



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 23 2010

SMALL ENTITY COMPLIANCE GUIDE

Dear Northeast (NE) Multispecies Confirmation of Permit History (CPH) Permit Holder:

This letter is to inform you of regulations implementing measures approved under Amendment 16 and Framework Adjustment 44 (FW 44) to the NE Multispecies Fishery Management Plan (FMP) that become effective on May 1, 2010. All measures have been approved except for one Amendment 16 proposed measure to implement a haddock sink gillnet pilot program in the Gulf of Maine (GOM), due to concerns about potentially excessive catches of cod and pollock. All management measures that were in effect prior to May 1, 2010, and not modified by Amendment 16 and described in this letter, will remain in effect. A set of information sheets providing additional detail on different aspects of Amendment 16, including information sheets specific to sectors, non-sector (common pool) measures, special management programs (SMPs), etc., 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, and are not a substitute for the regulations.

Amendment 16 was developed by the New England Fishery Management Council (Council) to revise management measures necessary to end overfishing, rebuild overfished stocks, and mitigate the adverse economic impacts of increased effort controls based upon the results of the latest stock assessment, and to establish a mechanism to specify annual catch limits (ACLs) and accountability measures (AMs) for each stock managed by the FMP to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). FW 44 specifies the actual ACLs for fishing years (FYs) 2010-2012, revises certain Amendment 16 measures, and specifies other measures for the U.S./Canada Management Area and associated special access programs (SAPs).

To help you better understand which regulations apply to you, this letter is divided into four main sections outlining the major 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 14**
- **Section 3:** Sector measures, beginning on **page 23**
- **Section 4:** Recreational measures, beginning on **page 32**

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 the 2010 fishing year.

Sincerely,

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 AND DISTRIBUTION PROCESS

Every 2 years (every year for some stocks), the Council must set the amount of each stock that may be caught (the ACL for each stock) during each of the next three FYs. This amount will be distributed among the various components of the fishery that catch groundfish. Table 1 specifies the 2010 ACLs available to various components of the fishery, while Table 2 details specific allocations of groundfish to the Atlantic sea scallop fishery, the herring mid-water trawl fishery, and the groundfish recreational fishery for 2010. The “Other ACL Sub-component” in Table 1 includes exempted fisheries (e.g., the northern shrimp fishery) that have small amounts of groundfish bycatch. ACLs for FYs 2011 and beyond will be specified in a letter sent before each FY.

Table 1: Total ACLs, Sub-ACLs, and ACL-subcomponents for FY 2010 (lb).*

Stock	Total ACL	Groundfish Sub-ACL	Preliminary Common-pool Sub-ACL	Preliminary Sector Sub-ACL	State Waters ACL Sub-component	Other ACL Sub-components
Georges Bank (GB) cod	7,980,734	7,561,856	227,076	7,334,779	83,776	335,103
Gulf of Maine (GOM) cod	17,830,988	15,961,468	392,423	9,676,089	1,247,816	623,908
GB haddock	94,287,300	89,154,939	445,334	88,709,605	989,876	3,959,502
GOM haddock	2,638,933	2,533,111	28,660	1,790,154	19,842	81,571
GB yellowtail flounder	2,579,408	2,125,256	46,297	2,078,959	0	132,277
SNE/MA yellowtail flounder	1,036,173	683,433	138,891	544,542	11,023	44,092
Cape Cod (CC)/GOM yellowtail flounder	1,812,200	1,717,401	68,343	1,649,058	19,842	77,162
American plaice (dabs)	6,627,096	6,278,765	156,528	6,122,237	70,548	277,782
Witch flounder (gray sole)	1,981,956	1,878,338	41,888	1,836,451	19,842	83,776
GB winter flounder	4,310,037	4,082,961	57,320	4,025,641	0	227,076
GOM winter flounder	509,268	350,535	44,092	304,238	132,277	26,455
SNE/MA winter flounder	1,333,797	1,146,404	1,146,404	0	116,845	70,548
Redfish	15,930,603	15,097,256	136,687	14,960,569	167,551	668,001
White hake	5,945,867	5,657,062	97,003	5,560,058	61,729	249,122
Pollock	6,940,152	6,058,303	103,617	5,954,686	440,925	440,925
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	152,119	66,139	66,139	0	79,366	8,818
Atlantic wolffish	169,756	160,937	160,937	0	2,205	6,614

*Any updates to FY 2010 ACLs will be provided in a future letter.

Table 2: Allocations to the Atlantic Sea Scallop Fishery, Herring Mid-Water Trawl Fishery, and Recreational Groundfish Fishery for FY 2010 (lb).

Atlantic Sea Scallop Fishery	
GB Yellowtail Flounder	321,875
SNE/MA Yellowtail Flounder	297,624
Herring Mid-Water Trawl Fishery	
GB Haddock	185,188
GOM Haddock	4,409
Recreational Groundfish Fishery	
GOM cod	5,892,956
GOM haddock	714,298

VESSEL MONITORING SYSTEM (VMS) REQUIREMENT

Any vessel issued a Federal limited access groundfish permit and fishing under a groundfish DAS; fishing on a sector trip; or, for Handgear A and Category C permits, fishing for groundfish in more than one BSA on the same trip, as described below; must use VMS. A sector trip is defined as any trip by a vessel that is participating in a sector in which the vessel operator declared his/her intent to fish in the groundfish fishery. Once any groundfish vessel uses VMS for a groundfish trip, it must continue to use VMS on all trips for the remainder of that fishing year. Instructions on how to comply with the new and revised VMS declaration and reporting requirements are available at: www.nero.noaa.gov.

NEW AND REVISED REPORTING REQUIREMENTS

Pre-trip Observer Notification: To help monitor groundfish catch in FY 2010, NOAA’s National Marine Fisheries Service (NMFS) has sufficient funding to monitor approximately 38 percent of sector trips and 30 percent of common pool trips. To facilitate the deployment of observers and at-sea monitors, any owner or operator of a vessel issued a limited access groundfish permit must notify the NEFOP at least 48 hrs before leaving port under a groundfish day-at-sea (DAS) or on a sector trip. For a vessel on trips shorter than 48 hrs, the owner or operator may provide notification for multiple trips up to 9 days in advance. To provide this notification, please visit <https://fish.nefsc.noaa.gov/PTNS>. For assistance in using the web notification system, call 508-495-2309.

This pre-trip observer notification replaces the previous 72-hr notification for vessels fishing in SAPs, the U.S./Canada Management Area, or the Regular B DAS Program.

Weekly Submission of Vessel Trip Reports (VTRs, or logbooks): A vessel issued a Federal groundfish permit must now submit VTRs on a weekly basis to align VTRs with weekly dealer reports. VTRs, including “did not fish” reports, must be submitted by midnight of the first Tuesday following the reporting week (Sunday through Saturday) in which fish were offloaded on any trip, including trips landing other species. Any fishing activity during a reporting week,

including starting a trip, landing, or offloading catch, counts as fishing during that reporting week and eliminates the need to submit a “did not fish” report for that week.

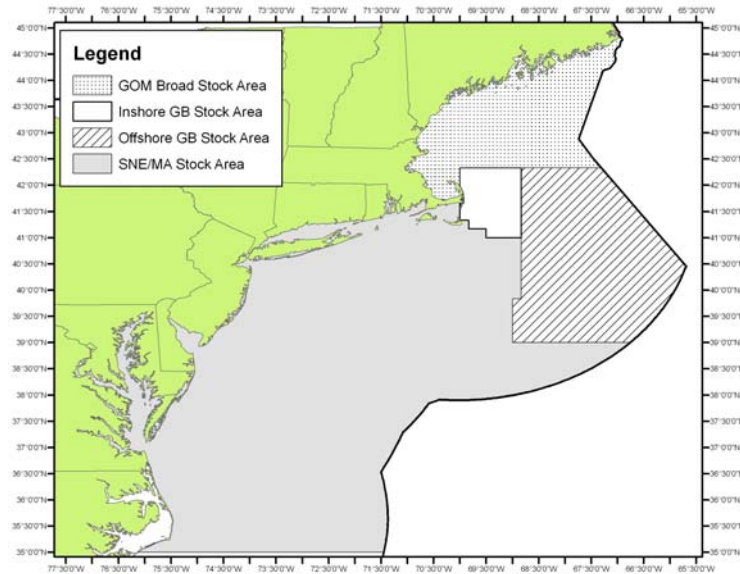
Example: If a vessel starts a trip on Wednesday of the first week, and lands and offloads catch the following Monday in the second week (i.e., after a trip of 6 days), the VTR must be submitted by midnight Tuesday of the third week, and no “did not fish” reports would be required for either week.

“Did not fish” reports can be submitted by mail, or through the new "Fish-On-Line" web page at: <https://www.nero.noaa.gov/NMFSlogin/>. Instructions on how to submit such reports via “Fish-On-Line” will be sent in a separate permit holder letter.

Fishing Activity Declaration: The operator of any vessel issued a Federal limited access groundfish permit must provide the following information regarding the vessel’s intended fishing activity prior to leaving port on any trip declared into the groundfish fishery (i.e., any trip on which groundfish may be landed). For a vessel required to use VMS, as specified above, this declaration must be made via VMS. For all other vessels, including those fishing landward or inside/outside of the VMS demarcation line on any given trip, this declaration must be made via the interactive voice response (IVR), or call-in system at 888-284-4904.

- **VTR Serial Number Declaration:** To link VTRs with other data describing a trip, including VMS declarations and dealer reports, the vessel operator must provide the VTR serial number associated with the first page of the VTR for each trip declared into the groundfish fishery. The VTR serial number must be submitted as part of the VMS catch report detailed below for vessels required to use VMS, or through the IVR system.
- **Broad Stock Area (BSA) Declarations:** To more accurately identify groundfish landings by stock area for each trip, Amendment 16 establishes four BSAs (see Figure 1 below – coordinates for these areas are listed in Appendix 1). A vessel operator is required to declare his/her intent to fish in one or more of these broad stock areas via VMS or the IVR call-in system prior to leaving port on each trip declared into the groundfish fishery.
- **Other Information:** Other information that needs to be declared prior to each trip includes gear used; whether the trip is a sector or a common pool trip; area fished; DAS type used; and, for trawl vessels issued both a limited access groundfish and Atlantic sea scallop permit, whether the vessel will also be fishing under a scallop DAS.

Figure 1: BSAs to Help Monitor Groundfish Catch



Vessel Monitoring System (VMS) Trip-level Catch Reports: Trip-level VMS catch reports (reports summarizing catch on that trip) must be submitted prior to crossing the VMS demarcation line on the way back to port at the end of any trip declared into the groundfish fishery. A vessel operator fishing in only fishing in one BSA per trip must submit a trip-level VMS catch report that includes only the VTR serial number for that trip. A vessel operator fishing in more than one BSA per trip must submit a trip-level catch report via VMS that includes the VTR serial number for that trip, the amount of certain groundfish species (cod, yellowtail flounder, pollock, white hake, winter flounder, witch flounder, haddock, windowpane flounder, redfish, American plaice, ocean pout, Atlantic halibut, and Atlantic wolffish) kept from each BSA fished, and the total amount of all fish kept, including groundfish and non-groundfish species, from each BSA fished. Catch must be reported in pounds, landed weight.

- Common pool vessels: A common pool vessel is not required to submit this trip-level catch report if fishing in a SMP and required to submit daily catch reports (see below).
- Sector vessels: Amendment 16 allows the Regional Administrator to exempt vessels participating in sectors from submitting trip-level catch reports to reduce unnecessary duplication with sector reporting requirements. At this time, the Regional Administrator has determined that these trip-level catch reports are necessary from all groundfish vessels, including sector vessels, to accurately monitor groundfish catch.

Special Management Program (SMP) Reporting Requirements: Any groundfish vessel fishing in a SMP, including special access programs (SAPs), the U.S./Canada Management Area, or the Regular B DAS Program, must submit daily VMS catch reports. Consistent with the current reporting requirements, these reports must be submitted through VMS for each day beginning at 0000 hrs and ending at 2400 hrs, and must be made by 0900 hrs of the following day.

- Common pool vessels: A common pool vessel participating in a SMP must continue to submit daily VMS catch reports. These reports are the same as the trip-level catch reports described above, with the exception that vessels participating in these programs

must also report the date the fish were caught and the statistical area in which the fish were caught.

- **Sector vessels:** Amendment 16 allows the Regional Administrator to exempt sector vessels from submitting SMP daily VMS catch reports. At this time, the Regional Administrator has determined that these catch reports are unnecessary for sector vessels; however, sector managers must still submit daily catch reports for member vessels participating in the CA I Hook Gear Haddock SAP.

DOCKSIDE/ROVING MONITOR REQUIREMENTS

Under Amendment 16, dockside/roving monitors will be used to observe offloads by groundfish vessels to verify landings and to certify the accuracy of dealer reports. Dockside monitors will be used to observe offloads directly to a dealer, while roving monitors will be used to monitor offloads to a truck for later delivery to a dealer.

Dockside/Roving Monitor Coverage Levels: Sector and common pool trips will be subject to the following dockside/roving monitor coverage levels:

- **Sector trips:** For FY 2010, 50 percent of sector fishing trips will be randomly observed by dockside/roving monitors, with 20 percent observed in future FYs.
- **Common pool trips:** For FY 2010, common pool trips will not be observed by dockside/roving monitors. Beginning in FY 2012, 20 percent of common pool fishing trips will be randomly observed by dockside/roving monitors.

Dockside Monitoring Hail Reports: Beginning in FY 2010 for sector vessels and FY 2012 for common pool vessels, a vessel operator will be required to submit both trip-start and trip-end hail reports to an approved dockside/roving monitor service provider (service provider – see below for approved service providers for FY 2010). These reports may be sent via a VMS form, formatted email, telephone call, or radio transmission, as agreed upon with the service provider.

- **Trip-start hail report:** Before leaving port on any trip in which groundfish can be landed, a vessel operator must notify the service provider of at least the information below. A sector vessel operator must also notify the sector manager of any additional information, or as specified in the sector operations plan.
 - Vessel permit number and serial number of the first VTR used on the trip
 - Landing city and state
 - Estimated time of arrival in port
 - Estimated time of offloading (required only for trips less than 6 hr or if fishing within 6 hr of offload port)
- **Trip-end hail report:** At least 6 hr before returning to port or, for trips less than 6 hr in length or within 6 hr of port, immediately after completion of fishing operations, a vessel operator must notify the service provider of the information below.
 - Vessel permit number and serial number of the first VTR used on the trip
 - First landing port city, state, and dealer
 - Estimated time of arrival and estimated time of offload start
 - Second offload port city and state (if necessary)
 - Total groundfish kept
 - Total non-groundfish kept (including lobster and shellfish in pounds)

- Confirmation by of trip-start/end hail reports: The service provider must immediately send a confirmation that the trip-start/end hails were received. If the vessel does not receive confirmation within 10 minutes, the vessel operator should contact the service provider to confirm the trip-start hail via a backup system specified by the provider.
- Vessel selection: A vessel operator will be informed whether their vessel was selected for dockside/roving monitoring or whether it will receive a waiver for the trip via the trip-end hail confirmation provided by the service provider. A vessel that has been selected for dockside/roving monitoring and is offloading at more than one dealer or facility will have a dockside monitor present during offload at each location. For trips that offload directly to a truck, a roving monitor will observe offloads from the vessel to a truck, but a dockside monitor must also be present at each dealer that receives the fish.
- Dockside/Roving monitoring waiver: If a sector vessel receives a dockside/roving monitor waiver, the vessel operator must provide the dockside monitor copy of all VTRs and a copy of all dealer receipts for the trip to the sector manager within 24 hrs of offloading.

Offloads Observed by a Dockside/Roving Monitor: If the vessel is selected for dockside monitoring, the vessel may land, but no offloading may start until the dockside monitor is present. The vessel operator must supply the dockside/roving monitor a copy of all VTRs filled out for the trip and, after offloading, inform him/her whether all fish have been offloaded. If the dockside/roving monitor has an emergency and cannot meet the vessel as scheduled, the service provider will coordinate an appropriate response with the vessel, the sector manager, and the Office of Law Enforcement as soon as possible.

Dockside/Roving Monitor Costs: After FY 2010, the costs associated with dockside/roving monitor coverage must be paid by each groundfish vessel or sector. For at least FY 2010, NMFS has sufficient funding to cover the costs associated with such coverage. Beginning in FY 2010 for sectors, and FY 2012 for common pool vessels, each sector manager or individual common pool vessel owner (including Handgear A vessels) must contract with an approved service provider to provide dockside/roving monitoring services for that FY.

Approved Dockside/Roving Monitors: For FY 2010, the service providers specified below have been approved by NMFS to provide dockside/roving monitoring services. Approved service providers for future FYs will be specified in future permit holder letters.

- A.I.S., Inc., 89 North Water Street, New Bedford, MA 02747, phone 508-990-9054, fax 508-990-9055, website www.aisobservers.com.
- East West Technical Services, 34 Batterson Drive, New Britain, CT 06053, phone 860-223-5165, fax 860-223-6005, email ewtset@ewts.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.

U.S./CANADA MANAGEMENT AREA

VMS Declaration: Any groundfish DAS or sector vessel that intends to fish within the U.S./Canada Management Area must declare into one or more of the defined sub-areas of the U.S./Canada Management Area via VMS prior to leaving the dock (see Figures 9–16 of Appendix 1).

<u>Sub-Area</u>	<u>Description</u>
1	Closed Area (CA) II Yellowtail Flounder/Haddock SAP
2	Eastern U.S./Canada Area outside of CA II
3	CA II Yellowtail Flounder/Haddock SAP and the Eastern U.S./Canada Area
4	Western U.S./Canada Area Only
4+Open	Western U.S./Canada Area and outside of the U.S./Canada Management Area on the same trip
5	Eastern U.S./Canada Area Haddock SAP
6	Eastern U.S./Canada Area and the Eastern U.S./Canada Area Haddock SAP
7	Eastern U.S./Canada Area Haddock SAP and the CA II Yellowtail Flounder/Haddock SAP
8	Eastern U.S./Canada Area Haddock SAP, the CA II Yellowtail Flounder/Haddock SAP, and the rest of the Eastern U.S./Canada Area

Flex Options: Consistent with the existing regulations, a vessel operator will continue to have the flexibility to fish both inside and outside of the Eastern U.S./Canada Area, including associated SAPs, on the same trip by declaring his/her intent to do so via VMS either prior to leaving the dock, or prior to leaving the Eastern U.S./Canada Area. There are two options available on VMS menus to enable a vessel to fish inside/outside of the Eastern U.S./Canada Area on the same trip:

- **Flex West:** Allows a vessel to fish in the Eastern and Western U.S./Canada Areas on the same trip.
- **Flex Open:** Allows a vessel to fish in the Eastern and Western U.S./Canada Areas, as well as outside of the entire U.S./Canada Management Area on the same trip.

If a vessel fishes in more than one area on the same trip, the most restrictive requirements for the areas declared via VMS apply for the entire trip, including trip limits, gear requirements, etc.

Because of the numerous codes and rules associated with fishing in the U.S./Canada Management Areas, a vessel must carefully select the appropriate activity/program code, area, DAS type, and gear type from among many options. VMS instructions are available at: www.nero.noaa.gov. If necessary, call the NMFS Office of Law Enforcement VMS team at (978) 281–9149 for assistance with your VMS codes.

Delayed Eastern U.S./Canada Area Access by Trawl Vessels: Similar to the past several FYs, any sector or common pool vessel fishing with trawl gear may not fish in the Eastern U.S./Canada Area until August 1, 2010. However, hook and gillnet vessels may fish in the Eastern U.S./Canada Area beginning May 1, 2010. All common pool vessels fishing with hook and gillnet gear are limited to a cumulative total cod catch of 37,258 lb (5 percent of the Eastern GB cod total allowable catch (TAC)) from May 1 – July 31, 2010. Once this amount is caught, common pool vessels fishing with hook and gillnet gear will be prohibited from fishing in the Eastern U.S./Canada Area until August 1, 2010. Trawl vessel access to the Eastern U.S./Canada Area for FYs 2011 and 2012 will be specified in a future permit holder letter.

Clarification on the Closure of the Eastern U.S./Canada Area: The Amendment 16 final rule clarifies that when 100 percent of the Eastern GB cod TAC is caught or projected to be caught, the Eastern U.S./Canada Area will be closed to vessels subject to that TAC.

Table 3: FY 2010 U.S./Canada Management Area TACs for U.S. Sector and Common Pool Vessels Combined (lb).

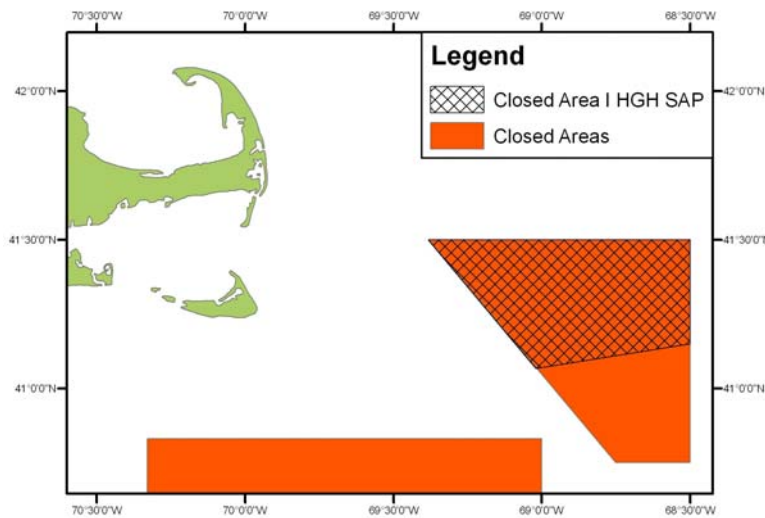
Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder
745,162	26,429,016	2,645,547

CA I HOOK GEAR HADDOCK SAP

Season: The season for the CA I Hook Gear Haddock SAP is extended to May 1 through January 31 for all limited access groundfish vessels fishing under a groundfish DAS or on a sector trip. The seasonal split between sector and common pool vessels is eliminated.

SAP Area: The CA I Hook Gear Haddock SAP Area is expanded, as shown in Figure 2 below. The revised coordinates for this area are listed in Appendix 1.

Figure 2: Expanded CA I Hook Gear Haddock SAP Area



Overall Haddock TAC: Separate sector and non-sector haddock TACs have been eliminated. For FY 2010, the overall haddock TAC for the CA I Hook Gear Haddock SAP applicable to both common pool and sector vessels participating in this SAP is 9,311,665 lb. Once this overall haddock TAC is caught, the CA I Hook Gear Haddock SAP shall be closed to all groundfish vessels.

Bait Restrictions: All groundfish vessels fishing in the CA I Hook Gear Haddock SAP are prohibited from possessing squid or mackerel on board, or using it for bait.

Observer Notification: The previous requirement to notify the Northeast Fisheries Observer Program of a vessel’s intent to fish in the CA I Hook Gear Haddock SAP by September 1 of each

year is eliminated. A vessel operator is still required to notify the Northeast Fisheries Observer Program as described above under “Pre-trip Observer Notification” on page 5.

Other Requirements: All other requirements for this SAP remain the same, including the eligibility, gear, VMS, reporting, trip limits, and DAS requirements, etc., as specified at § 648.85(b)(7).

CA II YELLOWTAIL FLOUNDER-HADDOCK SAP

Amendment 16 revises the CA II Yellowtail Flounder SAP to allow vessels further access to haddock in CA II, as summarized below. This SAP may be closed to targeting yellowtail flounder if there is insufficient GB yellowtail flounder TAC available to enable vessels to target this stock inside and outside of this SAP, or because the yearly number of trips into this SAP has been fished. Notice of whether the SAP is open to targeting yellowtail flounder and the applicable regulations will be provided on a yearly basis, or as appropriate during the FY through a future permit holder letter that will be sent to you and posted online at: www.nero.noaa.gov.

For FY 2010, this SAP is only open to targeting haddock. Therefore, vessels must comply with the measures applicable when the SAP is only open to targeting haddock, as specified below.

Season: The FY 2010 season for the CA II Yellowtail Flounder-Haddock SAP is August 1 through January 31.

Gear Requirements: The FY 2010 gear requirements for the CA II Yellowtail Flounder-Haddock SAP are as follows: Haddock separator trawl, Ruhle trawl, or hook gear are the only gear that may be used; a flounder trawl net or gillnets may not be used.

- New gear: The Regional Administrator may authorize additional gear for this SAP if that gear meets established standards to reduce the catch of groundfish stocks of concern.
- Other gear: Other gear may be on board when in this SAP, provided it's properly stowed.

Trip Limits: For FY 2010, groundfish vessels fishing in the CA II Yellowtail Flounder-Haddock SAP are subject to the following trip limits:

- Common pool vessels: A common pool vessel fishing in the CA II Yellowtail Flounder-Haddock SAP is subject to the trip limits specified in Table 4 below, unless otherwise specified as follows:
 - GB cod: 500 lb/DAS, up to 5,000 lb/trip
 - Haddock: Unlimited
 - If fishing with trawl gear:
 - Flatfish species (all species combined): 500 lb/trip
 - 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 CA II Yellowtail Flounder-Haddock SAP, except for species that

vessels are prohibited from possessing (ocean pout, windowpane flounder, and Atlantic wolffish), and Atlantic halibut.

- **Sector vessels:** A sector vessel is not limited in the amount groundfish that can be caught in this SAP, unless otherwise restricted by the sector measures (see Section 3 on page 26).

Number of Trips per Vessel: There is no limit on the number of trips that each vessel may take into the CA II Yellowtail Flounder-Haddock SAP on a monthly or yearly basis.

Sector Access: A sector vessel can fish in this SAP throughout the season specified above, even if the SAP is closed to common pool vessels, provided the applicable sector has enough ACE remaining for all groundfish stocks caught in this SAP.

Catch Attribution: All catch by sector vessels in the CA II Yellowtail Flounder-Haddock SAP counts against the applicable sector's allocation for each stock, including the sector's allocation of Eastern GB cod and Eastern GB haddock. Catch by common pool vessels counts against the ACL available to the common pool, including the common pool allocation of Eastern GB cod and Eastern GB haddock.

Other Requirements: All other requirements for this SAP remain the same, as specified at § 648.85(b)(3).

EASTERN U.S./CANADA AREA HADDOCK SAP

The following Eastern U.S./Canada Area Haddock SAP measures have been revised under Amendment 16; all other measures implemented by previous actions remain the same, as specified at § 648.85(b)(8).

SAP Renewal: The Eastern U.S./Canada Area Haddock SAP was previously implemented on a temporary basis. Amendment 16 renews this SAP indefinitely.

Gear Requirements: A common pool vessel participating in the Eastern U.S./Canada Haddock SAP must use either a haddock separator trawl or a Ruhle trawl. A sector vessel is not subject to the gear requirements for this SAP and may use any gear allowed in the Eastern U.S./Canada Area when fishing in this SAP (haddock separator trawl, Ruhle trawl, a flounder net, hook gear, or gillnet gear).

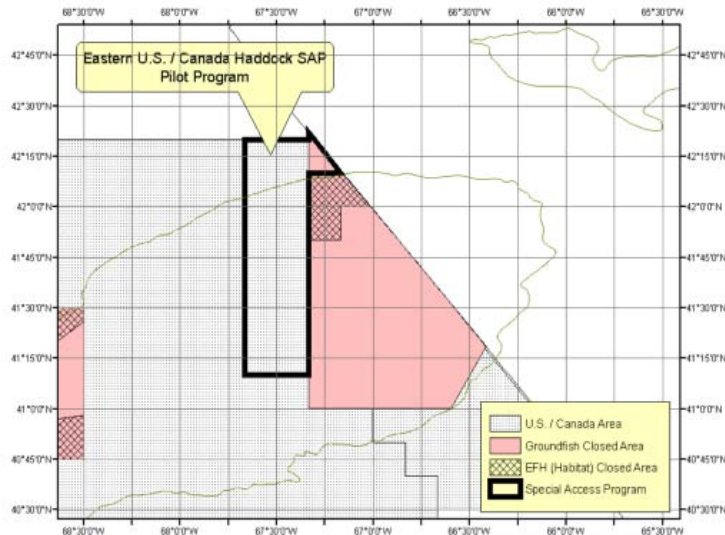
Mesh Size: A groundfish vessel using trawl gear in the Eastern U.S./Canada Haddock SAP must use codends with a minimum mesh size of 6-inch diamond or square mesh.

DAS Use: Due to very small incidental catch TACs (see Tables 5-7 below), a common pool vessel may not use Category B Regular or Reserve DAS in the Eastern U.S./Canada Haddock SAP during FY 2010, but may use Category A DAS in this SAP during FY 2010. DAS use in this SAP for future FYs will be specified in future letters.

Catch Attribution: All catch by sector vessels in the Eastern U.S./Canada Haddock SAP counts against the applicable sector's allocation for each stock, including the sector's allocation of

Eastern GB cod and Eastern GB haddock. Catch by common pool vessels counts against the ACL available to the common pool, including the common pool allocation of Eastern GB cod and Eastern GB haddock.

Figure 3: The Eastern U.S./Canada Area Haddock SAP



SNE/MA WINTER FLOUNDER SAP

Because possession of SNE/MA winter flounder is prohibited in all fisheries under Amendment 16, the SNE/MA Winter Flounder SAP is suspended.

DAS LEASING AND TRANSFER PROGRAMS

Eligibility: To facilitate participation in the DAS Leasing and Transfer Programs and increase access to groundfish DAS, permits held in CPH may now participate in these programs.

DAS Transfer Program Conservation Tax: To help increase participation in the DAS Transfer Program, the conservation tax applied to any DAS transferred has been eliminated.

DAS Leasing Cap: Amendment 16 eliminates the DAS leasing cap that prevented a vessel owner from leasing more DAS from another vessel than its 2001 DAS allocation. Therefore, there is no longer a limit to the number of DAS that a vessel can lease from another vessel.

DAS Leases and Transfers Among Sector Vessels: Under Amendment 16, a sector vessel may not lease DAS to or from vessels that are fishing in the common pool, but may lease DAS to and from vessels participating in another sector in order to fish in the monkfish or skate fisheries that still require the use of a groundfish DAS. Amendment 16 also prohibits a sector vessel from transferring DAS and its groundfish fishing history to or from vessels fishing in the common pool or in another sector, but allows a sector vessel to transfer DAS and its groundfish fishing history to or from another vessel in the same sector during the FY in which the vessel is participating in a sector.

DAS Leasing Program Baseline Downgrade: If a permit consolidation through the DAS Transfer Program results in a new DAS Leasing Program baseline (e.g., a vessel owner adopts the length overall from the transferor vessel and the horsepower from the transferee vessel), the vessel owner is allowed a one-time opportunity to downgrade the permit's DAS Leasing Program baseline, even if it was downgraded before the permit consolidation was approved.

Vessel Upgrades Under the DAS Transfer Program: If a permit consolidation through the DAS Transfer Program results in the upgrade of any baseline characteristic (i.e., if the vessel owner selects either length overall or horsepower that is higher than the vessel replacement baseline for his/her permit), the permit characteristic upgraded during the DAS transfer may not be further upgraded during any future DAS transfers or vessel replacements.

MINIMUM FISH SIZE

The following changes to minimum fish size apply to both commercial and recreational vessels:

- Haddock: The minimum size is decreased to 18 inches total length.
- Atlantic halibut: The minimum size is increased to 41 inches total length.

CONCURRENT ISSUANCE OF A NE MULTISPECIES AND SCALLOP PERMIT

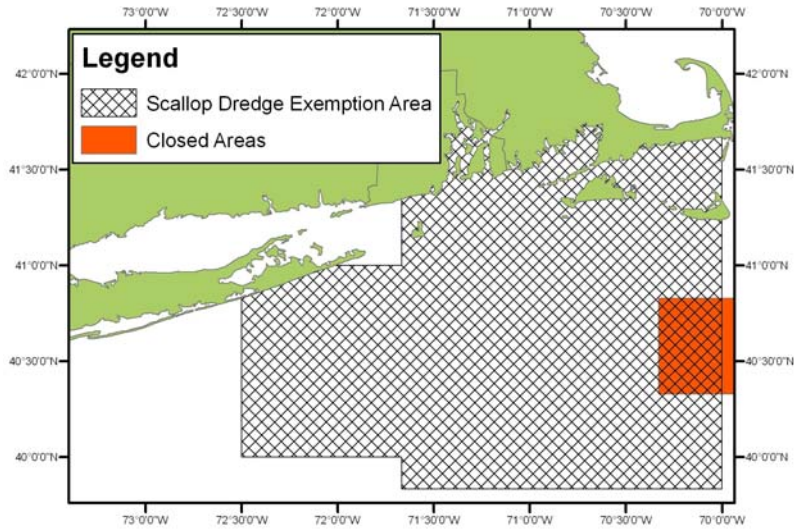
Amendment 16 allows all eligible vessels to be issued both a limited access NE multispecies permit and a limited access Atlantic sea scallop permit at the same time. This also allows a vessel owner currently issued a limited access Atlantic sea scallop trawl permit to switch to a dredge gear permit without relinquishing his/her limited access NE multispecies permit.

CORRECTIONS TO OTHER REGULATIONS

The following regulatory corrections are being made through the Amendment 16 final rule:

- Handgear A permit replacement regulations: The replacement vessel size restrictions (i.e., 10-percent size and 20-percent horsepower upgrade requirements) do not apply to Handgear A permits, but such permits are limited to one permit replacement per year.
- Revised coordinates for Restricted Gear Area 1: Restricted Gear Area 1 prohibits the use of mobile gear during October 1 – June 15 of each year, and lobster gear during June 16 – September 30 of each year. Point 72 of the inshore boundary was omitted when the area was first created in 1997. Point 72 has been inserted at 40° 8.7' N. latitude and 68° 49.6' W. longitude. A map of this area is available upon request.
- GOM and SNE Scallop Dredge Exemption Areas: It has been clarified that a limited access general category scallop vessel and a limited access scallop vessel that intends to fish for scallops outside of a scallop DAS must fish in either the GOM Scallop Dredge Exemption Area if fishing in the GOM Regulated Mesh Area (RMA), or the SNE Scallop Dredge Exemption Area if fishing in the SNE RMA, and that only dredge gear may be used to harvest scallops in these areas. In addition, the SNE Scallop Dredge Exemption Area has been revised to end at 72° 30' W. long. to correspond to the MA Exemption Area (see Figure 4 below, with coordinates listed in Appendix 1).

Figure 4: SNE Scallop Dredge Exemption Area.



SECTION 2: COMMON POOL MEASURES

Any vessel that does not elect to participate in a sector for a particular FY will be subject to the common pool measures summarized in this section, as well as the measures described in Section 1 above.

DAS ALLOCATION AND COUNTING RATE

DAS Allocation: Beginning in FY 2010, the groundfish DAS allocation for each groundfish vessel/permit participating in the common pool during a particular FY will be distributed as detailed below. A separate letter summarizing your DAS allocation beginning in FY 2010 has recently been sent to you.

- **Category A DAS:** 27.5 percent of the Amendment 13 DAS baseline DAS allocation.
- **Category B Regular DAS:** 36.25 percent of the Amendment 13 DAS baseline DAS allocation.
- **Category B Reserve DAS:** 36.25 percent of the Amendment 13 DAS baseline DAS allocation.

Example: A vessel with an Amendment 13 DAS baseline allocation of 88 DAS will be allocated 24.2 Category A DAS, 31.9 Category B Regular DAS, and 31.9 Category B Reserve DAS.

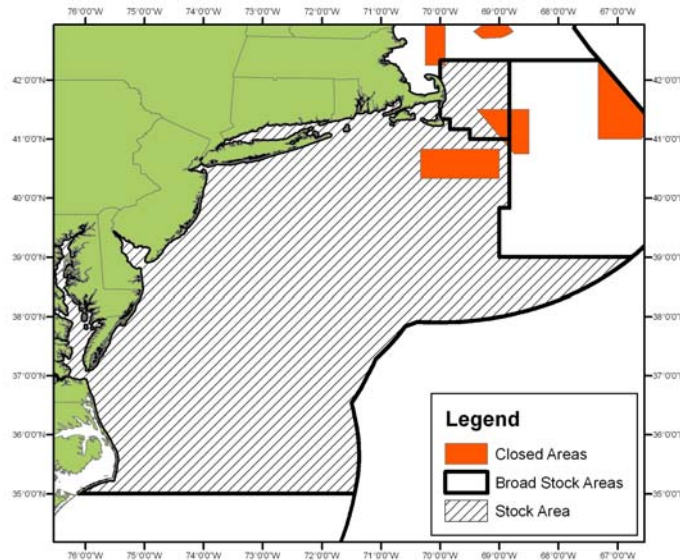
DAS Counting Rate: All groundfish DAS used by a DAS vessel fishing in the common pool will be charged in 24-hr increments, based upon the time called into the DAS program via VMS or the IVR system. The current differential DAS counting areas are eliminated. In addition, a common pool vessel fishing with Day gillnet gear is no longer charged groundfish DAS under the 3-15 rule, but will be charged groundfish DAS for the time away from port in 24-hr increments.

Example: A vessel that fishes seaward of the VMS demarcation line or called into the DAS system for 10 hr would be charged 24 hr of groundfish DAS usage; a vessel that fishes 25 hr would be charged 48 hr of groundfish DAS usage.

TRIP LIMITS

Beginning May 1, 2010, a common pool vessel is subject to the trip limits in Table 4, based upon trip limits approved in Amendment 16 or FW 44 (revisions in bold type). Under FW 44, the Regional Administrator has the authority to revise trip limits for common pool vessels to ensure that common pool ACLs are fully caught, but not exceeded, by the end of the FY.

Figure 5: SNE/MA Winter Flounder Stock Area



Trip Limits When Fishing in Multiple Areas: If fishing in multiple stock areas on the same trip, the most restrictive possession limit applies for each stock for the entire trip.

Daily Landing Restriction: A common pool vessel, including any small vessel Category C or Handgear A vessel, may only land regulated species once per 24-hr period. Regulated species include cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, windowpane flounder, redfish, white hake, Atlantic halibut, and Atlantic wolffish.

Example: If a vessel lands 1,600 lb of GOM cod at 6:00 pm on Tuesday, after a 2-day trip, that vessel cannot land any more groundfish until at least 6:00 pm on Wednesday.

Table 4: 2010 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	800 lb/DAS, up to 4,000 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	2,000 lb/DAS, up to 20,000 lb/trip (outside of the Eastern U.S./Canada Area) ²					
		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	All Areas	Unlimited					
Pollock	All Areas	1,000 lb/DAS, up to 10,000 lb/trip			100 lb/DAS to 1,000 lb/trip		
Redfish	All Areas	Unlimited					
White hake	All Areas	2,000 lb/DAS, up to 10,000 lb/trip			100 lb/DAS to 1,000 lb/trip		
Atlantic halibut	All Areas	1 fish/trip					
Yellowtail flounder	GOM, IN GB, and SNE	250 lb/DAS, up to 1,500 lb/trip		NA	25 lb/DAS to 250 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	Unlimited				100 lb/DAS, to 1,000 lb/trip	
Winter flounder	OFF GB	5,000 lb/trip		100 lb/trip			100 lb/DAS, to 1,000 lb/trip
	GOM	Unlimited		NA	Unlimited		
	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.

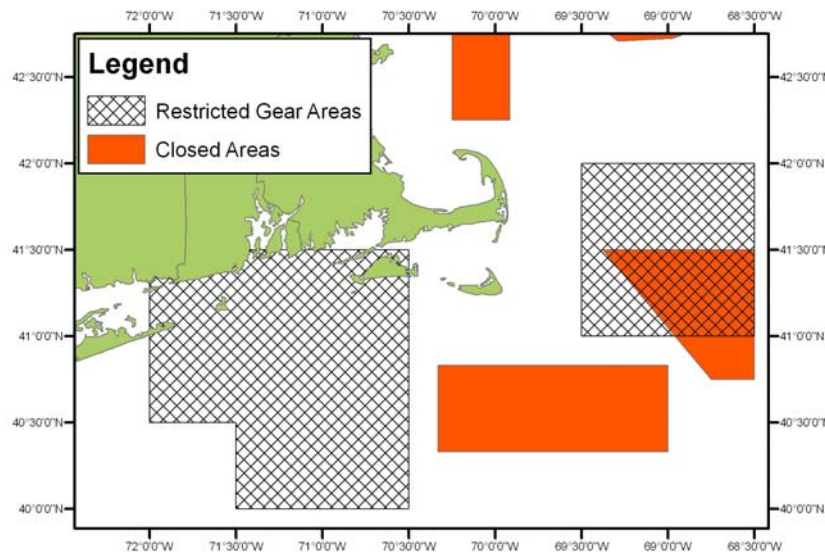
*A vessel may transit the SNE/MA winter flounder stock area with GOM or GB winter flounder on board, provided that fishing gear is properly stowed (see Figure 5).

Cod Running Clock: Previously, if a vessel fished only part of an additional DAS, it could land an additional day’s worth of cod, provided the vessel declared the additional landings to NMFS so that up to an additional 24-hr of DAS could be charged for that trip. Because Amendment 16 implements 24-hr DAS counting for common pool vessels, the cod running clock provision has been eliminated.

GROUNDFISH RESTRICTED GEAR AREAS (RGAs)

Amendment 16 implements two groundfish RGAs to reduce the catch of flatfish species in SNE and GB. Any common pool vessel that is fishing any part of a trip in one or both of the RGAs must comply with the requirements listed below. A vessel fishing both inside and outside of these areas on the same trip is subject to the most restrictive regulations among the areas fished. Figure 6 depicts the new groundfish RGAs, while coordinates for these new RGAs are provided in Appendix 1.

Figure 6: Groundfish RGAs Applicable to Common Pool Vessels.



Declaration Requirements: A common pool vessel fishing in one or both of the groundfish RGAs must declare its intent to fish in these areas via VMS prior to leaving port on a trip under a groundfish DAS. Alternatively, the Regional Administrator may authorize a vessel to be issued a paper letter of authorization (LOA) to fish in these RGAs for a minimum participation period of 7 consecutive days. This LOA must be retained on board for the entire participation period. The LOA may be obtained by calling the NMFS Permits Office at (978) 282-8441.

Gear Requirements: A common pool vessel fishing any part of a trip in one or both of the groundfish RGAs may only use one or more of the gear types listed below on that trip – no other type of fishing gear may be on board the vessel when fishing in one or both of these RGAs.

- **Trawl gear:** A vessel using trawl gear in the groundfish RGAs may only use a haddock separator trawl or a Ruhle trawl, as currently defined in the regulations, or a rope separator trawl defined in Appendix 2 below.

- **Gillnet gear:** A vessel using gillnet gear in the groundfish RGAs may fish with roundfish (stand-up) gillnets or flatfish (tie-down) gillnets, provided the mesh size of the tie-down gillnet gear is greater than or equal to 10 inches throughout the entire net. Day gillnet vessels must still comply with the existing restrictions on the number of nets for the area fished.
- **Hook gear:** A vessel using hook gear in the groundfish RGAs may only use longline gear, tub trawls, or handgear.
- **Approval of additional gear:** The Regional Administrator may authorize the use of additional gear in these groundfish RGAs if the gear meets existing standards for reducing the catch of stocks of concern.

Trip Limits: A common pool vessel fishing in the groundfish RGAs under a groundfish DAS is restricted to 500 lb of all flatfish species combined, but may not possess any SNE/MA winter flounder; 500 lb of monkfish (whole weight), unless also subject to more restrictive monkfish possession restrictions; 500 lb of skates (whole weight); and zero possession of lobsters for the entire trip. A vessel fishing under both a groundfish and a monkfish DAS using gillnet gear is not subject to the 500-lb possession limit (whole weight) for monkfish, but rather the applicable monkfish possession limit specified in the monkfish FMP.

Transiting: A common pool vessel that has not declared its intent to fish in the groundfish RGAs may transit these areas if gear other than allowable gear is properly stowed.

INCIDENTAL CATCH TACs AVAILABLE TO SMPs

A common pool vessel participating in either the Regular B DAS Program or a SAP under a groundfish Category B Regular or Category B Reserve DAS is subject to incidental catch TACs for certain species (Table 5). Table 6 highlights the distribution of incidental catch TACs among the Regular B DAS Program and SAPs for FY 2010, while Table 7 specifies 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 Regular or Reserve DAS in these SMPs is prohibited, or the program closed to common pool vessels. See Section 1 above for additional information on each SMP.

Table 5: Allocation of Incidental Catch TACs for SMPs for FY 2010.

Stock	Percentage of Sub-ACL	2010 Incidental Catch TAC (lb)
GB cod	2	7,716
GOM cod	1	7,496
GB yellowtail flounder	2	882
CC/GOM yellowtail flounder	1	1,102
SNE/MA yellowtail flounder	1	1,323
American plaice (dabs)	5	20,283
Witch flounder (gray sole)	5	4,630
SNE/MA winter flounder	1	11,464
GB winter flounder	2	2,425
White hake	2	5,291
Pollock	2	5,291

Table 6: Distribution of FY 2010 Incidental Catch TACs Among SMPs (lb).

Stock	Regular B DAS Program	CA I Hook Gear Haddock SAP	Eastern U.S./Canada Haddock SAP*
GB cod	3,858	3,858	0
GOM cod	7,496	-	
GB yellowtail flounder	882	-	0
CC/GOM yellowtail flounder	1,102	-	-
SNE/MA yellowtail flounder	1,984	-	-
American plaice (dabs)	20,283	-	-
Witch flounder (gray sole)	4,630	-	-
SNE/MA winter flounder	2,425	-	-
GB winter flounder	2,425	-	0
White hake	11,464	-	-
Pollock	4,409	882	0

*Due to very small incidental catch TACs, the use of Category B DAS in the Eastern U.S./Canada Haddock SAP is prohibited during FY 2010.

Table 7: Distribution of FY 2010 Incidental Catch TACs by Calendar Quarters for the Regular B DAS Program (lb).

Stock	Quarter 1 (May – July)	Quarters 2 through 4 (August – April)
GB cod	502	1,119
GOM cod	974	2,174
GB yellowtail flounder	115	256
CC/GOM yellowtail flounder	143	320
SNE/MA yellowtail flounder	258	575
American plaice (dabs)	2,637	5,882
Witch flounder (gray sole)	602	1,343
SNE/MA winter flounder	315	703
GB winter flounder	315	703
White hake	1,490	3,325
Pollock	573	1,279

REGULAR B DAS PROGRAM

The following Regular B DAS Program measures have been revised under Amendment 16. All other measures for this program implemented by previous actions remain the same.

Revised Trip Limit for Pollock: Because pollock has been added as a stock of concern, the trip limit for pollock caught in the Regular B DAS Program under a Category B Regular DAS is 100 lb/DAS, up to 1,000 lb/trip. All other trip limits for stocks of concern remain the same (see Table 4 above).

Discards: A common pool vessel fishing under a Category Regular B DAS in the Regular B DAS Program continues to be prohibited from discarding legal-sized stocks of concern (GOM and GB cod, all stocks of yellowtail flounder, witch flounder, GB and SNE/MA winter flounder, white hake, pollock, windowpane flounder, and ocean pout. Stocks whose possession is prohibited (ocean pout, windowpane flounder, SNE/MA winter flounder, and Atlantic wolffish – see Table 4 above) may be discarded. Once a vessel exceeds the trip limits specified for this program, the vessel operator must flip from a Category B Regular DAS to a Category A DAS.

Codend Mesh Size: A common pool vessel fishing under a Category Regular B DAS in the Regular B DAS Program with either a haddock separator trawl or a Ruhle trawl must use trawl gear with a minimum codend mesh size of 6-inch square or diamond mesh.

Revised Stock Areas: The Regular B DAS Program stock areas have been revised to reflect the stock areas used in the most recent stock assessment (see Figures 17–25 in Appendix 1 for area maps). These areas will be closed once the Regular B DAS Program TACs in Table 7 are caught.

COMMON POOL ACCOUNTABILITY MEASURES

Amendment 16 implements two types of yearly AMs for the common pool: A differential DAS counting AM during FYs 2010 and 2011 and a hard-TAC AM overlaid upon DAS effort controls for FY 2012 and beyond. This transition reflects the Council’s intent to move from a DAS-based fishery to one controlled by hard TACs and area closures. FW 44 also provides the Regional Administrator with the authority to adjust DAS counting rates and trip limits at any time during a FY. Together, these measures represent the common pool AMs required by the MSA.

Inseason Adjustments to DAS Counting Rates and Trip Limits: FW 44 provides the Regional Administrator with authority to implement an inseason differential DAS counting measure and/or trip limit adjustment, if needed, to prevent the common pool sub-ACLs (see Table 1) from being exceeded or underharvested, and to help ensure that the differential DAS counting or hard-TAC AMs are not triggered during the following FY, as detailed below. Any changes to the DAS counting rate will be based upon the proportion of the sub-ACL projected to be caught, as listed in Table 9, and applied to any Category A DAS used in the differential DAS counting areas listed in Table 8 and depicted in Figure 7 (coordinates for these areas are listed in Appendix 1). Should there be an adjustment to the inseason DAS counting rates or trip limits, permit holders will be notified through a letter sent by the Regional Administrator.

Differential DAS Counting AM: For FYs 2010 and 2011, a determination will be made on whether projected groundfish catch by common pool vessels will exceed the yearly common pool sub-ACL for each stock using catch data available through January of each year. If the projected catch is expected to exceed the sub-ACL for any stock, a differential DAS counting rate will be implemented for each groundfish Category A DAS used in the stock area for which the sub-ACL was exceeded (see Table 8 and Figure 7 for the differential DAS counting area(s) applicable for each stock, with coordinates listed in Appendix 1).

- **Differential DAS Counting Rate:** The differential DAS counting rate that will be applied will be proportional to the amount of the largest overage in a particular stock

area, as shown in Table 9. If the common pool catches less than 90 percent of the sub-ACLs for all stocks in a particular differential DAS counting area and the overall ACL for all stocks are not exceeded by all fisheries, reduce the rate at which DAS are counted in that area may be reduced (i.e., charge less than 24-hr for each DAS or part of a DAS fished). A letter explaining any differential DAS counting rate applied during FYs 2011 or 2012 will be sent to groundfish permit holders before the start of the FY.

Example: If it is projected that the common pool will exceed the 2010 GOM cod sub-ACL by 20 percent and the 2010 pollock sub-ACL by 30 percent (i.e., 1.2 times the GOM cod sub-ACL and 1.3 times the pollock sub-ACL was projected to be caught), a differential DAS counting rate of 1.3 will be applied to each groundfish Category A DAS used in the INGOM, INGB, and OFFGOM differential DAS counting areas during FY 2011. This means that any Category A DAS used in that area by common pool vessels will be charged in 31.2-hr increments (1.3 x 24-hr DAS counting).

- **Application of Differential DAS Counting Rate:** Any differential DAS counting rate applied either inseason or during the following FY will be applied to each Category A DAS used in the stock areas listed in Table 9 above, as appropriate, based on the first VMS position into and out of the applicable differential DAS counting area.

Example: If a vessel fished 12 hr inside a differential DAS counting area where a differential DAS counting rate of 1.2 is applied, and 12 hr outside of the differential DAS counting area, the vessel will be charged 48 hr of DAS use because DAS charge would still be applied in 24-hr increments ((12 hr inside the area x 1.2 = 14.4 hr) + 12 hr outside the area = 26.4 hr fished, rounded to the next 24-hr increment).

- **Differential DAS Counting Rate for FY 2012:** Any differential DAS counting rate implemented in FY 2012 for any the overages/underages of the FY 2011 common pool sub-ACLs will be applied to the DAS counting rate applied in each differential DAS counting areas during FY 2011.
- **Change to the Category A:B DAS Distribution:** If NMFS determines that similar adjustments to the DAS counting rates are necessary in all areas (both increasing or decreasing), the distribution of Category A and B DAS will be adjusted based on the overage/underage in all areas depicted in Figure 7 rather than implementing a differential DAS counting rate.

Table 8: Applicable Differential DAS Counting Area for Each Groundfish Stock

Stock	Applicable Differential DAS Counting Area
GB cod	IN GB and OFF GB
GOM cod	IN GOM
GB haddock	IN GB and OFF GB
GOM haddock	IN GOM and Offshore GOM (OFF GOM)
GB yellowtail flounder	OFF GB
SNE/MA yellowtail flounder	SNE
CC/GOM yellowtail flounder	IN GOM and IN GB
American plaice (dabs)	OFF GOM, IN GB, and OFF GB
Witch flounder (gray sole)	OFF GOM, IN GB, and OFF GB
GB winter flounder	OFF GB

GOM winter flounder	IN GOM
SNE/MA winter flounder	IN GB and SNE
Redfish	OFF GOM and IN GB
White hake	IN GOM, IN GB, and OFF GOM
Pollock	IN GOM, IN GB, and OFF GOM
Northern windowpane flounder	OFF GB
Southern windowpane flounder	SNE
Ocean pout	SNE
Atlantic halibut	OFF GOM, IN GB, and OFF GB
Atlantic wolffish	IN GOM and IN GB

Figure 7: Differential DAS Counting AM Areas

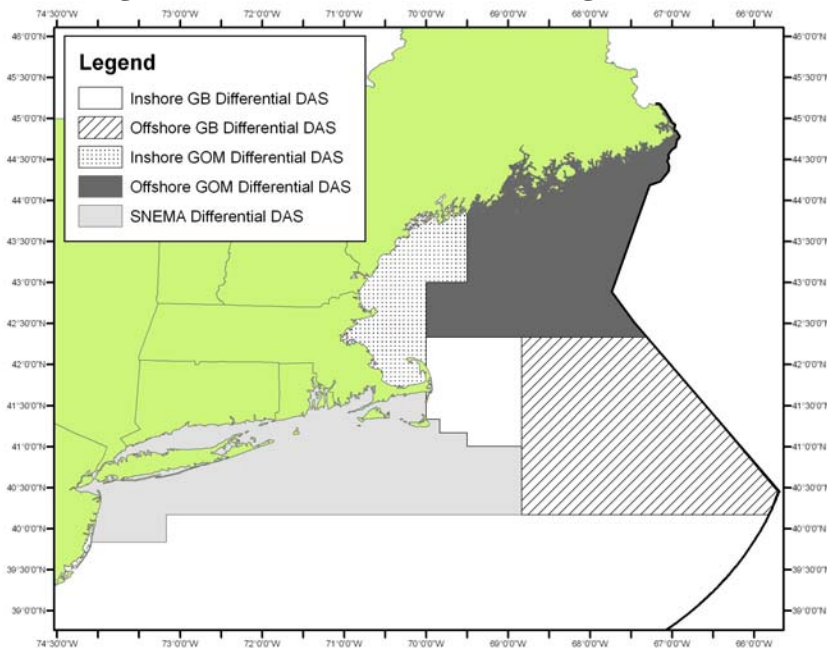


Table 9: Differential DAS Counting Rate Applied Based Upon the Proportion of the Common Pool Sub-ACL Projected to be Caught.

Proportion of ACL Caught*	Differential DAS Counting Rate Applied
0.5	0.5
0.6	0.6
0.7	0.7
0.8	0.8
0.9	No change
1.0	No change
1.1	1.1
1.2	1.2
1.3	1.3
1.4	1.4
1.5	1.5
1.6	1.6

1.7	1.7
1.8	1.8
1.9	1.9
2.0	2.0

*Projected catch will be rounded to the nearest tenth to determine the proportion of the ACL caught and the differential DAS counting rate to be applied.

Trimester TAC AM: Starting in FY 2012, common pool vessels will be subject to a hard-TAC AM, including area closures and overage deductions. Further detail regarding the Trimester TAC AM is available at www.nero.noaa.gov.

SECTION 3: SECTOR MEASURES

Any vessel that elects to participate in a sector for a particular FY will be subject to the sector measures summarized in this section, as well as the measures described in Section 1 above. Any vessel that does not elect to fish in a sector during a particular FY will be subject to the common pool measures summarized in Section 2 starting on page 15, as well as the measures described in Section 1 above, for that FY.

Based upon the comments received on the proposed rule for Amendment 16, there remains some confusion as to whether a sector is a limited access privilege program (LAPP) or an individual fishing quota (IFQ), as defined in the MSA, and subject to a referendum or other requirements. This is to clarify that NMFS does not consider sectors as provided for in the FMP and Amendment 16 to be LAPPs, as defined in the MSA. There is no permit issued to a sector, and no permanent or long-term allocation of fish is made to any sector. Furthermore, unlike IFQs, sectors are temporary, voluntary, and fluid associations of vessels that can join together to take advantage of flexibilities and efficiencies that sectors are afforded. Vessel owners may choose to join a sector or not, and can change their decisions from one year to the next, based on what they believe are the best opportunities for them at that point in time. Because sectors are not considered to be LAPPs, they are not subject to the referendum or cost-recovery requirements of the MSA.

AUTHORIZED SECTORS

Amendment 16 authorizes the creation of 17 new and 2 revised sectors, as listed below. The yearly operations plans for each sector must be approved through a separate rulemaking. For 2010, 17 of the 19 sectors authorized by Amendment 16 have submitted operations plans that have been approved by NMFS. A separate letter describing the approval of these operations plans and the associated exemptions from existing regulations has been sent to each sector manager and participating vessel.

Sectors Authorized under Amendment 16:

- | | |
|---|---------------------------------|
| 1. GB Cod Hook Sector | 5. Northeast Fishery Sector I |
| 2. GB Cod Fixed Gear Sector | 6. Northeast Fishery Sector II |
| 3. Sustainable Harvest Sector | 7. Northeast Fishery Sector III |
| 4. Port Clyde Community Groundfish Sector | 8. Northeast Fishery Sector IV |
| | 9. Northeast Fishery Sector V |

- 10. Northeast Fishery Sector VI
- 11. Northeast Fishery Sector VII
- 12. Northeast Fishery Sector VIII
- 13. Northeast Fishery Sector IX
- 14. Northeast Fishery Sector X

- 15. Northeast Fishery Sector XI
- 16. Northeast Fishery Sector XII
- 17. Northeast Fishery Sector XIII
- 18. Tristate Sector
- 19. Northeast Coastal Communities Sector

SECTOR DEFINITION

A sector is defined as a group of persons holding limited access groundfish permits that have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time, and that has been allocated a portion of the ACL for each groundfish stock to control fishing effort. A sector must be composed of at least three people, none of whom have any common ownership interests in the permits, vessels, or businesses of other persons in the sector. Ownership interest includes, but is not limited to, being a shareholder, officer, or partner in a corporation owning a permit; being a partner to a permit owner; or deriving a financial benefit from, or exerting control over, another permit.

ELIGIBILITY

Any vessel that was issued a limited access NE multispecies permit (including Handgear A permits or permits that were held in CPH) as of May 1, 2008, is eligible to participate in a sector, unless the permit has been voluntarily relinquished or cancelled for any reason.

SECTOR ALLOCATION

Under Amendment 16, sectors are subject to hard TACs and area closures, instead of DAS, to manage fishing effort for most groundfish stocks, as described below. Sectors are not allocated hard TACs for ocean pout, windowpane flounder, Atlantic halibut, Atlantic wolffish, and SNE/MA winter flounder.

Potential Sector Contribution (PSC): Each sector's allocation of a particular groundfish stock is based on the PSCs of participating vessels in that sector. With the exception of GB cod, the PSC for most vessels or permits held in CPH (see PSC applicability below) is calculated by adding up the dealer landings of each groundfish stock by each vessel/permit during FYs 1996 – 2006 and dividing it by the total dealer landings of each stock by all vessels/permits eligible to participate in sectors during that same period. For vessels/permits that signed up for one of the existing sectors (i.e., the GB Cod Hook Gear Sector or the GB Cod Fixed Gear Sector) before March 1, 2008, the GB cod PSC is calculated using landings from FYs 1996 – 2001. A more detailed explanation of how PSCs are calculated is available at www.nero.noaa.gov.

- **Corrections to PSCs:** NMFS received a number of corrections to the data used to calculate PSCs. NMFS was unable to complete these corrections in time to update PSCs for FY 2010. Because a change to the PSC for one vessel affects the PSCs for all other vessels, corrections to PSCs will become effective for the start of FY 2011.
- **Your PSCs:** Each vessel/permit owner will be sent a letter detailing the PSC for each stock for FY 2010 shortly. Another letter will be sent before FY 2011 based upon corrections to these PSCs.

- **PSC Applicability:** The PSC is associated with the permit and will apply to a particular sector or vessel, as described further below:
 - If a permit held in CPH enrolls in a sector, that permit's PSC will be used when calculating the sector's allocation.
 - If a vessel/permit leaves a sector at the end of the FY to join another sector, its PSC remains with the vessel/permit and contributes to the ACE of the other sector for the next FY.
 - If a vessel/permit leaves or is expelled from a sector during the middle of a FY, it may not fish for groundfish for the remainder of that FY, even under DAS in the common pool, and the vessel/permit's PSC remains with the sector for the rest of that FY.
 - When a vessel issued a Federal limited access groundfish permit changes ownership or is replaced by another vessel, the permit's landings history and PSC transfers with the permit to the new owner or onto the new vessel. If that permit was used to participate in a sector during a particular FY, the new owner or replacement vessel must remain in that sector for the remainder of that FY.

Annual Catch Entitlement (ACE): Sector allocations are in the form of ACE, or the maximum amount of each groundfish stock (i.e., all stocks except ocean pout, windowpane flounder, Atlantic halibut, Atlantic wolffish, and SNE/MA winter flounder) that the sector may catch during a particular FY, including both landings and discards, unless the sector acquires additional ACE from another sector. A sector's ACE for each stock is calculated by adding up each sector member's PSC for each stock to generate an overall total for the sector, and multiplying the cumulative PSCs by the total ACL of each stock available to the commercial groundfish fishery (see Table 1 above). The ACE allocated to a sector is valid only for one FY and will be recalculated on a yearly basis based upon changes to sector rosters and ACLs.

- **Eastern GB Cod and Eastern GB Haddock ACE:** In addition to being allocated a portion of the overall GB cod and GB haddock sub-ACLs, each sector will be allocated a portion of the Eastern U.S./Canada Area TACs for GB cod and GB haddock (see Table 3 above) based upon its share of the overall GB cod and GB haddock ACLs. A sector's allocation of Eastern GB cod and Eastern GB haddock can only be caught in the Eastern U.S./Canada Area and can be traded to/from another sector.

Example: If a sector is allocated 10 percent of the GB cod ACL, that sector will also be allocated 10 percent of the Eastern U.S./Canada GB cod TAC. In this example, if a sector is allocated 2,000,000 lb of GB cod, of which 200,000 lb is specified as Eastern GB cod, that sector can only land 200,000 lb of GB cod from the Eastern U.S./Canada Area and 1,800,000 lb from the GB cod stock area outside of the Eastern U.S./Canada Area.

- **Maximum sector allocation:** The previous restriction on the amount of a stock that could be allocated to a sector (20 percent) has been eliminated – there is no limit to the amount of a particular stock's ACL that a sector can be allocated.

Catch that Counts Against a Sector's ACE: All groundfish catch, including both landings and discards, by a sector vessel on a sector trip (a trip declared by a sector vessel into the groundfish fishery via VMS or IVR, as appropriate) counts against a sector's ACE for that stock. Groundfish catch by sector vessels on trips in exempted fisheries, under the Atlantic sea scallop limited access DAS or general category permit regulations, under the Atlantic herring

regulations, or when fishing on exempted species (e.g., fluke, scup, etc.) or with exempted gear (gear considered incapable of catching groundfish such as pelagic longline and gillnet gear, pots and traps, pound nets, surfclam/ocean quahog dredges, etc.) do not count against a sector's ACE, but instead count against another sub-component of the ACL listed in Tables 1 and 2.

ACE Carry-over: A sector may carry over up to 10 percent of unused ACE for any stock into the next FY, except GB yellowtail flounder. Any unused Eastern GB cod and Eastern GB haddock ACE will contribute to the 10-percent carry-over allowance for each stock as a whole, but will not be used to increase an individual sector's allocation of Eastern GB stocks during the following FY. These measures are necessary because carry-over of these stocks could cause the U.S. catch to exceed the U.S./Canada Management Area agreed upon with Canada for each FY.

ACE Buffer: Beginning in FY 2011, NMFS will withhold 20 percent of a sector's ACE for each stock through June 30 of each FY to allow sufficient time to process any ACE transfers and determine whether sector catch during the previous FY resulted in any ACE overages that need to be deducted from the ACE allocated to a sector during the following FY.

ACE TRADING

Any portion of a sector's ACE may be transferred to another sector at any time during the FY, and up to two weeks into the following FY (through May 14). ACE transfer requests must be submitted to NMFS and approved by the Regional Administrator. A paper request form can be downloaded from www.nero.noaa.gov, or a sector manager can request an ACE transfer online at www.nero.noaa.gov/simm/login.php. ACE transfers will be approved/disapproved based upon whether the sector and its participating vessels are compliant with applicable reporting requirements, including the weekly VTR requirements and weekly sector catch report described below. Approved ACE transfers are only valid for the FY requested on the transfer request form.

DAS ALLOCATION AND COUNTING RATE FOR USE IN OTHER FISHERIES

Amendment 16 exempts sector vessels from using a groundfish DAS to land groundfish. However, the monkfish and skate FMPs still require the use of groundfish DAS in certain circumstances, as discussed further below. Therefore, beginning in FY 2010, the groundfish DAS allocation for each groundfish vessel/permit participating in a sector during a particular FY will be distributed as detailed below for the purposes of participating in the monkfish and skate fisheries.

DAS Allocation: The groundfish DAS allocations to each sector vessel remain the same as its 2009 DAS allocation. A separate letter summarizing your DAS allocation and your PSC for each groundfish stock beginning in FY 2010 will be sent to you shortly.

DAS Counting Rate: Groundfish DAS used by a sector vessel to participate in either the monkfish or skate fisheries will be charged at a rate of 1:1, to the nearest minute, based upon the time called into the DAS program via VMS or the IVR system. A groundfish sector vessel fishing with Day gillnet gear (i.e., a vessel that returns to port after setting gillnets) will no longer be charged groundfish DAS under the 3-15 rule and will be charged groundfish DAS only for the time away from port at a rate of 1:1.

Example: A vessel that fishes seaward of the VMS demarcation line or called into the DAS system for 10 hr will be charged 10 hr of groundfish DAS.

SECTOR VESSEL PARTICIPATION IN OTHER FISHERIES

Sector Vessel Participation in the Monkfish Fishery: Similar to existing requirements, a sector vessel that has been issued a limited access Category C, D, F, or H monkfish permit is still required to use a NE multispecies DAS whenever a monkfish DAS is used, regardless of where the vessel is fishing. Additional information on applicable monkfish regulations is summarized in an information sheet available at www.nero.noaa.gov.

Sector Vessel Participation in the Skate Fishery: Consistent with current skate regulations, sector vessels must fish under a groundfish, monkfish, or scallop DAS; or under the rules of an exempted fishery to land skate wings or whole skates. If fishing under a groundfish and/or monkfish DAS to land skates, all of the measures summarized in Sections 1 and 3 of this letter apply, including the monkfish provisions summarized above. Additional information on applicable regulations is summarized in an information sheet available at www.nero.noaa.gov.

Sector Vessel Participation in the Spiny Dogfish Fishery: A sector vessel fishing for, possessing, or landing spiny dogfish must fish on a groundfish sector trip, under a scallop or monkfish-only DAS, or under the rules of an exempted fishery. If fishing on a sector trip, all of the measures summarized in Sections 1 and 3 of this letter apply; otherwise, the current scallop or monkfish-only DAS regulations apply. Additional information on applicable regulations is summarized in an information sheet available at www.nero.noaa.gov.

Catch Monitoring and Attribution: As noted above, all groundfish catch on trips declared into the groundfish fishery counts against a sector's ACE. Therefore, any catch of allocated groundfish stocks by a groundfish sector vessel while targeting monkfish, skates, or spiny dogfish on a sector trip will count against its sector's ACE, unless the vessel is fishing in an exempted fishery. This means that the vessel's sector must have available ACE for all stocks in the area the sector vessel fishes for these species, and that the sector vessel must participate in its sector's dockside or at-sea monitoring program on trips targeting these species.

SECTOR AMs

Stock Area Closures: A sector is prohibited from fishing in a particular stock area unless that sector is allocated, or acquires through an ACE transfer, ACE for all allocated groundfish stocks caught in that stock area. When a sector's ACE is harvested for a specific stock, all vessels participating in that sector are prohibited from fishing in that specific stock area on a sector trip until the sector obtains additional ACE for that stock from another sector. Sector stock areas and associated coordinates are specified in Appendix 1 and depicted in Figures 17–31.

Overage Deduction: After considering any ACE transfer requests submitted to NMFS by May 14 of each year, any overage of a sector's ACE for any stock will be deducted from that sector's ACE for the following FY on a pound-for-pound basis (i.e., a 30,000 lb overage of GB cod in FY 2010 by a sector results in a 30,000 lb deduction in FY 2011 GB cod ACE for that sector). If a

sector cannot pay back the overage due to insufficient ACE allocation, or if the sector disbands, the following measures will apply:

- Insufficient ACE: If there is insufficient ACE to cover an overage during the following FY, vessels in that sector would be prohibited from fishing in the stock area associated with the overage until the sector acquires sufficient ACE to cover the overage and any additional catch expected from fishing in that stock area.
- Sector disbands: If a sector disbands following an overage, each participating vessel will incur a penalty based on whether the vessels participate in another sector or the common pool. If a sector vessel/permit enters another sector following an overage, its PSC for that stock (in lb) will be reduced by the amount of the overage divided by the number of vessels/permits that participated in that sector during the FY in which the overage occurred. This reduction will only apply during the FY following the overage, and is not permanent. If a vessel/permit enters the common pool following an overage, its Category A DAS allocation will be reduced proportional to the overage. The applicable overage penalty will be that associated with the largest overage incurred by the sector during the previous FY.

Example 1: If a sector composed of 10 vessels/permits exceeded its GB cod ACE by 30,000 lb, but later disbands, each vessel/permit that then enters another sector during the following FY will have its GB cod PSC reduced by 3,000 lb ($30,000 \text{ lb} \div 10 \text{ vessels/permits}$).

Example 2: If a sector exceeded its GB cod ACE by 20 percent, but later disbands, each vessel/permit that then enters the common pool during the following FY will have its Category A DAS allocation reduced by 20 percent.

Effect of Groundfish Catch by Other Fisheries: When projecting whether a sector has exceeded its ACE for any stock for the purposes of sector AMs described above, groundfish catch by other fisheries will be considered (i.e., state-waters fisheries, exempted fisheries, and the scallop and herring fisheries). If the overall ACL for a groundfish stock is exceeded because of an overage by these other fisheries, each sector's catch for that stock will be increased by that individual sector's share of that stock's ACL available to the groundfish fishery.

Example: If a sector's share of the GOM cod ACL is 5 percent in FY 2010 based on the PSCs of participating vessels, then 5 percent of any overage of the overall GOM cod ACL by other fisheries would be applied to that sector's catch of GOM cod in determining whether that sector's GOM cod ACE was exceeded. If these other fisheries result in the overall GOM cod ACL being exceeded by 100,000 lb, then that sector's share of that overage is 5,000 lb ($5\% \times 100,000 \text{ lb} = 5,000 \text{ lb}$). If that sector's catch, including its share of the overage, does not exceed that sector's GOM cod ACL, then no ACE overage occurred for that sector and no overage deduction is necessary.

JOINT/SEVERAL LIABILITY

Under Amendment 16, the following violations by sector members are specifically subject to joint and several liability: Sector ACE overages, the discarding of legal-sized fish, and the misreporting of landings and discards. This means that each member of a sector could be jointly charged with one of these violations even if other sector members were responsible for that violation.

UNIVERSAL SECTOR EXEMPTIONS

Amendment 16 includes “universal exemption” provisions that exempt all sector vessels from certain regulations that apply to common pool vessels. These universal exemptions only apply to groundfish fishing regulations; they do not apply to requirements of other management plans (for example, sector vessels fishing for monkfish must use a groundfish DAS when fishing a monkfish DAS). A sector may request additional exemptions in its yearly operations plan, as discussed below. Approved exemptions will be specified in a LOA that must be kept on board by all sector vessels.

All sector vessels fishing on a sector trip are exempt from:

- Trip limits on all groundfish stocks except Atlantic halibut, ocean pout, windowpane flounder, SNE/MA winter flounder, and Atlantic wolffish. With the exception of Atlantic halibut, sectors may not fish for, possess, or land these stocks; sectors are still subject to one Atlantic halibut per trip.
- Seasonal closed areas
 - GB Seasonal Closure Area
 - Certain portions of the GOM Rolling Closure Areas – Sector vessels must still comply with smaller Sector GOM Rolling Closure Areas defined as follows (see Figures 32–34 and corresponding coordinates for each area in Appendix 1):
 - April: 30-minute squares 124, 125, 132, 133
 - May: 30-minute squares 132, 133, 138
 - June: 30-minute squares 139, 140, 145, 146, 147, 152
- Groundfish DAS restrictions (unless using groundfish DAS to comply with existing monkfish and skate regulations)
- The requirement to use a 6.5-inch mesh codend when fishing with selective gear (i.e., the haddock separator trawl, the Ruhle trawl, or other approved gear) on GB, provided such vessels fish with a 6-inch mesh codend

Sectors cannot request exemptions from the following management measures:

- Year-round closed areas (e.g., CAs I and II, Western GOM Closure Area, etc.)
- Permitting restrictions (vessel upgrades, etc.)
- Gear restrictions designed to minimize habitat impacts (roller gear restrictions, etc.)
- Reporting requirements (not including DAS reporting requirements)

SECTOR OPERATIONS PLANS

Amendment 13 specified a number of required elements that must be included in each sector operations plan, including:

- A list of all sector participants and a contract signed by all sector participants
- A list of all sector vessels, including an indication whether the vessels would actively fish
- Original distribution of catch history
- A detailed plan for consolidation of ACLs or DAS, if any is desired
- A plan and analysis to show how the sector will avoid exceeding its ACEs
- Rules for entry and exit to the sector

- Procedure for notifying NMFS if a member is expelled from the sector

Amendment 16 adds to those requirements, to provide additional details regarding sector reporting and monitoring provisions, and to better understand the composition and effort distribution of participating vessels so that the Council can better evaluate the impacts of sectors.

Additional operations plan requirements include:

- Information about overage penalties if a sector exceeds its allocation for any stock;
- Information about the sector's dockside/roving monitor service provider;
- Detailed information about a monitoring program for discards;
- A list of all Federal and state permits held by vessels participating in the sector;
- A list of specific ports where sector members will land fish;
- TAC thresholds and catch reporting protocols once the threshold has been reached;
- Identification of potential redirection of effort as a result of sector operations and any efforts to limit the adverse effects of such redirection of effort; and
- A description of how groundfish would be avoided when fishing in other fisheries that have a groundfish bycatch if the sector does not anticipate being allocated or acquiring an allocation of such species from another sector.

Sector operations plans and an appropriate analysis of these plans are required to be submitted by September 1 of each year to ensure that the operations plans and associated analysis are reviewed in time to implement such operations by the start of the next FY on May 1. Operations plans may address sector operations over either a 1 or a 2-year period, provided the analysis is sufficient to cover the duration of the applicability of the operations plan. The Regional Administrator will review each sector operations plan and associated analysis and approve or disapprove such operations through publication of a rule in the *Federal Register*.

SECTOR MONITORING REQUIREMENTS

In addition to the dockside/roving monitoring requirements specified in Section 1 above, sectors must comply with the following additional monitoring requirements.

At-Sea Monitoring: Sectors are required to develop an adequate, independent, third-party at-sea/electronic monitoring program no later than FY 2012. This program will be used to verify area fished and catch (landings and discards), by species and gear type, for the purposes of monitoring sector ACE. Electronic monitoring could be used in lieu of actual at-sea monitors in the future, provided the technology is deemed sufficient by NMFS for a specific gear type and area fished.

At-sea monitoring coverage levels will be specified by NMFS on a yearly basis, based upon a list of participating vessels and gear types for each sector. Any at-sea monitoring coverage provided by an approved sector at-sea monitoring program will be in addition to the coverage provided by NMFS. If a NMFS-funded observer and an industry-funded at-sea monitor are assigned to the same trip, the NMFS-funded observer will take precedence and will cover that trip to minimize costs to industry.

SECTOR DISCARDS

Sector vessels may not discard any legal-sized groundfish, except for the species that cannot be possessed (ocean pout, windowpane flounder, Atlantic wolffish, or SNE/MA winter flounder), or Atlantic halibut, once the one-fish per trip limit is reached.

Sector-Specific Assumed Discard Rate: Discards will be monitored through the use of a sector-specific assumed discard rate based upon observer data from the previous FY. This rate will be applied to groundfish catch on each sector trip until there is enough observer/at-sea monitor data to calculate a sector-specific inseason discard estimate for each stock and gear type used. When calculating these assumed discard rates, regulatory discards of legal-sized fish caused by trip limits will be excluded to represent anticipated behavior under sectors. These assumed discard rates will be calculated as often as practicable, and will be used to add a discard estimate to each landing by a sector vessel so that total catch can be determined for each stock for each trip.

Inseason Discard Estimate: Once NMFS deems that there are sufficient observer or at-sea monitor data available, a sector-specific inseason discard rate will apply to all trips taken by a sector's vessels for the remainder of the FY, in lieu of the assumed discard rate. NMFS will notify sectors of the discard rate.

If a trip is observed by either an observer or an at-sea monitor, the discards reported by the observer or at-sea monitor will be used to document discards for that particular trip instead of using an assumed discard rate, regardless of whether the sector has developed an approved at-sea monitoring program for that FY (see the NMFS Northeast Regional Office website for further details: www.nero.noaa.gov/sfd/sfdmultisector.html).

SECTOR REPORTING REQUIREMENTS

Weekly Sector Catch Reports: All sectors must submit weekly catch reports that provide sector landings and discards for each stock allocated to that sector. Detailed instructions about the content and format of weekly sector catch reports are available at www.nero.noaa.gov/sfd/sfdmultisector.html.

Sector Annual Report: Sectors must submit an annual report to NMFS by July 1 of each year that provides information necessary to evaluate the biological, economic, and social impacts of sectors from the previous FY. The report must include harvest levels of all vessels/permits in that sector for all federally managed species, enforcement actions, and other information needed to evaluate the performance of the sector.

Sectors must provide trip-level catch data, if requested, to facilitate the auditing of sector catch data to ensure that data used by sectors are consistent with those submitted to NMFS, based upon the provision in Amendment 16 that allows other requirements of sector monitoring plans to be implemented, as directed by the Regional Administrator.

SECTION 4: RECREATIONAL MEASURES

Amendment 16 revises several measures applicable to the recreational fishery, as listed below.

COMMERCIAL/RECREATIONAL ALLOCATION

Allocation Criteria: To ensure that management measures can be better tailored to address the catch of various components of the fishery, Amendment 16 establishes criteria to determine whether to allocate portions of the ACL available to the groundfish fishery for each groundfish stock among the commercial and recreational fisheries. These criteria include:

- **Overall catch:** A stock will not be allocated if the ACL for that stock is not being fully harvested by the entire groundfish fishery based upon available information; and
- **Recreational catch in Federal waters:** A stock will not be allocated if less than 5 percent of the overall catch of that stock comes from recreational vessels in Federal waters.

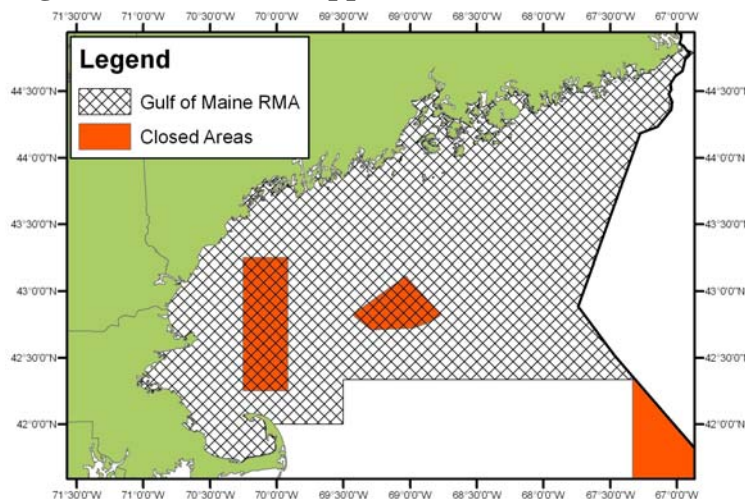
Allocated Stocks: If a stock meets the allocation criteria listed above, an allocation will be made between the commercial and recreational fisheries based upon the average number of fish (or weight, if necessary) caught by each component during a particular time period determined by the Council. At this time, only GOM cod and GOM haddock meet the above criteria and are allocated between the commercial and recreational fisheries.

Using the average catch of these stocks by each component during FYs 2001-2006 the recreational component is allocated 27.5 percent of the groundfish ACL for GOM haddock, and 33.7 percent of the groundfish ACL for GOM cod. The FY 2010 recreational allocations are:

- GOM cod: 5,892,956 lb
- GOM haddock: 714,298 lb

Seasonal GOM Cod Possession Prohibition: Private recreational vessels and charter/party vessels are prohibited from possessing or retaining any cod from the GOM RMA (see Figure 8 below) from November 1 – April 15. The 2-week extension is necessary to achieve necessary reductions in GOM cod fishing mortality for 2010.

Figure 8: GOM Regulated Mesh Area Applicable to Seasonal Cod Possession Prohibition



Private recreational and charter/party vessels are allowed to transit the GOM RMA with cod caught from outside this area, provided all bait and hooks are removed from fishing rods, and all cod are stored in coolers or ice chests. These storage requirements are intended to facilitate enforceability.

Possession Limits: Private recreational vessels fishing in Federal waters, and vessels issued a Federal NE multispecies charter/party permit, may not possess any Atlantic wolffish caught in any area, or winter flounder caught in the SNE/MA winter flounder stock area (see Figure 5 above). The possession limits for cod and Atlantic halibut have not been revised. The cod possession limit remains 10 cod per angler per day for private recreational vessels in all areas within Federal waters, or charter/party vessels fishing in the GOM, when not otherwise restricted by the seasonal GOM cod possession prohibition detailed above. The Atlantic halibut possession limit remains one per trip.

Size Limits: The haddock size limit is reduced to 18 inches total length, while the Atlantic halibut size limit is increased to 41 inches total length.

Hook Restriction: The current restriction of two hooks per mainline per angler is eliminated. Therefore, there is no limit on the number of hooks per mainline, but the current restriction of one mainline per angler is maintained.

Fillets: Fillets may be skinned, but must retain at least 2 square inches of contiguous skin that allows for the identification of fish species. Fillets must come from legal-sized fish, but for private recreational and charter/party vessels only, the fillets themselves are not required to meet the minimum fish size restrictions for whole fish.

Recreational AMs: If the recreational fishery exceeds its yearly allocation of GOM cod or haddock, as listed above, NMFS, in consultation with the Council, will adjust the recreational season, possession limits, or size limits during the following FY based upon the amount of the overage.

Appendix 1: Figures/Coordinates for New/Revised Areas Under Amendment 16

The figures and coordinates listed in Appendix 1 reflect the order in which these areas were discussed above.

BSAs FOR VMS/IVR DECLARATIONS PRIOR TO EACH TRIP

GOM Stock Area. The GOM Stock Area 1 is bounded on the east by the U.S./Canadian maritime boundary and straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	(¹)
2	(¹)	67° 20'
3	42° 20'	67° 20'
4	42° 20'	70° 00'
5	(²)	70° 00'

¹The intersection of the shoreline and the U.S.-Canada maritime boundary.

²The intersection of the Cape Cod, MA, coastline and 70° 00' W. long.

Inshore GB Stock Area. The Inshore GB Stock Area 2 is defined by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	42° 20'	70° 00'
3	42° 20'	68° 50'
4	41° 00'	68° 50'
5	41° 00'	69° 30'
6	41° 10'	69° 30'
7	41° 10'	69° 50'
8	41° 20'	69° 50'
9	41° 20'	70° 00'

¹The intersection of the Cape Cod, MA, coastline and 70° 00' W. long.

Offshore GB Stock Area. The Offshore GB Stock Area 3 is bounded on the east by the U.S./Canadian maritime boundary and defined by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	42° 20'	68° 50'
2	42° 20'	67° 20'
3	(¹)	67° 20'
4	39° 00'	(¹)
5	39° 00'	69° 00'
6	39° 50'	69° 00'
7	39° 50'	68° 50'

¹The U.S.-Canada maritime boundary as it intersects with the EEZ.

SNE/MA Stock Area. The SNE/MA Stock Area 4 is the area bounded on the north and west by the coastline of the United States, bounded on the south by a line running from the east-facing coastline of North Carolina at 35° N. lat. until its intersection with the EEZ, and bounded on the east by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	41° 20'	70° 00'
3	41° 20'	69° 50'
4	41° 10'	69° 50'
5	41° 10'	69° 30'
6	41° 00'	69° 30'
7	41° 00'	68° 50'
8	39° 50'	68° 50'
9	39° 50'	69° 00'
10	39° 00'	69° 00'
11	39° 00'	(²)

¹South-facing shoreline of Cape Cod, MA.

²The U.S.-Canada maritime boundary as it intersects with the EEZ.

**SUB-AREAS OF THE U.S/CANADA MANAGEMENT AREA OPEN FOR FY 2010
(coordinates for these areas have not been revised by Amendment 16)**

Figure 9: U.S./Canada Management Area 1

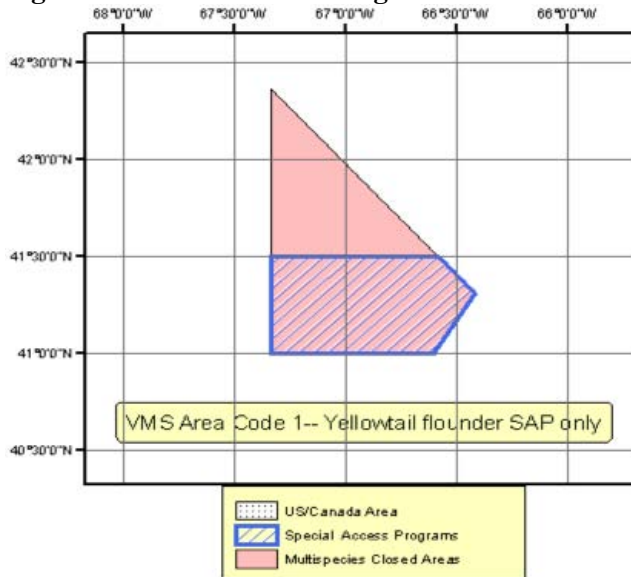


Figure 10: U.S./Canada Management Area 2

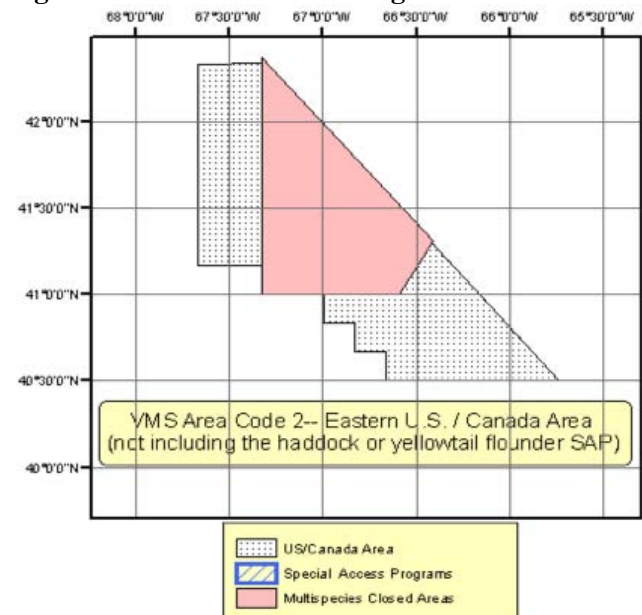


Figure 11: U.S./Canada Management Area 3

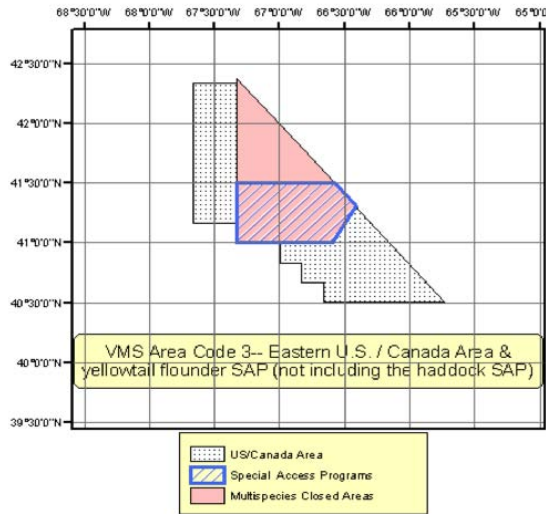


Figure 14: U.S./Canada Management Area 6

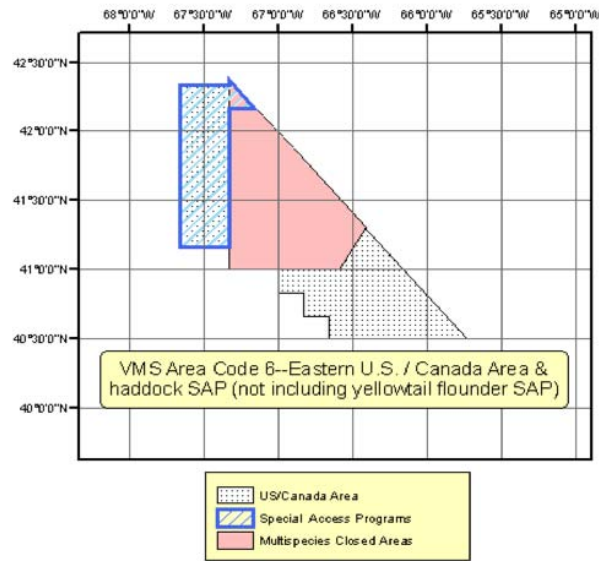


Figure 12: U.S./Canada Management Area 4

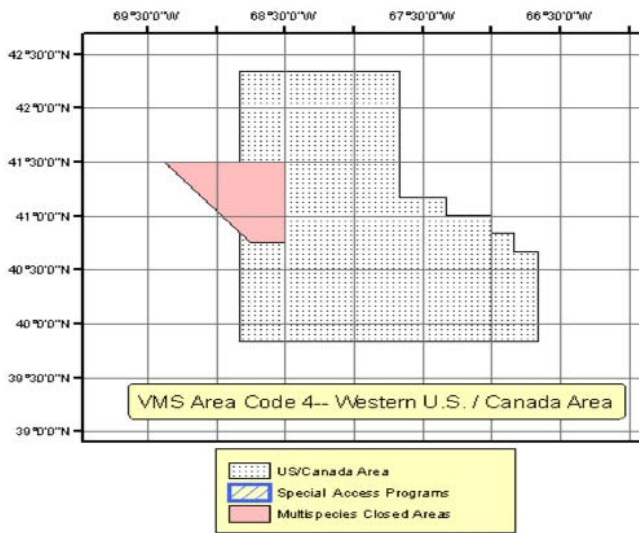


Figure 15: U.S./Canada Management Area 7

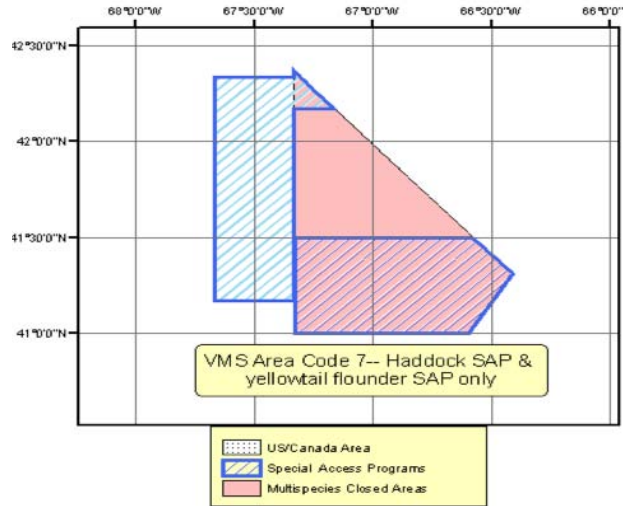


Figure 13: U.S./Canada Management Area 5

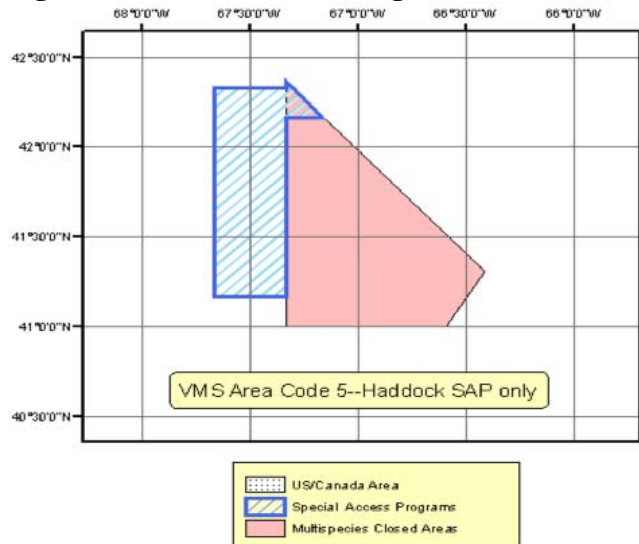
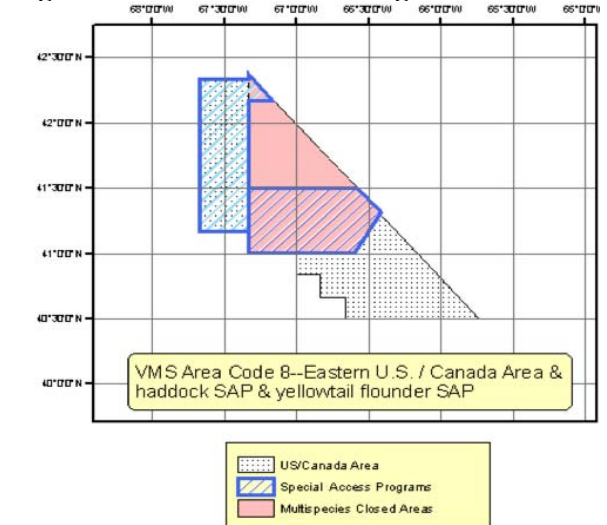


Figure 16: U.S./Canada Management Area 8



CA I Hook GEAR HADDOCK SAP AREA

CA I Hook Gear Haddock SAP Area. The CA I Hook Gear Haddock SAP Area is the area defined by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	41° 09'	68° 30'
2	41° 30'	68° 30'
3	41° 30'	69° 23'
4	41° 04'	69° 01.1'

SNE/MA SCALLOP DREDGE EXEMPTION AREA

SNE Scallop Dredge Exemption Area is that area (copies of a chart depicting this area are available from the Regional Administrator upon request):

Bounded on the west, south and east by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	72° 30'
2	40° 00'	72° 30'
3	40° 00'	71° 40'
4	39° 50'	71° 40'
5	39° 50'	70° 00'
6	(²)	70° 00'
7	(³)	70° 00'
8	(⁴)	70° 00'

¹South facing shoreline of Long Island, NY.

²South facing shoreline of Nantucket, MA.

³North facing shoreline of Nantucket, MA.

⁴South facing shoreline of Cape Cod, MA.

Bounded on the northwest by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
9	41°00'	(¹)
10	41°00'	71°40'
11	(²)	71°40'

¹East facing shoreline of the south fork of Long Island, NY.

²South facing shoreline of RI.

COMMON POOL RESTRICTED GEAR AREAS

Western GB Multispecies Restricted Gear Area. The Western GB Multispecies Restricted Gear Area is defined as the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
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1	42° 00'	69° 30'
2	42° 00'	68° 30'
3	41° 00'	68° 30'
4	41° 00'	69° 30'

SNE Multispecies Restricted Gear Area. The SNE Multispecies Restricted Gear Area is defined as the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	41° 30'	(¹)
2	41° 30'	70° 30'
3	(²)	70° 30'
4	(³)	70° 30'
5	40° 00'	70° 30'
6	40° 00'	71° 30'
7	40° 30'	71° 30'
8	40° 30'	72° 00'
9	(⁴)	72° 00'
10	(⁵)	72° 00'
11	(⁶)	72° 00'

¹East-facing shoreline of RI.

²North-facing shoreline of Martha's Vineyard, MA.

³South-facing shoreline of Martha's Vineyard, MA.

⁴South-facing shoreline of Long Island, NY.

⁵North-facing shoreline of Long Island, NY.

⁶South-facing shoreline of CT.

REGULAR B DAS PROGRAM STOCK AREAS

GB Cod Stock Area. The GB Cod Stock Area is defined as the area bounded by straight lines connecting the following points in the order stated:

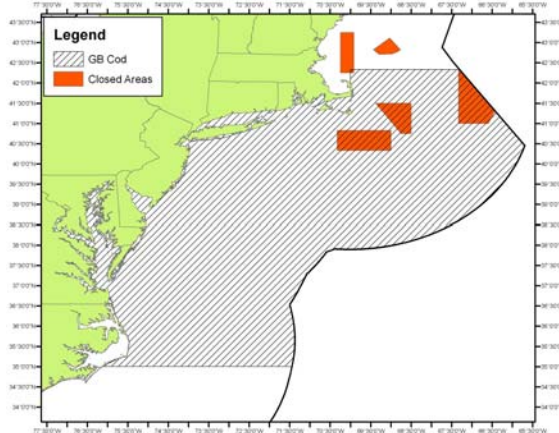
Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	42° 20'	70° 00'
3	42° 20'	(²)
4	35° 00'	(²)
5	35° 00'	(³)

¹Intersection of the north-facing coastline of Cape Cod, MA, and 70° 00' W. long.

²U.S./Canada maritime boundary.

³Intersection of the east-facing coastline of Outer Banks, NC, and 35° 00' N. lat.

Figure 17: GB Cod Stock Area



GOM Cod Stock Area. The GOM Cod Stock Area is defined as the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	42° 20'	70° 00'
3	42° 20'	67° 40'
4	(²)	67° 40'
5	(³)	67° 40'
6	43° 50'	67° 40'
7	43° 50'	(⁴)
8	(⁴)	67° 00'
9	(⁵)	67° 00'

¹Intersection of the north-facing coastline of Cape Cod, MA, and 70° 00' W. long.

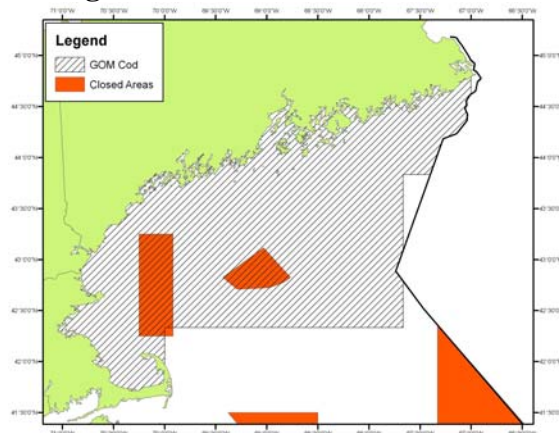
²U.S./Canada maritime boundary (southern intersection with 67° 40' W. long.).

³U.S./Canada maritime boundary (northern intersection with 67° 40' W. long.)

⁴U.S./Canada maritime boundary

⁵Intersection of the south-facing ME coastline and 67° 00' W. long.

Figure 18: GOM Cod Stock Area

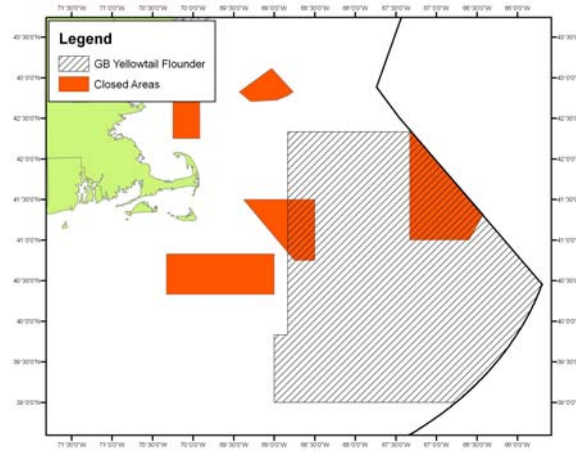


GB Yellowtail Flounder Stock Area. The GB Yellowtail Flounder Stock Area is defined as the area bounded on the east by the U.S./Canadian maritime boundary and straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
USCA1	42°20'	68°50'
USCA X1	42°20'	(¹)
USCA5	39°00'	(¹)
USCA X2	39°00'	69°00'
USCA X3	39°50'	69°00'
USCA2	39°50'	68°50'
USCA1	42°20'	68°50'

¹U.S./Canada maritime boundary.

Figure 19: GB Yellowtail Flounder Stock Area



CC/GOM yellowtail flounder stock area. The CC/GOM Yellowtail Flounder Stock Area is defined as the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	43° 00'	(¹)
2	43° 00'	70° 00'
3	42° 30'	70° 00'
4	42° 30'	69° 30'
5	41° 30'	69° 30'
6	41° 30'	69° 00'
7	41° 00'	69° 00'
8	41° 00'	69° 30'
9	41° 30'	70° 00'
10	(²)	70° 00'
11	42° 00'	70° 00'
12	42° 00'	(³)
13	42° 00'	(⁴)
14	42° 00'	(⁵)

¹Intersection with the NH coastline.

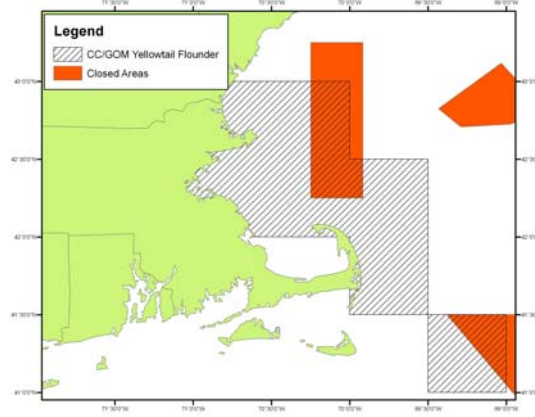
²Intersection of the south-facing shoreline of Cape Cod, MA.

³Intersection with the east-facing shoreline of Cape Cod, MA.

⁴Intersection with the west-facing shoreline of Cape Cod, MA.

⁵Intersection with the east-facing shoreline of MA.

Figure 20: CC/GOM Yellowtail Flounder Stock Area



SNE/MA Yellowtail Flounder Stock Area. The SNE/MA Yellowtail Flounder Stock Area is defined as the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	40° 00'	74° 00'
2	40° 00'	72° 00'
3	40° 30'	72° 00'
4	40° 30'	69° 30'
5	41° 10'	69° 30'
6	41° 10'	69° 50'
7	41° 20'	69° 50'
8	41° 20'	(¹)
9	(²)	70° 00'
10	41° 00'	70° 00'
11	41° 00'	70° 30'
12	(³)	70° 30'
13	(⁴)	72° 00'
14	(⁵)	72° 00'
15	(⁶)	73° 00'
16	40° 30'	73° 00'
17	40° 30'	74° 00'

¹East-facing shoreline of Nantucket, MA.

²South-facing shoreline of Nantucket, MA.

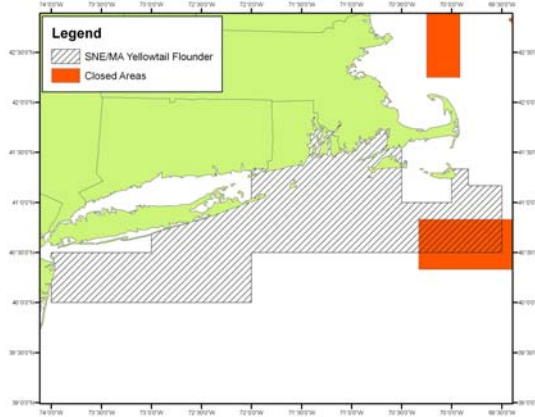
³Intersection of the south-facing shoreline of Cape Cod, MA.

⁴South-facing shoreline of CT.

⁵North-facing shoreline of Long Island, NY.

⁶South-facing shoreline of Long Island, NY.

Figure 21: SNE/MA Yellowtail Flounder Stock Area



American Plaice and Pollock Stock Areas. The American Plaice and Pollock Stock Areas are defined as the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	67° 00'
2	(²)	67° 00'
3	43° 50'	(²)
4	43° 50'	67° 40'
5	(³)	67° 40'
6	(⁴)	67° 40'
7	42° 30'	67° 40'
8	42° 30'	(²)
9	35° 00'	(²)
10	35° 00'	(⁵)

¹Intersection of south-facing ME coastline and 67° 00' W. long.

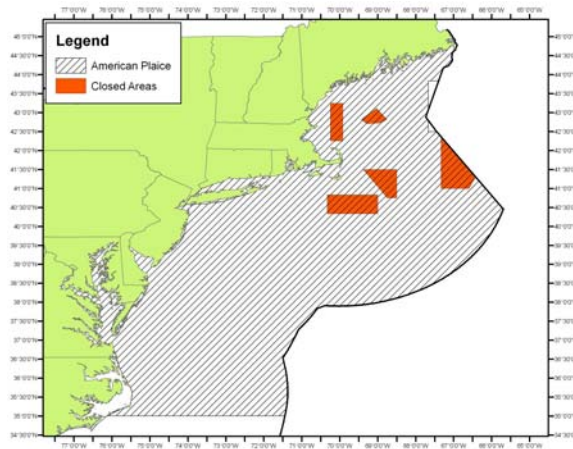
²U.S./Canada maritime boundary.

³U.S./Canada maritime boundary (northern intersection with 67° 40' N. lat.).

⁴U.S./Canada maritime boundary (southern intersection with 67° 40' N. lat.).

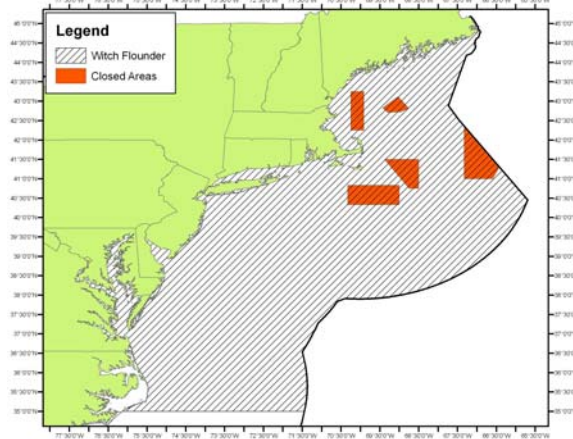
⁵Intersection of east-facing coastline of Outer Banks, NC, and 35° 00' N. lat.

Figure 22: American Plaice and Pollock Stock Areas



Witch Flounder and White Hake Stock Areas. The Witch Flounder and White Hake Stock Areas are the areas bounded on the north and west by the coastline of the United States, bounded on the south and east by a line running east from the intersection of the east-facing coastline of Outer Banks, NC, at 35° 00' N. lat. to the boundary of the EEZ, and running northward to the U.S.-Canada border.

Figure 23: Witch Flounder and White Hake Stock Areas



SNE/MA Winter Flounder Stock Area. The SNE/MA Winter Flounder Stock Area is defined as the area bounded by straight lines connecting the following points in the order stated:

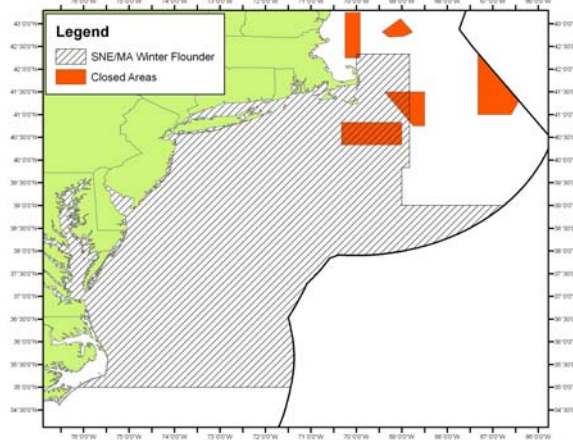
Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	42° 20'	70° 00'
3	42° 20'	68° 50'
4	39° 50'	68° 50'
5	39° 50'	69° 00'
6	39° 00'	69° 00'
7	39° 00'	(²)
8	35° 00'	(²)
9	35° 00'	(³)

¹Intersection of the north-facing Coastline of Cape Cod, MA, and 70° 00' W. long.

²U.S./Canada maritime boundary.

³The intersection of the east-facing coastline of Outer Banks, NC, and 35° 00' N. lat.

Figure 24: SNE/MA Winter Flounder Stock Area

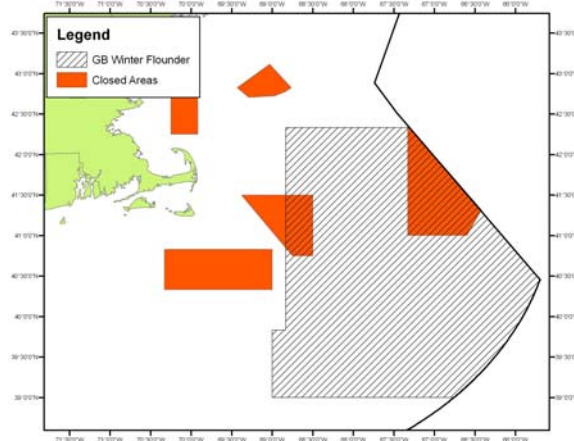


GB Winter Flounder Stock Area. The GB Winter Flounder Stock Area is defined as the area bounded on the east by the U.S./Canadian maritime boundary and straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
USCA1	42°20'	68°50'
USCA X1	42°20'	()
USCA5	39°00'	()
USCA X2	39°00'	69°00'
USCA X3	39°50'	69°00'
USCA2	39°50'	68°50'
USCA1	42°20'	68°50'

¹U.S./Canada maritime boundary.

Figure 25: GB Winter Flounder Stock Area



COMMON POOL DIFFERENTIAL DAS COUNTING AM AREAS

Inshore GOM Differential DAS Area. The Inshore GOM Differential DAS Area is defined as the area bounded on the west by the shoreline of the United States and bounded on the east by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	69° 30'
2	43° 00'	69° 30'
3	43° 00'	70° 00'
4	(²)	70° 00'

¹Intersection with ME shoreline.

²North-facing shoreline of Cape Cod, MA

Offshore GOM Differential DAS Area. The Offshore GOM Differential DAS Area is defined as the area bounded on the north by the shoreline of Maine, bounded on the east by the U.S./Canadian maritime boundary, and bounded on the south and west by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	42° 22'	67° 20'
2	42° 20'	67° 20'
3	42° 20'	70° 00'
4	43° 00'	70° 00'
5	43° 00'	69° 30'
6	(¹)	69° 30'

¹Intersection with ME shoreline

Inshore GB Differential DAS Area. The Inshore GB Differential DAS Area is defined as the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	42° 20'	70° 00'
3	42° 20'	68° 50'
4	41° 00'	68° 50'
5	41° 00'	69° 30'
6	41° 10'	69° 30'
7	41° 10'	69° 50'
8	41° 20'	69° 50'
9	41° 20'	70° 00'
10	(²)	70° 00'

¹The intersection of the Cape Cod, MA, coastline and 70° 00' W. longitude.

²South-facing shoreline of Cape Cod, MA.

Offshore GB Differential DAS Area. The Offshore GB Differential DAS Area is defined as the area bounded on the east by the U.S./Canadian maritime boundary and straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	42° 20'	68° 50'
2	42° 20'	67° 20'
3	(¹)	67° 20'

4	40° 10'	(¹)
5	40° 10'	68° 50'

¹The U.S./Canada maritime boundary as it intersects with the EEZ.

SNE/MA Differential DAS Area. The SNE/MA Differential DAS Area is defined as the area bounded on the north and west by the coastline of the United States, bounded on the east and south by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	41° 20'	70° 00'
3	41° 20'	69° 50'
4	41° 10'	69° 50'
5	41° 10'	69° 30'
6	41° 00'	69° 30'
7	41° 00'	68° 50'
8	40° 10'	68° 50'
9	40° 10'	73° 10'
10	39° 50'	73° 10'
11	39° 50'	(²)

¹South-facing shoreline of Cape Cod, MA.

²East-facing shoreline of NJ.

SECTOR STOCK AREAS

CC/GOM Yellowtail Flounder Stock Area. The CC/GOM Yellowtail Flounder Stock Area is the area bounded on the north and west by the coastline of the United States, on the east by the U.S./Canadian maritime boundary, and on the south by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	(²)	70° 00'
3	41° 20'	(³)
4	41° 20'	69° 50'
5	41° 10'	69° 50'
6	41° 10'	69° 30'
7	41° 00'	69° 30'
8	41° 00'	68° 50'
9	42° 20'	68° 50'
10	42° 20'	(⁴)

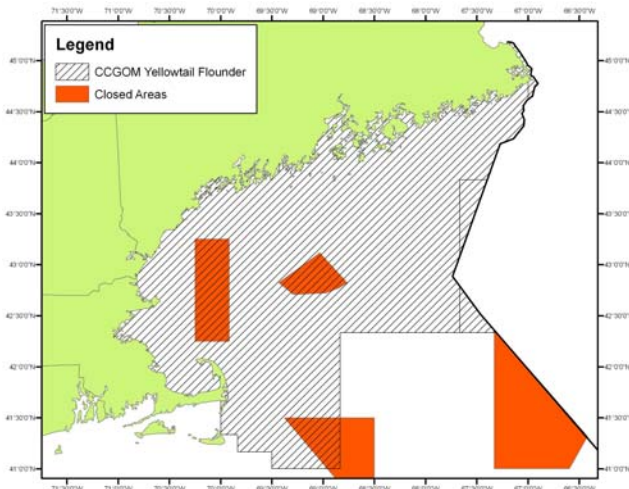
¹Intersection of south-facing coastline of Cape Cod, MA, and 70° 00' W. long.

²Intersection of north-facing coastline of Nantucket, MA, and 70° 00' W. long.

³Intersection of east-facing coastline of Nantucket, MA, and 41° 20' N. lat.

⁴U.S./Canada maritime boundary.

Figure 26: CC/GOM Yellowtail Flounder Stock Area



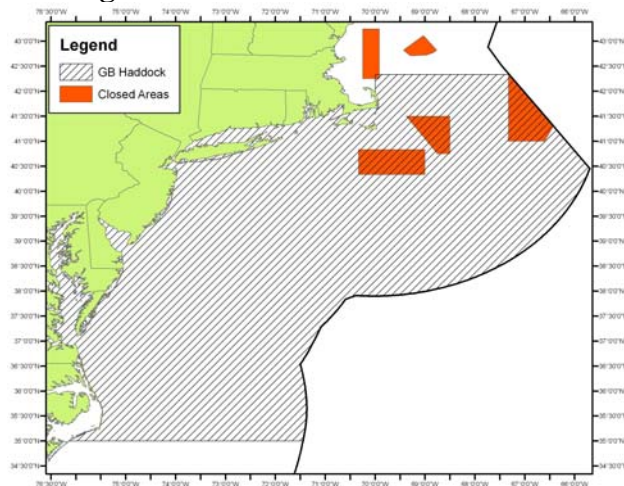
GB Haddock Stock Area. The GB Haddock Stock Area is the area bounded on the west by the coastline of the United States, on the south by a line running from the east-facing coastline of North Carolina at 35° N. lat. until its intersection with the EEZ, on the east by the U.S./Canadian maritime boundary, and bounded on the north by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	42° 20'	70° 00'
3	42° 20'	(²)

¹Intersection of the north-facing coastline of Cape Cod, MA, and 70° 00' W. long.

²U.S./Canada maritime boundary.

Figure 27: GB Haddock Stock Area



GOM Haddock Stock Area. The GOM Haddock Stock Area is the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'

2	42° 20'	70° 00'
3	42° 20'	67° 40'
4	(²)	67° 40'
5	(³)	67° 40'
6	43° 50'	67° 40'
7	43° 50'	(⁴)
8	(⁴)	67° 00'
9	(⁵)	67° 00'

¹Intersection of the north-facing coastline of Cape Cod, MA, and 70° 00' W. long.

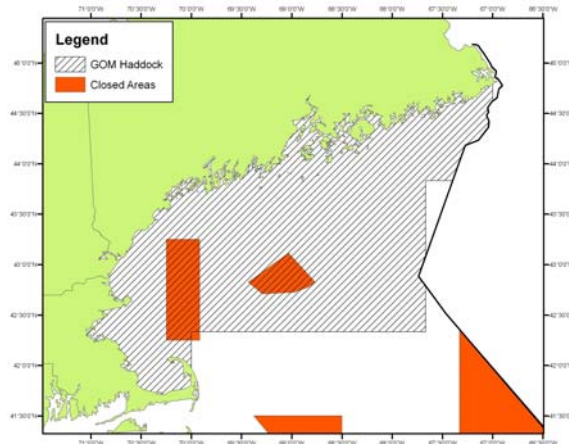
²U.S./Canada maritime boundary (southern intersection with 67° 40' W. long.).

³U.S./Canada maritime boundary (northern intersection with 67° 40' W. long.).

⁴U.S./Canada maritime boundary.

⁵Intersection of the south-facing ME coastline and 67° 00' W. long.

Figure 28: GOM Haddock Stock Area



GOM Winter Flounder Stock Area. The GOM Winter Flounder Stock Area is the area bounded on the north and west by the coastline of the United States, on the east by the U.S./Canadian maritime boundary, and on the south by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	(¹)	70° 00'
2	42° 20'	70° 00'
3	42° 20'	67° 40'
4	(²)	67° 40'
5	(³)	67° 40'
6	43° 50'	67° 40'
7	43° 50'	(⁴)
8	(⁴)	67° 00'
9	(⁵)	67° 00'

¹Intersection of the north-facing coastline of Cape Cod, MA, and 70° 00' W. long.

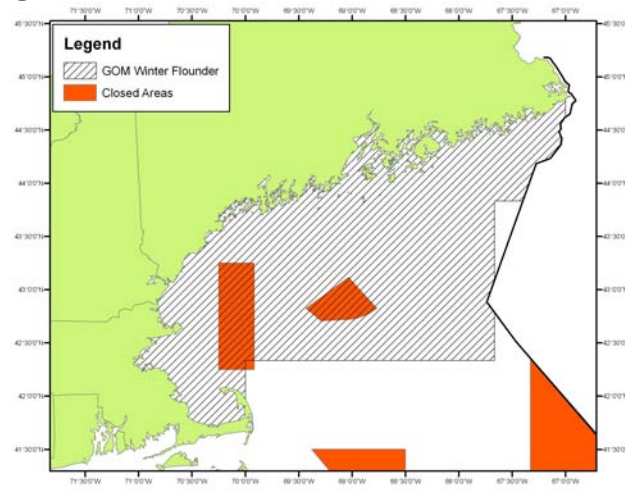
²U.S./Canada maritime boundary (southern intersection with 67° 40' N. lat.).

³U.S./Canada maritime boundary (northern intersection with 67° 40' N. lat.).

⁴U.S./Canada maritime boundary.

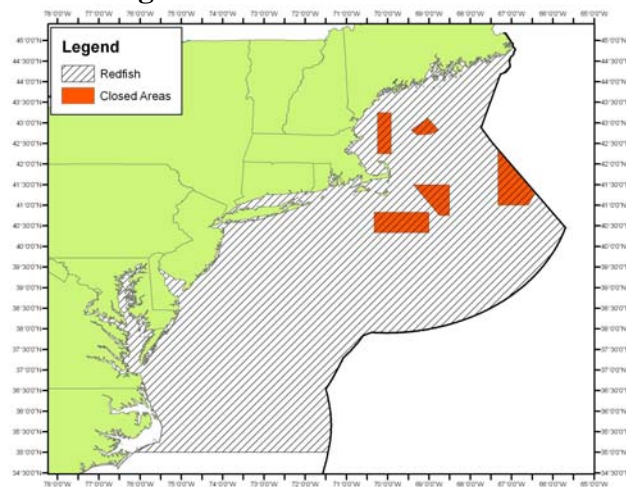
⁵Intersection of the south-facing ME coastline and 67° 00' W. long.

Figure 29: GOM Winter Flounder Stock Area



Redfish Stock Area. The Redfish Stock Area is the area bounded on the north and west by the coastline of the United States, on the east by the U.S./Canadian maritime boundary, and bounded on the south by a line running from the east-facing coastline of North Carolina at 35° N. lat. until its intersection with the EEZ.

Figure 30: Redfish Stock Area



SNE/MA Yellowtail Flounder Stock Area. The SNE/MA Yellowtail Flounder Stock Area is the area bounded by straight lines connecting the following points in the order stated:

Point	N. Latitude	W. Longitude
1	35° 00'	(1)
2	35° 00'	(2)
3	39° 00'	(2)
4	39° 00'	69° 00'
5	39° 50'	69° 00'
6	39° 50'	68° 50'

7	41° 00'	68° 50'
9	41° 00'	69° 30'
10	41° 10'	69° 30'
11	41° 10'	69° 50'
12	41° 20'	69° 50'
13	41° 20'	(³)
14	(⁴)	70° 00'
15	(⁵)	70° 00'

¹Intersection of east-facing coastline of Outer Banks, NC, and 35° 00' N. lat.

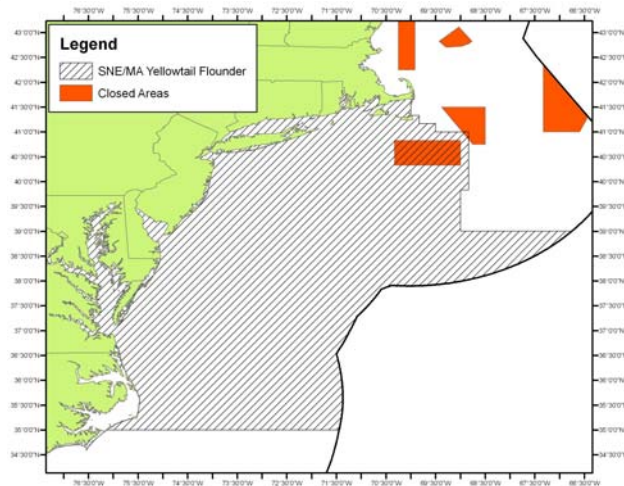
²U.S./Canada maritime boundary.

³Intersection of east-facing coastline of Nantucket, MA, and 41° 20' N. lat.

⁴Intersection of north-facing coastline of Nantucket, MA, and 70° 00' W. long.

⁵Intersection of south-facing coastline of Cape Cod, MA, and 70° 00' W. long.

Figure 31: SNE/MA Yellowtail Flounder Stock Area



SECTOR ROLLING CLOSURE AREAS

Sector Rolling Closure Area II. From April 1 through April 30, the restrictions specified in this paragraph (f)(2)(vi) apply to Sector Rolling Closure Area II, which is the area bounded by straight lines connecting the following points in the order stated:

[April 1—April 30]

Point	N. Latitude	W. Longitude
1	42° 00'	(¹)
2	42° 00'	(²)
3	42° 00'	(³)
4	42° 00'	70° 00'
5	43° 00'	70° 00'
6	43° 00'	(⁴)

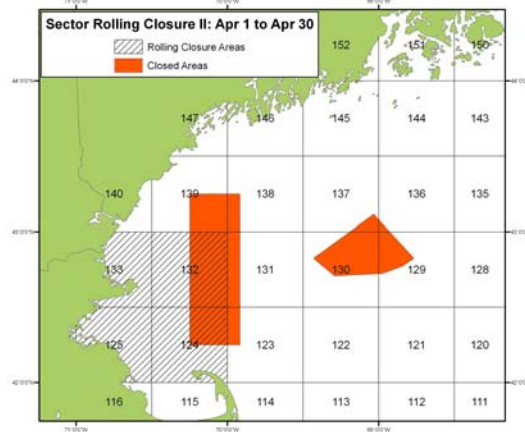
¹MA shoreline.

²Cape Cod, MA shoreline on Cape Cod Bay.

³Cape Cod, MA shoreline on the Atlantic Ocean.

⁴NH shoreline.

Figure 32: April Sector GOM Rolling Closure Area



Sector Rolling Closure Area III. From May 1 through May 31, the restrictions specified in this paragraph (f)(2)(vi) apply to Sector Rolling Closure Area III, which is the area bounded by straight lines connecting the following points in the order stated:

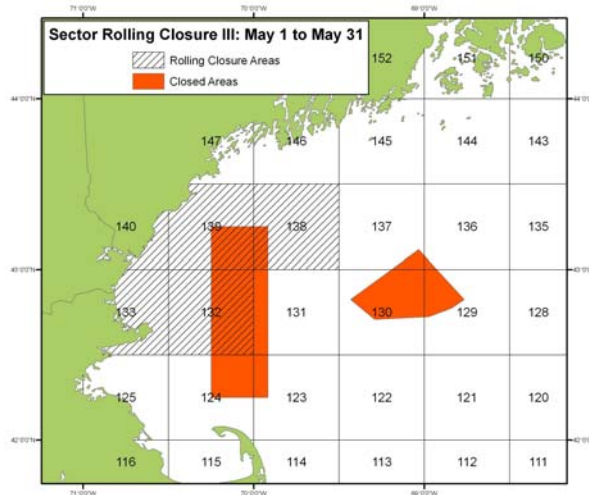
[May 1—May 31]

Point	N. Latitude	W. Longitude
1	42° 30'	(¹)
2	42° 30'	70° 00'
3	43° 00'	70° 00'
4	43° 00'	69° 30'
5	43° 30'	69° 30'
6	43° 30'	(²)

¹MA shoreline.

²ME shoreline.

Figure 33: May Sector GOM Rolling Closure Area



Sector Rolling Closure Area IV. From June 1 through June 30, the restrictions specified in this paragraph (f)(2)(vi) apply to Sector Rolling Closure Area IV, which is the area bounded by straight lines connecting the following points in the order stated:

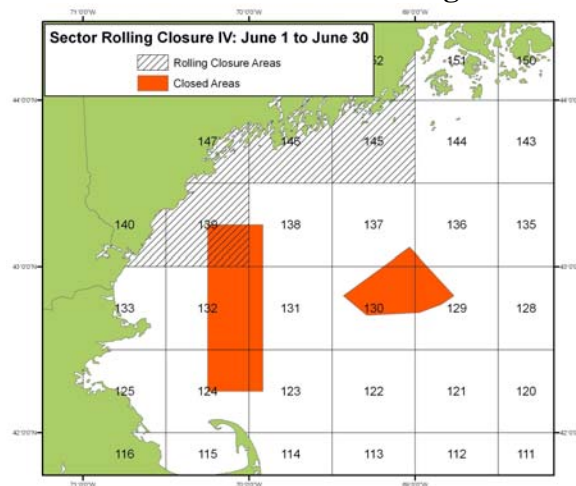
[June 1—June 30]

Point	N. Latitude	W. Longitude
1	43° 00'	(¹)
2	43° 00'	70° 00'
3	43° 30'	70° 00'
4	43° 30'	69° 00'
5	(²)	69° 00'

¹NH shoreline.

²ME shoreline.

Figure 34: June Sector GOM Rolling Closure Area



Appendix 2: Rope Trawl Definition

Rope separator trawl – A rope separator trawl is defined as a four-seam bottom trawl net (i.e., a net with a top and bottom panel and two side panels) modified to include both a horizontal separator panel and an escape opening in the bottom belly of the net below the separator panel.

- **Mesh size** – The minimum mesh size applied throughout the body and extension of a rope separator trawl must be 6-inch diamond mesh or 6.5-inch square mesh, or any combination thereof. Mesh in the bottom belly of the net must be 13-inch diamond mesh. The codend mesh size must be 6-inch diamond mesh or 6.5-inch square mesh in the GB RGA, or 6.5-inch square or diamond mesh in the SNE RGA.
- **Separator panel** – The separator panel must consist of parallel lines made of fiber rope, the ends of which are attached to each side of the net starting at the forward edge of the square of the net and running aft toward the extension of the net. The leading rope must be attached to the side panel at a point at least 1/3 of the number of meshes of the side panel above the lower gore, and the panel of ropes shall slope downward toward the extension of the net. The forward 2/3 of the separator ropes that comprise the separator panel must be no farther than 26 inches apart, with the after 1/3 of the separator ropes that comprise the separator panel being no farther than 13 inches apart. The ends of the aftermost rope shall be attached to the bottom belly at a point 1/6 of the number of meshes of the after end of the bottom belly below the lower gore. The separator ropes should be of sufficient length not to impinge upon the overall shape of the net without being too long to compromise the selectivity of the net. The separator ropes may not be manipulated in any way that would inhibit the selectivity of the net by causing the separator ropes to dip toward the bottom belly of the net and obscure the escape opening.
- **Escape opening** – The escape opening must be positioned in the bottom belly of the net behind the sweep and terminate under the separator panel. Longitudinal lines may be used to maintain the shape of the escape opening, as necessary. The escape opening shall be at least 18 meshes in both length and width.

Appendix 3: Paperwork Reduction Act Burden Estimates

NMFS requires the information supplied by the reporting requirements outlined in this letter for the conservation and management of marine fishery resources in accordance with the MSA. The data reported will be used to develop, implement, and monitor fishery management strategies and for a variety of other uses. Submission is mandatory for those persons issued a limited access NE multispecies permit under the requirements of 50 CFR 648.4. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any 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 currently valid Office of Management and Budget (OMB) Control Number (OMB#). All data submitted will be handled as confidential material in accordance with NOAA Administrative Orders. Send comments regarding this burden estimate or any other aspect of the information collections outlined in this letter, including suggestions for reducing this burden, to NMFS, 55 Great Republic Drive, Gloucester, MA 01930.

The information collections implemented under Amendment 16 have been approved by the OMB under OMB# 0648-0605. Other information collections under previous actions were approved under OMB#s 0648-0202, 0648-0212, and 0648-0475. Information collections under OMB# 0648-0202 expire April 30, 2010; collections under OMB# 0648-0212 expire January 31, 2013; collections under OMB# 0648-0475 expire October 31, 2012; and collections under OMB# 0648-0605 expire March 31, 2013. The burdens associated with new information collections are as follows:

1. VTR submissions, OMB# 0648-0605, (5 min/response);
2. Sector operations plan and associated NEPA analysis, OMB# 0648-0605, (640 hr/response);
3. Dockside/at-sea monitoring service provider application, OMB# 0648-0605, (10 hr/response);
4. Dockside/at-sea monitoring service provider response to application disapproval, OMB# 0648-0605, (10 hr/response);
5. Data entry for sector discard monitoring system, OMB# 0648-0605, (3 min/response);
6. Sector weekly catch report, OMB# 0648-0605, (4 hr/response);
7. Sector annual report, OMB# 0648-0605, (12 hr/response);
8. Notification of expulsion from a sector, OMB# 0648-0605, (30 min/response);
9. Request to transfer ACE, OMB# 0648-0605, (5 min/response);
10. VMS certification form, OMB# 0648-0605, (10 min/response);
11. VMS confirmation call, OMB# 0648-0605, (5 min/response);
12. VMS area and DAS declaration, OMB# 0648-0605, (5 min/response);
13. VMS trip-level catch reports, OMB# 0648-0605, (15 min/response);
14. Request for a LOA to participate in the GOM Haddock Gillnet Pilot Program, OMB# 0648-0605, (5 min/response);
15. Request for a LOA to fish in a NE multispecies RGA, OMB# 0648-0605, (5 min/response);
16. VMS declaration to fish in a NE multispecies RGA, OMB# 0648-0605, (5 min/response);

17. Pre-trip hail report to a dockside monitoring service provider, OMB# 0648-0605, (2 min/response);
18. Trip-end hail report to a dockside monitoring service provider, OMB# 0648-0605, (15 min/response);
19. Confirmation of dockside monitoring trip-end hail report, OMB# 0648-0605, (2 min/response);
20. Dockside/roving service provider data entry, OMB# 0648-0605, (3 min/response);
21. Dockside/roving or at-sea monitor deployment report, OMB# 0648-0605, (10 min/response);
22. Dockside/roving or at-sea monitoring service provider catch report to NMFS upon request, OMB# 0648-0605, (5 min/response);
23. Dockside/roving or at-sea monitor report of harassment and other issues, OMB# 0648-0605, (30 min/response);
24. OLE debriefing of dockside/roving or at-sea monitors, OMB# 0648-0605, (2 hr/response);
25. Copy of dockside/roving or at-sea monitoring service provider contract upon request, OMB# 0648-0605, (30 min/response);
26. Copy of dockside/roving or at-sea monitoring service provider information materials upon request, OMB# 0648-0605, (30 min/response);
27. Observer program pre-trip notification, OMB# 0648-0605, (2 min/response);
28. Daily VMS catch reports when fishing in the U.S./Canada Management Area and CA II SAPs, OMB# 0648-0605, (15 min/response);
29. Daily VMS catch reports when fishing in the CA I Hook Gear Haddock SAP, OMB# 0648-0605, (15 min/response);
30. Daily VMS catch reports when fishing in the Regular B DAS Program, OMB# 0648-0605, (15 min/response);
31. Copy of the dealer weigh-out slip or dealer signature of the dockside monitor report, OMB# 0648-0605, (2 min/response);
32. Forward trip start/end hails to NMFS, OMB# 0648-0605 (2 min/response);
33. Notification to vessel/sector/NMFS of monitor emergency, OMB# 0648-0605 (5 min/response);
34. Initial vessel application for a limited access Handgear A permit, OMB Control Number 0648-0202, (10 min/response);
35. DAS Transfer Program application, OMB Control Number 0648-0202, (5 min/response);
36. VMS purchase and installation, OMB Control Number 0648-0202, (1 hr/response);
37. Automated VMS polling of vessel position twice per hour while fishing within the U.S./Canada Area, OMB Control Number 0648-0202, (5 sec/response);
38. VMS proof of installation, OMB Control Number 0648-0202, (5 min/response);
39. Expedited submission of a proposed SAP, OMB Control Number 0648-0202, (20 hr/response);
40. Request to power down VMS for at least 1 month, OMB Control Number 0648-0202, (5 min/response);
41. Request for an LOA to participate in the GOM Cod Landing Exemption, OMB Control Number 0648-0202, (5 min/response);

42. Request for an LOA to participate in the Skate Bait-only Possession Limit Exemption, OMB Control Number 0648-0202, (5 min/response);
43. Submission of a sector allocation proposal, OMB Control Number 0648-0202, (50 hr/response);
44. DAS “flip” notification via VMS for the Regular B DAS pilot program, OMB #0648-0202 (5 min/response);
45. DAS “flip” notification via VMS for the Eastern U.S./Canada Haddock SAP Pilot Program, OMB #0648-0202 (5 min/response);
46. NMFS Office of Law Enforcement landings notice requirement for Category 1 herring vessels operating with an observer waiver, OMB# 0648-0521, (5 min/response);
47. Notification and Communication with USCG and Center for Coastal Studies, OMB# 0648-0521, (10 min/response);
48. Written requests to receive a DAS credit for standing by an entangled whale, OMB# 0648-0521, (30 min/response);
49. Vessel baseline downgrade request for the DAS Leasing Program, OMB# 0648-0475, (1 hr/response);
50. Spawning block declaration, OMB# 0648-0202 (2 min/response);
51. Sector Manager daily reports for CA I Hook Gear Haddock SAP, OMB# 0648-0212 (2 hr/ response);
52. DAS Leasing Program application, OMB# 0648-0475 (10 min/response); and
53. Declaration of intent to fish inside and outside of the Eastern U.S./Canada Area on the same trip, OMB# 0648-0202 (5 min/response).