



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

April 27, 2005

## **SMALL ENTITY COMPLIANCE GUIDE**

Dear Monkfish Permit Holder:

This letter announces the final rule implementing new target total allowable catch (TAC) levels for the 2005 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 2005 fishing year (FY). These target TACs, trip limits, and DAS allocations are based upon methods established in Framework Adjustment 2 to the Monkfish Fishery Management Plan (FMP), which became effective on May 1, 2003. Some of the information contained in this letter is also in the letter you have already received describing measures implemented by Amendment 2 to the FMP.

### **EFFECTIVE MAY 1, 2005, THROUGH APRIL 30, 2006**

- The target monkfish TACs for FY 2005 are 13,160 mt for the Northern Fishery Management Area (NFMA), and 9,673 mt for the SFMA.
- The trip limits for Category A, C, and G vessels fishing in the SFMA are increased to 700 lb tail weight (2,324 lb whole weight) per monkfish DAS, and 600 lb tail weight (1,992 lb whole weight) per monkfish DAS for Category B, D, and H vessels.
- The trip limit for Category F vessels fishing in the Offshore Fishery Management Area is 1,600 lb tail weight (5,312 lb whole weight) per monkfish DAS.
- All limited access monkfish vessels are allocated 39.3 monkfish DAS to use during FY 2005. These DAS were adjusted down from 40 DAS to account for a DAS set-aside program established in Amendment 2 to the FMP. Carryover DAS from FY 2004 may be used in either management area and, thus, may be used in addition to 39.3 DAS authorized for the SFMA.
- DAS will be prorated on an annual basis for vessels participating in the Offshore Fishery Program under a limited access Category F permit. 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 39.3 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 2005 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, lastly, fisheries that are not under a DAS program, but are specific to area and gear type.



**FY 2005 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	700 lb (2,324 lb whole weight)
B, D, or H	Monkfish	SFMA	All Gear	600 lb (1,992 lb whole weight)
F	Monkfish <sup>2</sup>	Offshore Fishery Program Area	All Gear	1,600 lb (5,312 lb whole weight)

**FY 2005 Monkfish Trip Limits while on a NE Multispecies 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 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, G, or H	Multispecies	SFMA	All Gear	50 lb (166 lb whole weight)
E, F, G, or H	Multispecies	NFMA	All Gear	400 lb (1,328 lb whole weight), or 50% of the total weight of fish on board (all weight is converted to tail weight), whichever is less.

**FY 2005 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 2005 Monkfish Trip Limits—no participation in DAS program

Permit Category	DAS Program	Area(s) and Gear	Trip Limit (tail weight per DAS unless stated otherwise)
A, B, C, D, E, F, G, or H	No DAS	<u>Area:</u> See footnote 3 below. <u>Gear:</u> Mesh no smaller than required in Regulated Mesh Areas <sup>3</sup> .	Up to 5% the total weight (all weight is converted to tail weight <sup>1</sup> ) of fish on board.
A, B, C, D, E, F, G, or H	No DAS	<u>Area:</u> SNE or MA RMA west of the MA Exemption Area boundary. <u>Gear:</u> Mesh no smaller than that specified for the summer flounder fishery.	Up to 5% the total weight (all weight is converted to tail weight <sup>1</sup> ) 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> In areas specified above for vessels fishing with large mesh. <u>Gear:</u> Mesh smaller than specified in the areas above.	Up to 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 (vessels < 30 ft in length)	Up to 50 lb (166 lb whole weight) per day, 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, 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, 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 general 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, 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 2005 DAS allocations will be prorated according to the method outlined on the first page of this letter.

<sup>3</sup> 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.

<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.

<sup>5</sup> 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.

## **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. 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. For example, if the DAS allocation associated with a limited access monkfish permit (excluding Categories A and B) is 40 DAS and the NE multispecies Category A DAS allocation is 15 DAS, the difference of 25 monkfish DAS may be used without concurrent use of a NE multispecies DAS. When fishing only under a monkfish DAS, these are required to fish under the regulations applicable to limited access Category A and B monkfish vessels, and may not retain regulated NE multispecies.
- Vessels that receive leased NE multispecies DAS from another vessel. A Category C, D, F, G, or H permit holder that also 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.

### **Declaration into the NFMA**

All federally permitted monkfish vessels intending to fish for or catch monkfish exclusively in the NFMA under the less restrictive measures of that area must 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 declared its intent to fish in the NFMA 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.

### **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.

### **Monkfish Minimum Fish Sizes**

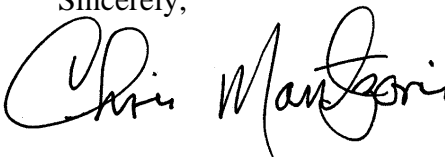
For vessels **declared into the NFMA** and vessels that are **fishing in the SFMA and not declared in the NFMA**, the minimum fish size is now 17 inches total length, or 11 inches tail length. This size limit applies to vessels holding a limited access monkfish permit, and to vessels holding an incidental monkfish permit.

**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 of that area, regardless of where the fish are caught or landed.**

This letter only summarizes regulations implementing the annual adjustments for monkfish. 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.nmfs.gov>.

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

Sincerely,



*for* Patricia A. Kurkul

Regional Administrator