



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

December 21, 2009

SMALL ENTITY COMPLIANCE GUIDE

2010 FINAL SPECIFICATIONS FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS; NOTICE OF 2010 COMMERCIAL SUMMER FLOUNDER CLOSURE IN DELAWARE

Dear Permit Holder:

NOAA's National Marine Fisheries Service (NMFS) has approved final 2010 specifications, including commercial quotas and possession limits, and recreational harvest limits, for the summer flounder (fluke), scup (porgy), and black sea bass fisheries. The specifications will be effective January 1, 2010.

See the attached tables for specific information regarding the 2010 initial commercial quotas, the commercial quotas less the research set-aside (RSA), any applicable overages, the resulting 2010 final commercial quotas, and scup possession limits.

SUMMER FLOUNDER

For 2010, the summer flounder total allowable landings (TAL) are 22.13 million lb. After deducting the RSA of 663,900 lb, the TAL is divided into an initial commercial quota of 13,278,000 lb and a recreational harvest limit of 8,852,000 lb. The commercial quota is allocated to the states according to the allocation percentages identified in Amendment 2 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Individual state commercial quotas are adjusted to account for overages in previous years, where applicable, as outlined in the FMP to produce the final 2010 commercial state-by-state quotas (see Table 1).

Due to overages in previous years, Delaware has no 2010 commercial summer flounder quota. Fishing vessels issued a Federal moratorium permit for the summer flounder fishery may not land summer flounder in Delaware during the 2010 calendar year, and dealers issued Federal dealer permits for summer flounder are advised that they may not purchase summer flounder from federally permitted vessels that land in Delaware during the 2010 calendar year, unless additional quota becomes available through a transfer.

SCUP

The scup TAL for 2010 is 14.11 million lb. After deducting the RSA of 423,300 lb, the commercial quota is 10,675,626 lb, and the recreational harvest limit is 3,011,074 lb. There are no applicable commercial quota overages to deduct from the 2010 scup period quotas. The commercial scup Winter I (January-April) Federal possession limit remains at 30,000 lb per trip for 2010, and will be reduced to 1,000 lb when 80 percent of the quota is projected to be reached (see Table 2).



The Winter II (November-December) initial Federal possession limit will remain 2,000 lb. The Winter II possession limit-to-rollover amount ratios will be 1,500 lb per 500,000 lb of unused Winter I period quota transferred to the Winter II period (see Table 3).

BLACK SEA BASS

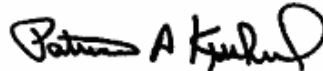
For 2010, the black sea bass TAL remains 2.30 million lb. After deducting the RSA of 69,000 lb, the TAL is divided into a commercial quota of 1,093,190 lb and a recreational harvest limit of 1,137,810 lb.

Proposed 2010 recreational fishery management measures for all three species will be published in the *Federal Register* in the first quarter of 2010.

This letter does not contain all the regulatory provisions that pertain to these species, and consequently, has no legal force or effect. A copy of the regulations can be obtained through a link to the *Federal Register* at the NOAA Fisheries Service Northeast Regional Office website: <http://www.nero.noaa.gov>.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is written in a cursive style with a large, looped initial "P".

Patricia A. Kurkul
Regional Administrator

Table 1. Final state-by-state commercial summer flounder allocations for 2010.

	Percent Share	Initial Quota	Initial Quota, Less RSA	Quota Overages (through 10/31/09)	Adjusted Quota less RSA ¹
State		lb	lb	lb	lb
ME	0.04756	6,315	6,126	0	6,126
NH	0.00046	61	59	0	59
MA	6.82046	905,621	878,452	31,785	846,667
RI	15.68298	2,082,386	2,019,915	0	2,019,915
CT	2.25708	299,695	290,704	0	290,704
NY	7.64699	1,015,367	984,906	0	984,906
NJ	16.72499	2,220,744	2,154,122	0	2,154,122
DE	0.01779	2,362	2,291	55,687	-53,396
MD	2.03910	270,752	262,629	0	262,629
VA	21.31676	2,830,439	2,745,526	0	2,745,526
NC	27.44584	3,644,259	3,534,931	0	3,534,931
Total ²	100.00	13,278,000	12,879,661	87,472	12,792,189

¹ 2009 quota overage is determined through comparison of landings for January through October 2009 plus any landings in 2008 in excess of the 2008 quota that were not previously addressed in the 2009 quota specifications, with the final 2009 quota for each state.

² Total quota is the sum of all states having allocation. A state with a negative number has an allocation of zero (0).

Table 2. Final scup commercial quota allocations for 2010 and Initial Trip Limits.

Quota Period	Percent Share	Total Allowable Catch	Discards	Initial Quota	Initial Quota less Overages (through 10/31/2009) ¹	Adjusted Quota less Overages and RSA	Possession Limits (Per Trip) ²
		(lb)	(lb)	(lb)		(lb)	(lb)
Winter I	45.11	6,013,253	1,048,537	4,964,716	N/A	4,815,775	30,000
Summer	38.95	5,192,113	905,354	4,286,759	N/A	4,158,156	N/A
Winter II	15.94	2,124,834	370,509	1,754,325	N/A	1,701,695	2,000
Total	100.0	13,330,200	2,324,400	11,005,800	N/A	10,675,626	N/A

¹ There were no applicable overages through 10/31/2009.

²The Winter I possession limit will drop to 1,000 lb upon attainment of 80 percent of that period's allocation. The Winter II possession limit may be adjusted (in association with a transfer of unused Winter I quota to the Winter II period) via notification in the *Federal Register*.

N/A=Not applicable.

Table 3. Potential Increase in 2010 Winter II Possession Limits based on the Amount of Scup Rolled over from Winter I to Winter II.

Initial Winter II Possession Limit	Rollover from Winter I to Winter II	Increase in Initial Winter II Possession Limit	Final Winter II Possession Limit after Rollover from Winter I to Winter II
lb	lb	lb	lb
2,000	0-499,999	0	2,000
2,000	500,000-999,999	1,500	3,500
2,000	1,000,000-1,499,999	3,000	5,000
2,000	1,500,000-1,999,999	4,500	6,500
2,000	2,000,000-2,500,000	6,000	8,000