



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

April 25, 2008

## **SMALL ENTITY COMPLIANCE GUIDE**

### **Monkfish Framework 5 Final Measures Effective May 1, 2008**

Dear Monkfish Permit Holder:

This letter announces that NOAA's National Marine Fisheries Service (NMFS) has approved Framework Adjustment 5 to the Monkfish Fishery Management Plan (Framework 5), which will be effective May 1, 2008.

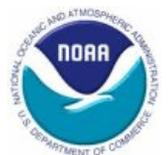
Framework 5 implements revised biological reference points and makes other modifications to the regulations to ensure that the management program succeeds in keeping landings within the target total allowable catches (TACs) implemented in Framework 4 (see September 21, 2007, permit holder letter). These modified management measures are described below.

#### **Revised Biological Reference Points**

Framework 5 revises the biomass target ( $B_{\text{target}}$ ) and threshold ( $B_{\text{threshold}}$ ) definitions used for "rebuilt" and "overfished" status determinations, as recommended by the Northeast Data Poor Stocks Working Group stock assessment (July 2007). Under these revised biomass reference points, both monkfish stocks are officially no longer considered overfished, and are rebuilt. However, due to some uncertainty in the stock assessment results, management of the monkfish fishery must remain appropriately precautionary.

#### **Reduction of Carryover Days-at-Sea (DAS)**

This measure reduces the number of unused DAS limited access monkfish vessels may carry forward to the following fishing year (carryover DAS) from 10 to 4 DAS. Vessels may use these carryover DAS in either management area. For example, if fishing in only the Southern Fishery Management Area (SFMA), vessels can use a maximum of 27 Monkfish DAS (23 + 4 carryover DAS). Carryover DAS are intended to enhance safety at sea by allowing a vessel, near the end of a fishing year, to avoid the predicament of using or losing monkfish DAS in the event of bad weather or mechanical problems. The reduction to 4 carryover DAS is intended to better reflect an amount that is commensurate to a vessel's base allocation of monkfish DAS, and to reduce the risk of exceeding the target TACs, without compromising safety benefits.



### **Elimination of the 3-hour Provision for Gillnet Vessels**

This measure changes the manner in which DAS are counted for monkfish gillnet vessels. The monkfish regulations previously stated that monkfish gillnet vessels be charged actual time fished on trips less than 3 hours or greater than 15 hours in duration, but are charged a minimum of 15 hours for trips from 3 to 15 hours in duration. The intent of that regulation was to enable vessels that run into bad weather or experience mechanical difficulties at the beginning of a trip (i.e., less than 3 hours) to return to port and only be charged actual time at sea. Recently, however, some gillnet vessels have been able to fish and land their entire trip limit in less than 3 hours, which is not consistent with the original intent of the 3-hour provision, and could cause the target TACs to be exceeded. As a result, Framework 5 eliminates this 3-hour provision, requiring that all monkfish gillnet trips of less than 15 hours in duration to be charged 15 hours.

### **Revision of Incidental Catch Limits in the SFMA**

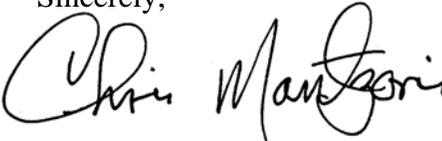
This measure revises the monkfish incidental catch limit applicable to large-mesh vessels fishing in the Southern New England Regulated Mesh Area (SNE RMA), east of 72° 30' W long., but not under a monkfish, NE multispecies, or scallop DAS, or vessels fishing under a Skate Bait Letter of Authorization (LOA) in the SNE RMA east of 74° 00' W long. The revised catch limits are 5 percent (tail weight) of the total weight of fish on board, not to exceed 50 lb tail weight per day, up to 150 lb tail weight per trip.

### **Revision of Monkfish LOA Requirement**

This measure removes the requirement that vessels fishing in the Northern Fishery Management Area (NFMA) obtain a Monkfish LOA **if the vessel is using an electronic vessel monitoring system (VMS)**. However, vessels using the Interactive Voice Response (IVR) call-in system rather than VMS are still required to obtain the Monkfish LOA. The LOA can be requested from the NMFS Permits Office at (978) 281-9370.

This letter only summarizes some of the new regulatory provisions that pertain to the monkfish fishery, and is not a substitute for the actual regulations. A copy of the regulations, and monkfish fishery information sheets that summarize the regulations, can be obtained through the NMFS Northeast Regional Office web site: <http://www.nero.noaa.gov>. If you have questions, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

  
for Patricia A. Kurkul  
Regional Administrator

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