



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

November 17, 2004

SMALL ENTITY COMPLIANCE GUIDE

Dear Northeast (NE) Multispecies DAS Permit Holder:

This letter is to inform you of new regulations implementing Framework Adjustment 40-A (FW 40-A) to the Northeast (NE) Multispecies Fishery Management Plan (FMP), which was partially approved by the National Marine Fisheries Service (NOAA Fisheries). These new regulations are effective November 19, 2004.

FW 40-A was developed by the New England Fishery Management Council (Council), in order to provide additional opportunities to target healthy stocks of groundfish. Most notably, FW 40-A provides new opportunities to fish under Regular B Days-at-Sea (DAS) and Reserve B DAS in three new programs. These programs, which are described below, are as follows: (1) Regular B DAS Pilot Program; (2) Closed Area (CA) I Hook Gear Haddock Special Access Program (SAP); and (3) Eastern U.S./Canada Haddock SAP Pilot Program. In addition, FW 40-A relieves a restriction, implemented under Amendment 13 to the FMP, that prohibited vessels from fishing both inside the Western U.S./Canada Area and outside that area on the same trip.

NOAA Fisheries is requesting comments on the FW 40-A measures that are being implemented that are different from those measures in the proposed rule, and therefore NOAA Fisheries has published the framework in the Federal Register as an interim final rule.

REGULAR B DAS PILOT PROGRAM

The Regular B DAS Pilot Program creates opportunities for NE multispecies limited access DAS permit holders to use Regular B DAS outside of a SAP to target stocks that can withstand additional fishing effort. These stocks are currently identified as: Gulf of Maine (GOM) haddock, pollock, GOM winter flounder, Georges Bank (GB) haddock, GB yellowtail flounder, and GB winter flounder. When fishing under the Regular B DAS Pilot Program, vessels may not fish under a Reserve B DAS, or in a SAP, on the same trip.

Eligibility: All vessels issued a valid limited access NE multispecies DAS permit and allocated Regular B DAS are eligible to participate in the Regular B DAS Pilot Program, provided they comply with the requirements and restrictions identified below.

Program Duration: The Regular B DAS Pilot Program will run on a quarterly basis for parts of the 2004 and 2005 fishing years, from November 19, 2004 through October 31, 2005.

Vessel Monitoring System (VMS) Requirement: Vessels participating in this program must be



equipped with an approved VMS.

Observer Program Notification: The vessel owner or operator must call the NOAA Fisheries Observer Program at least 72 hours in advance of a trip in order to facilitate observer coverage. The NOAA Fisheries Observer Program contact number is: **(508) 990-9057**. Vessels intending to fish under the Regular B DAS Pilot Program must call this number and provide the following information:

- The general area or areas* that will be fished (i.e., GOM, GB, or Southern New England (SNE))
- Vessel name
- Contact name for coordination of observer deployment
- Telephone number of contact
- Date, time, and port of departure

*Providing notice of the area that the vessel intends to fish will not restrict the vessel's activity to that specific area on that trip, but will be used to plan observer coverage.

Restrictions on Areas to be Fished and Gear Requirements: The following area restrictions apply to vessels participating in the Regular B DAS Pilot Program. Vessels must comply with the gear requirements of the FMP and those for a specific area when operating in that area.

- Participating vessels may fish in the Regular B DAS Pilot Program and in the U.S./Canada Management Area on the same trip, provided the vessels abide by the most restrictive regulations that apply;
- Participating vessels may not fish in the Regular B DAS Pilot Program and in a SAP on the same trip; and
- Participating vessels may not fish in a seasonal or year-round closed area.

VMS Declaration: Prior to departing on a trip under the Regular B DAS Pilot Program, the vessel owner or operator must notify NOAA Fisheries via VMS that the vessel intends to participate in this pilot program. Declaration of the trip through VMS does not serve to reserve a vessel's right to fish under the Regular B DAS Pilot Program. In order to be considered actively fishing in the program, a vessel must both declare its trip via VMS, and have crossed the demarcation line. Please refer to Attachments 2 through 4 on pages 20 through 32 that contain important information relating to VMS. For additional information on VMS please call NOAA Fisheries Office of Law Enforcement at (978) 281-9230.

Regular B DAS Accrual: While fishing under the Regular B DAS Pilot Program, Regular B DAS will accrue at the rate of 1 DAS for each calendar day, or part of a calendar day, fished.

- **Example:** A vessel that leaves on a trip at 11 p.m. Greenwich Mean Time (GMT) on the first calendar day and returns at 10 p.m. GMT on the second calendar day will be charged 48 hours of Regular B DAS instead of 23 hours, because the fishing trip will have spanned 2 calendar days.
- **Note:** The VMS system records the time DAS use begins and ends based upon GMT

(i.e., 5 hours later during Eastern Standard Time (EST) and 4 hours later, during Eastern Daylight Time). Vessel operators need to be aware of this fact when planning trips under the Regular B DAS Pilot Program.

- **Example:** A vessel that leaves on a trip at 8 a.m. EST and returns at 8 p.m. EST on the same calendar day will be charged 48 hours of Regular B DAS instead of only 12 hours, because the fishing trip spans 2 calendar days according to GMT - beginning at 1 p.m GMT on the first calendar day (8 a.m. EST + 5 hour difference) and ending at 1 a.m. GMT on the second calendar day (8 p.m. EST + 5 hour difference).

Requirement to Flip from a Regular B DAS to a Category A DAS: If a vessel harvests and brings on board legal-sized regulated species in excess of the landing limits specified below in Table 1, the vessel operator must retain the excess catch and notify NOAA Fisheries via VMS prior to crossing the VMS demarcation line that it is changing its DAS category from a Regular B DAS to a Category A DAS (“DAS flip”). The landing limits are applied at the end of a vessel’s trip.

- **Example:** A vessel that declared in the Regular B DAS Pilot Program and that caught 300 lb of cod on the first day of a 2-day trip would not be required to flip immediately to an A DAS on the first day, but, if after completing its fishing trip after 26 hours, the vessel had caught 300 lb, the vessel would be required to flip to an A DAS prior to crossing the demarcation line (for 2 days of fishing, the vessel is only allowed 2 days worth of cod, 200 lb).

Should a vessel that has declared into the Regular B DAS Pilot Program flip from a Regular B DAS to a Category A DAS, it will be charged Category A DAS for the entire trip, which will accrue to the nearest minute. Further, the vessel will be subject to the possession and landing restrictions that apply to a vessel fishing on a Category A DAS (i.e., not the Regular B DAS Pilot Program limits).

- **Example:** If a vessel fishes for 15 hours under the Regular B DAS Pilot Program and then flips to Category A DAS, continues fishing, and then crosses the VMS demarcation line to end the trip after 23 hours, the vessel would be charged 23 hours of Category A DAS. The vessel would be subject to the Category A DAS landing limits. Under this example, the vessel would be allowed to retain up to 800 lb of GOM cod, or 1,000 lb of GB cod, depending on the area it was fishing.

Minimum A DAS Requirement: In order to ensure that a vessel will always have the ability to flip to a Category A DAS while fishing under a Regular B DAS (should it encounter a groundfish species of concern in an amount that exceeds the trip limit), the number of Regular B DAS that may be used on a trip is limited to the number of Category A DAS that the vessel has at the start of the trip.

- **Example:** If a vessel intends to fish under the Regular B DAS Pilot Program and has 5 Category A DAS available, the maximum number of Regular B DAS that the vessel may fish on that trip under the Regular B DAS Pilot Program would be 5.

Prohibition on Discarding Legal-Sized Fish and Landing Limits: Vessels fishing in the Regular B DAS Pilot Program are prohibited from discarding legal-sized regulated species* (with the exception described below), and are subject to the landing limits for the following groundfish stocks of concern in Table 1 below:

*Regulated species refers to the following groundfish species:

- American plaice
- Atlantic cod
- Haddock
- Pollock
- Redfish
- White hake
- Winter flounder
- Windowpane flounder
- Witch flounder
- Yellowtail flounder

Table 1: Regular B DAS Pilot Program Landing Limits for Groundfish Stocks of Concern

Groundfish Stocks of Concern	Landing Limit
GOM cod	100 lb per DAS; 1,000 lb per trip
GB cod	100 lb per DAS; 1,000 lb per trip
American plaice	100 lb per DAS; 1,000 lb per trip
White hake	100 lb per DAS; 1,000 lb per trip
SNE/Mid Atlantic (MA) winter flounder	100 lb per DAS; 1,000 lb per trip
Witch flounder	100 lb per DAS; 1,000 lb per trip
CC/GOM yellowtail flounder	25 lb per DAS; 250 lb per trip
SNE/MA yellowtail flounder	25 lb per DAS; 250 lb per trip

Discarding of regulated groundfish is allowed in circumstances where mandatory retention would conflict with a prohibition on retention of such species. For example, there is currently a prohibition on the retention of yellowtail flounder from the Western U.S./Canada Area, therefore, a vessel in the Regular B DAS Pilot Program fishing in the Western U.S./Canada Area would be required to discard yellowtail flounder because of the prohibition on retention.

Reporting Requirements: Vessels fishing under the Regular B DAS Pilot Program must report their catch of groundfish stocks of concern (kept and discarded) daily through VMS, by statistical area fished (see Attachment 1 starting on page 15 for statistical areas). If no stocks of concern are caught, a daily report is still required. The reports must be submitted in 24-hr intervals for each day, beginning at 0000 hr and ending at 2400 hr. The reports must be submitted by 0900 hr of the following day. Vessels are also still required to report all species kept and discarded using the Vessel Trip Reports (Log Books).

Quarterly DAS Limit: To limit the potential biological impacts of the Regular B DAS Pilot Program, a maximum of 1,000 Regular B DAS per quarter may be used by the fishery as a

whole. The fishery is authorized to occur for the following quarters: November 19, 2004 through January 2005; February 2005 through April 2005; May 2005 through July 2005; and August 2005 through October 2005.

When the Regional Administrator has determined that 1,000 Regular B DAS have been used in a quarter, the Regular B DAS Pilot Program will end for that quarter. When the Regular B DAS Pilot Program closes for a quarter, notification will be provided through a radio announcement, VMS, and a letter to permit holders. At the time of closure, vessels that have already declared into the program via VMS and crossed the demarcation line will be allowed to finish their trips.

Quarterly Incidental Total Allowable Catches (TAC's) for Stocks of Concern: In order to limit the potential impact on fishing mortality that the use of Category B DAS (Regular B DAS or Reserve B DAS) may have on groundfish stocks of concern, a quarterly Incidental TAC is set for each groundfish stock of concern for the Regular B DAS Pilot Program, as summarized in Table 2 below:

Table 2: Incidental TACs (mt) by Quarter for Groundfish Stocks of Concern

Qtr	GOM cod	GB cod	Cape Cod (CC)/GOM yellowtail flounder	American plaice	White hake	SNE/MA yellowtail flounder	SNE/MA winter flounder	Witch flounder
Nov 2004 to Jan 31, 2005	48.5	26.07	9	92.5	38.5	17.5	71.5	129.5
Feb 1, 2005 to Apr 30, 2005	48.5	26.07	9	92.5	38.5	17.5	71.5	129.5
May 1, 2005 to July 31, 2005	63.5	32.01	12.5	90	38	49.5	89	175
Aug 1, 2005 to Oct 31, 2005	63.5	32.01	12.5	90	38	49.5	89	175

Closure of Stock Areas to the Use of Regular B DAS: With the exception of white hake (see below), if the quarterly incidental TAC for any of the stocks of concern listed in Table 2 is caught, use of Regular B DAS in the pertinent stock area will be prohibited for the remainder of that quarter. Because several stocks of concern may be found in a given stock area, the closure of that stock area to the use of Regular B DAS will result in the prohibition of fishing under the Regular B DAS Pilot Program for all stocks of concern in that stock area, even if there is TAC remaining for some of the stocks of concern for that quarter. In cases where similar stock areas do not overlap, the non-overlapping areas for the stock that has not been fully harvested for a particular quarter would remain open. All stock areas will reopen for the use of B Regular DAS

at the beginning of the subsequent quarter.

- **Example:** Should the quarterly TAC for GOM cod be harvested, that portion of the CC/GOM yellowtail flounder stock area that does not overlap with the GOM cod stock area would remain open, provided it is not closed due to harvest of another stock's quarterly TAC.

Attachment 1 (Figures 4 through 10) depicts the stock areas that are associated with the incidental TACs. Upon closure of a stock area under the Regular B DAS Pilot Program, vessels may still fish in these stock areas under a Category A DAS (or in a SAP). When a stock area is closed to the use of Regular B DAS, notification will be provided through a radio announcement, VMS, and a letter to permit holders. **Information on the harvest of stocks of concern, as well as closure of stock areas, will be available on the internet at the following address:** www.nero.noaa.gov. At the time a stock area is closed to the use of Regular B DAS, vessels that have already declared into the program via VMS and crossed the demarcation line will be allowed to finish the trip under a Regular B DAS (unless they are required to flip to an A DAS).

White Hake Prohibition: If the white hake incidental TAC is caught in a quarter, the possession of white hake will be prohibited when fishing under the Regular B DAS Pilot Program in all stock areas for the remainder of that quarter.

Vessels with a Monkfish Category C or D DAS Permit: A vessel with a limited access monkfish Category C or D permit that fishes under a monkfish DAS, and is therefore required to utilize a NE multispecies DAS, may choose to use a Regular B DAS instead of an A DAS, provided the use of the Regular B DAS is still allowed in the stock area in which the vessel will be fishing, and provided the vessel adheres to all applicable regulations, including mesh restrictions. Note: This does not change the rules with regard to monkfish DAS usage.

CA I Hook Gear Haddock SAP

Eligibility: All vessels issued a valid limited access NE multispecies DAS permit and that are members of the GB Cod Hook Sector (Sector) are eligible to participate in the CA I Hook Gear Haddock SAP, provided they comply with the provisions of the Sector's approved Operations Plan and with the requirements and restrictions identified below. Vessels that are not members of the Sector may not participate in this SAP. Vessels participating in the Regular B DAS Pilot Program may not fish in this SAP on the same trip.

Season: Vessels may fish in the CA I Hook Gear Haddock SAP from October 1 through December 31 of each fishing year.

VMS Requirement: Vessels participating in this program must be equipped with an approved VMS.

Observer Program Notification:

- **Seasonal:** Vessel owners must notify the NOAA Fisheries Observer Program, prior to September 1, of their intent to participate in the CA I Hook Gear Haddock SAP. This requirement is waived for this fishing year (2004) due to the timing of implementation of this SAP. In fishing year 2005 and beyond, vessel owners must declare, prior to September 1, their intent to participate in this SAP or they will be prohibited from participation in the SAP.

- **Trip Notification:** The vessel owner or operator must call the NOAA Fisheries Observer Program at least 72 hours in advance of a trip in order to facilitate observer coverage. The NOAA Fisheries Observer Program contact number is: **(508) 990-9057**. Vessels intending to participate in the CA I Hook Gear Haddock SAP must call this number and provide the following information:
 - Vessel name
 - Contact name for coordination of observer deployment
 - Telephone number of contact
 - Date, time, and port of departure.

CA I Hook Gear Haddock Access Area: The CA I Hook Gear Haddock Access Area is the area defined by straight lines connecting the following points in the order stated and shown in Figure 1, below:

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
Hook 1	41° 25.6'	69° 20.2'
Hook 2	41° 29.2'	69° 08.1'
Hook 3	41° 08.5"	68° 50.2'
Hook 4	41° 06.4'	69° 03.3'

Closed Area I Hook Gear Haddock SAP

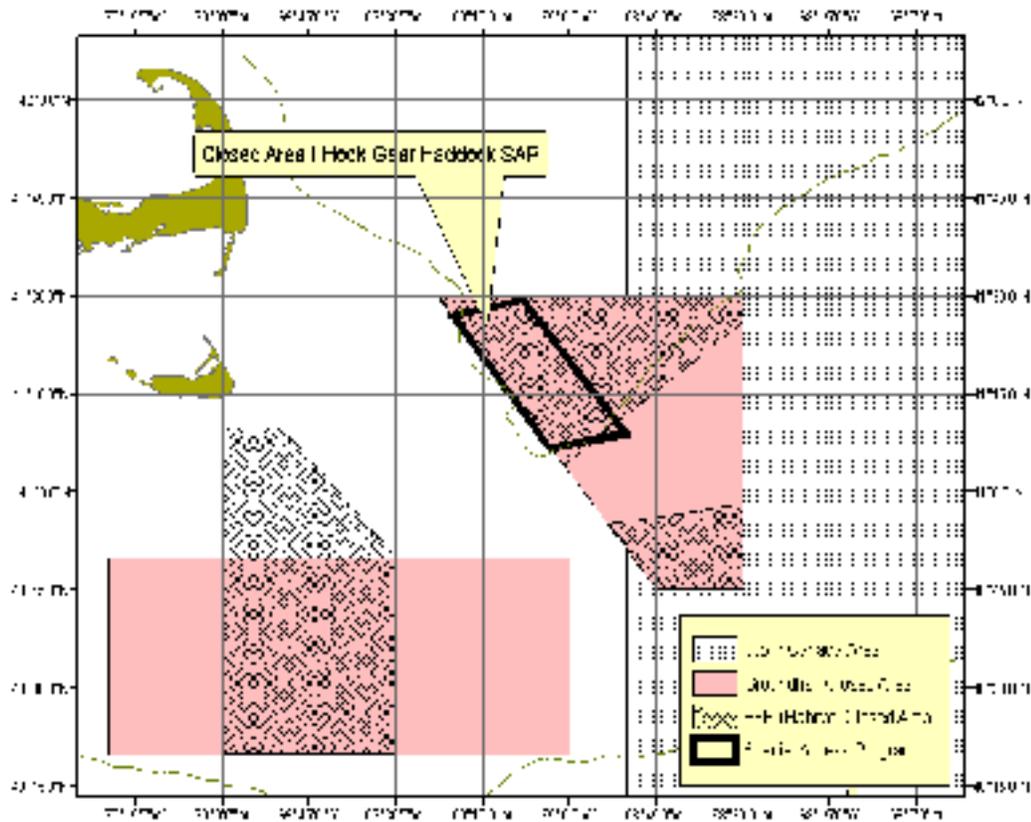


Figure 1: The CA I Hook Gear Haddock Access Area

VMS Declaration: Prior to departing on a trip to the CA I Hook Gear Haddock SAP, the vessel owner or operator must notify NOAA Fisheries via VMS that the vessel intends to participate in this SAP. Declaration of the trip through VMS does not serve to reserve a vessel's right to fish in the SAP. In order to be considered actively fishing in the SAP, a vessel must both declare its trip via VMS and have crossed the demarcation line. Please refer to Attachments 2 through 4 on pages 20 through 32, which contain important information relating to VMS. For additional information on VMS please call NOAA Fisheries Office of Law Enforcement at (978) 281-9230.

Types of DAS Use Restrictions: Vessels fishing in the CA I Hook Gear Haddock SAP may use either Category A DAS, Regular B DAS, or Reserve B DAS. Vessels may not switch from a Category B DAS to a Category A DAS on the same trip. A vessel may fish inside and outside of the CA I Hook Gear Haddock SAP on the same trip, provided it is fishing under an A DAS.

Accounting of B DAS will automatically switch from one type of B DAS (Regular or Reserve) to the other, should the type of B DAS called in for that trip run out.

- **Example:** If a vessel selects Reserve B DAS and is at sea for more days than it has Reserve B DAS remaining, Regular B DAS will be automatically deducted for the remaining days of the trip.

Gear Restrictions: Vessels fishing in the CA I Hook Gear Haddock SAP may fish with or possess on board demersal longline gear or tub trawl gear only, and are subject to the gear requirements of the Sector Operations Plan.

Haddock TAC and Trip Limit: The maximum amount of haddock (landings and discards) that may be harvested in a fishing year from the CA I Hook Gear Haddock Access Area by eligible vessels is 1,000 mt. Haddock harvested under either a Category A or a Category B DAS will count toward this TAC. Participating vessels may possess and land the amount of haddock allowed under current regulations. Information on the amount of haddock harvested will be available on the internet at the following address: www.nero.noaa.gov.

Cod Trip Limit and Landings Accounting: Vessels are subject to the cod trip limit in effect under the Sector's Operations Plan (no landing limit under the 2004 Operations Plan). All cod harvested by Sector participants from the CA I Hook Gear Haddock SAP will count toward the Sector's annual allocation of GB cod.

Reporting requirements: All reports submitted by either Sector participants or by the Sector Manager must include at least the following information: Total weight (lb) of cod and haddock kept, and total weight (lb) of cod and haddock discarded.

- **Sector Participants:** The owner or operator of a vessel participating in the Sector, and declared into the CA I Hook Gear Haddock Area, must submit daily reports to the Sector Manager for each day fished, when declared into the CA I Hook Gear Haddock Area. Vessels are also still required to report all species kept and discarded using the Vessel Trip Reports (Log Books).
- **Sector Manager:** The Sector Manager will provide detailed instructions to the Sector members on how Sector vessel reporting must occur. The Sector Manager must provide daily reports to NOAA Fisheries containing the information described above.

Closure of the CA I Hook Gear Haddock SAP: When the Regional Administrator projects that 1,000 mt of haddock has been harvested in the SAP, the CA I Hook Gear Haddock SAP will close for the rest of the fishing year, and Sector members will be notified of this closure. When the SAP is closed, notification will be provided through a radio announcement, VMS, and a letter to permit holders. In addition, NOAA Fisheries will provide status information on its website: www.nero.noaa.gov. At the time of closure, vessels that have already declared into the SAP via VMS and crossed the demarcation line will be allowed to finish their trips.

Observer Program Funding: A Sector vessel participating in the CA I Hook Gear Haddock

SAP must pay for additional observer coverage if the Regional Administrator determines that the funding of observers by NOAA Fisheries is inadequate to provide sufficient observer coverage for the total number of vessels participating in the SAP.

Eastern U.S./Canada Haddock SAP Pilot Program

Eligibility: All vessels issued a valid limited access NE multispecies DAS permit and fishing with trawl gear are eligible to participate in the SAP provided they comply with the requirements and restrictions identified below. Vessels participating in the Regular B DAS Pilot Program may not fish in this SAP on the same trip.

Season: Vessels may fish in Eastern U.S./Canada Haddock SAP Pilot Program from May 1 through December 31 of each fishing year, unless otherwise closed as indicated below. This program will expire November 30, 2006.

VMS Requirement: Vessels participating in this program must be equipped with an approved VMS.

Observer Program Notification: The vessel owner or operator must call the NOAA Fisheries Observer Program at least 72 hours in advance of a trip in order to facilitate observer coverage. The NOAA Fisheries Observer Program contact number is: **(508) 990-9057**. Vessels intending to fish in the Eastern U.S./Canada Haddock SAP Pilot Program must provide the following information:

- Vessel name
- Contact name for coordination of observer deployment
- Telephone number of contact
- Date, time, and port of departure

Eastern U.S./Canada Haddock SAP Pilot Program Area: The Eastern U.S./Canada Haddock SAP Pilot Program Area is the area defined by straight lines connecting the following points in the order stated and shown in Figure 2, below:

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CAII3	42° 22'	67° 20' ⁽¹⁾
SAP1	42° 20'	67° 20'
SAP2	42° 20'	67° 40'
SAP3	41° 10'	67° 40'
SAP4	41° 10'	67° 20'
SAP5	42° 10'	67° 20'
SAP6	42° 10'	67° 10'
CAII3	42° 22'	67° 20' ⁽¹⁾

⁽¹⁾U.S./Canada maritime boundary

Eastern U.S. / Canada Haddock SAP Pilot Program

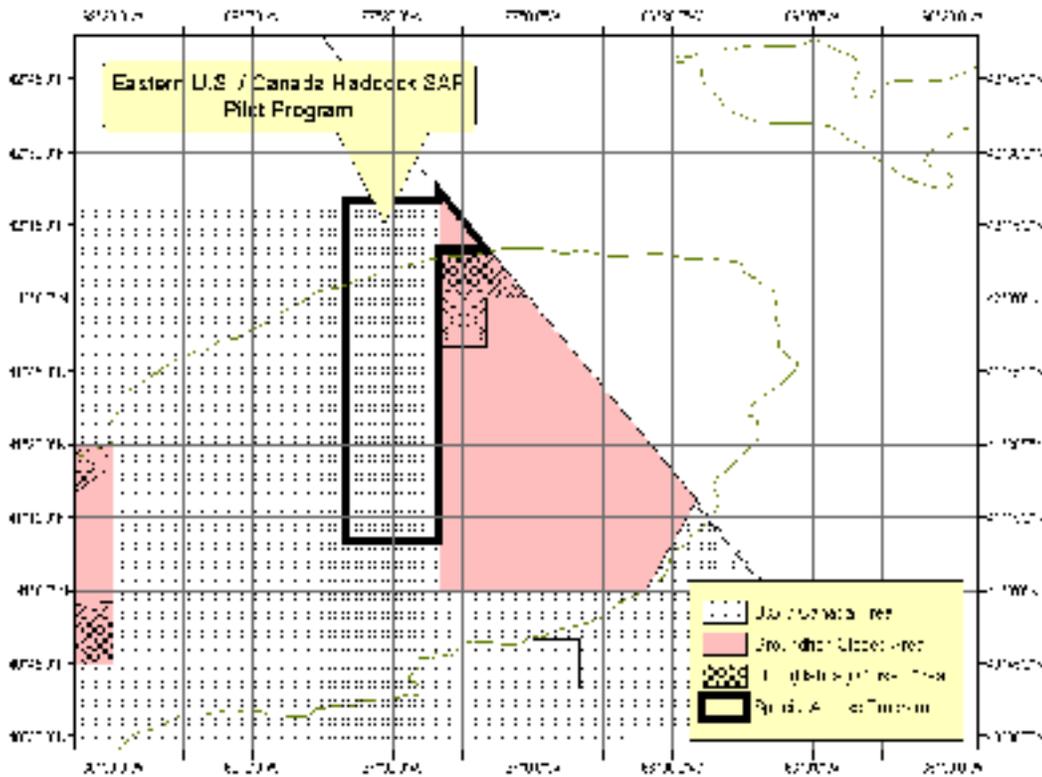


Figure 2: Eastern U.S./Canada Haddock SAP Pilot Program Area

VMS Declaration: Prior to departing on a trip into the Eastern U.S./Canada Haddock SAP Pilot Program, the vessel owner or operator must notify NOAA Fisheries via VMS that the vessel intends to participate in this SAP. Declaration of a trip into the Eastern U.S./Canada Haddock SAP Pilot Program through VMS does not serve to reserve a vessel’s right to fish in the program. In order to be considered actively fishing in the program, a vessel must both declare its trip via VMS and have crossed the VMS demarcation line. Please refer to Attachments 2 through 4 on pages 20 through 32, which contain important information relating to VMS. For additional information on VMS please call NOAA Fisheries Office of Law Enforcement at (978) 281-9230.

Restrictions on Areas to be Fished:

- A vessel may fish in both the Eastern U.S./Canada Haddock SAP Pilot Program and the

CA II Yellowtail Flounder SAP (VMS Area Code 7; See Attachment 2), under either a Category A DAS or a Category B DAS.

- A vessel may choose, on the same trip, to fish in either/both the Eastern U.S./Canada Haddock SAP Area and the CA II Yellowtail Flounder SAP Area, and in that portion of the Eastern U.S./Canada Area that lies outside of these two SAPs (VMS Area Code 8; See Attachment 2), provided the vessel fishes under a Category A DAS (the use of Category B DAS is not allowed in the portion of the Eastern U.S./Canada Area that lies outside of SAPs).
- Vessels that elect to fish in multiple areas, as described above, must fish under the most restrictive trip provisions of any of the areas fished for the entire trip.
- Please refer to Attachment 4 (pages 31 and 32), which depicts the VMS screens for BOATRACS and SKYMATE systems and Attachment 2 (starting on page 20), which depicts the applicable VMS codes for fishing in the U.S./Canada Area.

Types of DAS Use Restrictions: Vessels fishing in the Eastern U.S./Canada Haddock SAP Pilot Program may use either Category A DAS, Regular B DAS, or Reserve B DAS.

Accounting of B DAS will automatically switch from one type of B DAS to the other, should the type of B DAS called in for that trip run out.

- **Example:** If a vessel selects Reserve B DAS and is at sea for more days that it has Reserve B DAS remaining, Regular B DAS will be automatically deducted for the remaining days of the trip.

DAS Accrual and Calculation of Possession Limits: While fishing in the Eastern U.S./Canada Haddock SAP Pilot Program, DAS will accrue to the nearest minute, on a real-time basis. The calculation of the trip limit for haddock will be based upon the number of DAS used while the vessel is in the Eastern U.S./Canada Area. This is consistent with the Eastern U.S./Canada regulations currently in effect.

Requirement to Flip from a Category B DAS to a Category A DAS: If a vessel fishing under a Category B DAS harvests and brings on board more than 1,000 lb of legal-sized cod, the vessel operator must notify NOAA Fisheries via VMS that it is changing its DAS category from Category B DAS (Regular or Reserve) to a Category A DAS prior to crossing the VMS demarcation line on its return trip to port. Should a vessel that has declared into the Eastern U.S./Canada Haddock SAP Pilot Program flip from a Category B DAS to a Category A DAS, it will be charged Category A DAS for the entire trip. Once the vessel is fishing under a Category A DAS, the prohibition on discarding legal-sized cod no longer applies.

Minimum A DAS Requirement: In order to ensure that a vessel fishing in the Eastern U.S./Canada Haddock SAP Pilot Program will always have the ability to flip to a Category A DAS while fishing under a Category B DAS (should it catch more than 1,000 lb of cod), the number of Category B DAS (Reserve or Regular) that may be used on a trip is limited to the number of Category A DAS that the vessel has at the start of the trip.

- **Example:** If a vessel intends to fish under Category B DAS and has 5 Category A DAS

available, the maximum number of Regular and Reserve B DAS that the vessel may fish on that trip would be 5.

Termination of the Use of B DAS: When the Regional Administrator projects that 27 mt of GB cod have been harvested from the Eastern U.S./Canada Haddock SAP by vessels fishing under B DAS (Regular or Reserve B DAS), the use of B DAS in this SAP will be prohibited for the rest of the fishing year. When the use of B DAS is prohibited, notification will be provided through a radio announcement, VMS, and a letter to permit holders. Information on the amount of harvest of the incidental cod TAC will be available on the internet at the following address: www.nero.noaa.gov. At the time the use of B DAS in the SAP is prohibited, vessels that have already declared into the program via VMS under a B DAS and crossed the demarcation line will be allowed to finish the trip under a B DAS (unless they are required to flip to an A DAS).

Gear Requirements: Eligible vessels fishing in the Eastern U.S./Canada Haddock SAP Pilot Program Area must use a haddock separator trawl as specified by the current regulations. No other type of fishing gear may be on the vessel during a trip to the Eastern U.S./Canada Haddock SAP Area, with the exception of a flounder net, provided the flounder net is stowed in accordance with the regulations.

GB Cod Incidental TAC: The maximum amount of cod (landings and discards) that may be harvested under B DAS in a fishing year from the Eastern U.S./Canada Haddock SAP Pilot Program is 27 mt. Cod caught under an A DAS do not count toward this TAC.

Cod Discard Prohibition and Trip Limit: A vessel fishing in the Eastern U.S./Canada Haddock SAP Pilot Program under a Category B DAS (Regular or Reserve B DAS) may not discard legal-sized cod. Eligible vessels fishing any portion of a trip in the Eastern U.S./Canada Haddock SAP Pilot Program may not fish for, possess, or land more than 1,000 lb of cod per trip, regardless of trip length (and regardless of type of DAS it is fishing under).

Reporting Requirements: A vessel fishing in the Eastern U.S./Canada Haddock SAP Pilot Program must report total pounds of cod, haddock, and yellowtail flounder (kept and discarded), daily through VMS, consistent with the requirements that apply to the Eastern U.S./Canada Area (i.e., the reports must be submitted in 24-hr intervals for each day, beginning at 0000 hr and ending at 2400 hr). The reports must be submitted by 0900 hr of the following day. Vessels are still required to report all species kept and discarded using the Vessel Trip Reports (Log Books).

Combined Trips into Western U.S./Canada Area

FW 40-A provides additional flexibility to vessels fishing in the Western U.S./Canada Area, by allowing them to fish both inside and outside the Western U.S./Canada Area on the same trip, but not in the Eastern U.S./Canada Area. Vessels may enter and exit the Western U.S./Canada Area multiple times, provided they report, through VMS, catches (landings and discards) of yellowtail flounder, by statistical area, when crossing into or out of the Western U.S./Canada

Area. Vessels must also comply with the most restrictive landing limits associated with the areas fished, as well as all other Western U.S./Canada Area requirements.

Double Polling of VMS

NOAA Fisheries may initiate, at its discretion, the transmission of a VMS signal, twice per hour for all NE multispecies vessels required to use a VMS. If NOAA Fisheries does initiate such “double polling,” NOAA Fisheries will pay the cost of the second poll.

Changes to the Cod Possession Limit in the CA II Yellowtail Flounder SAP

For vessels fishing in the CA II Yellowtail Flounder SAP, FW 40-A revises the cod possession limit to 1,000 lb per trip, regardless of trip length. Vessels fishing under a B DAS (Regular or Reserve) are prohibited from discarding legal-sized cod. Should vessels fishing under a B (Regular or Reserve) DAS catch more than 1,000 lb of cod, they must “flip” to an A DAS via VMS, prior to crossing the VMS demarcation line on the return trip to port.

Sincerely,



for Patricia A. Kurkul
Regional Administrator

U.S. STATISTICAL AREAS

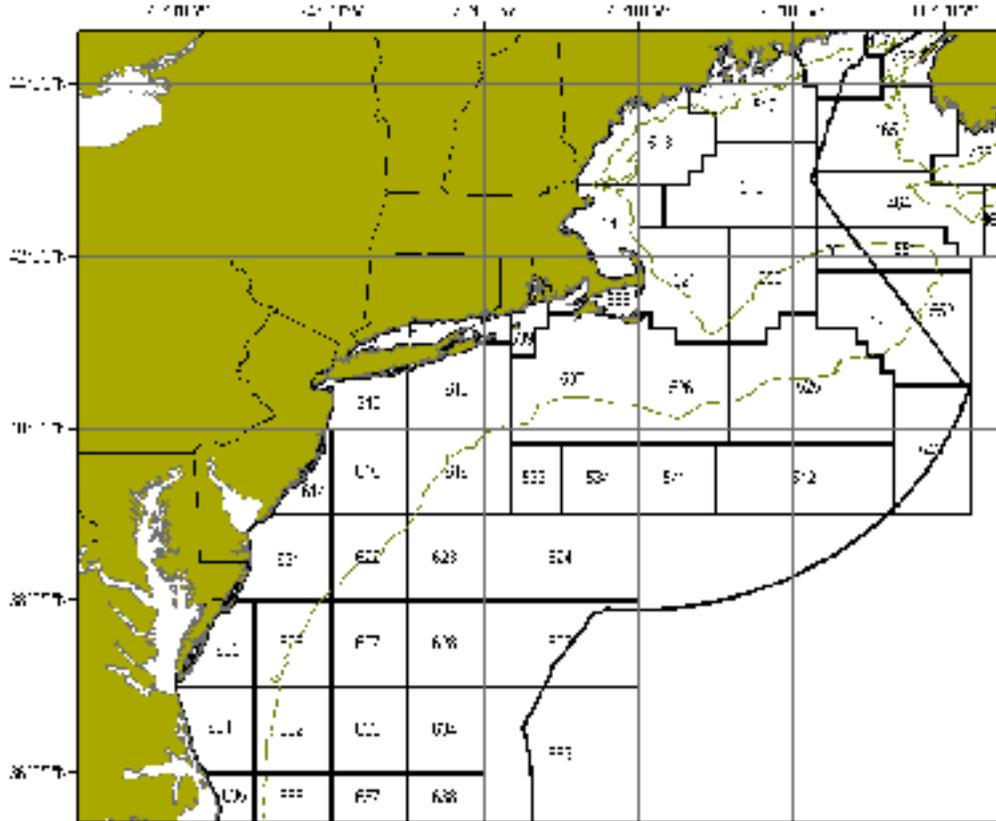


Figure 3: U.S. Statistical Areas. Lines contained within the stock areas of Figures 4 - 10 correspond with these statistical areas. Refer to this Chart for Reporting Catch of Species of Concern in the Regular B DAS Pilot Program.

STOCK AREAS FOR REGULAR B DAS PILOT PROGRAM

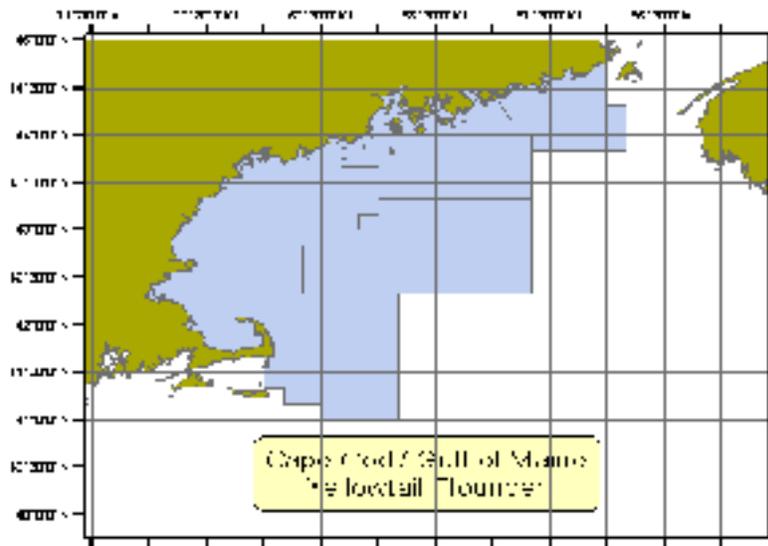


Figure 4: Cape Cod/Gulf of Maine Yellowtail Flounder Stock Area

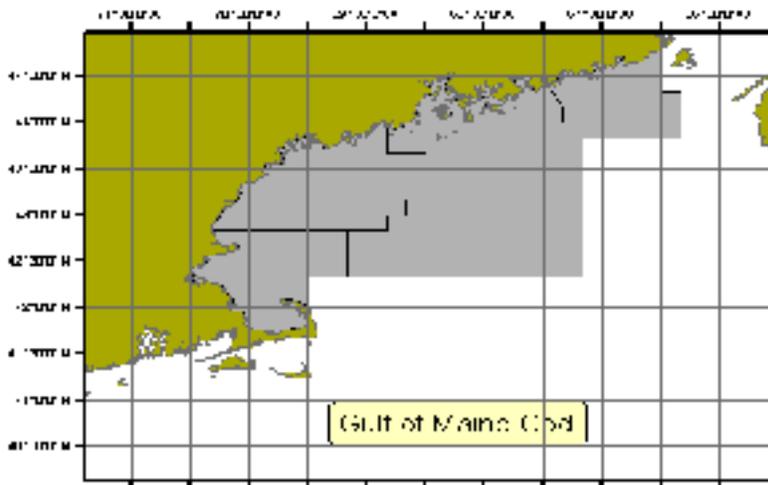


Figure 5: Gulf of Maine Cod Stock Area

STOCK AREAS FOR REGULAR B DAS PILOT PROGRAM

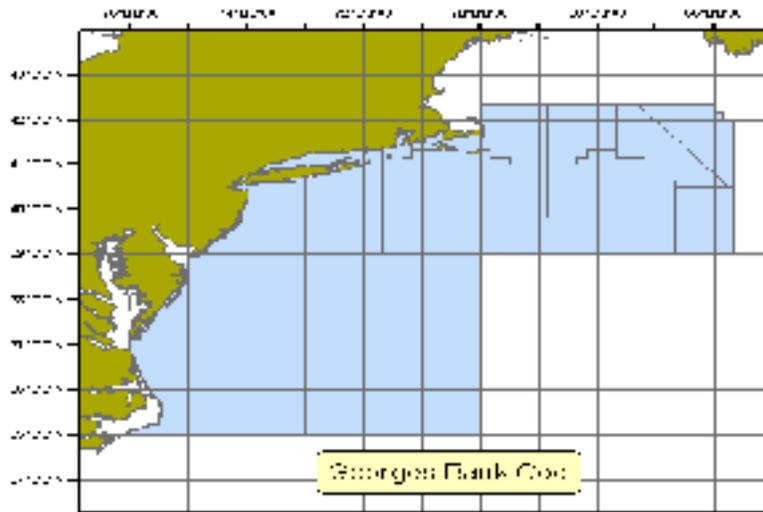


Figure 6: Georges Bank Cod Stock Area

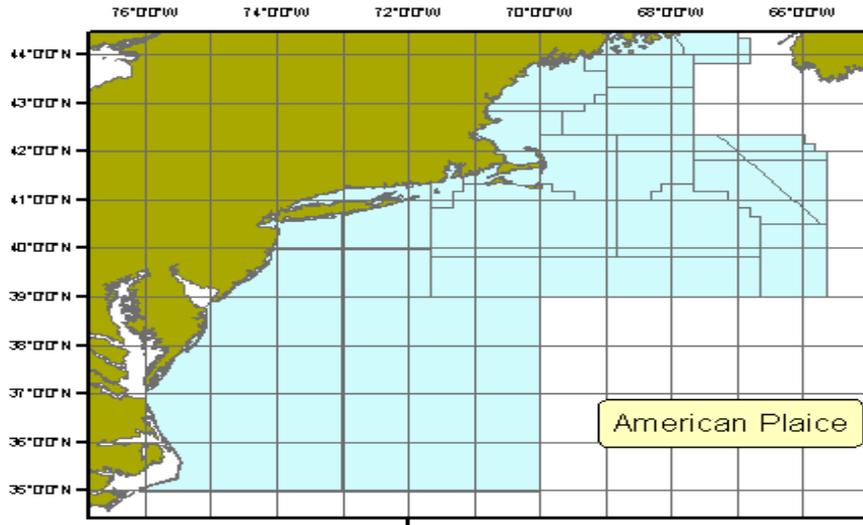


Figure 7: American Plaice Stock Area

STOCK AREAS FOR REGULAR B DAS PILOT PROGRAM

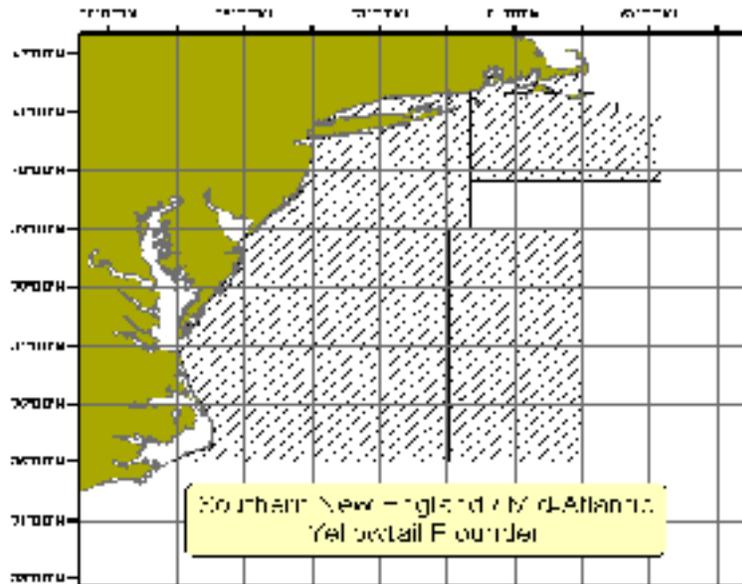


Figure 8: Southern New England/Mid-Atlantic Yellowtail Flounder Stock Area

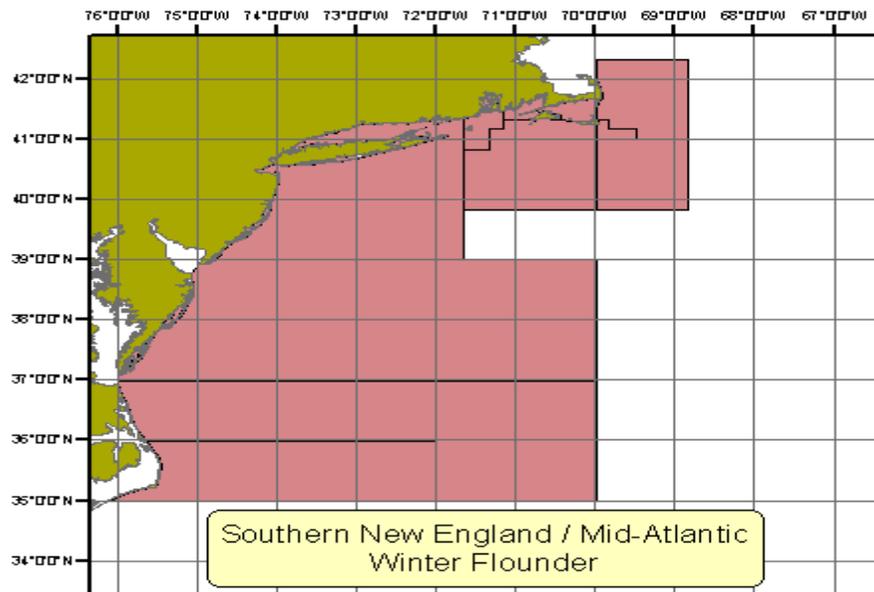


Figure 9: Southern New England/Mid-Atlantic Winter Flounder Stock Area

STOCK AREAS FOR REGULAR B DAS PILOT PROGRAM

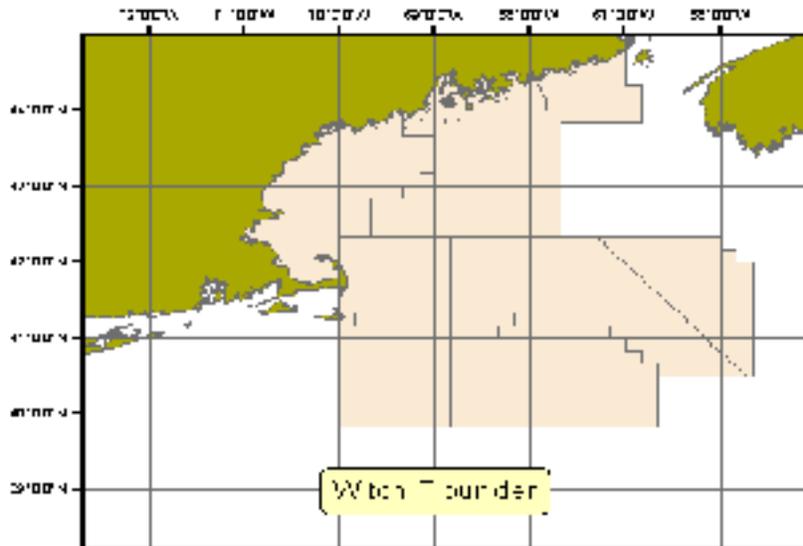
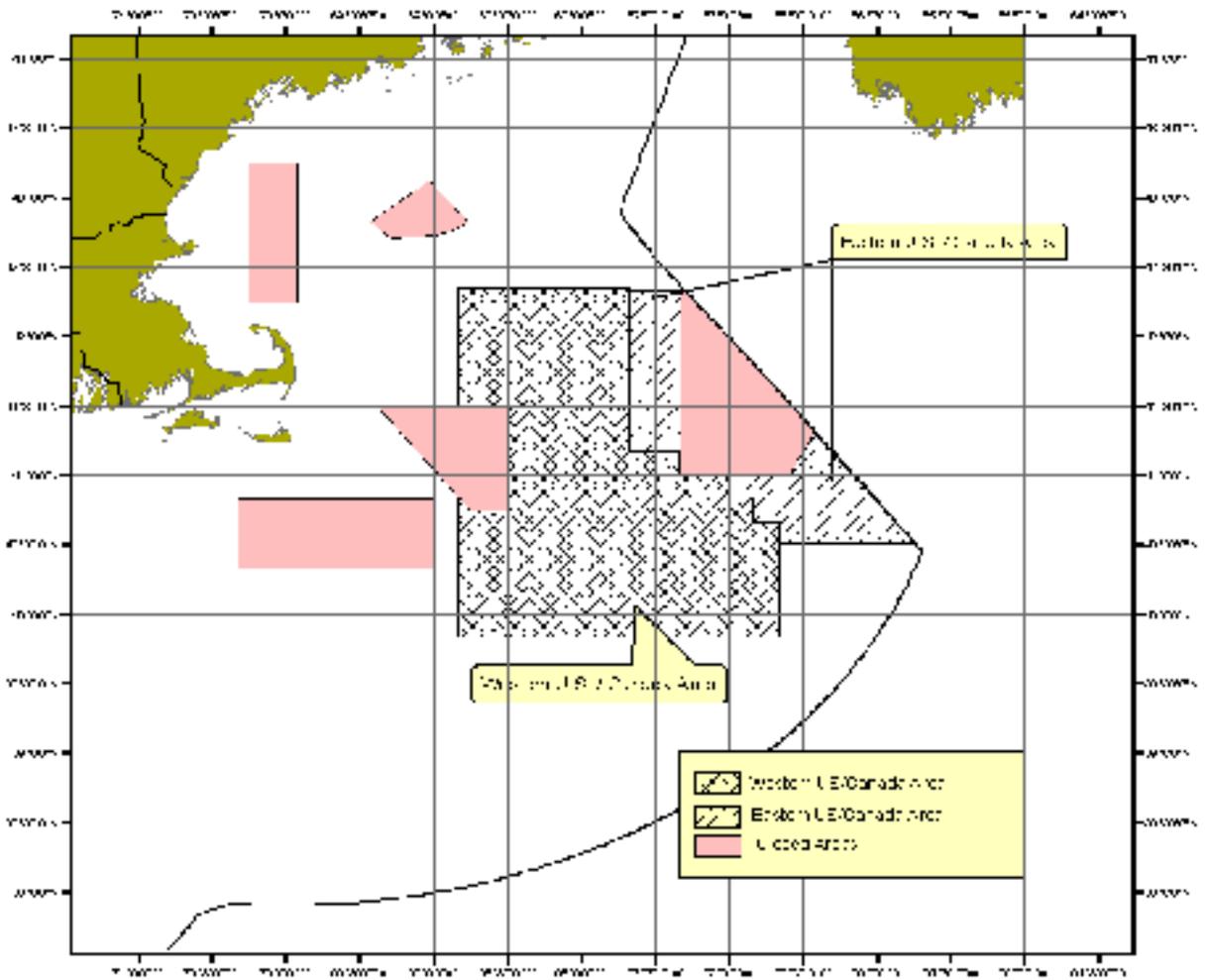


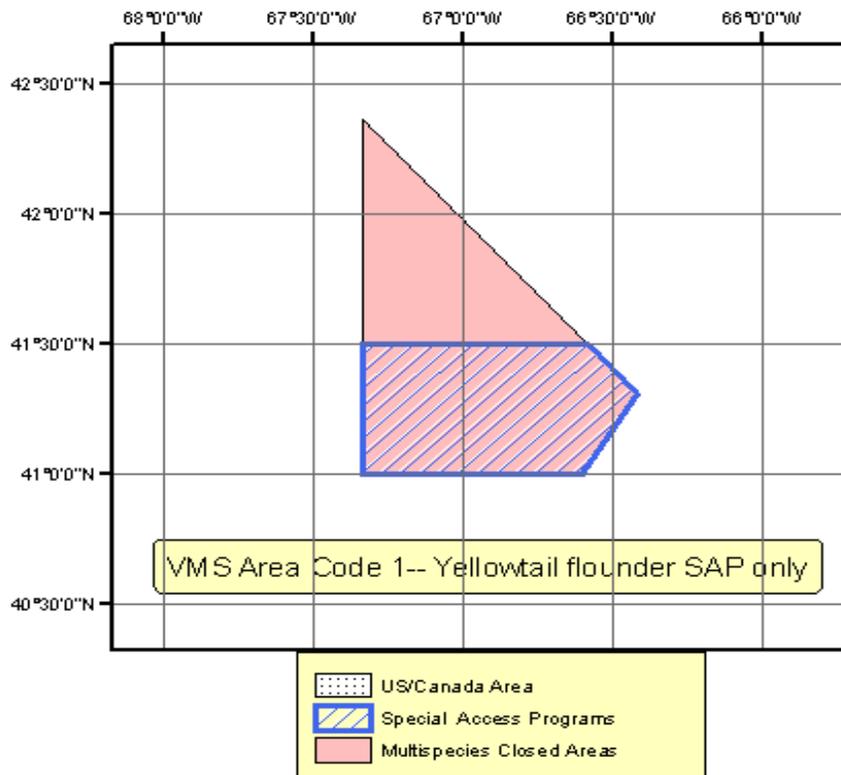
Figure 10: Witch Flounder Stock Area

OVERVIEW OF THE U.S./CANADA MANAGEMENT AREA



U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

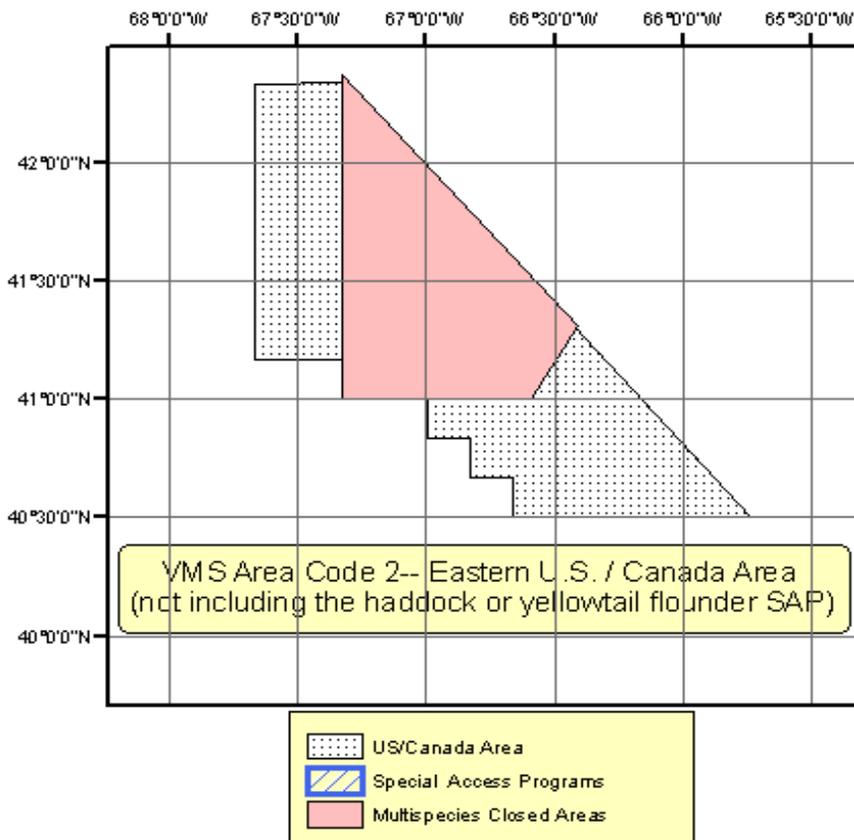
VMS CODE 1: CLOSED AREA II YELLOWTAIL FLOUNDER SAP



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/trip
Reserve B, Regular B (not the Regular B DAS Program)	Flipping required; Discarding of cod prohibited	1,000 lb/trip. If a vessel exceeds 1,000 lb, it must flip to A DAS.

U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

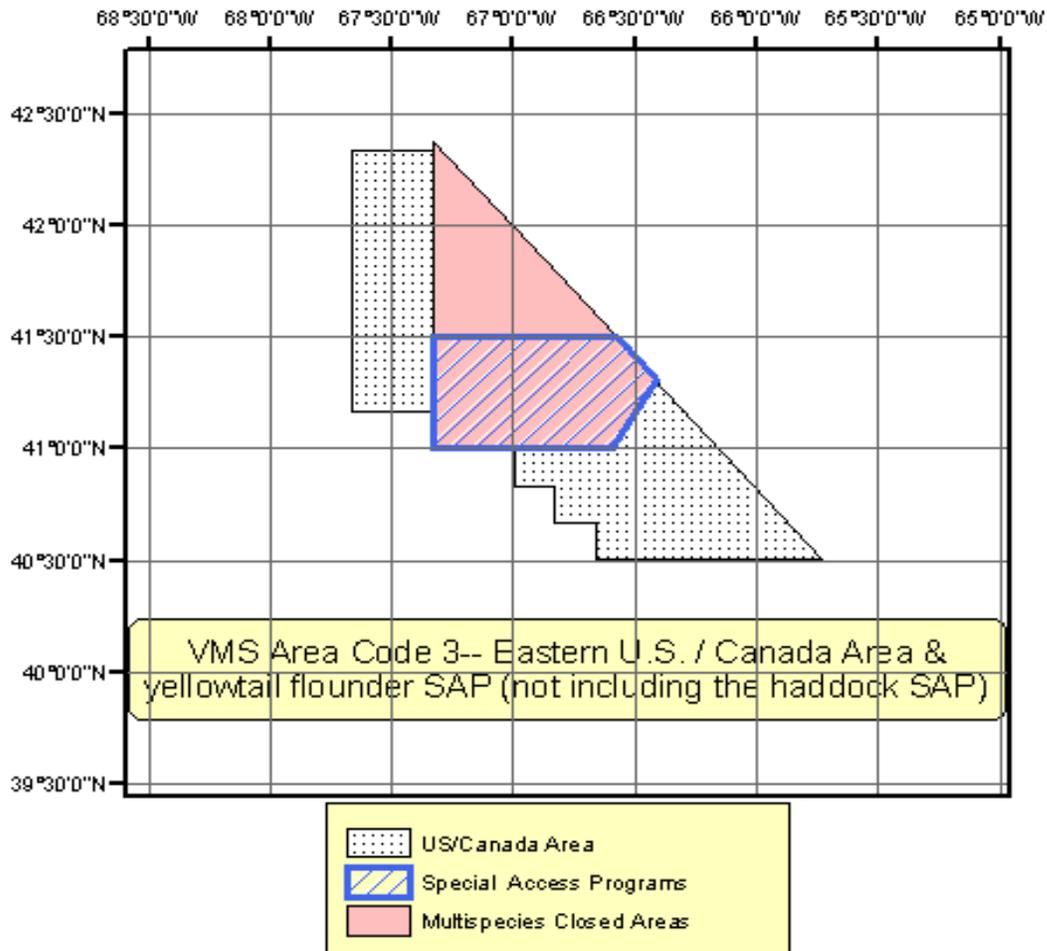
VMS CODE 2: EASTERN U.S./CANADA AREA (no SAP)



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	500 lb/DAS, with a maximum of 5,000 lb/trip; not to exceed 5% of total catch
Regular B DAS Pilot Program	Flipping required; Discarding of cod prohibited	100 lb/DAS, with a maximum of 1,000 lb/trip. If a vessel exceeds 1,000 lb, it must flip to A DAS.

U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

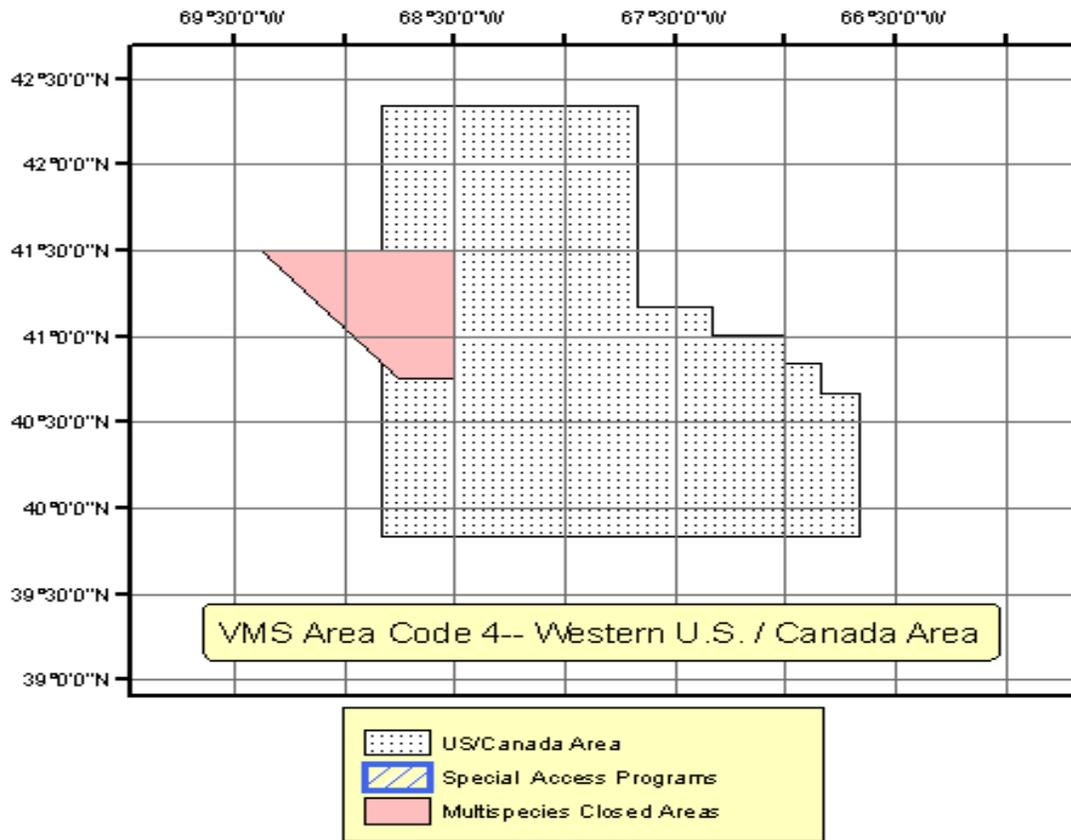
**VMS CODE 3: EASTERN U.S./CANADA AREA and CLOSED AREA II
 YELLOWTAIL FLOUNDER SAP**



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/trip

U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

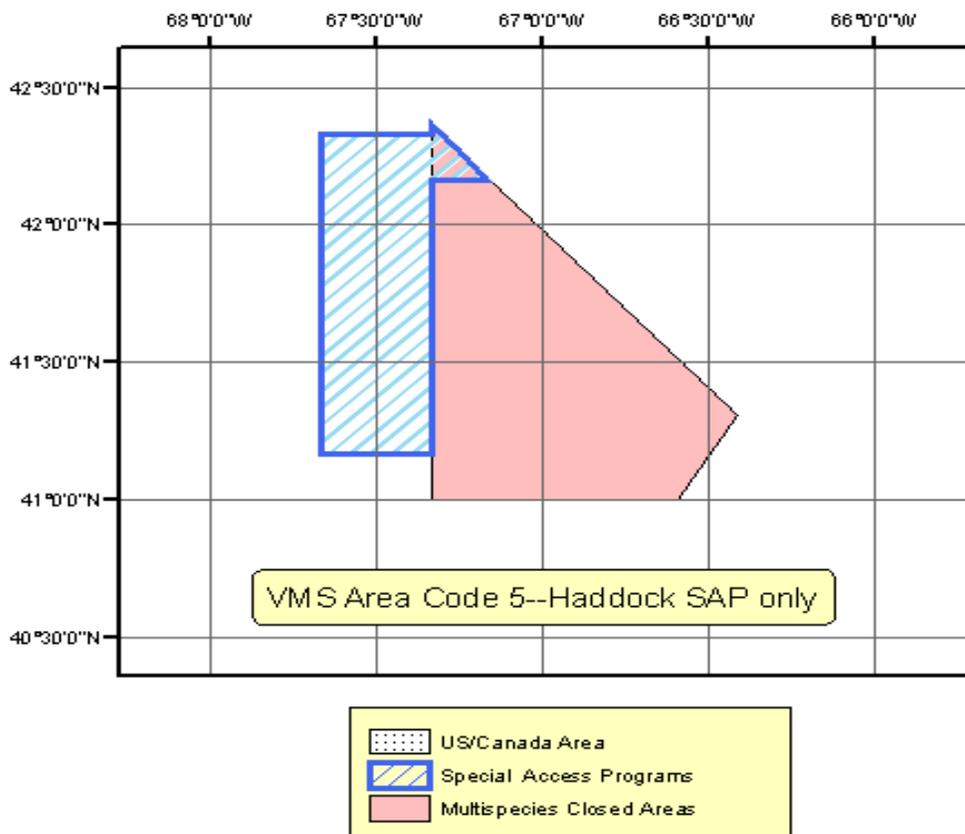
VMS CODE 4: WESTERN U.S./CANADA AREA (and outside, but not in Eastern U.S./Canada Area)



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/DAS; 10,000 lb/trip (if enrolled in GOM cod trip limit exemption program)
Regular B DAS Pilot Program	Flipping required; Discarding of cod prohibited	100 lb/DAS; 1,000 lb/trip If a vessel exceeds 1,000 lb, it must flip to A DAS.

U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

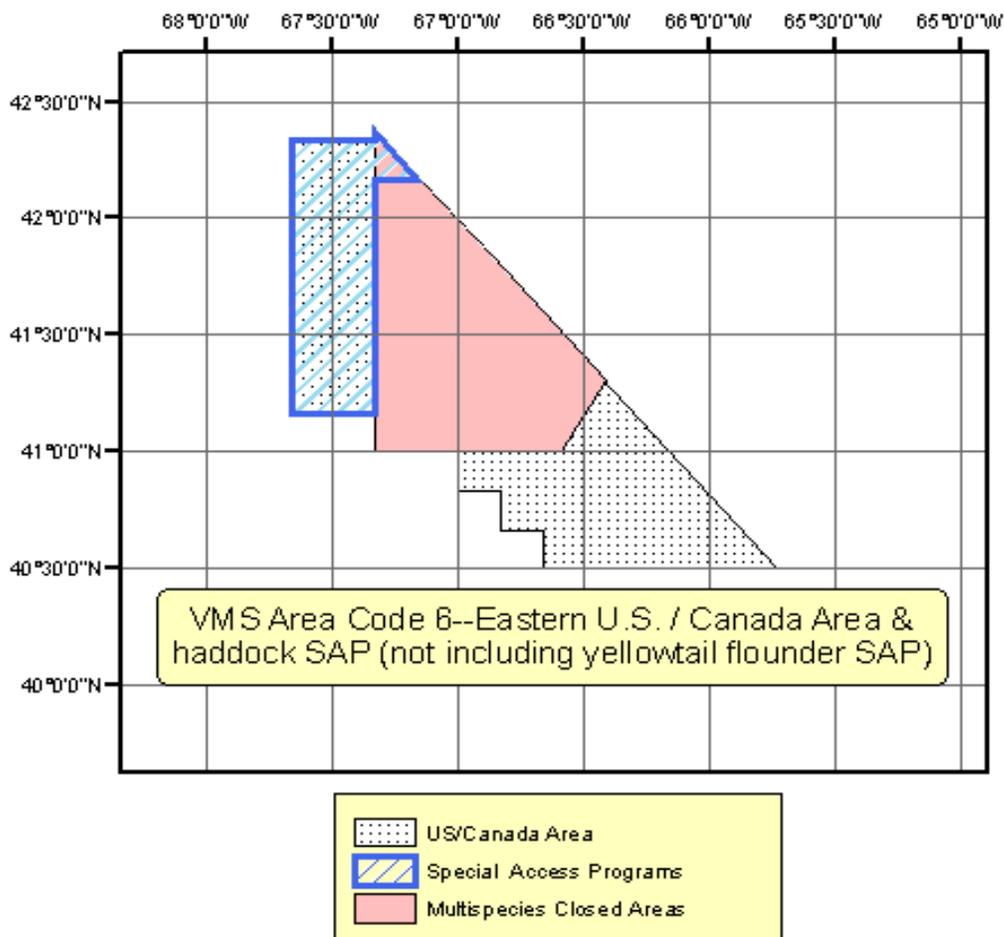
VMS CODE 5: EASTERN U.S./CANADA HADDOCK SAP PILOT PROGRAM (only)



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/trip
Reserve B, Regular B (not the Regular B DAS Program)	Flipping required; Discarding of cod prohibited	1,000 lb/trip. If a vessel exceeds 1,000 lb, it must flip to A DAS.

U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

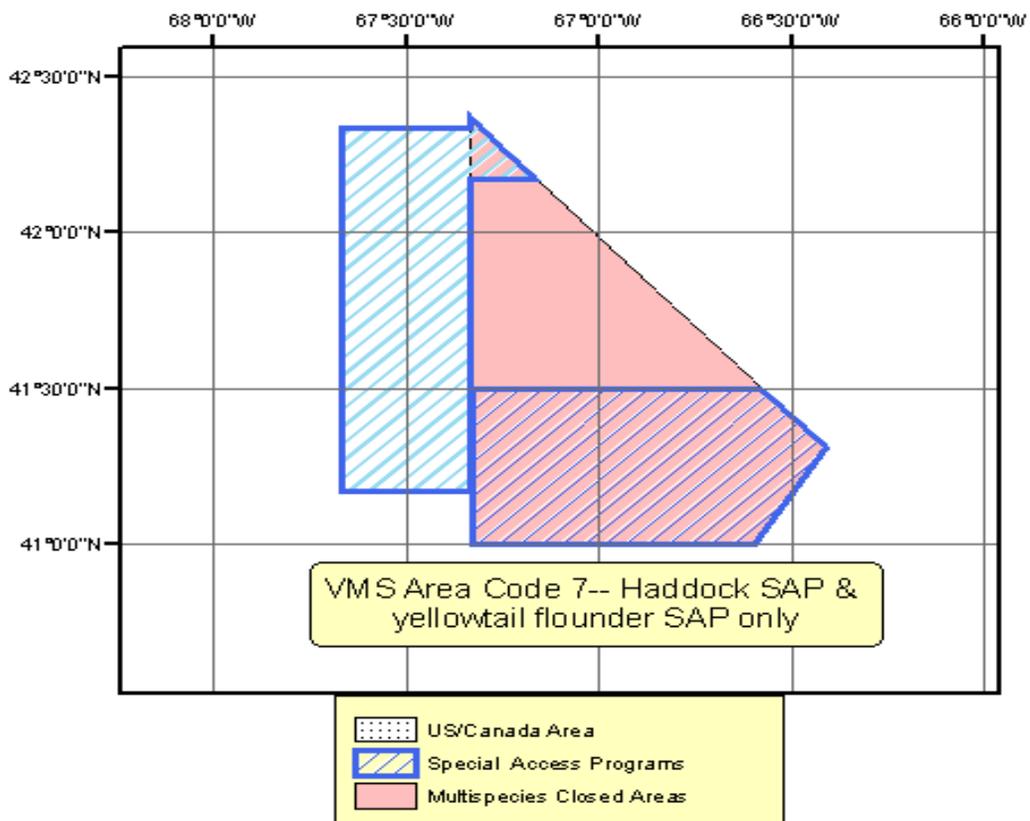
VMS CODE 6: EASTERN U.S./CANADA AREA and EASTERN U.S./CANADA HADDOCK SAP PILOT PROGRAM



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/DAS

U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

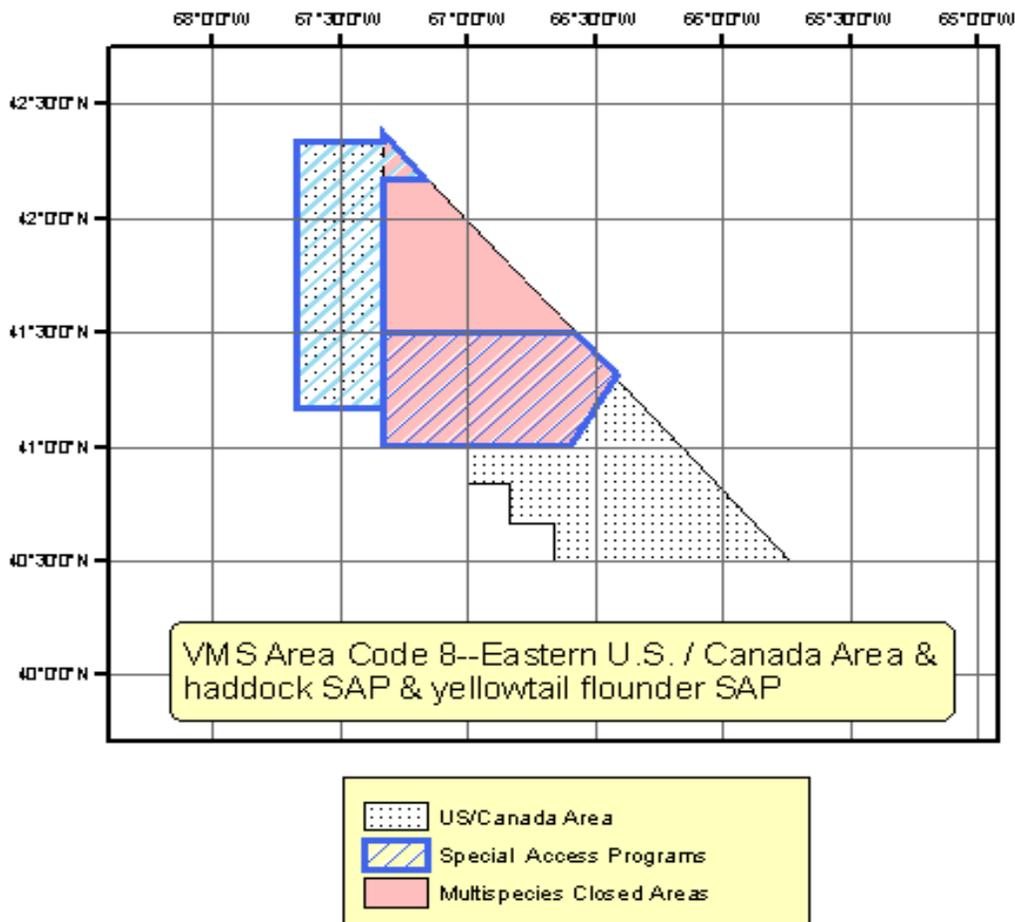
**VMS CODE 7: CLOSED AREA II YELLOWTAIL FLOUNDER SAP and
 EASTERN U.S./CANADA HADDOCK SAP PILOT
 PROGRAM**



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/trip
Reserve B, Regular B (not the Regular B DAS Program)	Flipping required; Discarding of cod prohibited	1,000 lb/trip. If a vessel exceeds 1,000 lb, it must flip to A DAS.

U.S./CANADA MANAGEMENT AREA:
POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

**VMS CODE 8: EASTERN U.S./CANADA AREA and CLOSED AREA II
 YELLOWTAIL FLOUNDER SAP and EASTER
 U.S./CANADA HADDOCK SAP PILOT PROGRAM**



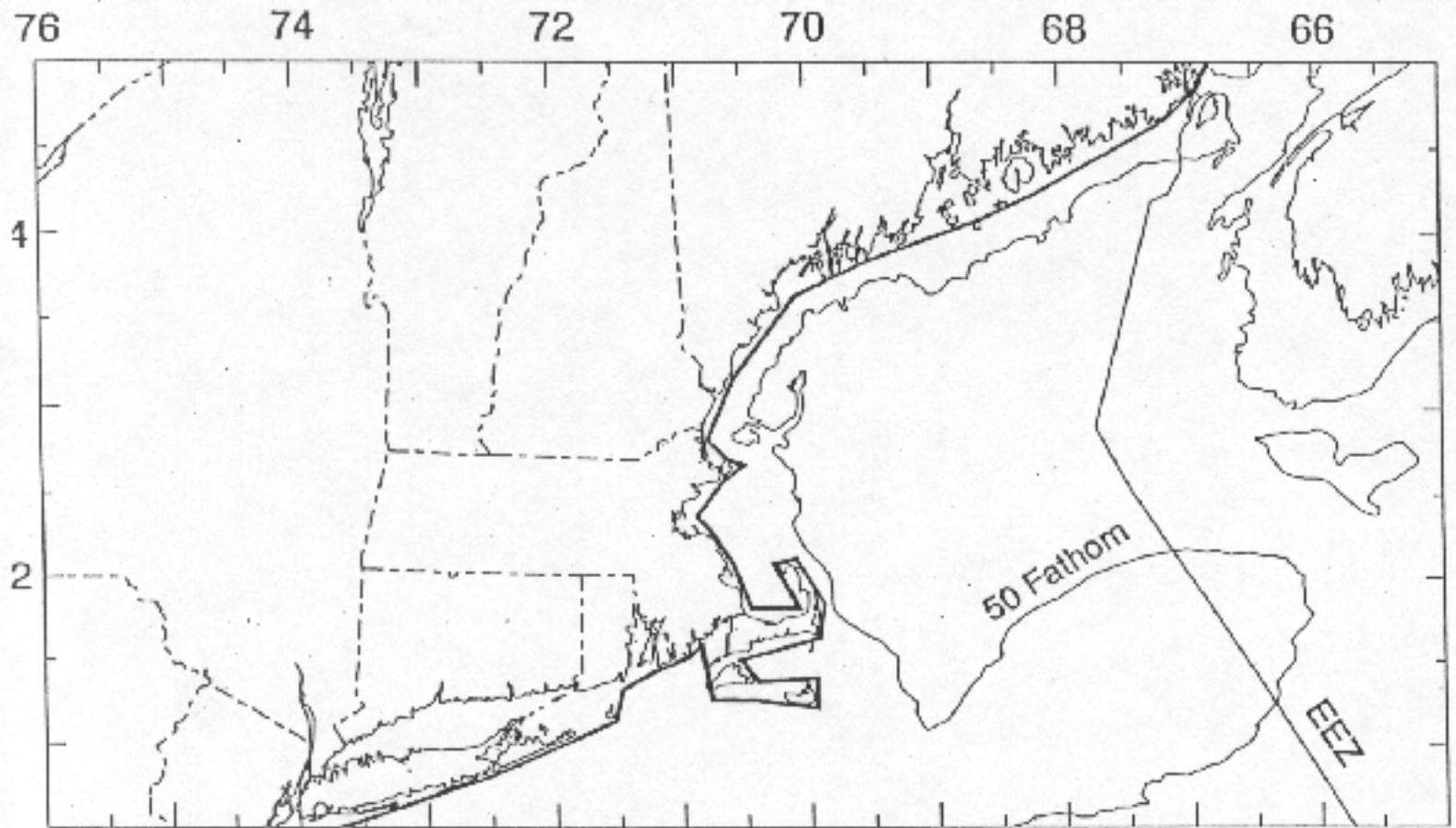
Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/trip

VMS DEMARCATION LINE

The VMS Demarcation Line is defined by straight lines connecting the following coordinates in the order stated:

Description	N. Lat.	W. Long.
1. Northern terminus point (Canada landmass).....	45° 03'	66° 47'
2. A point east of West Quoddy Head Light	44° 48.9'	66° 56.1'
3. A point east of Little River Light	44° 39.0'	67° 10.5'
4. Whistle Buoy "8BI" (SSE of Baker Island)	44° 13.6'	68° 10.8'
5. Isle au Haut Light	44° 03.9'	68° 39.1'
6. Pemaquid Point Light	43° 50.2'	69° 30.4'
7. A point west of Halfway Rock	43° 38.0'	70° 05.0'
8. A point east of Cape Neddick Light	43° 09.9'	70° 34.5'
9. Merrimack River Entrance "MR" Whistle Buoy	42° 48.6'	70° 47.1'
10. Halibut Point Gong Buoy "LAHP"	42° 42.0'	70° 37.5'
11. Connecting reference point	42° 40'	70° 30'
12. Whistle Buoy "2" off Eastern Point	42° 34.3'	70° 39.8'
13. The Graves Light (Boston)	42° 21.9'	70° 52.2'
14. Minots Ledge Light	42° 16.2'	70° 45.6'
15. Farnham Rock Lighted Bell Buoy	42° 05.6'	70° 36.5'
16. Cape Cod Canal Bell Buoy "CC"	41° 48.9'	70° 27.7'
17. A point inside Cape Cod Bay	41° 48.9'	70° 05'
18. Race Point Lighted Bell Buoy "RP"	42° 04.9'	70° 16.8'
19. Peaked Hill Bar Whistle Buoy "2PH"	42° 07.0'	70° 06.2'
20. Connecting point, off Nauset Light	41° 50'	69° 53'
21. A point south of Chatham "C" Whistle Buoy.....	41° 38'	69° 55.2'
22. A point in eastern Vineyard Sound	41° 30'	70° 33'
23. A point east of Martha's Vineyard	41° 22.2'	70° 24.6'
24. A point east of Great Pt. Light, Nantucket	41° 23.4'	69° 57'
25. A point SE of Sankaty Head, Nantucket	41° 13'	69° 57'
26. A point west of Nantucket	41° 15.6'	70° 25.2'
27. Squibnocket Lighted Bell Buoy "1"	41° 15.7'	70° 46.3'
28. Wilbur Point (on Seonticut Neck)	41° 35.2'	70° 51.2'
29. Mishaum Point (on Smith Neck)	41° 31.0'	70° 57.2'
30. Sakonnet Entrance Lighted Whistle Buoy "SR"	41° 25.7'	71° 13.4'
31. Point Judith Lighted Whistle Buoy "2"	41° 19.3'	71° 28.6'
32. A point off Block Island Southeast Light	41° 08.2'	71° 32.1'
33. Shinnecock Inlet Lighted Whistle Buoy "SH"	40° 49.0'	72° 28.6'
34. Scotland Horn Buoy "S", off Sandy Hook (NJ)	40° 26.5'	73° 55.0'
35. Barnegat Lighted Gong Buoy "2"	39° 45.5'	73° 59.5'
36. A point east of Atlantic City Light	39° 21.9'	74° 22.7'
37. A point east of Hereford Inlet Light	39° 00.4'	74° 46'
38. A point east of Cape Henlopen Light	38° 47'	75° 04'
39. A point east of Fenwick Island Light	38° 27.1'	75° 02'
40. A point NE of Assateague Island (VA)	38° 00'	75° 13'
41. Wachapreague Inlet Lighted Whistle Buoy "A"	37° 35.0'	75° 33.7'
42. A point NE of Cape Henry	36° 55.6'	75° 58.5'
43. A point east of Currituck Beach Light	36° 22.6'	75° 48'
44. Oregon Inlet (NC) Whistle Buoy	35° 48.5'	75° 30'
45. Wimble Shoals, east of Chicamacomico	35° 36'	75° 26'
46. A point SE of Cape Hatteras Light	35° 12.5'	75° 30'
47. Hatteras Inlet Entrance Buoy "HI"	35° 10'	75° 46'
48. Ocracoke Inlet Whistle Buoy "OC"	35° 01.5'	76° 00.5'
49. A point east of Cape Lookout Light	34° 36.5'	76° 30'
50. Southern terminus point	34° 35'	76° 41'

NORTHERN LEG OF THE VMS DEMARCATION LINE



BOATRACS VMS DECLARATION SCREEN

MULTISPECIES

- REGULAR ACCESS USING TRAWL GEAR (NMS-MUL)
 REGULAR ACCESS USING GILLNETS (NMS-DAY OR NMS-TRP)
 ARE YOU A DAY OR TRIP GILLNETTER?
 SPECIAL ACCESS PROGRAM
 US\CA AREA (NMS-USC)
 AREA (1-8)
 A DAYS B-REG B-RES
 B-DAS PILOT PROGRAM (NMS-BDP)
 AREA 2 AREA 4 + OPEN OPEN
 A DAYS B-REG
 HOOK GEAR HADDOCK SAP (NMS-HGH)
 A DAYS B-REG B-RES

MONKFISH

- REGULAR ACCESS TRAWL VESSEL
 USING MULTISPECIES DAYS (MNK-MUL)
 USING SCALLOP DAYS (MNK-SCA)
 MONKFISH ONLY (CATEGORY A & B VESSELS ONLY) (MNK-MNK)
 REGULAR ACCESS GILLNET VESSEL (MNK-GIL)
 SPECIAL ACCESS PROGRAM
 US\CA AREA (MNK-USC)
 AREA (1-8)
 B-DAS PILOT PROGRAM (MNK-BDP)
 AREA 2 AREA 4 + OPEN OPEN
 A DAYS B-REG

SKYMATE VMS DECLARATION SCREEN

