



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

## SMALL ENTITY COMPLIANCE GUIDE

Dear Northeast (NE) Multispecies Permit Holder:

This letter is to inform you of new regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan which was partially approved by the National Marine Fisheries Service (NOAA Fisheries) on March 18, 2004. **These new regulations are effective May 1, 2004, unless otherwise noted below.**

Amendment 13 was developed by the New England Fishery Management Council (Council), primarily to end overfishing on all groundfish stocks and to rebuild all groundfish stocks that are overfished. It contains a variety of measures applicable to commercial and recreational fishing to address impacts of the fishery on Essential Fish Habitat (EFH), to minimize bycatch, to implement improved reporting and recordkeeping requirements, and to address other conservation and management issues.

A summary of the management measures that will become effective under the final rule implementing Amendment 13 is contained in this letter (measures for recreational fishing are included at the end of the letter). **All management measures that were in effect prior to May 1, 2004, and that are not modified by this final rule, will remain in effect. Unless otherwise specified below, the effective date for the following requirements is May 1, 2004.**

### PERMIT CATEGORIES

Amendment 13 implements a modification to the permit categories for vessels engaged in commercial fishing (i.e., non-recreational fishing resulting in the sale of fish). Because limited access NE multispecies Days-at-Sea (DAS) vessels are allocated DAS based on their individual fishing history, the Fleet DAS permit category and the Large Mesh Fleet DAS permit category are eliminated, since these categories represented a fleet average of DAS. Vessels that fished in either the Fleet DAS or Large Mesh Fleet DAS permit categories will automatically be reissued permits in the Individual DAS and Large Mesh Individual DAS permit categories, respectively. Vessels affected by this change may request a change in permit category by submitting an application to the Regional Administrator within 45 days of the effective date (i.e., by June 15, 2004) of the permit. Permit applications may be obtained by calling (978) 281-9370.

Effective May 1, 2004, under Amendment 13, there are six limited access NE multispecies



permit categories as follows:

**Individual DAS:** This permit category combines vessels previously issued Individual DAS and Fleet DAS category permits (Category A and B permits, respectively). Vessels previously enrolled in either of these permit categories will be reissued a permit for the Individual DAS category (Category A).

**Small Vessel:** This permit category has not been changed under Amendment 13. All vessels currently issued a limited access NE Multispecies Small Vessel permit (Category C) will remain in this permit category under Amendment 13.

**Hook Gear:** This permit category has not been changed under Amendment 13. All vessels currently issued a limited access NE Multispecies Hook Gear permit (Category D) will remain in this permit category under Amendment 13.

**Combination:** This permit category has not been changed under Amendment 13. All vessels currently issued a limited access NE Combination permit (Category E) will remain in this permit category under Amendment 13.

**Large Mesh Individual DAS:** This permit category combines vessels previously issued Large Mesh Individual DAS and Large Mesh Fleet DAS category permits (Category F and G permits, respectively). Vessels previously enrolled in either of these permit categories will be reissued a permit for the Large Mesh Individual DAS category (Category F). Vessels electing to fish in the Large Mesh Individual DAS permit category under the provisions of this category will receive an increase of DAS equal to their Category A DAS allocation, plus an additional 36 percent.

**Limited Access Handgear (Handgear A):** This is a new permit category (Category HA) under Amendment 13. The following information identifies the specifics regarding this permit category, including how to qualify.

- **Qualification:** To qualify for a limited access Handgear A permit, a vessel must have been previously issued a NE multispecies open access Handgear permit (Category H permit) and must have landed at least 500 lb (live weight) of cod, haddock, or pollock (not in combination), when fishing under the open access Handgear permit category, in at least one of the fishing years from 1997 through 2002. These landings must be based upon dealer reports submitted to NOAA Fisheries prior to January 29, 2004.
- **Application Process:**
  - **Prequalified Vessels:** Vessels that meet the qualification criteria for the limited access Handgear A permit specified above based upon data currently on file with NOAA Fisheries will be considered to be prequalified for the Handgear A permit. NOAA Fisheries intends to notify these vessels of their prequalification in a letter to be mailed shortly. Prequalified vessels must still submit a complete application to receive a limited access Handgear A permit.
  - **All Other Vessels:** Vessels that are not notified of their prequalification for the limited access Handgear A permit may still apply for the Handgear A permit.

However, since these vessels were not prequalified for the Handgear A permit, these vessels would initially be denied the permit. These vessels could appeal this denial as specified below and may be required to submit additional information that would indicate that the information used by NOAA Fisheries is incorrect.

**All vessel owners intending to apply for a Handgear A permit must submit a complete application for an initial limited access Handgear A permit before May 1, 2005. Vessels may obtain an application for a limited access Handgear A permit by calling the NOAA Fisheries Permit Office at (978) 281-9370.**

- **Appeal Process:** Any vessel eligible to apply for a limited access Handgear A permit who is denied such a permit may appeal the denial to the Regional Administrator within 30 days of the notice of the denial. This appeal must be in writing, indicating that the information used by the Regional Administrator was based on inaccurate data.
  - **Vessel Status Pending Appeal:** A vessel denied a limited access Handgear A multispecies permit may fish under the limited access NE multispecies Handgear A category, provided that the denial has been appealed, the appeal is pending, and the vessel has on board a letter from the Regional Administrator authorizing the vessel to fish under the limited access Handgear A permit category. The Regional Administrator will issue such a letter for the pendency of any appeal. If the appeal is finally denied, the Regional Administrator shall send a notice of final denial to the vessel owner; the authorizing letter becomes invalid 5 days after receipt of the notice of denial.
- **Possession Limits:** Limited Access Handgear A permit holders will be allowed to retain up to 300 lb of cod, one Atlantic halibut, and the daily possession limit restrictions allowed for the remaining regulated species. The cod trip limit will be adjusted proportional to changes in the Gulf of Maine (GOM) cod trip limit for groundfish DAS vessels in the future.
- **Gear Requirements:** Vessels may fish with handline, rod-and-reel gear, and hand-hauled tub-trawl gear. Vessels fishing with tub trawl gear will be limited to a maximum number of 250 hooks.
- **Transfer Conditions:** Limited access Handgear A permits are transferrable between vessels and are not subject to vessel size and horsepower upgrade restrictions. Vessels issued limited access Handgear A permits may not change their permit category at any time.

## **OPEN ACCESS HANDGEAR (HANDGEAR B) PERMIT REGULATIONS**

Amendment 13 makes several changes to the open access Handgear permit regulations. First, the permit category has been changed from handgear (Category H) to Handgear B (Category HB). Second, the trip limits under the current open access Handgear permit category have been modified to allow vessels to retain up to 75 lb of cod and one Atlantic halibut, and the daily possession limit restrictions allowed for the remaining regulated species. The cod trip limit will be adjusted proportional to changes in the GOM cod trip limits for groundfish DAS vessels in the future. Also, vessels may fish with handline, rod-and-reel gear, and tub trawl gear. Vessels fishing with tub trawl gear will be limited to a maximum number of 250 hooks. Vessels fishing

under the open access Handgear B provisions may not fish for, possess, or land regulated species from March 1 through March 20 of each year.

### **DAS MEASURES TO REDUCE EFFORT**

**DAS Baseline:** The final rule implementing Amendment 13 establishes a new DAS baseline, effective May 1, 2004. The DAS baseline shall be used to calculate the number and category of DAS that are allocated for use in a given fishing year as determined below. This baseline is established through a determination of the maximum DAS used by a vessel in any single fishing year between fishing years 1996 through 2001 (May 1, 1996, through April 30, 2002), not to exceed the vessel's annual DAS allocation prior to August 1, 2002, in which at least 5,000 lb (live weight) of regulated species were landed based upon dealer reports submitted to the NOAA Fisheries prior to April 30, 2003. A vessel will not be allocated a DAS baseline in excess of their DAS allocation prior to August 1, 2002, (i.e., prior to the August 1, 2002, Interim Action) due to carry-over DAS or fishing in a Large-Mesh permit category.

Vessel owners have recently been notified by NOAA Fisheries of their DAS baseline as well as their DAS allocation under Amendment 13. A vessel owner may request to correct their NE multispecies Amendment 13 DAS baseline by submitting a letter addressed to the Regional Administrator which includes credible evidence that the information used by NOAA Fisheries to calculate their DAS baseline was based on incorrect data. **DAS baseline correction requests must be received no later than August 31, 2004.**

**DAS Categories:** Effective May 1, 2004, Amendment 13 allocates DAS based upon the DAS baseline and creates four DAS categories: Category A DAS, Category B Regular DAS, Category B Reserve DAS, and Category C DAS.

- **Category A DAS** may be used to fish for any regulated species.
- **Category B DAS** (i.e., Regular or Reserve B DAS) may only be used to fish in approved Special Access Programs (SAPs), subject to the requirements of the SAPs (see below).
- **Category C DAS** are reserved and may not be fished at this time.

**Allocation of Category A and B DAS:** For all limited access NE multispecies DAS permits, effective May 1, 2004, Category A DAS will be allocated and reduced starting in fishing year 2006, and Category B DAS will be allocated and increased starting in fishing year 2006, unless otherwise determined\* as follows:

- **For Fishing Years 2004 and 2005**, 60 percent of a vessel's DAS baseline are defined as Category A DAS, and 40 percent of a vessel's DAS baseline are defined as Category B DAS. Category B DAS are further divided equally between Regular and Reserve B DAS, each representing 20 percent of the vessel's DAS baseline.  
For example, if a vessel's DAS baseline was determined to be 50 DAS, Category A and B DAS would be allocated as follows:
  - A DAS = 30 (50 x 60%)
  - B DAS = 20 (50 x 40%) [B Regular DAS = 10, B Reserve DAS = 10]
- **For Fishing Year 2006 through 2008**, 55 percent of the vessel's DAS baseline are defined as Category A DAS, and 45 percent of a vessel's DAS baseline are defined as

Category B DAS. Category B DAS are further divided equally between Regular and Reserve B DAS, each representing 22.5 percent of the vessel's DAS baseline.

For example, if a vessel's DAS baseline was determined to be 50 DAS, A and B DAS would be allocated as follows:

- A DAS = 27.5 (50 x 55%)
- B DAS = 22.5 (50 x 45%) [B Regular DAS = 11.25, B Reserve DAS = 11.25]

- **For Fishing Year 2009 and thereafter**, 45 percent of the vessel's DAS baseline are defined as Category A DAS, and 55 percent of a vessel's DAS baseline are defined as Category B DAS. Category B DAS are further divided equally between Regular and Reserve B DAS, each representing 27.5 percent of the vessel's DAS baseline.

For example, if a vessel's DAS baseline was determined to be 50 DAS, A and B DAS would be allocated as follows:

- A DAS = 22.5 (50 x 45%)
- B DAS = 27.5 (50 x 55%) [B Regular DAS = 13.75, B Reserve DAS = 13.75]

**Allocation of Category C DAS:** Category C DAS are defined as the difference between a vessel's Amendment 13 DAS baseline and the number of DAS allocated to the vessel as of May 1, 2001 (Amendment 7 DAS allocation). For all fishing years, unless otherwise determined, Category C DAS are reserved.

**DAS Counting: Starting in fishing year 2006 (May 1, 2006)**, unless otherwise determined\*, for vessels fishing under a DAS in the Southern New England (SNE) or Mid-Atlantic (MA) Regulated Mesh Areas (RMAs), the ratio of DAS used to time called into the DAS program will be changed from 1.5 to 1.0. For example, if a vessel is called into the DAS program for 10 hours, it will be charged for 15 hours of DAS use when operating in the SNE or the MA RMA.

DAS will accrue to the nearest minute and will be counted as actual time called into the DAS program, unless fishing as a Day gillnet vessel and subject to the 3-15 rule of counting DAS.

**\*Changes to DAS Allocation Among DAS Categories:** **If groundfish stocks are rebuilding according to the rebuilding schedule, changes in the DAS distribution among the DAS categories (fishing years 2006 and 2009) and DAS counting specified above (fishing year 2006) may be determined to not be necessary.** If such a determination is made, you will be notified. In that circumstance, all Category B DAS (Regular and Reserve) would be converted to Category A DAS before any Category C DAS would be converted to Category A DAS.

**Carry-over DAS:** Any DAS carried over from the 2003 fishing year into the 2004 fishing year will be classified as Regular B DAS. For any DAS carried over from the 2004 fishing year into the 2005 fishing year, and for all subsequent fishing years, Category A DAS will be carried over first, followed by Category B Regular DAS, and followed by Category B Reserve DAS, within their respective DAS categories, up to a maximum of 10 DAS. Category C DAS cannot be carried over at this time.

**Monkfish Category C or D Vessels:** A monkfish Category C or D vessel that has an allocation of NE multispecies DAS that is less than the number of monkfish DAS allocated for the fishing year may fish under the monkfish limited access Category A or B provisions, as applicable, for the number of DAS that equal the difference between the number of its allocated monkfish DAS and the number of its allocated NE multispecies DAS. For example, if a monkfish Category D vessel's NE multispecies DAS allocation is 30, and the vessel fished 30 monkfish DAS, 30 NE multispecies DAS would also be used. However, after all 30 NE multispecies DAS are used, the vessel may utilize its remaining 10 monkfish DAS to fish on monkfish, without a NE multispecies DAS being used, provided that the vessel fishes under the regulations pertaining to a Category B vessel and does not retain any regulated species.

## **DAS LEASING PROGRAM**

Amendment 13 implements a DAS Leasing Program that allows limited access NE multispecies permit holders to lease their NE multispecies Category A DAS allocation to another limited access permit holder, provided certain conditions and restrictions are met (see below). This leasing program will remain in effect through the 2004 and 2005 fishing years.

**Eligibility:** All vessels with a valid limited access NE multispecies DAS permit may participate in the DAS Leasing Program. DAS associated with a Confirmation of Permit History (CPH) may not be leased. Vessels participating in a Sector allocation program may not lease DAS to vessels operating outside of the sector allocation program.

**Application:** Vessels intending to participate in the DAS Leasing Program must submit a completed application to the Regional Administrator at least 45 days before the vessel intends to fish with the leased DAS. A DAS Leasing application, including information specifically addressing the DAS Leasing Program, will be mailed to all eligible vessels shortly.

Upon approval of the lease application, the Lessor (vessel leasing DAS to another vessel) and the Lessee (vessel receiving leased DAS) will receive written confirmation of the approval within 45 days of the receipt of an application. Should a leasing application be denied, written confirmation will also be sent to both the lessor and the lessee. **DAS leasing applications may be submitted up until March 1, of the fishing year in which the lessee wishes to use its leased DAS.**

**Conditions and Restrictions:** The following conditions and restrictions will apply to vessels participating in the DAS Leasing Program.

- Only Category A DAS may be leased.
- The Lessee may only fish leased DAS during the fishing year in which they were leased. Leased DAS that remain unused at the end of the fishing year may not be carried over to the subsequent fishing year by the Lessor or Lessee vessel.
- DAS may not be subleased to another vessel. This means that, once a lease application is approved by NOAA Fisheries, the leased DAS may not be leased a second time, even if the Lessee was prevented from fishing the leased DAS due to circumstances beyond his/her control (e.g., a vessel sinking).
- Vessels may lease as few as 1 DAS to another vessel. A Lessee vessel cannot lease (i.e.,

receive leased DAS) more than their 2001 DAS allocation (excluding carry-over DAS from the previous year). The vessel may use these leased DAS as Category A DAS in addition to the balance of their Category A DAS allocation. For example, if the Lessee's vessel had 88 DAS allocated to it in fishing year 2001, the maximum DAS it may lease is 88. If the same vessel has 53 Category A DAS allocated to it in fishing year 2004, that vessel may hold and fish up to 141 Category A DAS for 2004 (the 53 A DAS allocated for fishing year 2004 plus the maximum 88 DAS that it may lease).

- A Lessor may only lease DAS to another vessel that is within 10 percent of the baseline length overall (LOA) and within 20 percent of the baseline engine horsepower of the Lessor's vessel.

**For the purposes of the DAS leasing program, the baseline horsepower and length overall specifications of vessels are those associated with the permit as of January 29, 2004.** Information pertaining to vessel baseline specifications can be found on NOAA Fisheries' NE Regional Webpage ([http://www.nero.noaa.gov/ro/doc/das\\_baseline.htm](http://www.nero.noaa.gov/ro/doc/das_baseline.htm)).

**History of DAS Use and Landings:** The history of DAS used are presumed to belong to the Lessor vessel and will be credited to such vessel by NOAA Fisheries. Landings resulting from the use of a leased DAS are presumed to belong to the Lessee vessel and will be credited to such vessel by NOAA Fisheries. Leased DAS will be considered to be used first, followed by allocated DAS. In the case of multiple leases to one vessel, the history of leased DAS use will automatically be credited to the Lessor in the order in which such leases were approved by NOAA Fisheries.

**Monkfish Category C or D Vessels Leasing Multispecies DAS:**

- **Vessels That Lease NE Multispecies DAS From Another Vessel:** Vessels possessing both a limited access NE multispecies and a limited access monkfish permit (Category C and D vessels) that have been initially allocated more monkfish DAS than NE multispecies DAS, and that subsequently lease additional NE multispecies DAS, must use a monkfish DAS in conjunction with a leased NE multispecies DAS, to the extent that the vessel has NE multispecies DAS available.

For example, a monkfish Category C vessel that has been allocated 40 monkfish DAS and 30 allocated NE multispecies DAS that leases 5 NE multispecies DAS from another vessel would be required to use 35 monkfish DAS in conjunction with their 35 NE multispecies DAS (30 allocated multispecies DAS + 5 leased NE multispecies DAS). The vessel would be able to use the remaining five monkfish DAS as monkfish-only DAS according to the regulations and summarized above.

- **Vessels That Lease NE Multispecies DAS To Another Vessel:** A limited access monkfish Category C or D vessel which leases NE multispecies DAS to another vessel(s) is required to forfeit a monkfish DAS for each NE multispecies DAS that the vessel leases, equal 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, if a Lessor vessel, which had 40 unused monkfish DAS and 47 allocated NE multispecies DAS, leased 10 of its NE multispecies DAS, the Lessor would forfeit 3 of its monkfish DAS (40 monkfish DAS - 37 NE multispecies DAS

= 3) because it would have 3 fewer NE multispecies DAS than monkfish DAS after the lease.

### **DAS TRANSFER PROGRAM**

Effective May 1, 2004, Amendment 13 allows limited access NE multispecies permit holders to indefinitely transfer (outside of the DAS Leasing Program) their entire NE multispecies DAS allocation to another limited access permit holder, subject to the following restrictions:

- The LOA and gross tonnage baseline of the Transferee (the vessel receiving transferred DAS) vessel may not be more than 10 percent greater, and its horsepower may not be more than 20 percent greater, than the baseline of the Transferor (the vessel transferring DAS) vessel. **A listing of the vessel baseline specifications for all limited access NE multispecies vessels can be found on NOAA Fisheries' NE Regional Webpage ([http://www.nero.noaa.gov/ro/doc/das\\_baseline.htm](http://www.nero.noaa.gov/ro/doc/das_baseline.htm)).**
- The Transferor vessel must retire from all state and Federal commercial fisheries and permanently relinquish all Federal and state fishing permits.
- Category A and B DAS that are transferred are reduced by 40 percent; Category C DAS that are transferred are reduced by 90 percent.
- NE multispecies DAS associated with permits that are held in CPH may not be transferred.
- Vessels fishing under a sector allocation are prohibited from permanently transferring DAS while participating in that sector.

**Application:** Vessel owners intending to participate in the DAS Transfer Program must submit a completed application form to the Regional Administrator at least 45 days before the Transferee's vessel intends to fish with the transferred DAS. This application, including information specifically addressing the DAS Leasing Program will be mailed to all eligible vessels shortly.

Upon approval of the transfer application, both the Transferor and the Transferee will receive written confirmation of the approval within 45 days of the receipt of an application. Should a leasing application be denied, written confirmation will also be sent to both parties. **DAS transfer applications may be submitted through March 1, of the fishing year in which the Transferee wishes to use its transferred DAS.**

### **TRIP AND POSSESSION LIMIT RESTRICTIONS**

Amendment 13 implements the following trip limit modifications when fishing for cod and yellowtail flounder outside of the U.S./Canada Management Area specified above. These trip limits are effective May 1, 2004:

**GOM Cod:** The trip limit is increased to 800 lb/DAS, with a maximum trip limit of 4,000 lb/trip.

**Georges Bank (GB) Cod:** The trip limit is reduced to 1,000 lb/DAS, with a maximum trip limit of 10,000 lb/trip.

**Cape Cod (CC)/GOM Yellowtail Flounder:** When fishing in the CC/GOM Yellowtail Flounder



Area defined below, the following possession limits apply:

- April 1 through May 31, and October 1 through November 30: 250 lb/trip; and
- June 1 through September 30, and December 1- March 31: 750 lb/DAS, with a 3,000-lb/trip maximum possession limit.

**Restrictions:** Vessels fishing in the CC/GOM Yellowtail Flounder Area with a limited access Handgear A permit, under a NE Multispecies DAS, or under a monkfish DAS when fishing under the limited access monkfish Category C or D permit provisions must comply with the following restrictions:

- Vessels must possess on board a CC/GOM Yellowtail Flounder Possession/Landing Exemption Letter of Authorization (LOA) issued by the Regional Administrator. This LOA can be obtained by submitting a written request to the Regional Administrator. The minimum participation period for this LOA is seven consecutive days.
- Vessels may not fish inside the SNE/MA Yellowtail Flounder Area while enrolled in this exemption. Vessels may fish any portion of a trip in the portion of the GB, SNE, and MA RMAs outside of the SNE/MA Yellowtail Flounder Area described below, provided the vessel complies with the possession restrictions specified above.
- Vessels may transit the SNE/MA Yellowtail Flounder Area, provided the gear is stowed according to the regulations.
- During the months of January, February, April, May, July through September, and December, when the yellowtail flounder trip limit requirements for the CC/GOM and SNE/MA Yellowtail Flounder Areas are the same, vessels that obtain an LOA for either area may fish for yellowtail flounder in either area.

**The CC/GOM Yellowtail Flounder Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
SYT13	( <sup>1</sup> )	70° 00'
SYT12	41° 20'	70° 00'
SYT11	41° 20'	69° 50'
SYT10	41° 10'	69° 50'
SYT9	41° 10'	69° 30'
SYT8	41° 00'	69° 30'
SYT7	41° 00'	68° 50'
USCA1	42° 20'	68° 50'
USCA12	42° 20'	67° 40'
NYT1	43° 50'	67° 40'
NYT2	43° 50'	66° 50'
NYT3	44° 20'	66° 50'
NYT4	44° 20'	67° 00'
NYT5	( <sup>2</sup> )	67° 00'

<sup>1</sup> South facing shoreline of Cape Cod, MA

<sup>2</sup> East facing shoreline of Maine

**SNE/MA yellowtail flounder:** When fishing in the SNE/MA Yellowtail Flounder Area defined below (the SNE/MA stock area), the following possession limits apply:

- March 1 through June 30: 250 lb/trip; and
- July 1 through February 28 (or 29): 750 lb/DAS, with a 3,000-lb/trip maximum possession limit.

**Restrictions:** Vessels fishing in the SNE/MA Yellowtail Flounder Area with a limited access Handgear A permit, under a NE multispecies DAS, or under a monkfish DAS when fishing under the limited access monkfish Category C or D permit provisions are bound by the following restrictions:

- Vessels must possess on board a SNE/MA Yellowtail Flounder Possession/Landing Exemption Letter of Authorization (LOA) issued by the Regional Administrator. This LOA can be obtained by submitting a written request to the Regional Administrator. The minimum participation period for this LOA is seven consecutive days.
- Vessels may not fish inside the CC/GOM Yellowtail Flounder Area while enrolled in this exemption. Vessels may fish any portion of a trip in the portion of the GB, SNE, and MA RMAs outside of the CC/GOM Yellowtail Flounder Area described below, provided the vessel complies with the possession restrictions specified above.
- Vessels may transit the CC/GOM Yellowtail Flounder Area, provided the gear is stowed according to the regulations.
- During the months of January, February, April, May, July through September, and December, when the yellowtail flounder trip limit requirements for the CC/GOM and SNE/MA Yellowtail Flounder Areas are the same, vessels that obtain an LOA for either area may fish for yellowtail flounder in either area.

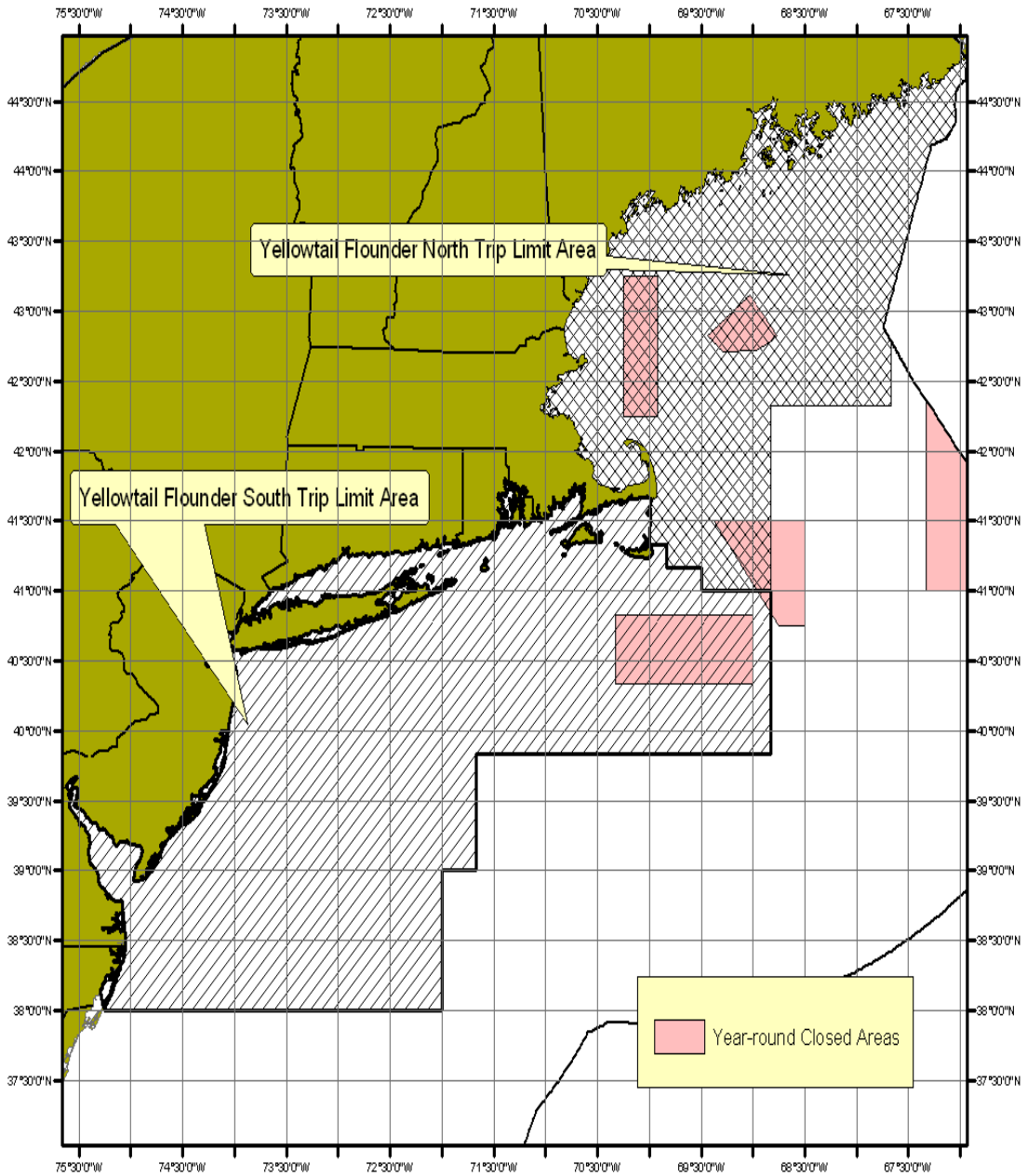
**The SNE/MA Yellowtail Flounder Area:**

Point	N. Latitude	W. Longitude
SYT1	38° 00'	( <sup>1</sup> )
SY2	38° 00'	72° 00'
SY3	39° 00'	72° 00'
SY4	39° 00'	71° 40'
SY5	39° 50'	71° 40'
USCA2	39° 50'	68° 50'
SYT7	41° 00'	68° 50'
SYT8	41° 00'	69° 30'
SYT9	41° 10'	69° 30'
SYT10	41° 10'	69° 50'
SYT11	41° 20'	69° 50'
SYT12	41° 20'	70° 00'
SYT13	( <sup>2</sup> )	70° 00'

<sup>1</sup> East facing shoreline of Virginia

<sup>2</sup> South facing shoreline of Cape Cod, MA

# NE Multispecies Amendment 13 Yellowtail Flounder Trip Limit Areas



## GEAR RESTRICTIONS

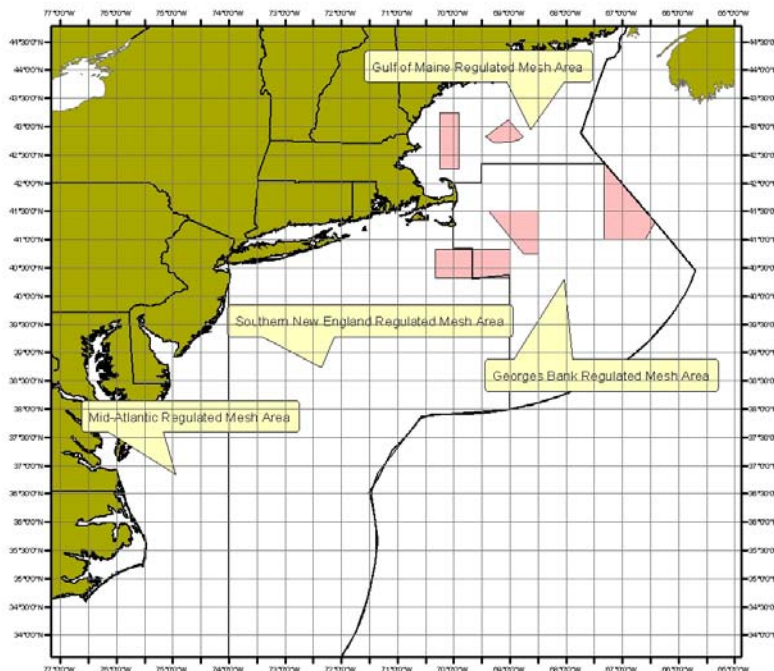
Under Amendment 13, all gear restrictions currently in place will remain in place with the exception for vessels fishing with gillnet gear. See Table 1 at the end of this letter for a summary of the current gear restrictions, including those specified under Amendment 13. **A separate letter including information regarding gillnet tags for the 2004 fishing year, will be sent to all vessels issued a limited access NE multispecies permit.**

**Day Gillnet Vessels Fishing in the GOM RMA:** The minimum mesh size for flatfish nets is reduced from 7-inch mesh to 6.5-inch mesh. Also, the seasonal roundfish gillnet restriction has been removed. See RMA chart below.

**Trip Gillnet Vessels Fishing in the GB RMA:** The number of gillnets that may be used is increased from 50 to 150. See RMA chart below.

**Gillnet Vessels Fishing in the MA RMA:** The number of roundfish gillnets that can be used by Day gillnet vessels within the MA RMA is reduced from 80 to 75, and the number of flatfish nets that can be used is reduced from 160 to 75. The minimum mesh size for all gillnets (Day and Trip vessels) is increased from 5.5-inch diamond or 6.0-inch square to 6.5-inch mesh square or diamond mesh. The number of gillnets that can be used by Trip gillnet vessels is restricted to 75 gillnets. See RMA chart below. **Under Amendment 13, all roundfish and flatfish gillnets used in the MA RMA must be tagged with two tags per net, with one tag secured to each bridle of every net within a string of nets. These new gillnet tagging requirements will become effective on August 1, 2004.**

## REGULATED MESH AREAS



**MEASURES BASED ON THE  
U.S./CANADA RESOURCE SHARING UNDERSTANDING**

An understanding known as the U.S./Canada Resource Sharing Understanding (Understanding) was reached between the United States and Canada regarding the management of GB cod, GB haddock, and GB yellowtail flounder resources found within the waters of both countries in an area known as the U.S./Canada Management Area. Amendment 13 implements certain measures consistent with the Understanding as specified below. **Any vessel wishing to fish within the area defined as the U.S./Canada Management Area must abide by the conditions listed below.**

The U.S./Canada Management Area is composed of two areas, defined as the Eastern U.S./Canada Area and Western U.S./Canada Area as follows (see chart below):

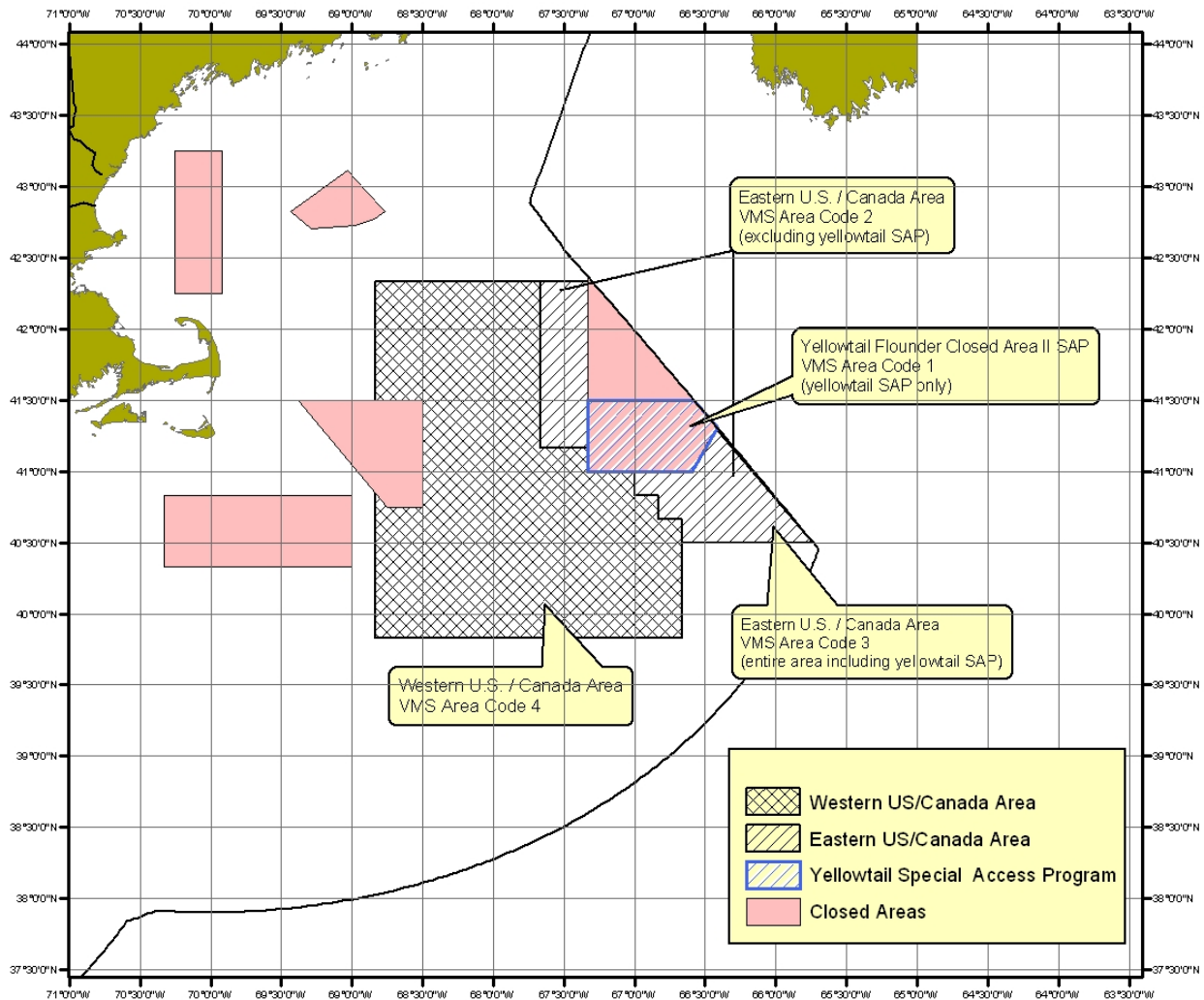
**Eastern U.S./Canada Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
USCA 12	42° 20'	67° 40'
USCA 11	41° 10'	67° 40'
USCA 10	41° 10'	67° 20'
USCA 9	41° 00'	67° 20'
USCA 8	41° 00'	67° 00'
USCA 7	40° 50'	67° 00'
USCA 6	40° 50'	66° 50'
USCA 5	40° 40'	66° 50'
USCA 4	40° 40'	66° 40'
USCA 15	40° 30'	66° 40'
USCA 14	40° 30'	65° 44.3'
USCA 13	42° 20'	67° 18.4'
USCA 12	42° 20'	67° 40'

**Western U.S./Canada Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
USCA 1	42° 20'	68° 50'
USCA 2	39° 50'	68° 50'
USCA 3	39° 50'	66° 40'
USCA 4	40° 40'	66° 40'
USCA 5	40° 40'	66° 50'
USCA 6	40° 50'	66° 50'
USCA 7	40° 50'	67° 00'
USCA 8	41° 00'	67° 00'
USCA 9	41° 00'	67° 20'
USCA 10	41° 10'	67° 20'
USCA 11	41° 10'	67° 40'
USCA 12	42° 20'	67° 40'
USCA 1	42° 20'	68° 50'

## Eastern and Western U.S./Canada Areas, Including Fishing Areas Within the U.S./Canada Management Area for VMS Declaration Purposes Only



**Requirements and Restrictions:**

- **Vessel Monitoring System (VMS) Requirement:** All NE multispecies DAS vessels fishing on a groundfish DAS in the U.S./Canada Management Area are required to use a fully functional and operational VMS. Vessels declared into the U.S./Canada Management Area will be polled at least twice per hour at the expense of the vessel for the duration of the time spent within the U.S./Canada Management Area.
- **Area Declaration:** All NE multispecies DAS vessels intending to fish within the U.S./Canada Management Area are required to declare their intent to fish in one of the four areas of the U.S./Canada Management Area identified below through VMS prior to departure on a trip. Once declared into one of these four areas, a vessel may not enter or exit the declared area for the remainder of that fishing trip. Vessels that do not possess a limited access NE multispecies DAS permit are not required to declare their intent to fish within the U.S./Canada Management Area. See below for more information.

Only Category A DAS may be used in all portions of the U.S./Canada Management Area, except within the Closed Area II (CA II) Yellowtail Flounder SAP as described below, where either Category A or B DAS (Regular or Reserve) may be used. The four areas within the U.S./Canada Management Area are as follows (see chart above):

**Area Description**

- 1 CA II Yellowtail Flounder SAP: Category A, B Regular, or B Reserve DAS may be used.
- 2 Eastern U.S./Canada Area Outside of CAII: Only Category A DAS may be used.
- 3 Both the Eastern U.S./Canada and the CAII Yellowtail Flounder SAP: Only Category A DAS may be used.
- 4 Western U.S./Canada Area Only: Only Category A DAS may be used.

**Complete instructions for declaring into specific areas within the U.S./Canada Management Area through VMS will be included in a separate letter to all limited access NE multispecies permit holders.** In summary, using VMS, vessels will be required to declare into the U.S./Canada Management Area by selecting the U.S./CA activity code. Vessels will then be required to select one of the four specific areas within the U.S./Canada Management Area in which they intend to fish. Vessels fishing within the CA II Yellowtail Flounder SAP (Area 1 above) will then be required to select the appropriate Category DAS they intend to use during the trip into that specific area as described above.

- **Observer Notification:** For the purpose of observer deployment, a vessel intending to fish in the U.S./Canada Management Area must provide notice to NOAA Fisheries of the vessel name, contact name for coordination of observer deployment, telephone number for contact, date, time and port of departure at least 5 working days prior to the beginning of any trip which it declares into the U.S./Canada Management Area by calling the **Observer Program Contractor at (508) 990-9057.**

- **Catch Reporting:** Vessels making a trip in the U.S./Canada Management Area are required to report their catches of GB cod, GB haddock and GB yellowtail flounder (including discards) through their VMS on a daily basis, depending on which area the vessel is fishing. Daily catch and discard reports must be submitted for each day fished when declared into either of the U.S./Canada Management Areas. These reports must be submitted in 24-hr intervals for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day.

For vessels declaring into the Eastern U.S./Canada Area, the reports must include at least the following information: Total pounds/kilograms of cod, haddock and yellowtail flounder caught and total lb of cod, haddock, and yellowtail flounder discarded. Vessels declaring into the Western U.S./Canada Area must declare the total pounds/kilograms of yellowtail flounder kept and discarded. **Complete instructions for submitting daily catch reports through VMS will be included in a separate letter to all limited access NE multispecies permit holders.**

- **Gear Requirements:** All NE multispecies trawl vessels fishing in the Eastern U.S./Canada Area are required to fish with a flatfish net or a haddock separator trawl as defined below (both nets may be onboard simultaneously). Vessels may not possess gear other than a haddock separator trawl or a flatfish net as described below when fishing in the Eastern U.S./Canada Area.
  - **Haddock Separator Trawl** - A haddock separator trawl is defined as a groundfish trawl modified to a vertically oriented trouser trawl configuration, with two extensions arranged one over the other, where a codend shall be attached only to the upper extension, and the bottom extension shall be left open and have no codend attached. A horizontal large mesh separating panel constructed with a minimum of 6.0 inch diamond mesh must be installed between the selvages joining the upper and lower panels as follows:
    - Two-seam bottom trawl nets - For two seam nets, the separator panel will be constructed such that the width of the forward edge of the panel is 80 - 85 percent of the width of the after edge of the first belly of the net where the panel is attached. For example, if the belly is 200 meshes wide (from selvedge to selvedge), the separator panel must be no wider than 160 - 170 meshes wide.
    - Four-seam bottom trawl nets - For four seam nets, the separator panel will be constructed such that the width of the forward edge of the panel is 90 - 95 percent of the width of the after edge of the first belly of the net where the panel is attached. For example, if the belly is 200 meshes wide (from selvedge to selvedge), the separator panel must be no wider than 180 - 190 meshes wide. The separator panel will be attached to both of the side panels of the net along the midpoint of the side panels. For example, if the side panel is 100 meshes tall, the separator panel must be attached at the 50<sup>th</sup> mesh.
  - **Flatfish Net** - A flounder trawl net is defined as bottom trawl gear meeting one of the following two net descriptions:



- A two seam low-rise net constructed with 6-inch diamond or 6.5-inch square mesh where the maximum footrope length is not greater than 105 ft and the headrope is at least 30 percent longer than the footrope. The footrope and headrope lengths shall be measured from the forward wing end, so that the vertical dimension of the forward wing end measures 3.0 ft or less in height. Floats are prohibited in the center 50 percent of the headrope.
- A two seam low-rise net constructed with 6-inch diamond or 6.5-inch square mesh, with the exception that the mesh size in the square of the top panel of the net, identified as the area located from the headrope to the beginning of the first belly, shall not be smaller than 12.0-inch square mesh. The vertical dimension of the forward wing end may not measure more than 3.0 ft in height.
- **Steaming Time Deduction:** For vessels that have declared to fish in the Eastern U.S./Canada Area, DAS will not be counted until the vessel crosses the boundary line into this area. Similarly, DAS counting will stop when the vessel crosses the Eastern U.S./Canada Area boundary line upon leaving this area.

**Total Allowable Catch (TAC) Allocation:** The Understanding specifies an allocation of TAC for GB cod, haddock, and yellowtail flounder for each country, based on a formula that considers historical catch percentages and current resource distribution. Annual harvest levels and recommended management measures for the U.S./Canada Management Areas will be determined through a process involving the Council, the Transboundary Management Guidance Committee (TMGC), and the U.S./Canada Steering Committee.

**The U.S. TACs for fishing year 2004 will be as follows: 300 metric tons (mt) for GB cod; 5,100 mt for GB haddock; and 6,000 mt for GB yellowtail flounder.** When the Regional Administrator projects that certain percentages of the TAC will be reached, additional trip limits, closures, or other measures will be implemented as described below. Any overages of these TACs will be subtracted from the respective TAC in the following fishing year.

**Landing Limits:**

- **Cod:** NE multispecies vessels fishing in the Eastern U.S./Canada Area may not land more than 500 lb of cod per DAS, or any part of a DAS, up to 5,000 lb per trip, not to exceed 5 percent of the total catch on board, whichever is less, unless otherwise restricted. NE multispecies vessels fishing in the Western U.S./Canada Area are subject to 1,000 lb of cod per DAS fished, or any part of a DAS, up to 10,000 lb per trip (this is the same GB cod landing restriction applicable to all groundfish vessels that have not declared into the Eastern U.S./Canada Area).
- **Haddock:** NE multispecies vessels fishing in the U.S./Canada Management Areas are subject to the haddock trip limit applicable to all other groundfish vessels. Unless otherwise modified through rulemaking consistent with the Administrative Procedures Act, the haddock trip limit is as follows:
  - From May 1 through September 30: A vessel may land up to 3,000 lb of haddock

- per DAS fished, or any part of a DAS, up to 30,000 lb per trip.
- From October 1 through April 30: A vessel may land up to 5,000 lb of haddock per DAS fished, or any part of a DAS, up to 50,000 lb per trip.
- **Yellowtail Flounder**: The initial yellowtail flounder landing limit is specific to the CA II Yellowtail Flounder SAP discussed below (30,000 lb per trip).

**Modification of Management Measures**: Amendment 13 authorizes the Regional Administrator to modify the gear requirements, modify or close access to the U.S./Canada Management Areas, increase or decrease the above trip limits, or limit the total number of trips into the U.S./Canada Management Area, to prevent over-harvesting or under-harvesting the TAC allocations. When 30 percent and/or 60 percent of the TAC allocations for GB cod, haddock, or yellowtail flounder are projected to be harvested, the Regional Administrator may modify access to, trip limits, or the number of trips into the U.S./Canada Management Area. In addition, the following landing limits and closures shall be implemented as described below.

**Landing Limit Reductions:**

- When the Regional Administrator projects that 70 percent of the TAC allocation for haddock will be harvested, NOAA Fisheries shall implement a haddock trip limit for vessels fishing in the Eastern U.S./Canada Area of 1,500 lb per day, and up to 15,000 lb per trip.
- When the Regional Administrator projects that 70 percent of the TAC allocation for yellowtail flounder will be harvested, NOAA Fisheries shall impose and/or adjust the yellowtail flounder trip limit for vessels fishing in both the Western U.S./Canada Area and the Eastern U.S./Canada Area to 1,500 lb per day, and 15,000 lb per trip.

**Closures:**

- When the Regional Administrator projects that 100 percent of the TAC allocation for cod, haddock, or yellowtail flounder will be harvested, NOAA Fisheries shall close the Eastern U.S./Canada Area and prohibit NE multispecies DAS vessels from harvesting, possessing, or landing that species in or from the Eastern U.S./Canada Area.
- Should the Eastern U.S./Canada Area close, groundfish DAS vessels may continue to fish in the CA II Yellowtail Flounder SAP within the Eastern U.S./Canada Area, provided that the yellowtail flounder TAC has not been fully harvested.

Vessels that do not possess a limited access NE multispecies DAS permit may fish in the U.S./Canada Management Area, subject to the applicable regulations for other fisheries. Upon the closure of this area to all NE multispecies DAS vessels, NE multispecies vessels may transit this area, provide their gear is stowed according to the regulations, unless further restricted under the groundfish CA II provision.

## **SPECIAL ACCESS PROGRAMS**

A SAP is a narrowly defined fishery that allows fishing for NE multispecies stocks or non-multispecies stocks that, in the absence of such authorization, would not be allowed. The purpose of this program is to allow increased access to fish stocks that can withstand additional harvesting

without jeopardizing conservation objectives of such stocks or other multispecies stocks. Amendment 13 implements two SAPs, the CA II Yellowtail Flounder SAP and the SNE/MA Winter Flounder SAP as follows:

**CA II Yellowtail Flounder SAP:** This SAP is intended to allow the harvesting of GB yellowtail flounder in CA II within an area referred to as the CA II Yellowtail Flounder Access Area (described below) by vessels issued a limited access NE multispecies DAS permit. Vessels may fish in the CA II Yellowtail Flounder SAP, from June 1 through December 31, using either Category A or B DAS (B Regular or B Reserve DAS), under the following conditions and restrictions:

- Vessels may make up to two trips per month into the CA II Yellowtail Flounder Access Area. The total number of trips by all vessels into the SAP will be limited to 320 per year.
- This SAP lies within the Eastern U.S./Canada Area. Therefore, vessels fishing in this SAP are subject to the VMS, reporting, observer deployment, and gear requirements of the U.S./Canada Understanding (see above). In addition to fishing in the CA II Yellowtail Flounder SAP, a vessel, on the same trip, may also declare its intent to fish in the area outside of the CA II that resides within the Eastern U.S./Canada Area, provided the vessel fishes in this area under the most restrictive provisions of both the CA II Yellowtail Flounder SAP, or the Eastern U.S./Canada Area.
  - Closure of the Eastern U.S./Canada Management Area: Should the Eastern U.S./Canada Area close as specified above, groundfish DAS vessels may continue to fish in the CA II Yellowtail Flounder SAP within the Eastern U.S./Canada Area, provided that the yellowtail flounder TAC has not been fully harvested.
- DAS will be counted once the vessel crosses the boundary into and out of the Eastern U.S./Canada Area (i.e., steaming time to and from this area will not count against a vessel's DAS).
- Vessels will be limited to 30,000 lb of yellowtail flounder per trip; the cod trip limit will be one-fifth of the daily cod possession limit specified for the Eastern U.S./Canada Area (100 lb per DAS), not to exceed 5 percent of the total catch on board.

**CA II Yellowtail Flounder Access Area (see chart below):**

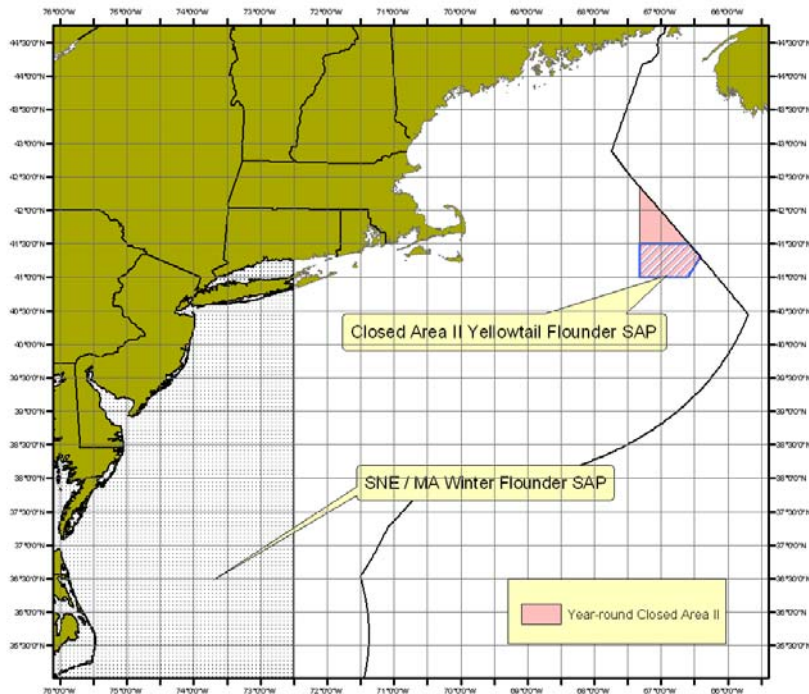
<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
Ytail 1	41° 30'	67° 20'
Ytail 2	41° 30'	66° 34.8'
G5	41° 18.6'	66° 24.8' (the U.S.-Canada Maritime Boundary)
CII 2	41° 00'	66° 35.8'
CII 1	41° 00'	67° 20'
Ytail 1	41° 30'	67° 20'

**SNE/MA Winter Flounder SAP:** This SAP is intended to reduce discards of SNE/MA winter flounder in the summer flounder fishery. Under this SAP, a limited access NE multispecies vessel fishing for summer flounder west of 72°30' W. long. using mesh authorized by the Summer Flounder, Scup, and Black Sea Bass FMP may possess and land up to 200 lb of winter flounder, subject to the following restrictions:

1. The vessel must possess a valid Federal summer flounder permit;

2. The weight of winter flounder may not exceed the weight of summer flounder on board;
3. While in the program, the vessel may not fish on a groundfish DAS;
4. All fishing would have to take place west of 72° 30' W. long. (see chart below); and
5. Possession and/or landing of other regulated species prohibited.

**NE Multispecies Amendment 13 SAPs  
(only CA II is shown for reference purposes only)**



**EFH HABITAT CLOSURE AREAS**

To minimize impacts of the groundfish fishery on EFH to the extent practicable, Amendment 13 designates portions of the year-round groundfish closed areas, as well as new areas, as level 3 habitat closed areas. A level 3 habitat closed area is defined as an area that is closed indefinitely, on a year-round basis, to all bottom-tending mobile gear. Bottom-tending mobile gear is defined as gear in contact with the ocean bottom, and towed from a vessel, which is moved through the water during fishing in order to capture fish, and includes otter trawls, beam trawls, hydraulic dredges, non-hydraulic dredges, and seines (with the exception of a purse seine). A vessel may transit any of these habitat closure areas provided all gear is properly stowed according to the regulations.

Effective May 1, 2004, Amendment 13 implements seven habitat closure areas (see chart below) as specified below.

**Western Gulf of Maine Habitat Closure Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
WGM4	43° 15'	70° 15'
WGM1	42° 15'	70° 15'
WGM5	42° 15'	70° 00'
WGM6	43° 15'	70° 00'
WGM4	43° 15'	70° 15'

**Cashes Ledge Habitat Closure Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CLH1	43°01'	69°03'
CLH2	43°01'	68°52'
CLH3	42°45'	68°52'
CLH4	42°45'	69°03'
CLH1	43°01'	69°03'

**Jeffrey's Bank Habitat Closure Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
JB1	43° 40'	68° 50'
JB2	43° 40'	68° 40'
JB3	43° 20'	68° 40'
JB4	43° 20'	68° 50'
JB1	43° 40'	68° 50'

**Closed Area I North Habitat Closure Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CI1	41° 30'	69° 23'
CI4	41° 30'	68° 30'
CIH1	41° 26'	68° 30'
CIH2	41° 04'	69° 01'
CI1	41° 30'	69° 23'

**Closed Area I South Habitat Closure Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CIH3	40° 55'	68° 53'
CIH4	40° 58'	68° 30'
CI3	40° 45'	68° 30'
CI2	40° 45'	68° 45'
CIH3	40° 55'	68° 53'

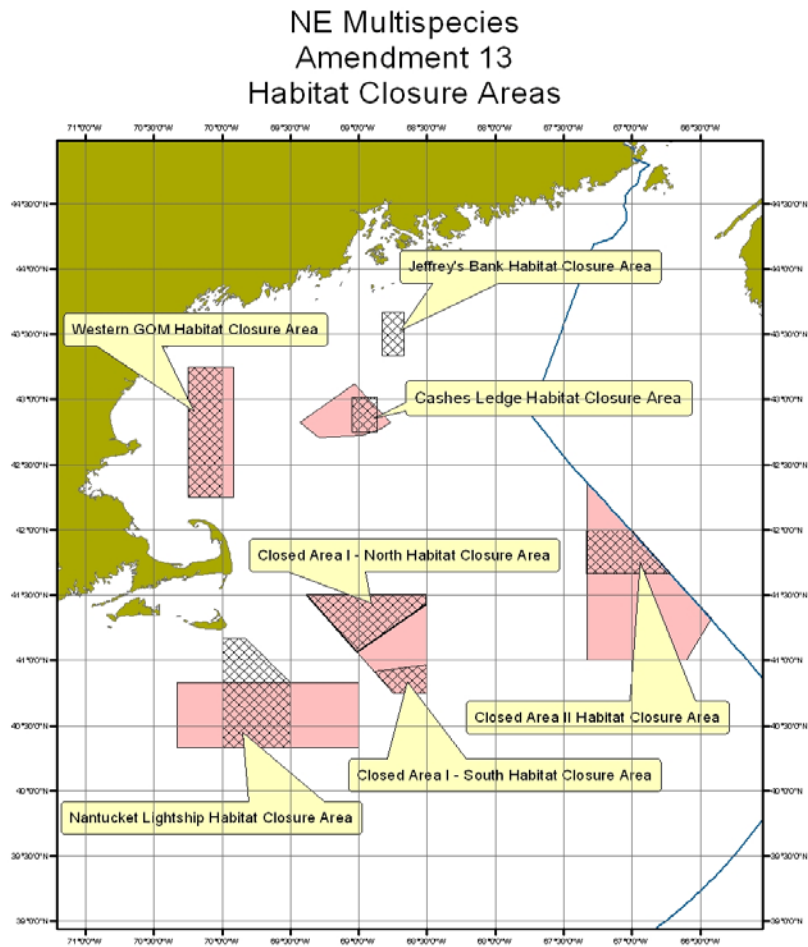
**Closed Area II Habitat Closure Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CIIH1	42° 00'	67° 20'
CIIH2	42° 00'	67° 00'
CIIH3	41° 40'	66° 43'

CIH4	41° 40'	67° 20'
CIH1	42° 00'	67° 20'

**Nantucket Lightship Habitat Closure Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
NLH1	41° 10'	70° 00'
NLH2	41° 10'	69° 50'
NLH3	40° 50'	69° 30'
NLH4	40° 20'	69° 30'
NLH5	40° 20'	70° 00'
NLH1	41° 10'	70° 00'



**ELECTRONIC DEALER REPORTING**

Effective May 1, 2004, through other regulations that have been implemented, all federally permitted dealers will be required to submit electronic reports of all fish purchased (including fish received) from fishing vessels. These electronic reports must be submitted daily by dealers determined to be large dealers and initially on a weekly basis by dealers determined to be small dealers. Electronic dealer reports replace trip-level written reports currently required to be

submitted weekly as well as the weekly landing summary reports submitted through the Interactive Voice Response (IVR) system for quota-monitored species. A separate letter that explains the new requirements for electronic dealer reporting will be sent to you shortly.

### EXEMPTED FISHERIES

**Northern Shrimp Exempted Fishery:** Under Amendment 13, the fishery for northern shrimp is no longer restricted to the area shoreward of the small-mesh fishery exemption line. All other restrictions for participation in the northern shrimp fishery will remain in effect unless otherwise specified in this permit holder letter.

**Tuna Purse Seine Exemption:** Under Amendment 13, tuna purse seine vessels are allowed into all groundfish closed areas, subject to existing restrictions for using exempted gear in those areas. Fishing for, landing, or retaining any groundfish by vessels using purse seine gear is prohibited, and vessels fishing under this exemption are prohibited from having gear on board capable of catching groundfish. Under this exemption, vessels may only fish for, possess, or land Atlantic herring, blueback herring, mackerel, or menhaden.

Fishing under this exemption is not allowed in the CA II Habitat Area of Particular Concern (otherwise known as the CA II Habitat Closure Area; see map for Habitat Closures above). If the Regional Administrator determines that tuna purse seine vessels are adversely affecting habitat or groundfish stocks, individual vessels, or all vessels, may be prohibited from one or more of the groundfish closed areas.

When fishing under this exemption in the GOM/GB Exemption Area, purse seine vessels must have on board a Letter of Authorization issued by the Regional Administrator. This authorization letter may be obtained by calling the NOAA Fisheries Permits Office at (978) 281-9370.

**SNE Scallop Dredge Exempted Fishery:** Under Amendment 13, vessels with a limited access scallop permit that have declared out of the scallop DAS program, or that have used up their scallop DAS allocations, and vessels issued a General Category scallop permit, may fish in the SNE Scallop Dredge Exemption Area described below when not fishing under a groundfish DAS, unless prohibited by regulations implemented under the Atlantic Sea Scallop FMP. These vessels may not fish for, possess, or land species other than Atlantic sea scallops. The combined dredge width used by such vessels may not exceed 10.5 ft, measured at the widest point in the bail of the dredge. Dredges are required to have at least an 8-inch twine top to minimize bycatch of groundfish. Vessels fishing under this exemption are prohibited from fishing in the Nantucket Lightship Closed Area and the Nantucket Lightship Habitat Closed Area.

**The SNE Scallop Dredge Exemption Area:**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
Sc1	( <sup>1</sup> )	73° 00'
Sc2	40° 00'	73° 00'
Sc3	40° 00'	71° 40'
Sc4	39° 50'	71° 40'
Sc5	39° 50'	70° 00'
Sc6	( <sup>2</sup> )	70° 00'

Sc7	( <sup>3</sup> )	70° 00'
Sc8	( <sup>4</sup> )	70° 00'

<sup>1</sup> South facing shoreline of Long Island, NY

<sup>2</sup> South facing shoreline of Nantucket, MA

<sup>3</sup> North facing shoreline of Nantucket, MA

<sup>4</sup> South facing shoreline of Cape Cod, MA

**Changes to the Minimum Enrollment Periods:** Amendment 13 revises the minimum enrollment requirement for six existing fishery exemption/authorization programs from 30 days to 7 days. Effective May 1, 2004, the following exemption/authorization programs have a minimum enrollment period of seven days: (1) The GOM Cod Landing Limit Exemption Program; (2) the Monkfish Southern Fishery Management Area Landing Limit and Minimum Fish Size Exemption Program; (3) the Skate Bait-only Possession Limit Exemption Program; (4) the yellowtail flounder landing limit north of 40°00' N. lat. in the GOM/GB RMA; (5) the yellowtail flounder landing limit north of 40°00' N. lat. in the SNE/MA RMA; and (6) The Nantucket Lightship Party/Charter Exemption Program. The Nantucket Lightship Party/Charter Exemption Program previously did not specify a minimum enrollment requirement.

**Modification of the Incidental Catch Standard:** Exempted fisheries allow fishing vessels to fish for specific species provided the bycatch of regulated species is minimized. Under Amendment 13, the incidental catch standard of regulated species (5 percent of the total catch, by weight) used to develop and approve exempted fisheries may be modified by the Council or Regional Administrator, for those groundfish stocks that are not in an overfished condition, or if overfishing is not occurring, provided that the modification would not cause a delay in a rebuilding program, would not result in overfishing of a stock, and would not result in a stock becoming overfished. Additional factors may also be considered. The incidental catch standard may be modified either through a Council action (framework adjustment) that would change the standard for all exempted fisheries, or on a case-by-case basis for specific exempted fisheries.

## **FISHING SECTOR ALLOCATIONS**

Amendment 13 allows for special management programs to be established for certain fishing sectors. Under this process, a self-selected group of limited access groundfish permit holders may agree to form a sector and submit a binding operations plan for management of that sector's allocation of catch or effort. Allocations to a sector may be based either on catch, through TACs requiring closure of a fishery upon reaching the TAC (hard TAC); or on effort (DAS), with target TACs specified for the sector. An approved sector may be allocated up to 20 percent of a stock's TAC by the Council.

Approved sectors are subject to general requirements specified in the regulations as well as any specific requirement for that sector implemented through the framework action approving such sector.

### **General Measures For All Sectors:**

- **Sector Formation Process:** In order to form a sector, the sector applicant(s) must submit to the Council, at least 1 year prior to the date that it plans to begin operation, a proposal requesting that the Council initiate a framework adjustment to authorize an allocation of



catch or effort, subject to compliance with general requirements and any analytical documents necessary to comply with the National Environmental Policy Act (NEPA). If the Council and NOAA Fisheries ultimately approve the framework action, the sector is required to submit a legally binding plan of operations (Operations Plan) for the sector to the Council and to the Regional Administrator. Once the Operations Plan is considered complete, NOAA Fisheries may consult with the Council and will solicit public comment on the Operations Plan through publication in the Federal Register. Upon consideration of the comments received, the Regional Administrator shall approve or disapprove the Operations Plan.

- **General Conditions and Requirements For All Approved Sectors:**

- A Sector shall be allocated no more than 20 percent of a stock's TAC, unless otherwise authorized by the Council;
- Allocation of catch or effort shall be based upon documented accumulated catch histories of the harvested stock(s) for each vessel electing to fish in a Sector, for the 5-year period prior to submission of a Sector allocation proposal to the Council. Documented catch shall be based on dealer landings reported to NOAA Fisheries;
- Landings histories for Sectors formed to harvest GB cod during the period 2004 through 2007 shall be based on fishing years 1996 through 2001;
- Once a hard TAC allocated to a Sector is projected to be exceeded, Sector operations will be terminated for the remainder of the fishing year;
- Should a hard TAC allocated to a Sector be exceeded in a given fishing year, the Sector's allocation will be reduced by the overage in the following fishing year. The Sector, each participating vessel, and individual vessel operators and/or vessel owners participating in the Sector may be charged jointly and individually for civil penalties and permit sanctions. If the Sector exceeds its TAC in more than 1 fishing year, the Sector's share may be permanently reduced, or the Sector's authorization to operate may be withdrawn;
- If a hard or target TAC allocated to a Sector is not exceeded in a given fishing year, the Sector's allocation of TAC or DAS will not be reduced for the following fishing year as a result of an overage of a hard or target TAC by non-compliant Sectors or by non-Sector vessels;
- Unless exempted through a Letter of Authorization, each vessel operator and/or vessel owner fishing under an approved Sector must comply with all NE multispecies management measures and other applicable law. Each vessel and vessel operator and/or vessel owner participating in a Sector must also comply with all applicable requirements and conditions of the Operations Plan;
- Approved Sectors must submit an annual year-end report to NOAA Fisheries and the Council, within 60 days of the end of the fishing year, that summarizes the fishing activities of its members, including harvest levels of all federally managed species by Sector vessels, enforcement actions, and other relevant information required to evaluate the performance of the Sector;
- Once a vessel operator and/or vessel owner signs a binding contract to participate in a Sector, that vessel must remain in the Sector for the remainder of the fishing year. Vessels that fish under the DAS program outside the Sector allocation in a given fishing year may not participate in a Sector during that same fishing year,

unless otherwise specified in an approved Operations Plan. If a permit is transferred by a Sector participant during the fishing year, the new owner must also comply with the Sector regulations for the remainder of the fishing year;

- Vessels, vessel operators, and/or vessel owners removed from a Sector for violation of the Sector rules will not be eligible to fish under the NE multispecies regulations which apply to non-Sector vessels;
- All vessel operators and/or vessel owners fishing in an approved Sector must be issued and have on board the vessel, a Letter of Authorization issued by NOAA Fisheries; and
- The Regional Administrator may withdraw approval of a Sector, after consultation with the Council, at anytime if it is determined that Sector participants are not complying with the requirements of an approved Operations Plan or that the continuation of the Operations Plan will undermine achievement of fishing mortality objectives of the NE Multispecies FMP.

**GB Cod Hook Gear Sector Specific Requirements:** Amendment 13 authorizes a sector allocation for the GB Cod Hook Gear Sector under the Sector’s Operations Plan, provided the contract and the Operations Plan are approved by the Regional Administrator. Should the contract and the Operations Plan be approved, all vessels with a valid limited access NE multispecies DAS permit are eligible to participate in the GB Cod Hook Sector, provided they have documented landings through valid dealer reports of GB cod during the fishing years 1996 to 2001 when fishing with jigs, demersal longline, or handgear. A vessel fishing under the GB Cod Hook Sector may not fish with gear other than jigs, demersal longline, or handgear.

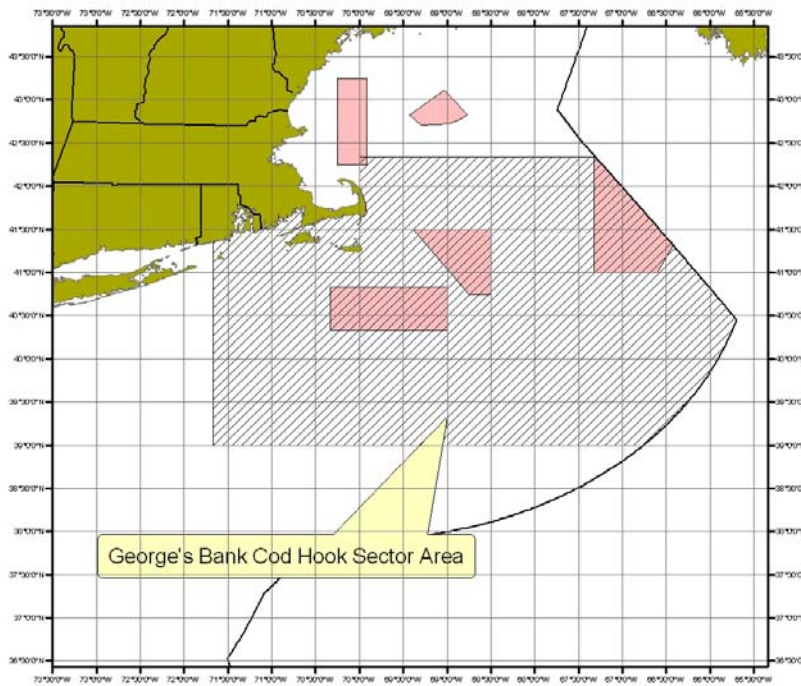
For each fishing year, the sector’s allocation of the GB cod TAC, up to a maximum of 20 percent of the TAC, will be determined by calculating the percentage of all landings of GB cod made by the participating vessels, based on their landings histories for the qualifying period of 1996-2001. If, in a particular fishing year, the sector exceeds its TAC, the sector’s allocation will be reduced by the amount of the overage in the following fishing year. When the GB Cod Hook Gear Sector’s cod TAC is reached, participants in the Sector will be prohibited from using any fishing gear that is capable of harvesting groundfish for the remainder of the fishing year. Should the Sector’s TAC be exceeded, the Sector’s allocation will be reduced by the overage during the following year. Vessels participating in the GB Cod Hook Gear Sector will, if approved, be restricted to fishing in the area identified as the GB Cod Hook Gear Area as follows:

**GB Cod Hook Gear Sector Area (see chart below):**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
HS1	70/00'	( <sup>1</sup> )
HS2	70/00'	42/20'
HS3	67/18.4'	42/20' (the U.S. Canada Maritime Boundary)
Follow the U.S. EEZ boundary south to HS3		
HS3	66/45.5'	39/00'
HS4	71/40'	39/00'
<u>HS5</u>	<u>71/40'</u>	<u>(<sup>2</sup>)</u>

<sup>1</sup> The east facing shoreline of Cape Cod, MA

<sup>2</sup> The south facing shoreline of Rhode Island



### **PERIODIC CHANGES TO THE FMP**

Amendment 13 changes the process by which changes are made to the measures contained within the FMP. Previously, the Plan Development Team (PDT) of the Council was required to meet annually to review the status of each of the regulated species, as well as Atlantic halibut and ocean pout, and submit management recommendations to the Council, if necessary. Under Amendment 13, this process is changed to a biennial process and the Multispecies Monitoring Committee is folded into the PDT and will cease to exist as a separate committee. However, the Council may still initiate a Framework Adjustment to address management concerns at any time.

The first PDT review will be in 2005, to determine necessary changes for the 2006 fishing year. For the 2005 review, an updated groundfish assessment, peer reviewed by independent scientists, will be conducted. In addition to the biennial review discussed above, the PDT will meet to conduct a review of the groundfish fishery by September 2008 to determine the need for a framework action for the 2009 fishing year. For the 2008 review, a benchmark assessment, peer reviewed by independent scientists, will be completed for each of the regulated species stocks and for Atlantic halibut and ocean pout. The interim biomass targets specified in Amendment 13 will be examined during this benchmark assessment to evaluate the efficacy of the rebuilding program. Based on findings from the benchmark assessment, a determination will be made as to whether the Amendment 13 biomass targets are still considered valid, given the response of the stocks to the management measures in Amendment 13 that were expected to result in certain stock levels by 2008.

### **MODIFIED VMS OPERATIONAL REQUIREMENTS**

Under Amendment 13, a vessel using a VMS can opt out of the VMS program for a minimum period of 1 calendar month by obtaining a letter of exemption from the Regional Administrator.

While out of the VMS program, vessels may not participate in any fishery until the VMS unit is turned back on and the vessel complies with the conditions of the letter of exemption. A form to request an exemption to power down a VMS unit is included with this letter for all limited access NE multispecies vessels.

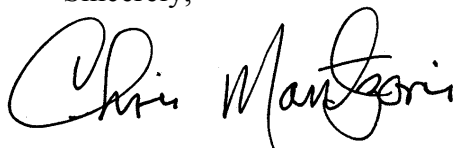
## MEASURES FOR RECREATIONAL FISHING

**Possession Limits:** The bag limit (possession limit) for cod aboard a private recreational vessel (i.e., not a charter/party vessel) fishing while in the Exclusive Economic Zone (EEZ), or caught in the EEZ, is changed to 10 cod per person per day, with no possession limit for haddock, year-round. The seasonal bag limit restrictions for recreational vessels is eliminated. The possession limit for cod aboard a charter/party vessel fishing in the GOM is changed to 10 cod per person per day, year-round. For charter/party vessels and private recreational vessels, any trip in excess of 15 hours and covering 2 calendar days will be considered a 2-day trip for purposes of calculating the allowable bag limits.

**Size Limits:** The minimum size for cod allowed to be possessed by persons fishing aboard recreational and charter/party vessels is reduced to from 23 inches to 22 inches total length (TL) while the minimum size for haddock is reduced from 22 inches to 19 inches TL.

This letter is only a summary of the NE multispecies regulations implemented under Amendment 13, and should not be considered as a substitute for the actual regulations. To read these regulations in their entirety, you are encouraged to obtain a complete copy by calling (978) 281-9278, or by accessing the Northeast Regional Office's web page at: <http://www.nero.noaa.gov>. You may also receive permit holder letters by e-mail by clicking on "NOAA Fisheries News Releases" on our website at <http://www.nero.noaa.gov>, or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135.

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.

**Table 1. Gear Restrictions by Regulated Mesh Areas.**

	GOM	GB	SNE	MA
<b>MINIMUM MESH SIZE RESTRICTIONS FOR GILLNET GEAR</b>				
NE Multispecies Day Gillnet Category*	<u>Roundfish nets</u> 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net	<u>Roundfish nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net
	<u>Flatfish nets</u> 6.5" (16.5 cm) mesh; 100-net allowance; 1 tag/net			<u>Flatfish nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net
NE Multispecies Trip Gillnet Category*	<u>All nets</u> 6.5" (16.5 cm) mesh; 150-net allowance; 1 tag/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 150-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net	<u>All gillnet gear</u> 6.5" (16.5 cm) mesh; 75-net allowance 2 tags/net;
Monkfish Vessels**	10" (25.4 cm) mesh/150-net allowance			
	1 tag/net			
<b>MINIMUM MESH SIZE RESTRICTIONS FOR TRAWL GEAR</b>				
Codend only mesh size*	6.5" (16.5 cm) diamond or square		7.0" (17.8 cm) diamond or 6.5" (16.5 cm) square	6.5" (16.5 cm) diamond or square
Large Mesh Category - entire net	8.5" (21.59 cm) diamond or square			7.5" (19.0 cm) diamond or 8.0" (20.3 cm) square
<b>MAXIMUM NUMBER OF HOOKS AND SIZE RESTRICTIONS FOR HOOK GEAR***</b>				
Limited access multispecies vessels	2,000 hooks	3,600 hooks	2,000 hooks	4,500 hooks (Hook gear vessels only)
	No less than 6" (15.2 cm) spacing allowed between the fairlead rollers			
	12/0 circle hooks required for longline gear			N/A

\* When fishing under a NE multispecies DAS

\*\* Monkfish Category C and D vessels, when fishing under a monkfish DAS

\*\*\* When fishing under a NE multispecies DAS or when fishing under the Small Vessel permit.