



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

June 8, 2005

## **SMALL ENTITY COMPLIANCE GUIDE**

Dear Category 1 Herring Vessel Owner/Operator and  
Herring Dealer/Processors:

This letter is to inform you of regulations implementing the emergency action to address haddock bycatch in the 2005 herring fishery that was enacted by the National Marine Fisheries Service (NOAA Fisheries Service) for the period June 13 – December 10, 2005.

These temporary measures were developed by NOAA Fisheries Service following a request for emergency action by the New England Fishery Management Council (Council) on March 30, 2005. The temporary measures implemented under the emergency rule include the following: (1) Suspension of the prohibition on the possession of haddock by Category 1 herring vessels using purse seines or midwater trawls (including pair trawls), (2) establishment of a 1,000-lb haddock incidental possession allowance for Category 1 herring vessels, (3) suspension of the haddock minimum fish size for Category 1 herring vessels, (4) prohibition on the purchase and sale of haddock landed by Category 1 herring vessels for human consumption, (5) establishment of a provision to require certain herring processors to cull landings made by Category 1 herring vessels and to retain haddock for inspection by enforcement officials, (6) establishment of a requirement for all Category 1 herring vessels to provide advance notification of landing via the Vessel Monitoring System (VMS), whether or not such a vessel is carrying an at-sea observer, and (7) establishment of a cap of 270,000 lb on the total amount of observed and reported haddock that could be landed under the haddock incidental possession allowance.

### **CATEGORY 1 HERRING VESSEL REQUIREMENTS**

#### Advance Notification of Landing

This emergency rule expands the prior notification requirements approved in Framework Adjustment 40B to the Northeast Multispecies Fishery Management Plan (FMP) to all Category 1 herring vessels, regardless of the presence of a NOAA Fisheries Service approved observer on the vessel. Notification will be through the “herring pre-landing notification” form on the vessel monitoring system (VMS) entry screen. Notification must be sent 12 hours prior to crossing the VMS demarcation line on the return trip to port, or, for vessels that have not fished seaward of the VMS demarcation line, at least 12 hours prior to landing. If a trip is less than 12 hours in length notification must be sent 6 hours prior to crossing the VMS demarcation line on the return trip to port, or, for vessels that have not fished seaward of the VMS demarcation line, at least 6 hours prior to landing. **The NOAA Fisheries Observer Program contact number is: 508-990-9057.**

#### Haddock Incidental Catch Possession Limit

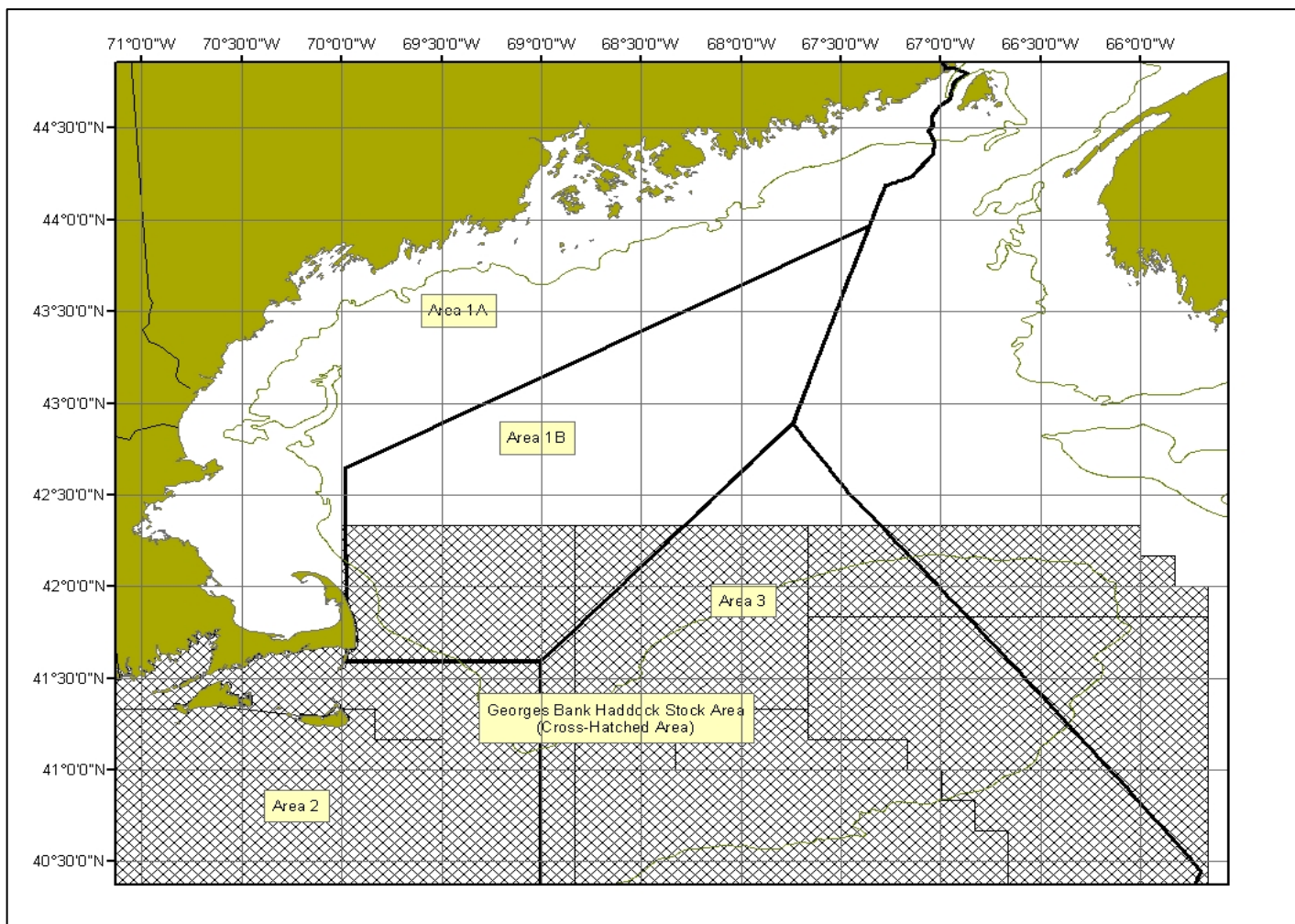


The haddock bycatch emergency rule suspends the prohibition on the possession of haddock by Category 1 herring vessels. Category 1 herring vessels are allowed to possess up to 1,000 lb of haddock per trip. Due to the inability of Category 1 herring vessels to sort small haddock from herring at sea, the haddock minimum fish size is suspended for Category 1 herring vessels only.

### Haddock Bycatch Cap

Haddock landed by Category 1 herring vessels and reported by the NOAA Fisheries Service Observer Program, NOAA Office of Law Enforcement and their partners, and by fishing vessel trip reports and dealer reports will be counted against a 270,000-lb haddock bycatch cap. These reports of actual landings, reported or observed, will determine if and when the cap is reached. If the bycatch cap is reached, the directed herring fishery in the Georges Bank (GB) haddock stock area (Figure 1) will be closed, and the prohibition on the possession of haddock will be reinstated for Category 1 herring vessels fishing in other areas. The northern boundary of the GB haddock stock area follows 42°20'0"N latitude. Refer to Figure 1 below for more detail.

Figure 1. Herring Management Areas with GB Haddock Stock Area.



## Reminder of Current Vessel Owner/Operator Reporting Requirements

Vessel owners and operators are reminded that all catches are to be reported by species on your vessel trip reports. This includes any haddock culled by dealers/processors and later discarded.

### **HERRING DEALER/PROCESSOR REQUIREMENTS**

#### Prohibition on the Purchase and Sale of Haddock for Human Consumption

Haddock received from Category 1 herring vessels may not be sold, purchased, received, traded, bartered, or transferred for human consumption. This measure allows haddock from Category 1 herring vessels that is not separated out from a herring catch to be sold as bait. Haddock that is culled from a herring catch by herring processors is prohibited from being sold or transferred for any purpose including bait.

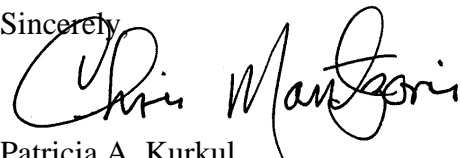
#### Requirement of Processors to Cull and Set Aside Haddock

The emergency rule requires dealers that receive herring from Category 1 herring vessels, and that cull or separate out all fish other than herring in the course of normal operations, to separate and retain haddock for at least 12 hours after the end of each vessel offload. As mentioned above the culled haddock may not be sold for any purpose. If you are unsure if this provision applies to you please contact NOAA Fisheries Service Sustainable Fisheries Division at 978-281-9315.

#### Reminder of Current Dealer Reporting Requirements

Herring dealers are reminded that current reporting regulations require all dealers to report all fish received through the electronic dealer reports. These fish are to be reported as discarded or no disposition on your reports.

Sincerely

*for*   
Patricia A. Kurkul  
Regional Administrator

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