that occurred after the submission of final sector rosters on December 1. This window for additional sector roster changes will begin with the publication of proposed measures for the common pool for the following FY (around February 1 of each year) and end on April 30.