



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

April 26, 2005

SMALL ENTITY COMPLIANCE GUIDE

Dear Permit Holder:

New regulations implementing recently approved Amendment 2 to the Monkfish Fishery Management Plan (Amendment 2) have been approved and take effect on May 1, 2005. Among the new regulations are measures to increase fishing opportunities and provide for additional flexibility, while also meeting the conservation objectives of the FMP. Amendment 2 also contains gear modifications and closures to protect Essential Fish Habitat (EFH). A summary of the new management measures follows.

Important note: Amendment 2 does not change the existing effort control measures that link Northeast (NE) multispecies and Atlantic sea scallop days-at-sea (DAS) to monkfish DAS.

NEW LIMITED ACCESS MONKFISH PERMIT CATEGORIES (G and H)

Beginning May 1, 2005, two new limited access monkfish permit categories will be available to eligible participants in the monkfish fishery who have not been issued a Category A, B, C, or D limited monkfish permit. A preliminary letter was sent to all Federal permit holders to explain the limited access permit criteria and alternate ways to qualify. This permit holder letter is available on the National Marine Fisheries Services' (NOAA Fisheries Service) Northeast Regional Office website <http://www.nero.noaa.gov>.

Vessels qualifying for a Category G or H permit will be restricted to fishing on a monkfish DAS **south of 38°20' N. latitude**. In summary, the application deadline and eligibility criteria are as follows:

Application deadline. In order to qualify for either a Limited Access Category G or H permit, you must submit a permit application and any necessary supporting documents on or before **April 30, 2006**. This same application deadline applies to vessel owners who were notified that their vessels were pre-qualified for one of these permit categories.

Eligibility criteria. In order to obtain a **Limited Access Category G** or a **Limited Access Category H** monkfish permit, your vessel must not be eligible to receive any other limited access monkfish permit and must have landed



monkfish in the amounts specified below, during the qualification period March 15 through June 15, in any or all of the years 1995 through 1998.

Category G: At least 50,000 lb tail weight or 166,000 lb whole weight of monkfish at a port located south of 38°00' N. lat.

Category H: At least 7,500 lb tail weight or 24,900 lb whole weight of monkfish at a port south of 38°00' N. lat.

DAS allocation. A vessel issued a Category G or H permit must fish under the monkfish DAS program if the vessel operator intends to land more than the allowable incidental catch of monkfish. Similar to other limited access monkfish permit categories a vessel fishing under a monkfish Category G or H permit will be allocated up to 39.3 monkfish DAS for the 2005 fishing year (FY).

Trip Limits. **Category G vessels** fishing under a monkfish DAS will have the same trip limits established for Category A and C vessels (i.e., 550 lb tail weight equivalent per monkfish DAS) for FY 2005.

Category H vessels fishing under a monkfish DAS will have the same trip limits established for Category B and D vessels (i.e., 450 lb tail weight equivalent per monkfish DAS) for FY 2005.

Category G and H vessels that are fishing under a NE multispecies DAS (but not a monkfish DAS) in the Southern Fishery Management Area (SFMA) are subject to the incidental catch limits of 50 lb tail weight (166 lb whole weight) monkfish per DAS.

Category G and H vessels fishing under a NE multispecies DAS on a fishing trip exclusively in the Northern Fishery Management Area (NFMA) may land up to 400 lb tail weight (1,328 lb whole weight) monkfish per DAS, or up to 50 percent of the total weight of the fish on board, whichever is less.

COOPERATIVE RESEARCH INITIATIVES

Amendment 2 contains two cooperative research programs to encourage monkfish research activities that include an emphasis on, but that are not limited to: 1) Minimizing bycatch and interactions of protected species (e.g., sea turtles) in the monkfish fishery; 2) minimizing impacts from

monkfish fishing on EFH; and 3) establishing a monkfish trawl exempted fishery (under the NE Multispecies FMP) in the NFMA.

The total DAS allocated to limited access monkfish vessels will be adjusted to allow for the implementation of the cooperative research initiatives through the two programs explained below. After accounting for the distribution of these 500 DAS among the fleet, the resulting DAS allocation per vessel for the 2005 FY is 39.3 DAS.

DAS Exemption Program. For FY 2005, a 500-DAS set-aside for research is available to be distributed only through the Exempted Fishing Permit (EFP) program. In FY 2006, and in subsequent fishing years, any of the 500 DAS not distributed first through the formal Research Set-aside program (see below) will be available to vessels through the EFP program.

To qualify under the DAS exemption program, a vessel owner/operator must submit a request for an EFP and indicate the number of monkfish DAS he/she will require to complete the research project. NOAA Fisheries Service will then review the EFP application and, if approved, issue an EFP to exempt the vessel from the monkfish DAS requirements and any other regulations that may be necessary and appropriate to the project. The total number of monkfish DAS issued annually through these two programs cannot exceed the 500 DAS originally established in the annual set-aside pool. Additional impact analyses may be required for any DAS exemption request that exceeds the 500 DAS set-aside amount originally analyzed in Amendment 2.

FY 2006 (and beyond) Research Set-aside Program. Beginning with FY 2006, a pool of 500 DAS will be set aside and made available to enable vessels to participate in cooperative monkfish research projects under the set-aside program. These DAS will be removed from the total available monkfish DAS prior to distribution to individual vessels. This will amount to less than 1 DAS being deducted from each individual vessel allocation. Vessels participating in research projects selected under the monkfish DAS set-aside program will be allocated DAS from the set-aside pool in order to conduct the research without using their own DAS. Information on how to submit a proposal under the set-aside program for FY 2006, including the procedure for evaluating proposals, will follow in a notice, or Request for Proposals (RFP), to be published in the Federal Register at a later date by NOAA Fisheries Service.

SFMA OFFSHORE PROGRAM

Amendment 2 regulations establish an offshore monkfish fishery program area within the SFMA (see map 1). In order to fish in the SFMA Offshore Fishery Program, a vessel owner must elect to change the vessel's permit category to a **Category F Limited Access monkfish permit** on its yearly permit renewal application, and must fish in the specified area. This annual election will enable the vessel to fish under a monkfish possession limit of 1,600 lb (tail weight) per monkfish DAS, with the vessel's DAS prorated accordingly, as described below. The incidental catch limits for Category F vessels not fishing under a monkfish DAS are provided below. Any vessel not electing to fish under this program will still be allowed to fish in the SFMA Offshore Fishery Program Area under the rules and regulations applicable to non-program vessels. Category G and H vessels are not eligible to fish under the SFMA Offshore Program because they are prohibited from fishing north of 38° 20' N. Latitude.

Proration of DAS. The annual DAS allocation for vessels participating in the Offshore Fishery Program is calculated by dividing the standard trip limit for vessels fishing in the SFMA (based on applicable category) by the special possession limit, and then multiplying that ratio by the standard annual monkfish DAS allocation for monkfish limited access vessels.

Example 1: The annual prorated DAS allocation for a Category A or C vessel fishing in the offshore program under a **Category F permit** would be: $700 \text{ lb}/1,600 \text{ lb} \times 39.3 \text{ DAS} = 17.2 \text{ DAS}$.

Example 2: The annual prorated DAS allocation for a Category B or D vessel fishing under a **Category F permit** would be: $600 \text{ lb}/1,600 \text{ lb} \times 39.3 \text{ DAS} = 14.7 \text{ DAS}$.

Incidental catch limits for Category F vessels

- Vessels not under a DAS. The incidental catch limits when not fishing under a monkfish, NE multispecies, or scallop DAS are the same for all monkfish vessels (Categories A, B, C, D, E, F, G, and H vessels), and are subject to the vessel's area, and type of gear used (see changes in the section below titled "Incidental Catch Provisions.")
- NFMA DAS vessels. When fishing on a NE multispecies DAS in the NFMA, a Category F vessel must fish under incidental catch limits of 400 lb tail weight (1,328 lb

whole weight) of monkfish per DAS, or 50 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less.

- SFMA DAS vessels. Category F vessels that fish under a NE multispecies DAS (not a monkfish DAS), where any portion of their trip occurs in the SFMA, may land up to 300 lb tail weight (996 lb whole weight) of monkfish per DAS, if trawl gear is used exclusively, or up to 50 lb tail weight (166 lb whole weight) if gear other than trawls are used.

Conditions of participation in SFMA Offshore Program

- Seasonal restriction. A vessel electing to fish in this program is restricted to fishing its annual prorated monkfish DAS within the Offshore Fishery Program Area from October 1 through April 30. A Category F vessel may not fish under a monkfish DAS outside this area and time period.
- Vessel Monitoring System (VMS) requirement. Vessels that participate in the program are required to have on board a VMS that is continuously operable from October 1 through April 30. The VMS is not required to be operational outside of this time period (i.e., May 1 - September 30) unless required by other applicable VMS regulations.
- Gear requirement. Category C and D monkfish vessels electing to fish in this program are subject to the gear requirements applicable to Category A and B vessels¹ (monkfish only permit categories), as well as the roller gear requirement that applies to all trawl vessels fishing in the SFMA under a monkfish DAS.

SFMA ROLLER GEAR RESTRICTION

Amendment 2 restricts the roller gear on all trawl vessels fishing under a monkfish DAS in the SFMA to a maximum disc diameter of 6 inches.

NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO) REGULATORY AREA EXEMPTION PROGRAM

Monkfish vessels that enroll in the NAFO Regulated Area

¹For trawl vessels, 10-inch square or 12-inch diamond mesh; for gillnet vessels, 10-inch diamond mesh.

Exemption Program will be exempt from the monkfish regulations pertaining to permit requirements, minimum mesh size, DAS, and possession limits. Further, monkfish catch from the NAFO Regulated Area will not count against the monkfish total allowable catch, provided the following conditions are met:

- The vessel has on board a monkfish NAFO regulated area exemption program letter of authorization (LOA) issued by the Regional Administrator;
- For the duration of the trip, the vessel fishes exclusively in the NAFO Regulated Area and does not harvest fish in, or possess fish harvested from, the Exclusive Economic Zone (EEZ);
- If transiting the EEZ, all gear must be properly stowed and not available for immediate use; and
- The vessel complies with all High Seas Fishing Compliance Permit and NAFO conservation and enforcement measures while fishing in the NAFO Regulated Area.

INCIDENTAL CATCH PROVISIONS

Amendment 2 regulations include four adjustments to the incidental catch limits, which are intended to allow increased monkfish landings, thereby reducing discards as the stocks rebuild. These provisions are applicable to vessels issued Category E monkfish incidental catch permits and monkfish limited access vessels when not fishing under a DAS program, as follows:

Limit adjustment # 1. This adjustment increases the current 50-lb possession limit for vessels fishing legally with small mesh², while not fishing under a monkfish, scallop, or NE multispecies DAS. The new limit is 50 lb tail weight per day, or partial day, up to a maximum of 150 lb per trip. The area where the possession limit applies is the Gulf of Maine (GOM)/Georges Bank (GB) Regulated Mesh Areas (RMAs), or in the Southern New England (SNE) RMA east of the NE Multispecies Mid-Atlantic (MA) Exemption Area boundary³ (see

² Small mesh is defined as mesh smaller than the NE multispecies minimum mesh size requirements specified for vessels fishing in the GB RMA, GOM RMA, and SNE RMA east of the boundary for the Mid-Atlantic Exemption Area.

³ Bounded on the west by a line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI), southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY southeasterly to the intersection of the 3-nautical mile line east of Montauk Point; southwesterly along the 3-nautical mile line to the intersection of 72°30' W. long.; and south along that line to the intersection of the outer boundary of the EEZ.

map 2). A day is the 24-hour period that begins when the vessel leaves port as indicated by the vessel owner/operator in the Vessel Trip Reports or, if the vessel has an operational VMS, when the vessel crosses the VMS demarcation line.

Limit adjustment # 2. The second adjustment applies to limited access NE Multispecies vessels that are fishing under the small vessel (less than 30 feet in length) permit category, or vessels fishing exclusively with rod and reel or handlines, while not fishing under a monkfish, scallop, or NE multispecies DAS. The new limit for these vessels is 50 lb tail weight per day, or partial day, up to a maximum of 150 lb per trip.

Limit adjustment # 3. The third adjustment applies the same incidental monkfish catch limit of 50 lb per day, or partial day, up to a maximum of 150 lb per trip, for vessels issued surf clam or ocean quahog permits that are fishing with hydraulic dredges, and sea scallop vessels (General Category and limited access vessels) fishing with scallop dredge gear while not under a scallop DAS.

Limit adjustment # 4. The fourth incidental catch limit adjustment applies to vessels issued Federal permits that allow them to fish with large mesh⁴ in the SNE RMA or the MA RMA west of the boundary for the NE Multispecies MA Exemption Area (see map 2). This possession limit is up to 5 percent of the total weight of fish on board, not to exceed 450 lb (1,494 lb whole weight).

CLOSURE OF DEEP-SEA CANYONS

Vessels fishing on a monkfish DAS are prohibited from fishing in the Oceanographer and Lydonia Canyon closure areas, regardless of the type of gear used (see map 1). These closures are part of a set of measures to minimize, to the extent practicable, the direct and indirect impact of monkfish fishing on EFH. The coordinates for these closure areas are as follows:

OCEANOGRAPHER CANYON CLOSURE AREA

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long.</u>
OC1	40° 10'	68° 12'
OC2	40° 24'	68° 09'

⁴ Large mesh is defined as mesh equal to or greater than the minimum mesh size applied to commercial summer flounder vessels (5.5-inch diamond, or 6-inch square mesh throughout the net) in the areas specified under this incidental catch limit adjustment.

OC3	40° 24'	68° 08'
OC4	40° 10'	67° 59'
OC1	40° 10'	68° 12'

LYDONIA CANYON CLOSURE AREA

<u>Point</u>	<u>N. Lat.</u>	<u>W. Long.</u>
LC1	40° 16'	67° 34'
LC2	40° 16'	67° 42'
LC3	40° 20'	67° 43'
LC4	40° 27'	67° 40'
LC5	40° 27'	67° 38'
LC1	40° 16'	67° 34'

DECREASED MINIMUM FISH SIZE

Amendment 2 reduces the minimum fish size for monkfish in the SFMA to 11 inches tail length, 17 inches total length. As a result, the minimum fish size will be the same in both the northern and southern management areas.

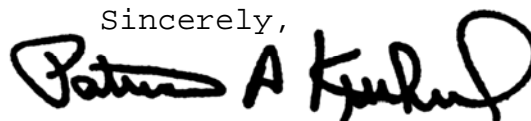
ELIMINATION OF 20-DAY BLOCK

The current requirement for monkfish limited access Category A and B vessels to take a 20-day block out of the fishery from April through June each year is eliminated. This change does not affect a similar requirement for monkfish limited access vessels that also hold a NE multispecies limited access permit (Category C and D vessels), because these vessels must abide by the NE multispecies 20-day block requirement when fishing under a monkfish/multispecies DAS.

This letter only summarizes regulations implementing Amendment 2 to the FMP. 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>.

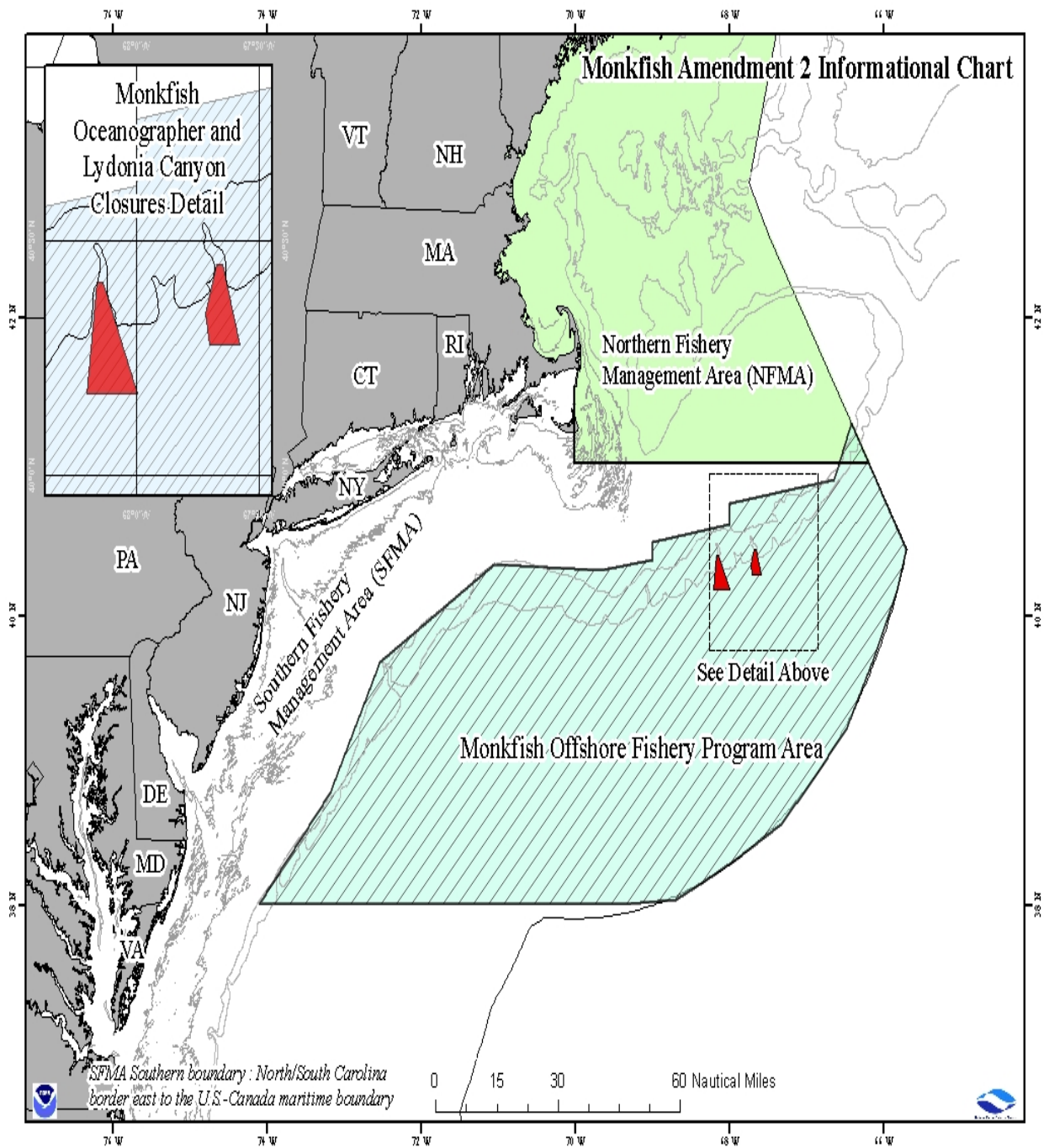
This small entity compliance guide complies with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Sincerely,

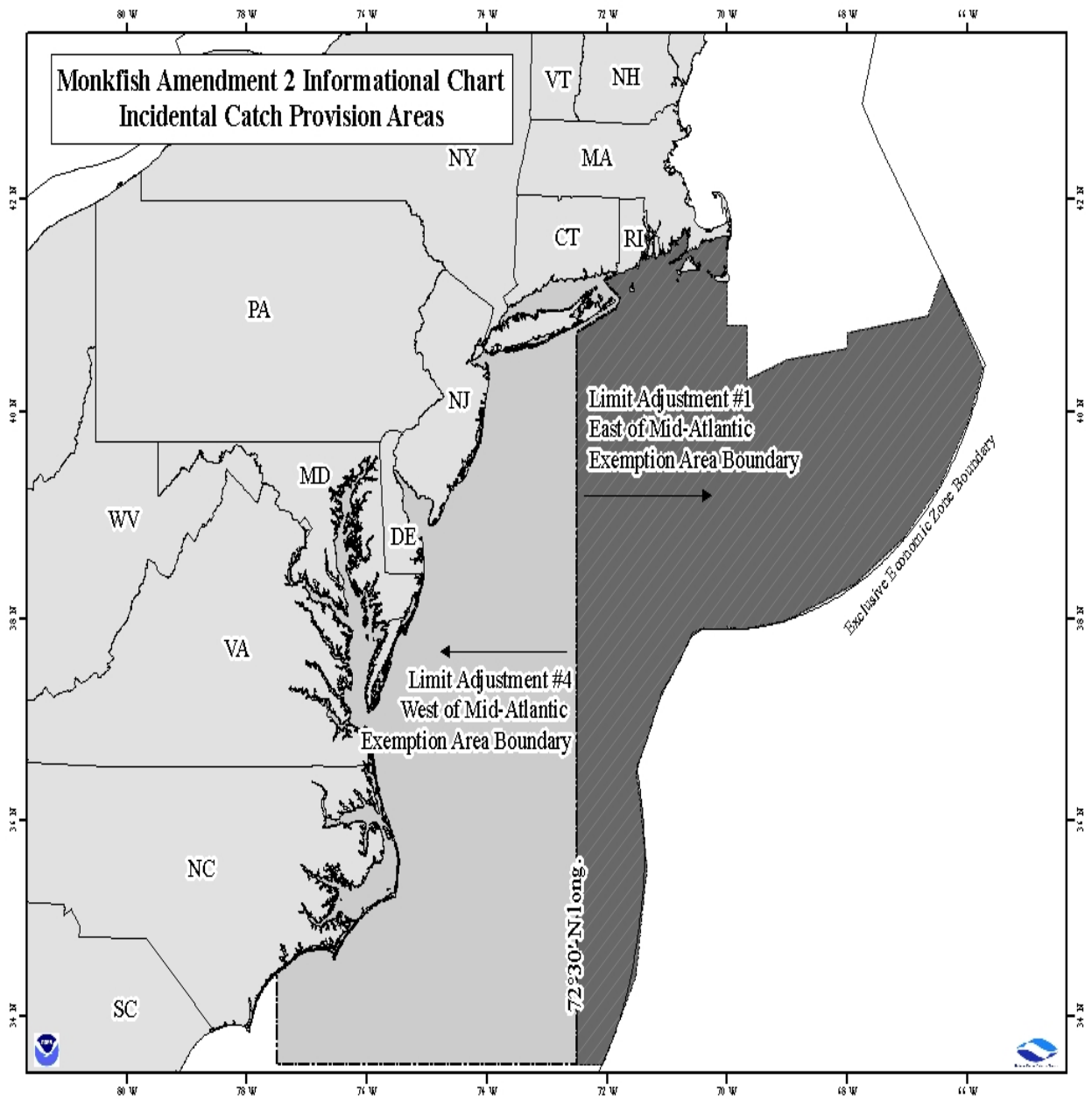


Patricia A. Kurkul
 Regional Administrator

Attachments:



MAP 1. Monkfish Offshore Program Area and Deep-Sea Canyons



MAP 2. Incidental Catch Provision Areas