



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

February 23, 2010

New Reporting Requirement for Midwater Trawl Vessels
Fishing in Groundfish Closed Area I
Small Entity Compliance Guide

Dear Limited Access Herring Category A or B Permit Holder:

This letter is to inform you of a new reporting requirement effective on **March 5, 2010**, for any vessel issued a limited access herring Category A or B permit (i.e. All Areas or Areas 2/3 permit) fishing in Northeast (NE) multispecies Closed Area I under the authority of the Gulf of Maine/Georges Bank Herring Midwater Trawl Gear Letter of Authorization (LOA).

On November 2, 2009, a new final rule became effective that prohibited midwater trawl vessels fishing in Closed Area I from releasing fish from the codend of the net, except when pumping the catch is not possible due to a concern for vessel safety, or pumping is not possible due to mechanical failure or spiny dogfish clogging the pump intake. If fish are released, the vessel must exit Closed Area I for the remainder of that trip. Effective March 5, 2010, a vessel operator must also complete, sign, and submit to NMFS a Closed Area I Midwater Trawl Released Codend Affidavit following such a release of fish. The affidavit form (copy attached) includes fields for vessel information and details of where, when, and why the tow was released, as well as a good-faith estimate of both the total weight of fish caught on that tow and the weight of fish released. Please note that these restrictions do not apply to the release of small amounts of fish that can not be pumped and therefore remain in the net at the end of pumping operations.

This reporting requirement was included in a November 2, 2009, final rule that implemented additional bycatch monitoring measures for midwater trawl vessels fishing in Closed Area I at the request of the New England Fishery Management Council. Most provisions of that rule became effective on November 2, 2009, but this reporting requirement was delayed pending approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. A final rule published on February 3, 2010, announced OMB approval of the new form, with an effective date of March 5, 2010. Vessels currently issued a Gulf of Maine/Georges Bank Midwater Trawl Gear LOA will receive an updated edition of the LOA, which includes this requirement, prior to March 5, 2010.

Additional details about the requirements for any midwater trawl vessel fishing in Closed Area I can be found in the November 3, 2009, permit holder letter. Copies of the letter can be obtained on the Northeast Regional Office website (www.nero.noaa.gov) or by calling the Sustainable Fisheries Division at 978-281-9315.

Sincerely,

Patricia A. Kurkul
Regional Administrator





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CLOSED AREA I MIDWATER TRAWL RELEASED CODEND AFFIDAVIT

If any part of a tow occurs inside Northeast Multispecies Closed Area I, a vessel is prohibited from releasing fish from the codend except when pumping the catch is not possible due to a concern for vessel safety, mechanical failure, or spiny dogfish clog the pump intake. Following such a release, the vessel operator must complete and sign this form and exit Closed Area I for the remainder of that trip, as detailed at 50 CFR 648.80(d)(7). Completed and signed forms must be submitted within 48 hours of the conclusion of a trip to: **National Marine Fisheries Service, Office of Law Enforcement (OLE), 55 Great Republic Drive, Gloucester, MA, 01930.**

To be Completed by Vessel Captain

Vessel Name	Permit Number	Date & Time
Vessel Trip Report Serial Number		
Primary Reason for Release:		
<input type="checkbox"/> Vessel Safety <input type="checkbox"/> Mechanical Problems		
<input type="checkbox"/> Dogfish		
Please provide additional details on why the codend was released:		

	Pounds
Estimated total weight of tow:	
Estimated total weight of all fish released:	

Signature

This form is required to be completed by the operator of any midwater trawl vessel fishing in Closed Area I following the release of fish from the codend of the net. Signature of this form certifies that the vessel operator attests that the information provided on this form is true, complete and correct to the best of their knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

Information obtained from the affidavit is held confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and would be used only in summarized form (without identifying the source of data, i.e., vessel name, owner, etc.) for management of the fishery in the future.

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.

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 the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden estimate or any other aspect of this collection of information to NMFS, 55 Great Republic Drive, Gloucester, MA 01930.

OMB Approval No. 0648-0602
 expires 12/31/2012

