



**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

### 2005 FINAL SPECIFICATIONS AND CLOSURE NOTICE FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS

Dear Permit Holder:

NOAA's National Marine Fisheries Service (NOAA Fisheries) has approved final 2005 specifications, including commercial quotas and possession limits, and recreational harvest limits, for the summer flounder (fluke), scup (porgy), and black sea bass fisheries. This rule is in effect as of January 1, 2005, and will be published in the Federal Register on January 4, 2005.

See the attached tables for specific information regarding the 2005 initial commercial quotas, the commercial quotas less the research set-aside (RSA), any applicable overages, the resulting 2005 final commercial quotas, and scup possession limits.

#### SUMMER FLOUNDER

For 2005, the summer flounder total allowable landings (TAL) is 30.3 million lb. After deducting the RSA of 353,917 lb, the commercial quota is 17.97 million lb and the recreational harvest limit is 11.98 million lb. The commercial quota of 17.97 million lb is further allocated to the states, according to the allocation percentages identified in Amendment 2 to the FMP.

Due to overages in previous years, Delaware has no 2005 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 2005 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 2005 calendar year, unless additional quota becomes available through a transfer.

#### SCUP

The scup TAL for 2005 is 16.5 million lb. After deducting the RSA of 303,675 lb, the commercial quota is 12.23 million lb and the recreational harvest limit is 3.96 million lb. The commercial scup Winter I (January-April) Federal possession limit is increased to 30,000 lb per trip for 2005, and will be reduced to 1,000 lb when 80 percent of the quota is projected to be reached. NOAA Fisheries maintains the current Winter II (November-December) initial possession limit of 1,500 lb, and the Winter II possession limit-to-rollover amount ratios specified for 2004.

**Three changes have been made to the commercial scup fishery regulations:** (1) An increase in the minimum mesh size for otter trawl vessels from 4.5 inches to 5 inches; (2) an increase in the threshold level that triggers that mesh requirement from 100 lb to 200 lb for the scup Summer period (May 1 through October 31); and (3) a shift in the boundaries of the Southern Gear Restricted Area by 3 minutes to the west.



To comply with these regulations, no owner or operator of an otter trawl vessel that is issued a scup moratorium permit may possess **500 lb** or more of scup from November 1 through April 30, or **200 lb** or more of scup from May 1 through October 31, unless fishing with nets that have a minimum mesh size of **5.0-inch** diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, and all other nets are stowed in accordance with the regulations at 50 CFR part 648.23(b)(1). For trawl nets with codends (including an extension) of fewer than 75 meshes, the entire trawl net must have a minimum mesh size of **5.0 inches** throughout the net. Scup on board these vessels must be stowed separately and kept readily available for inspection. Measurement of nets will be in conformity with the regulations at 50 CFR part 648.80(f)(2)(ii). **The change to the minimum mesh size regulations also applies in the Northern and Southern Scup Gear Restricted Areas.**

The Southern Gear Restricted Area (as revised) is an area bounded by straight lines connecting the following points in the order stated:

Point	N. Lat.	W. Long.
SGA1	39°20'	72°53'
SGA2	39°20'	72°28'
SGA3	38°00'	73°58'
SGA4	37°00'	74°43'
SGA5	36°30'	74°43'
SGA6	36°30'	75°03'
SGA7	37°00'	75°03'
SGA8	38°00'	74°23'
SGA1	39°20'	72°53'

#### BLACK SEA BASS

For 2005, the black sea bass TAL is 8.2 million lb. After deducting the RSA of 109,500 lb, the commercial quota is 3.97 million lb and the recreational harvest limit is 4.13 million lb.

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 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 2005.**

State	Percent Share	2005 Initial Quota	2005 Quota less RSA	Quota Overages (through 10/31/04) <sup>1</sup>	2005 Final (Adjusted) Quota
		(lb)	(lb)	(lb)	(lb)
ME	0.04756	8,646	8,547	0	8,547
NH	0.00046	84	83	0	83
MA	6.82046	1,239,960	1,225,637	48,083	1,177,554
RI	15.68298	2,851,166	2,818,232	0	2,818,232
CT	2.25708	410,337	405,597	0	405,597
NY	7.64699	1,390,223	1,374,164	0	1,374,164
NJ	16.72499	3,040,603	3,005,481	0	3,005,481
DE	0.01779	3,234	3,197	54,536	(51,339)
MD	2.03910	370,708	366,426	19,028	347,398
VA	21.31676	3,875,387	3,830,622	0	3,830,622
NC	27.44584	4,989,654	4,932,017	0	4,932,017
Total <sup>2</sup>	100.00	18,180,002	17,970,002	121,647	17,899,695

1 Summer flounder overages were determined based upon landings for the period January-October 2004, plus any previously unaccounted for landings from January-December 2003; Delaware overage includes continued repayment of overage from 2003

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

**Table 2. Final scup commercial quota allocations for 2005.**

		2005 Initial Quota	2005 Quota less RSA	Quota Overages <sup>1</sup> (through 10/31/04)	2005 Final (Adjust ed) Quota	Possess ion Limits (per trip) <sup>2</sup>
Period	Perce nt	(lb)	(lb)	(lb)	(lb)	(lb)
Winter I (Jan- Apr)	45.11	5,625,21 7	5,518,367	0	5,518,3 67	30,000
Summer (May- Oct)	38.95	4,857,06 5	4,764,806	0	4,764,8 06	N/A
Winter II (Nov- Dec)	15.94	1,987,71 8	1,949,962	N/A	1,949,9 62	1,500
Total	100.0 0	12,470,0 00	12,233,13 5		12,233, 135	

1 Scup overages were determined based upon landings for the Winter I and Summer 2004 periods, plus any previously unaccounted for landings from January-December 2003; the adjustment for the Winter II period is made in July of each year, based on the previous year's Winter II overage, if any.

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

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

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

**Table 4. Final black sea bass commercial quota allocations for 2005.**

2005 Initial Quota	2005 Quota less RSA	Quota Overages (through 09/30/04) <sup>1</sup>	2005 Final (Adjusted) Quota
(lb)	(lb)	(lb)	(lb)
4,020,000	3,966,345	0	3,966,345

1 The black sea bass overage was determined based upon landings for the period January-September 2004, plus any previously unaccounted for landings from January-December 2003.

