



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

April 20, 2006

## **SMALL ENTITY COMPLIANCE GUIDE**

### **2006 Monkfish Management Measures**

Dear Monkfish Permit Holder:

This letter announces the final rule implementing new target total allowable catch (TAC) levels for the 2006 monkfish fishery, and adjustments to days-at-sea (DAS) and trip limits for limited access monkfish vessels (Categories A, B, C, D, G, H, and F) fishing in the Southern Fishery Management Area (SFMA), or portions of the SFMA, for the 2006 fishing year (FY). These target TACs, trip limits, and DAS restrictions are based upon methods established in Framework Adjustment 2 to the Monkfish Fishery Management Plan (FMP), which became effective on May 1, 2003.

#### **EFFECTIVE MAY 1, 2006, THROUGH APRIL 30, 2007**

- The target monkfish TACs for FY 2006 are 7,737 mt for the Northern Fishery Management Area (NFMA), and 3,667 mt for the SFMA.
- The trip limits for Category A, C, and G vessels fishing in the SFMA are decreased to 550 lb tail weight (1,826 lb whole weight) per monkfish DAS, and 450 lb tail weight (1,494 lb whole weight) per monkfish DAS for Category B, D, and H vessels.
- All limited access monkfish vessels are allocated 39.3 monkfish DAS to use during FY 2006. These DAS are adjusted downward from 40 DAS to account for a DAS set-aside program established in Amendment 2 to the FMP, which became effective on May 1, 2005. However, vessels are restricted to using only 12 monkfish DAS in the SFMA during FY 2006. Carryover DAS from FY 2005 may be used in either management area and, thus, may be used in addition to 12 monkfish DAS authorized for the SFMA.
- For vessels that participate in the Offshore Fishery Program (Category F vessels), monkfish DAS will be prorated downward to account for the higher possession limit of 1,600 lb tail weight (5,312 lb whole weight) per monkfish DAS authorized under this program. Prorated DAS for this permit category are calculated by dividing the standard trip limit for vessels fishing in the SFMA (see applicable category above) by the 1,600 lb (tail weight) possession limit, and then multiplying the ratio by 12 DAS; the DAS available to vessels when fishing in the SFMA. Any carryover DAS available to the permit holder would be factored into the calculation of DAS available to a Category F vessel.

A summary of the FY 2006 monkfish trip limits for the SFMA and NFMA, as well as the incidental catch provisions in designated fishing areas, is included in the tables below. These four tables are separated according to participation in the monkfish, Northeast (NE) multispecies, or sea scallop DAS programs and fisheries that are not under a DAS program, and are also specific to area and gear type.



**FY 2006 Monkfish Trip Limits while on a Monkfish DAS**

<b>Permit Category</b>	<b>DAS Program</b>	<b>Area</b>	<b>Gear</b>	<b>Trip Limit (tail weight per DAS<sup>1</sup>)</b>
A, B, C, or D	Monkfish	NFMA	All Gear	No trip limit
A, C, or G	Monkfish	SFMA	All Gear	550 lb (1,826 lb whole weight)
B, D, or H	Monkfish	SFMA	All Gear	450 lb (1,494 lb whole weight)
F	Monkfish <sup>2</sup>	Offshore Fishery Program Area	All Gear	1,600 lb (5,312 lb whole weight)

**FY 2006 Monkfish Trip Limits while on a NE Multispecies Category A DAS<sup>3</sup>**

<b>Permit Category</b>	<b>DAS Program</b>	<b>Area</b>	<b>Gear</b>	<b>Trip Limit (tail weight per DAS<sup>1</sup>)</b>
C or D	Multispecies	NFMA	All Gear	No trip limit
C, D, or F	Multispecies	SFMA	Trawl	300 lb (996 lb whole weight)
C, D, or F	Multispecies	SFMA	Non-trawl	50 lb (166 lb whole weight)
E, F, G, or H	Multispecies	NFMA	All Gear	400 lb (1,328 lb whole weight), or 50% (where all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less.
E, G, or H	Multispecies	SFMA	All Gear	50 lb (166 lb whole weight)

**FY 2006 Monkfish Trip Limits while on a Scallop DAS**

<b>Permit Category</b>	<b>DAS Program</b>	<b>Area</b>	<b>Gear</b>	<b>Trip Limit (tail weight per DAS<sup>1</sup>)</b>
C, D, E, F, G, or H	Scallop	NFMA & SFMA	All gear	300 lb (996 lb whole weight)

## FY 2006 Monkfish Trip Limits for Vessels not under a DAS Program

Permit Category	DAS Program	Area(s) and Gear	Trip Limit (per trip unless stated otherwise)
A, B, C, D, E, F, G, or H	No DAS	<u>Area:</u> The Gulf of Maine (GOM) or Georges Bank (GB) Regulated Mesh Areas (RMAs), or the Southern New England (SNE) RMA east of the Mid-Atlantic (MA) Exemption Area boundary. <u>Gear:</u> Mesh no smaller than required in the above referenced Regulated Mesh Areas.	Up to 5% (where all monkfish is converted to tail weight) of the total weight of fish on board
A, B, C, D, E, F, G, or H	No DAS	<u>Area:</u> SNE RMA west of the MA Exemption Area boundary or MA RMA. <u>Gear:</u> Mesh no smaller than that specified for the summer flounder fishery.	Up to 5% (where all monkfish is converted to tail weight) of the total weight of fish on board, not to exceed 450 lb (1,494 lb whole weight).
A, B, C, D, E, F, G, or H	No DAS	<u>Areas:</u> NFMA or SFMA <u>Gear:</u> Mesh smaller than specified for the areas described above.	50 lb (166 lb whole weight) per day <sup>4</sup> , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, G, or H and NE Multispecies Small Vessel permit <sup>5</sup>	No DAS <sup>5</sup>	<u>Area:</u> NFMA or SFMA <u>Gear:</u> All gear	50 lb (166 lb whole weight) per day <sup>4</sup> , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, G, or H	No DAS	<u>Area:</u> NMFA or SFMA <u>Gear:</u> Rod and reel or handlines only	50 lb (166 lb whole weight) per day <sup>4</sup> , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, G, or H and a surf clam or ocean quahog permit	No DAS	<u>Area:</u> NFMA or SFMA <u>Gear:</u> Hydraulic clam dredge or mahogany quahog dredge	50 lb (166 lb whole weight) per day <sup>4</sup> , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, G, or H and a sea scallop permit	No DAS	<u>Area:</u> NFMA or SFMA <u>Gear:</u> Scallop dredge only	50 lb (166 lb whole weight) per day <sup>4</sup> , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.

<sup>1</sup> Or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 3.32 (tail weight x 3.32 = whole weight; or whole weight/ 3.32 = tail weight).

<sup>2</sup> For category F vessels, FY 2006 DAS allocations will be prorated according to the method outlined on the first page of this letter.

<sup>3</sup> Under the NE multispecies emergency rule (see April 10, 2006, permit holder letter), limited access monkfish vessels with a limited access NE multispecies DAS permit may not target monkfish under a Category B Regular DAS.

<sup>4</sup> A day is the 24-hour period that begins when the vessel leaves port or, if the vessel has an operational VMS, when the vessel crosses the VMS demarcation line when leaving port and ends when the vessel returns to port or, if the vessel has an operational VMS, crosses the VMS demarcation line on its return to port.

<sup>5</sup> These vessels are exempt from a NE multispecies DAS provided they meet the vessel size requirements applicable to the limited access NE multispecies small vessel permit category (vessels < 30 ft in length).

## REMINDERS:

**DAS usage: Category C, D, F, G, or H permit holders that also possess a NE multispecies or scallop limited access permit are required to use either a NE multispecies DAS or scallop DAS whenever a monkfish DAS is utilized, regardless of where the vessel is fishing.** There are several exceptions to this, as follows.

- Limited access NE multispecies vessels, monkfish-only DAS. This exception applies to Category C, D, F, G, or H permit holders that have a NE multispecies Category A DAS allocation that is less than their monkfish DAS allocation. Such vessels are given monkfish-only DAS in the amount equivalent to a vessel's annual monkfish allocation minus its annual allocation of NE multispecies Category A DAS. These monkfish-only DAS can only be used once a vessel's allocation of NE multispecies Category A DAS has been fully utilized. Additionally, a vessel is subject to the same restrictions applicable to limited access monkfish Category A and B vessels when under a monkfish-only DAS.
- Differential DAS counting in NE multispecies fishery. To adjust for the differential counting of NE multispecies Category A DAS under the recent NE multispecies emergency rule (April 13, 2006), limited access monkfish vessels that use a NE multispecies DAS in the differential area will receive additional monkfish-only DAS for every Category A DAS charged in the differential area. The rate of increase is 0.286, or the result of  $1 - (1 \div 1.4)$ , for every NE multispecies DAS charged in the differential area. For example, a vessel with annual allocations of 40 monkfish DAS and 20 NE multispecies Category A DAS, would be given 20 monkfish-only DAS at the start of the fishing year. If that vessel uses 4 joint monkfish/NE multispecies Category A DAS in the differential area, it would be charged 5.6 NE multispecies DAS and 4 monkfish DAS. In addition, that vessel would be given an additional 1.6 monkfish-only DAS, which is equivalent to the number of joint monkfish/multispecies DAS that the vessel would be unable to use if this adjustment were not made. Please see the April 10, 2006, permit holder letter concerning the NE multispecies emergency rule for further information.
- Vessels that receive leased NE multispecies DAS from another vessel. A Category C, D, F, G, or H permit holder that has "monkfish-only" DAS as described above, and that leases NE multispecies DAS from another vessel, must fish all its "monkfish-only" DAS in conjunction with its leased NE multispecies DAS to the extent that it has NE multispecies available.
- Vessels that lease NE multispecies DAS to another vessel. A monkfish Category C, D, F, G, or H permit holder must forfeit a monkfish DAS for each NE multispecies DAS equal in number to the difference between the number of remaining NE multispecies DAS and the number of unused monkfish DAS at the time of the lease. For example, a vessel that is originally allocated 40 monkfish DAS and 47 NE multispecies Category A DAS and leases 10 of its NE multispecies DAS to another vessel has a balance of 37 NE multispecies DAS and 40 monkfish DAS. Since there are 3 fewer monkfish DAS left after the lease, the vessel must forfeit 3 of its monkfish DAS leaving 37 NE multispecies DAS and 37 monkfish DAS.

### **SFMA Roller Gear Restriction**

All trawl vessels fishing under a monkfish DAS in the SFMA are restricted to a maximum disc diameter of 6 inches.

### **Declaration into the NFMA**


All federally permitted monkfish vessels fishing for or monkfish exclusively in the NFMA under the less restrictive measures of that area must first obtain a monkfish exemption certificate from the National Marine Fisheries Service (NOAA Fisheries Service). This certificate may be obtained by calling (978) 281-9370. This certificate serves as the vessel's declaration into the NFMA, and is issued for a minimum of 7 days. A vessel that has obtained this certificate may transit the SFMA, provided the vessel does not harvest or possess monkfish, or any other fish, from the SFMA, and the vessel's fishing gear is properly stowed and not available for immediate use, in accordance with the regulations.

**PLEASE NOTE: A vessel that does not have a current monkfish exemption certificate on board is presumed to have fished in the SFMA, and is therefore subject to the more restrictive possession limits and DAS restrictions of that area, regardless of where the fish are caught or landed.**

This letter only summarizes regulations implementing the FY 2006 annual adjustment for the monkfish fishery. Violations of these regulations could result in the imposition of civil penalties, permit sanctions, or catch forfeitures, thus you are encouraged to review the monkfish regulations in their entirety through a link to the Office of the Federal Register at the NOAA Fisheries Services' 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,



Patricia A. Kurkul  
Regional Administrator