



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930  
JUL - 8 2005

## SMALL ENTITY COMPLIANCE GUIDE

### *Clarification Concerning Regular B DAS Pilot Program and Monkfish Fishery*

Dear Limited Access Monkfish Category C or D Permit Holder:

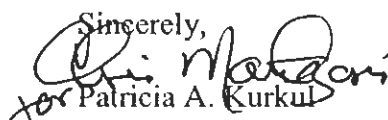
This letter is intended to allay some possible confusion concerning the interaction between the Regular B Days-at-Sea (DAS) Pilot Program implemented through Framework Adjustment 40-A to the Northeast (NE) Multispecies Fishery Management Plan (FMP) and the regulations governing the Federal monkfish fishery. As noted in the November 17, 2004, Small Entity Compliance Guide for Framework 40-A, the purpose of the Regular B DAS Pilot Program is to create opportunities for NE multispecies limited access permit holders to use Regular B DAS outside of a Special Access Program (SAP) to target stocks that can withstand additional fishing effort without jeopardizing stocks of concern (Gulf of Maine (GOM) cod, Georges Bank cod, American plaice, Southern New England (SNE)/Mid-Atlantic (MA) winter flounder, witch flounder, Cape Cod/GOM yellowtail flounder, and SNE/MA yellowtail flounder).

The Monkfish FMP requires that limited access monkfish Category C and D vessels use a NE multispecies DAS for every monkfish DAS used. However, the Monkfish FMP does not specify the type of NE multispecies DAS that must be utilized in conjunction with a monkfish DAS. The NE Multispecies FMP, as amended by Framework 40-A, authorizes limited access multispecies DAS vessels to utilize their allocated Regular B DAS to target fish stocks, such as monkfish, that are not listed among the stocks of concern. Therefore, limited access monkfish Category C and D vessels have the option of using a NE multispecies Regular B DAS in conjunction with any monkfish DAS used, rather than a NE multispecies A DAS. Vessels so doing must comply with all the provisions of the Regular B DAS program (vessel monitoring system, observer notification, specific reporting requirements, etc.) and must comply with all of the provisions of the Monkfish FMP that are applicable to limited access monkfish Category C and D vessels (e.g., daily possession limits, gear restrictions, etc.). For example, a limited access monkfish Category C vessel has the ability to use any allocated NE multispecies Regular B DAS in conjunction with its monkfish DAS. However, this vessel must have an operational VMS unit on board, and must comply with all of the provisions of the Regular B DAS program. In addition, this vessel must abide by the trip limit applicable to Category C vessels when fishing under a monkfish DAS in the Southern Fishery Management Area (SFMA) (700 lb tail weight per monkfish DAS).



A limited access monkfish Category C or D vessel that is fishing under only a NE multispecies Regular B DAS in the SFMA (i.e., not using a concurrent monkfish DAS) must abide by the applicable monkfish incidental catch limits (300 lb tail weight per NE multispecies DAS for trawl vessels and 50 lb per NE multispecies DAS for gillnet vessels).

If you have any further questions concerning the monkfish fishery and/or the NE multispecies Regular B DAS program, please contact the Sustainable Fisheries Division at 978-281-9315.

Sincerely,  
  
for Patricia A. Kurkul  
Regional Administrator