



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 24 2009

## Small Entity Compliance Guide

Northeast (NE) Multispecies Permit Holders:

This letter is to inform you of the following additional items concerning the NE multispecies interim measures for fishing year (FY) 2009:

### Comment Period

NOAA's National Marine Fisheries Service (NMFS) is soliciting public comment on the final interim rule that published in the Federal Register on April 13, 2009. The April 6, 2009, letter previously sent to you provided the incorrect date for the end of the comment period. Comments will be accepted through **June 12, 2009**. You may submit comments via electronic submission (<http://www.regulations.gov>); or mail (Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930-2276; mark the outside of the envelope: "Comments of NE Multispecies Final Interim Rule"); or fax (978-281-9135).

### Gear Declarations

When fishing under a NE multispecies day-at-sea (DAS), vessel operators are required to use the vessel monitoring system (VMS) or Interactive Voice Response System (IVR) to declare the gear to be used and area fished prior to each trip. Existing gear types include Day gillnet, Trip gillnet, and non-gillnet. The declaration of gear type, in conjunction with area fished, is used to determine the DAS charge for each trip. The interim action revised these gear declarations by expanding the "non-gillnet" gear type to specifically ask if a vessel will be using hook gear or trawl gear. This change is necessary to exempt vessels fishing in the Interim Southern New England (SNE) Differential DAS Area with hook gear from differential DAS counting.

VMS programming changes necessary to comply with the new interim action measures are not likely to be ready in time for the start of FY 2009. As a result, modified declaration procedures are necessary to ensure that vessels are charged the appropriate number of DAS until the VMS programming changes can be made, as further described below. VMS programming changes necessary to comply with the new interim action measures are expected to be completed by June 1, 2009. NMFS will inform vessels when these VMS programming changes are effective. The discussions below are specific to those vessels that normally would use VMS for a given fishing trip.

Vessels Fishing with Hook Gear in the Interim SNE Differential DAS Area: Until VMS programming changes are completed, to ensure that vessels fishing with hook or trawl gear in the Interim SNE Differential DAS Area will not be charged DAS at a rate of 2:1, operators of such



vessels must declare their intent to fish in this area prior to each trip on which they will use hook gear via IVR at (888) 284-4904 starting May 1, 2009. Once informed that the VMS programming changes have been completed, vessel operators must declare their intent to fish with hook gear in the Interim SNE Differential DAS Area via VMS.

Vessels Fishing with Trawl Gear: As noted above, the VMS and IVR gear types will be revised to specifically include trawl gear. Because the interim action does not revise the way DAS are charged for vessels fishing with trawl gear, vessel operators fishing with trawl gear in any area must continue to declare gear used (select “non-gillnet” from the VMS menu) and area fished via VMS or IVR until the new VMS programming changes are completed. Once informed that the VMS programming changes have been completed, vessel operators must declare their intent to use trawl gear only via VMS.

Monkfish Category C and D Vessels Fishing in the Interim SNE Differential DAS Area: Under the interim rule, operators of vessels issued a limited access Monkfish Category C or D permit that are fishing under a groundfish DAS in the Interim SNE Differential DAS Area and the monkfish Northern Fishery Management Area (NFMA) on the same trip must now declare their intent to fish in these areas via VMS prior to leaving port. However, as noted above, VMS programming changes necessary to comply with this measure will likely not be ready until June 1, 2009. Therefore, until that time, operators of monkfish Category C and D vessels fishing in both the NFMA and the Interim SNE Differential DAS Area under a groundfish DAS must declare into these areas via IVR at (888) 284-4904 prior to each trip. Once informed that the VMS programming changes have been completed, vessel operators must declare their intent to fish in both the NFMA and the Interim SNE Differential DAS Area on the same trip via VMS.

Vessels Fishing in the Gulf of Maine (GOM) Differential DAS Area and the Interim SNE Differential DAS Area on the Same Trip: Operators of vessels fishing in the GOM Differential DAS Area and the Interim SNE Differential DAS Area on the same trip must declare their intent to fish in either one of the two differential DAS areas via VMS prior to leaving port, but do not have to declare into both areas. As noted above, because VMS programming changes are not expected to be completed until June 1, 2009, vessel operators using either hook gear or trawl gear must declare into these areas via IVR. Once informed that the VMS programming changes have been completed, vessel operators must declare their intent to fish in both the NFMA and the Interim SNE Differential DAS Area on the same trip only via VMS.

As is currently required, all vessel operators that declare a trip via IVR must also continue to declare out of fisheries (DOF) via VMS (VMS macro 24 for Boatracs vessels) prior to each trip. Please note that you will require a personal identification number (PIN) to access the IVR system and you must know your port code; if you do not have a PIN assigned, please call the Office of Law Enforcement at (978) 281-9213 and speak to the VMS Team. IVR instructions are available on the VMS web page at <http://www.nero.noaa.gov/nero/fishermen/>.

For questions regarding this letter, please call the Sustainable Fisheries Division at: (978) 281-9344.

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