



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAR 30 2010

SMALL ENTITY COMPLIANCE GUIDE

Dear Permit Holder:

This letter is to inform you of specific regulations implementing open access charter/party and recreational fishery measures approved under Amendment 16 and Framework Adjustment 44 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) that become effective on May 1, 2010. These actions were developed by the New England Fishery Management Council to revise management measures necessary to end overfishing, rebuild overfished stocks, mitigate the adverse economic impacts of increased effort controls, and establish annual catch limits (ACLs) and associated accountability measures to comply with the Magnuson-Stevens Fishery Conservation and Management Act. This letter is only a summary of the actual regulations relative to open access charter/party and recreational fishers, which you are encouraged to read, and are not considered a substitute for the regulations. For a summary of all measures approved under Amendment 16 and Framework Adjustment 44 to the FMP, or for a copy of the regulations, please go to www.nero.noaa.gov, or call 978-281-9315.

Commercial/Recreational Allocation Criteria: To ensure that management measures can be better tailored to address the catch of various components of the fishery, Amendment 16 establishes criteria to determine whether to allocate portions of the ACL available to the NE multispecies (groundfish) fishery for each groundfish stock among the commercial and recreational fisheries. These criteria include:

- **Overall catch:** A stock will not be allocated if the ACL for that stock is not being fully harvested by the entire groundfish fishery based upon available information; and
- **Recreational catch in Federal waters:** A stock will not be allocated if less than 5 percent of the overall catch of that stock comes from recreational vessels in Federal waters.

Stocks Allocated to the Recreational Fishery: If a stock meets the allocation criteria listed above, an allocation will be made between the commercial and recreational fisheries based upon the average number of fish (or weight, if necessary) caught by each component during a particular time period determined by the Council. At this time, only Gulf of Maine (GOM) cod and GOM haddock meet the above criteria and are allocated between the commercial and recreational fisheries.

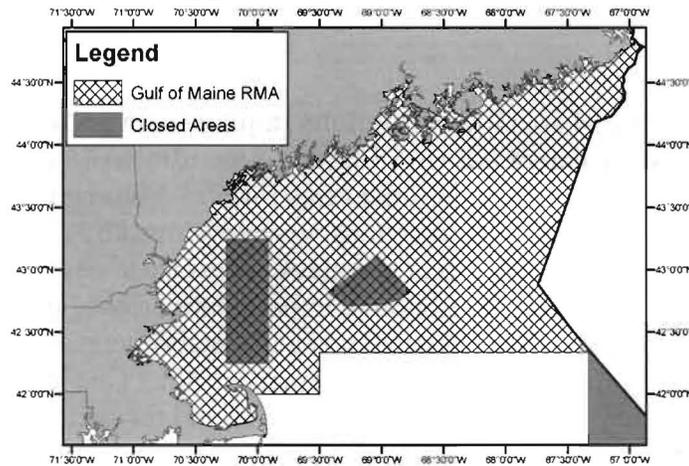
Under Amendment 16, the average catch of these stocks by each component during fishing years (FYs) 2001-2006 was used to calculate the commercial/recreational allocation for these stocks. This resulted in a recreational allocation of 27.5 percent of the groundfish ACL for GOM haddock and 33.7 percent of the groundfish ACL for GOM cod. When multiplied by the ACL available to the groundfish fishery for FY 2010, the recreational allocations for these stocks are:

- GOM cod: 5,892,956 lb
- GOM haddock: 714,298 lb



Seasonal GOM Cod Possession Prohibition: Private recreational vessels and charter/party vessels are prohibited from possessing or retaining any cod from the GOM Regulated Mesh Area (RMA) (see Figure 1 below) from November 1 – April 15. The 2-week extension (from April 1 to April 15) is required to achieve necessary reductions in GOM cod fishing mortality for 2010.

Figure 1: GOM RMA Applicable to Seasonal Cod Possession Prohibition

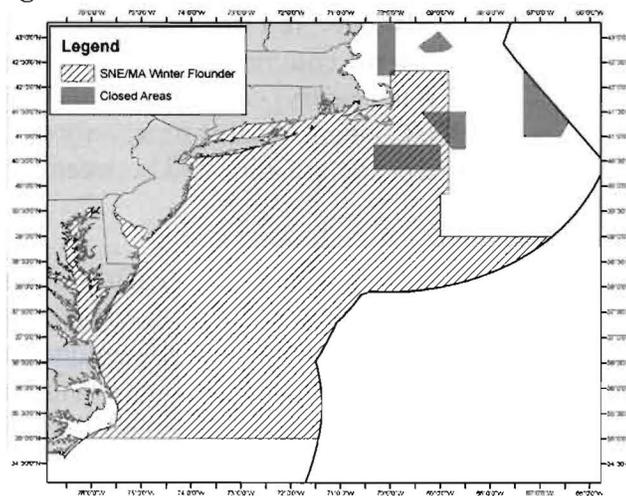


Private recreational and charter/party vessels are allowed to transit the GOM RMA with cod caught from outside this area, provided all bait and hooks are removed from fishing rods and that all cod are stored in coolers or ice chests. These storage requirements are intended to facilitate the enforceability of these recreational measures.

Possession Limits: Private recreational and charter/party vessels will be subject to the following possession limits:

- Possession of Atlantic wolffish caught in any area, or winter flounder caught in the Southern New England (SNE)/Mid-Atlantic (MA) Winter Flounder Stock Area (see Figure 2 below) is prohibited.

Figure 2: SNE/MA Winter Flounder Stock Area



- Possession limits for cod and Atlantic halibut have not been revised:
 - Private recreational vessels in Federal waters, or federally permitted charter/party vessels fishing in the GOM may retain 10 cod per angler per day when not otherwise restricted by the seasonal GOM cod possession prohibition detailed above.
 - The Atlantic halibut possession limit remains at one Atlantic halibut per trip.

Size Limits: The haddock size limit is reduced to 18 inches total length, while the Atlantic halibut size limit is increased to 41 inches total length.

Hook Restriction: The current restriction of two hooks per mainline per angler is eliminated. Therefore, there is no limit on the number of hooks per mainline, but the current restriction of one mainline per angler is maintained.

Fillets: Fillets may be skinned, but must retain at least 2 square inches of contiguous skin that allows for the identification of fish species. Fillets must come from legal-sized fish, but the fillets themselves are not required to meet the minimum fish size restrictions for whole fish.

Recreational AMs: If the recreational fishery exceeds its yearly allocation of GOM cod or haddock, as listed above, NMFS, in consultation with the Council will adjust the recreational season, possession limits, or size limits during the following FY based upon the amount of the overage.

Please call the Sustainable Fisheries Division at (978) 281-9315 if you have any questions regarding the information in this letter, or the management measures for the 2010 fishing year.

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.

