



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930-2298

December 23, 2005

SMALL ENTITY COMPLIANCE GUIDE

2006 FINAL SPECIFICATIONS AND CLOSURE NOTICE FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS; CHANGE TO BLACK SEA BASS POT/TRAP REGULATIONS

Dear Permit Holder:

NOAA's National Marine Fisheries Service (NOAA Fisheries Service) has approved final 2006 specifications, including commercial quotas and possession limits, and recreational harvest limits, for the summer flounder (fluke), scup (porgy), and black sea bass fisheries. The specifications will be in effect as of January 1, 2006. Also included in this rule are changes to the black sea bass pot and trap regulations, which will be effective January 1, 2007.

See the attached tables for specific information regarding the 2006 initial commercial quotas, the commercial quotas less the research set-aside (RSA), any applicable overages, the resulting 2006 final commercial quotas, and scup possession limits.

SUMMER FLOUNDER

For 2006, the summer flounder total allowable landings (TAL) is 23.59 million lb. After deducting the RSA of 355,762 lb, the commercial quota is 13,940,543 lb and the recreational harvest limit is 9,293,695 lb. The commercial quota is further allocated to the states, according to the allocation percentages identified in Amendment 2 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan.

Due to overages in previous years, Delaware has no 2006 commercial summer flounder quota. Fishing vessels issued a Federal moratorium permit for the summer flounder fishery may not land summer flounder in Delaware during the 2006 calendar year, and dealers issued Federal dealer permits for summer flounder are advised that they may not purchase summer flounder from federally permitted vessels that land in Delaware during the 2006 calendar year, unless additional quota becomes available through a transfer.

SCUP

The scup TAL for 2006 is 16.27 million lb. After deducting the RSA of 184,690 lb, the commercial quota is 11,932,142 lb and the recreational harvest limit is 4,153,168 lb. The commercial scup Winter I (January-April) Federal possession limit remains at 30,000 lb per trip for 2006, and will be reduced to 1,000 lb when 80 percent of the quota is projected to be reached.



The final rule increases the Winter II (November-December) initial possession limit from 1,500 lb to 2,000 lb, and increases the Winter II possession limit-to-rollover amount ratios from 500 lb to 1,500 lb per 500,000 lb of unused Winter I period quota transferred to the Winter II period.

BLACK SEA BASS

For 2006, the black sea bass TAL is 8 million lb. After deducting the RSA of 178,956 lb, the commercial quota is 3,832,312 lb and the recreational harvest limit is 3,988,732 lb.

The final rule makes two changes to the regulations regarding the commercial black sea bass pot/trap fishery. First, the number of required vents in the parlor portion of the pot or trap is increased from one to two. Black sea bass traps constructed of wooden laths instead may have escape vents constructed by leaving spaces of at least 1.375 inches between two sets of laths in the parlor portion of the trap. Second, the minimum circle vent size is increased from 2.375 inches to 2.5 inches in diameter. The purpose of these modifications is to allow for greater escapement of sublegal fish and other non-target species from black sea bass pots and traps. Implementation of these new black sea bass pot and trap requirements is delayed until January 1, 2007, to allow fishermen time to comply with the new regulations.

This action also clarifies that the black sea bass total length measurement does not include the caudal fin (tail) tendril. As shown in the attached figure, for black sea bass, total length means the straight-line distance from the tip of the snout to the end of the tail (caudal fin), excluding any caudal filament, while the fish is lying on its side.

This letter does not contain all the regulatory provisions that pertain to these species, and consequently, has no legal force or effect. A copy of the regulations can be obtained through a link to the Office of the Federal Register at the NOAA Fisheries Service 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



Table 1. Final state-by-state commercial summer flounder allocations for 2006.

State	Percent Share	Initial Quota (lb)	Quota less Research Set-aside (lb)	Quota Overages (through 10/31/05) ¹ (lb)	Final Quota (lb)
ME	0.04756	6,732	6,630	0	6,630
NH	0.00046	65	64	0	64
MA	6.82046	965,368	950,809	19,059	931,750
RI	15.68298	2,219,769	2,186,293	0	2,186,293
CT	2.25708	319,467	314,649	0	314,649
NY	7.64699	1,082,355	1,066,032	130,089	935,943
NJ	16.72499	2,367,255	2,331,554	0	2,331,554
DE	0.01779	2,518	2,480	49,033	(46,553)
MD	2.03910	288,614	284,262	0	284,262
VA	21.31676	3,017,174	2,971,672	0	2,971,672
NC	27.44584	3,884,684	3,826,099	0	3,826,099
Total ²	100.00	14,154,000	13,940,543	198,181	13,788,916

¹ For Delaware, includes continued repayment of overharvest from 2004

² Total quota is sum of all states having allocation, i.e., other than Delaware

Table 2. Final scup commercial quota allocations for 2006 and Initial Trip Limits.

Period	Percent	Initial Quota (lb)	Quota less Research Set-aside (lb)	Quota Overages (through 10/31/05) (lb)	Final Quota (lb)	Possession (Trip) Limit (lb)
Winter I (Jan-Apr)	45.11	5,447,574	5,382,589	0	5,382,589	30,000 ¹
Summer (May-Oct)	38.95	4,703,680	4,647,569	0	4,647,569	N/A
Winter II (Nov-Dec) ²	15.94	1,924,946	1,901,983	N/A	1,901,983	2,000
Total	100.00	12,076,200	11,932,142 ³		11,932,142 ³	

¹ The Winter I landing limit will drop to 1,000 lb upon attainment of 80 percent of that period=s allocation

² Pursuant to Framework Adjustment 3 to the FMP, the Winter II quota and possession limit may be adjusted based on the amount, if any, of unused Winter I quota rolled over to Winter II

³ Total subject to rounding error



Table 3. Potential Increase in Winter II Possession Limits based on the Amount of Scup Rolled over from Winter I to Winter II.

Initial Winter II Possession Limit (lb)	Rollover from Winter I to Winter II (lb)	Increase in Initial Winter II Possession Limit (lb)	Final Winter II Possession Limit after Rollover from Winter I to Winter II (lb)
2,000	0-499,999	0	2,000
2,000	500,000-999,999	1,500	3,500
2,000	1,000,000-1,499,999	3,000	5,000
2,000	1,500,000-1,999,999	4,500	6,500
2,000	2,000,000-2,500,000	6,000	8,000

Table 4. Final black sea bass commercial quota allocations for 2006.

Initial Quota (lb)	Quota Less Research Set-aside (lb)	Quota Overages (through 09/30/05) (lb)	Final Quota (lb)
3,920,000	3,832,312	0	3,832,312

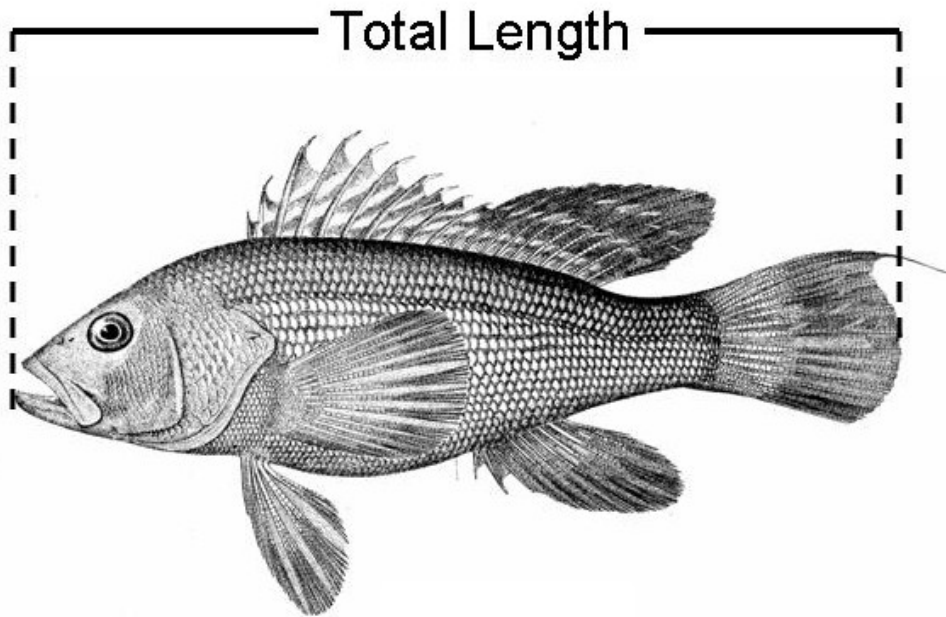


Figure 1. Illustration of Black Sea Bass Total Length Measurement.