



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

December 27, 2007

SMALL ENTITY COMPLIANCE GUIDE

2008 FINAL SPECIFICATIONS FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS; NOTICE OF 2008 COMMERCIAL SUMMER FLOUNDER CLOSURE IN DELAWARE

Dear Permit Holder:

NOAA's National Marine Fisheries Service (NMFS) has approved final 2008 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 in effect as of January 1, 2008.

See the attached tables for specific information regarding the 2008 initial commercial quotas, the commercial quotas less the research set-aside (RSA), any applicable overages, the resulting 2008 final commercial quotas, and scup possession limits.

SUMMER FLOUNDER

For 2008, the summer flounder total allowable landings (TAL) is 15.77 million lb. After deducting the RSA of 233,192 lb, the TAL is divided into an initial commercial quota of 9,322,085 lb and a recreational harvest limit of 6,214,723 lb. The commercial quota is further 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 further adjusted to account for previous year's overages, where applicable, as outlined in the FMP to produce the final 2008 commercial state-by-state quotas (see Table 1).

Due to overages in previous years, Delaware has no 2008 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 2008 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 2008 calendar year, unless additional quota becomes available through a transfer.

SCUP

The scup TAL for 2008 is 7.34 million lb. After deducting the RSA of 214,000 lb, the commercial quota is 5,248,000 lb and the recreational harvest limit is 1,830,920 lb. The 2007 Federal Summer Quota period was exceeded by 624,876 lb. As a result, the 2008 Federal Summer Period quota is reduced by this amount. The commercial scup Winter I (January-April) Federal possession limit remains at 30,000 lb per trip for 2008, 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 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 2008, the black sea bass TAL is 4.22 million lb. After deducting the RSA of 85,790 lb, the TAL is divided into a commercial quota of 2,025,763 lb and a recreational harvest limit of 2,108,447 lb.

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 Office of 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 that reads "Chris Mangor". The signature is written in a cursive, flowing style.

for Patricia A. Kurkul
Regional Administrator

Table 1. Final state-by-state commercial summer flounder allocations for 2008.

	Percent Share	Initial Quota	Initial Quota, Less RSA	Quota Overages (through 10/31/07)	Adjusted Quota less RSA ¹
State		lb	lb	lb	lb
ME	0.04756	4,500	4,434	0	4,434
NH	0.00046	44	43	0	43
MA	6.82046	645,352	635,809	20,591	615,218
RI	15.68298	1,483,924	1,461,981	0	1,461,981
CT	2.25708	213,565	210,407	0	210,407
NY	7.64699	723,558	712,859	15,375	697,484
NJ	16.72499	1,582,519	1,559,118	0	1,559,118
DE	0.01779	1,683	1,658	55,556	-53,898
MD	2.03910	192,940	190,087	0	190,087
VA	21.31676	2,016,992	1,987,166	0	1,987,166
NC	27.44584	2,596,925	2,558,524	0	2,558,524
Total ²	100.00	9,462,001	9,322,086	91,522	9,284,462

¹ 2007 quota overage is determined through comparison of landings for January through October 2007 plus any landings in 2006 in excess of the 2006 quota that were not previously addressed in the 2007 quota specifications, with the final 2007 quota for each state (71FR 75134, December 14, 2007).

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 2008 and Initial Trip Limits.

Quota Period	Percent Share	Total Allowable Catch	Discards	Initial Quota	Initial Quota less Overages (through 10/31/2007) ¹	Adjusted Quota less Overages and RSA	Possession Limits (Per Trip) ²
Winter I	45.11	3,483,394	1,019,486	2,463,908	N/A	2,367,373	30,000
Summer	38.95	3,007,719	880,270	2,127,449	1,502,573	1,419,220	N/A
Winter II	15.94	1,230,887	360,244	870,643	N/A	836,531	2,000
Total	100.0	7,722,000	2,260,000	5,462,000	N/A	4,623,124	N/A

¹An overage of 624,876 lb occurred during the 2007 Summer Quota period

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 2008 Winter II Possession Limits based on the Amount of Scup Rolled over from Winter I to Winter II.

Initial Winter II Possession Limit lb	Rollover from Winter I to Winter II lb	Increase in Initial Winter II Possession Limit lb	Final Winter II Possession Limit after Rollover from Winter I to Winter II 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