



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

April 4, 2004

## **SMALL ENTITY COMPLIANCE GUIDE**

Dear Limited Access Monkfish Permit Holder:

This letter is to inform you of a final rule implementing new target total allowable catch (TAC) levels for the 2004 monkfish fishery, and adjustments to days-at-sea (DAS) and trip limits for limited access monkfish vessels (Categories A, B, C, and D) fishing in the Southern Fishery Management Area (SFMA) for the 2004 fishing year (FY). These target TACs, trip limits, and DAS restrictions are based upon methods established in Framework Adjustment 2 to the Monkfish Fishery Management Plan (FMP), which became effective on May 1, 2003. Although FY 2004 begins on May 1, 2004, these regulations are not effective until **May 7, 2004**. Therefore, the trip limits in effect for FY 2003 will remain in place until the new trip limits are effective.

### **EFFECTIVE MAY 7, 2004, THROUGH APRIL 30, 2005**

- The target monkfish TACs for FY 2004 are 16,968 mt for the Northern Fishery Management Area (NFMA), and 6,772 mt for the SFMA.
- The trip limits for vessels fishing in the SFMA are reduced to 550 lb tail weight per monkfish DAS for Category A and C vessels, and 450 lb tail weight per monkfish DAS for Category B and D vessels.
- All limited access monkfish vessels are allocated 40 monkfish DAS to use during FY 2004, but only 28 of those DAS may be fished in the SFMA. Limited access monkfish vessels may fish the remaining 12 monkfish DAS in the NFMA, but must comply with the Northeast (NE) multispecies DAS usage requirements of that area unless fishing in one of the monkfish exempted fisheries, which are further described below. Carryover DAS from FY 2003 may be used in either management area and, thus, may be used in addition to 28 DAS authorized for the SFMA.

A summary of the monkfish trip limits, including the revised trip limits for the SFMA for FY 2004, is provided in the table below.

### **Monkfish Exempted Fisheries**

Enclosed is an information sheet for the monkfish exempted fisheries under the NE Multispecies Fishery Management Plan (Multispecies FMP). An exempted fishery is one that the Regional Administrator has determined will result in a minimal bycatch of regulated multispecies and that will not jeopardize fishing mortality objectives of the Multispecies FMP. In general, vessels are exempt from the requirements to use a NE multispecies DAS when fishing in an exempted fishery. Because monkfish Category A and B vessels do not hold a limited access NE multispecies or limited access scallop permit, and do not have NE multispecies or scallop



DAS, these vessels must fish their monkfish DAS in a monkfish exempted fishery. In addition, monkfish Category C and D vessels allocated less than 40 NE multispecies DAS may also fish the difference between their 40 monkfish DAS and their allocated NE multispecies DAS, as monkfish-only DAS, provided the vessel fishes its monkfish-only DAS in a monkfish exempted fishery. Otherwise, Category C and D vessels 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. When fishing in any of the monkfish exempted fisheries, the vessel is subject to the trip limits for the management area in which the exempted fishery are located.

### FY 2004 Monkfish Trip Limits

Permit Category	DAS Program	Area	Gear <sup>1</sup>	Trip Limit <sup>2</sup> (tail weight per DAS)
A, B, C, or D	Monkfish	NFMA	All Gear	No trip limit
A or C	Monkfish	SFMA	All Gear	550 lb
B or D	Monkfish	SFMA	All Gear	450 lb
C or D	Multispecies	NFMA	All Gear	No trip limit
C or D	Multispecies	SFMA	Trawl	300 lb
C or D	Multispecies	SFMA	Non-trawl	50 lb
C or D	Scallop	NFMA & SFMA	Dredge or net exemption	300 lb
E (incidental)	Multispecies	NFMA	All Gear	400 lb, or 50% of total weight of fish on board, whichever is less
E (incidental)	Multispecies	SFMA	All Gear	50 lb
E (incidental)	Scallop	NFMA & SFMA	Dredge	300 lb
A, B, C, D, or E	No DAS	NFMA & SFMA	Large Mesh <sup>3</sup>	Up to 5% of total weight of fish on board per trip <sup>4</sup>
A, B, C, D, or E	No DAS	NFMA & SFMA	Small Mesh <sup>5</sup> or Handgear	50 lb of tail weight per trip
C, D, or E vessels that are <30 feet with a multispecies limited access permit	No DAS	NFMA & SFMA	All Gear	50 lb of tail weight per trip

<sup>1</sup>Dredge gear is prohibited unless fishing under a scallop DAS.

<sup>2</sup>Or the whole-weight equivalent (tail weight x 3.32).

<sup>3</sup>Greater than or equal to the minimum NE multispecies mesh size for the Gulf of Maine, Georges Bank and Southern New England Regulated Mesh Areas, and minimum summer flounder mesh size for the Mid-Atlantic Regulated Mesh Area, as defined under 50 CFR 648.80.

<sup>4</sup>Can land whole monkfish or monkfish tails, but the weight of all monkfish on board is converted to tail weight.

<sup>5</sup>Less than the regulated mesh size as specified under footnote 3.

## REMINDERS:

### **Monkfish Minimum Fish Sizes**

For vessels **declared into the NFMA**, the minimum fish size is 17 inches total length, or 11 inches tail length. Such vessels must have available for inspection a valid monkfish exemption certificate (see below), which exempts the vessel from the minimum fish size of the SFMA. This size limit applies to vessels holding a limited access monkfish permit, and to vessels holding an incidental monkfish permit that want to fish under the less restrictive size limit of the NFMA.

For vessels **fishing in the SFMA, or for vessels not declared into the NFMA**, the minimum monkfish size is 21 inches total length, or 14 inches tail length.


### **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). 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.

**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 requirements of that area, regardless of where the fish are caught or landed. Therefore, unless a vessel has a current monkfish exemption certificate, all monkfish DAS used will be considered to have been fished in the SFMA, and will be applied toward the 28 DAS limit for that area.**

This letter is only a summary of the monkfish regulations that have been implemented. 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>.

Sincerely,



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.