



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

September 13, 2005

--SMALL ENTITY COMPLIANCE GUIDE--

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

The National Marine Fisheries Service (NOAA Fisheries Service) has implemented new regulations as the result of the approval of Framework Adjustment 41 (FW 41) to the NE Multispecies Fishery Management Plan (FMP). Read this letter carefully, as it provides important information regarding the Closed Area I (CA I) Hook Gear Haddock Special Access Program (SAP) and the regulations pertaining to the Eastern U.S./Canada Area and the Eastern U.S./Canada Haddock SAP. This letter summarizes the new measures, but it is not a substitute for the regulatory text, which may be requested by calling 978-281-9315, or obtained from the NOAA Fisheries Service Northeast Regional Office website (<http://www.nero.noaa.gov>).

1. CA I HOOK GEAR HADDOCK SAP (see attached chart of area)

The CA I Hook Gear Haddock SAP has been modified to allow non-Sector vessels fishing with hook gear to participate in the SAP. The rules applicable to both Sector and non-Sector vessels are summarized below.

A. Hook Vessels Not Participating in the Georges Bank (GB) Cod Hook Sector (i.e., **non-Sector vessels**)

- 2005 Participation Period: **November 16 – December 31**
- 2005 Declaration of Intent to Participate in SAP: **Declare by October 24***

FW 41 modifies the CA I Hook Gear Haddock SAP to allow non-Sector vessels access to the SAP when fishing under a Regular or Reserve B day-at-sea (DAS) provided that the vessel only fishes with demersal longline or tub trawl gear and does not possess any other type of gear on board the vessel. These vessels must also be equipped with an approved and functioning vessel monitoring system (VMS).

In order to minimize the potential of a derby fishery, participation in the SAP for non-Sector vessels is restricted to a participation period of November 16 – December 31 for the 2005 fishing year. The participation will alternate each year between Sector and non-Sector participants such that, in fishing year 2006, the participation period for non-Sector vessels will be October 1 – November 15. The overall 1,000 metric ton (mt) haddock total allowable catch (TAC) for the entire season is divided evenly between each participation period such that the haddock TAC will be 500 mt for non-Sector vessels.



Non-Sector vessels are subject to a cod possession and landing limit of 1,000 lb per trip. Vessels are not permitted to discard legal-sized cod prior to reaching the catch limit, and are required to end their trip if the cod trip limit is achieved or exceeded. There is no DAS flipping provision for this SAP. For species other than cod, non-Sector vessels are required to comply with the possession and trip restrictions currently specified in the regulations.

In order to facilitate the deployment of NOAA Fisheries observers to the SAP, any vessel intending to participate in the SAP is required to notify the NOAA Fisheries Service Observer Program by September 1 each year via telephone at **508-990-9057**. However, for the 2005 fishing year this deadline is extended until October 24 for non-Sector vessels. Vessels are also required to declare into the CA I Hook Gear Haddock SAP via VMS and specify whether Regular B or Reserve B DAS will be used, prior to leaving port on a trip into the SAP. All non-Sector vessels are required to report their catches (landings and discards) of haddock and cod daily via VMS. Vessels that have declared into the SAP are prohibited from fishing both inside and outside the SAP on the same trip. Vessels fishing on a trip in which they have declared into the Regular B DAS Pilot Program are prohibited from fishing in this SAP on the same trip.

***Vessels that have already declared their intention to fish in the SAP by calling into the NOAA Fisheries Service Observer Program for the 2005 fishing year do not have to call into this program again for this fishing year.**

When the Regional Administrator projects that either the cod incidental catch TAC (15.5 mt for the 2005 fishing year) or the haddock TAC has been caught for the CA I Hook Gear Haddock SAP, the SAP will close for the remainder of the participation period. The SAP will be closed to all participants when the Regional Administrator projects that the haddock TAC (landings and discards) has been caught. The Regional Administrator may adjust the start of the second participation period if the 500-mt haddock quota for the first participation period is harvested prior to November 15. Additionally, the Regional Administrator may adjust the 500-mt quota for the second participation period to account for under- or over-harvest of the 500-mt haddock quota (landings and discards) that occurred in the first participation period.

B. Hook Vessels Participating in the GB Cod Hook Sector (i.e., Sector vessels)

- 2005 Participation Period: **October 1 – November 15**

There are two changes to the current provisions for Sector vessels participating in the CA I Hook Gear Haddock SAP. As of October 14, 2005, Sector vessels are prohibited from fishing both inside and outside of the SAP area on the same trip, and Sector vessels are restricted to a participation period of October 1 – November 15 in the 2005 fishing year. For subsequent fishing years, starting in fishing year 2006, the participation period will alternate each year between Sector and non-Sector participants such that, in fishing year 2006, the participation period for Sector vessels will be November 16 – December 31. Vessels fishing on a trip in which they have declared into the Regular B DAS Pilot Program are prohibited from fishing in this SAP on the same trip. The current overall 1,000 mt haddock TAC for the entire season is divided evenly between the two participation periods such that the haddock TAC for Sector vessels is 500 mt.


The SAP will be closed to all participants when the Regional Administrator projects that the haddock TAC (landings and discards) has been caught. The Regional Administrator may also adjust the start of the second participation period if the 500-mt haddock quota for the first participation period is harvested prior to November 15. Additionally, the Regional Administrator may adjust the 500-mt quota for the second participation period to account for under- or over-harvest of the 500-mt haddock quota (landings and discards) that occurred in the first participation period.

2. CLARIFICATION OF REGULATIONS PERTAINING TO FISHING IN THE EASTERN U.S./CANADA HADDOCK SAP

This rule modifies language in the prohibitions section to clarify that a vessel fishing in open portions of the Eastern U.S./Canada Area west of Closed Area (CA) II that overlaps with the Eastern U.S./Canada Haddock SAP Area may do so under the following scenarios:

- a. Declare into the Eastern U.S./Canada Haddock SAP and fish under the SAP rules;
- b. declare into the Eastern U.S./Canada (west of CA II) and fish under the rules that pertain to the Eastern U.S./Canada Area; or
- c. declare into the Eastern U.S./Canada Area (west of CA II) and fish under the rules that pertain to the Regular B DAS Pilot Program.

Sincerely,

for 

Patricia A. Kurkul

Regional Administrator

ATTACHMENT

Map of the Closed Area I Hook Gear Haddock SAP, the Eastern U.S./Canada Area Haddock SAP, and the Eastern U.S./Canada Area

