



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

May 22, 2008

SMALL ENTITY COMPLIANCE GUIDE

Dear Charter/Party Permit Holder:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) has approved the final 2008 recreational management measures for the summer flounder, scup, and black sea bass fisheries. The final rule implementing these measures will be published in the Federal Register on May 23, 2008, and will remain in effect until further notification.

The tables on the reverse summarize the minimum fish size, possession limit, and fishing season for these fisheries. For the summer flounder fishery, the final rule implements conservation equivalency, as described in the proposed rule. Under conservation equivalency, each vessel is required to abide by the regulations in effect for the state in which it lands summer flounder (see Table 1). For the scup fishery, the final rule implements the measures from the proposed rule for Federal waters. Scup measures will differ in state waters, as the Atlantic States Marine Fisheries Commission is utilizing a conservation equivalency approach for the scup fishery in the state waters of New York, Connecticut, Rhode Island, and Massachusetts. The recreational measures for black sea bass contained in the final rule are unchanged from those in place for the 2007 fisheries and published in the 2008 proposed rule.

In cases where state recreational measures for scup and black sea bass are different from those listed in Table 2, federally permitted party/charter vessels are required to abide by the more restrictive state or Federal measure. For example, if a state has adopted a possession limit of 45 fish for scup, a federally permitted party/charter vessel is required to abide by the 15-fish per person possession limit when landing recreationally caught fish in that state.

You may also receive permit holder letters, and find supporting documentation for these management measures, on our web site at <http://www.nero.noaa.gov/>. If you have questions, please contact the Sustainable Fisheries Division at (978) 281-9315.

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

Sincerely,

Patricia A. Kurkul
Regional Administrator



Table 1 - 2008 State Recreational Management Measures for Summer Flounder

State	Minimum Fish Size (Inches)	Possession Limit (Number of fish)	Fishing Season
Massachusetts	17.5	5	June 10-August 15
Rhode Island	20	7	All Year
Connecticut	19.5	5	May 24-September 1
New York	20.5	4	May 15-September 1
New Jersey	18	8	May 24 –September 7
Delaware	19.5	4	All Year
Maryland: Atlantic & Coastal Bays	17.5	3	All Year
Chesapeake Bay	16.5	1	All Year
Virginia	19	5	January 1-July 20, and July 31-December 31
North Carolina	15.5 in all waters except the following: 14 in Pamlico Sound ^A , Albemarle Sound ^B , and Browns Inlet South ^C (lat/long are listed below)	8	All Year

- A. **PAMLICO SOUND** - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point on Point of Marsh in Carteret County at 35° 04.6166'N – 76° 27.8000'W, then running northeasterly to a point at Bluff Point in Hyde County at 35° 19.7000'N – 76° 09.8500'W. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes the boundary north of which flounder must be at least 14 inches total length.
- B. **ALBEMARLE SOUND** - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point 35° 57.3950'N – 76° 00.8166'W on Long Shoal Point; running easterly to a point 35° 56.7316'N – 75° 59.3000' W near Marker “5” in Alligator River; running northeasterly along the Intracoastal Waterway to a point 36° 09.3033'N - 75° 53.4916'W near Marker “171” at the mouth of North River; running northwesterly to a point 36° 09.9093'N – 75° 54.6601'W on Camden Point.
- C. **BROWNS INLET-SOUTH** – No person may possess flounder less than 14 inches total length in internal and Atlantic Ocean fishing waters for recreational purposes west and south of a line beginning at a point 34° 37.0000'N – 77° 15.000'W; running southeasterly to a point 34° 32.0000'N – 77° 10.0000'W.

Table 2 - 2008 Scup and Black Sea Bass Recreational Management Measures

Fishery	Minimum Fish Size (Inches)	Possession Limit (Number of fish)	Fishing Season
Scup	10.5	15	January 1-February 28, and October 1 -October 31
Black Sea Bass	12	25	January 1 through December 31