



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

April 26, 2007

SMALL ENTITY COMPLIANCE GUIDE

2007 Monkfish Management Measures

Dear Monkfish Permit Holder:

This letter announces temporary interim measures, effective May 1, 2007, implementing target total allowable catch (TAC) levels, days-at-sea (DAS) allocations, and trip limits for limited access monkfish vessels (Categories A, B, C, D, H, and F) for the monkfish fishery for the 2007 fishing year (FY).

The New England and Mid-Atlantic Fishery Management Councils adopted Framework Adjustment 4 (Framework 4) to the Monkfish Fishery Management Plan (FMP) in the fall of 2006 and submitted the Framework 4 document to NOAA's National Marine Fisheries Service (NMFS) on January 11, 2007, for review and approval. A proposed rule soliciting public comment on the management measures contained in Framework 4 published on March 20, 2007, in conjunction with a proposed interim rule, for which public comments were accepted through April 19, 2007. Due to concerns regarding the status of the monkfish resource and the fact that monkfish is in the seventh year of a 10-year rebuilding plan, NMFS has initiated a Stock Assessment Review Committee (SARC) and plans to hold an integrated Stock Assessment Workshop (SAW)/SARC meeting to conduct a new monkfish stock assessment in July 2007. Final action on Framework 4 has been delayed until after the results from this assessment are available.

The following target TACs, trip limits, and DAS restrictions are being implemented as precautionary interim measures to prevent overfishing. These measures will be in effect for 180 days or until a superseding rule is published in the Federal Register. **EFFECTIVE MAY 1, 2007:**

- The target monkfish TACs for FY 2007 are 5,000 mt for the Northern Fishery Management Area (NFMA), and 3,667 mt for the Southern Fishery Management Area (SFMA).
- The trip limits for vessels fishing in the NFMA are 1,250 lb tail weight (4,150 lb whole weight) per monkfish DAS for Category A and C vessels, and 470 lb tail weight (1,560 lb whole weight) per monkfish DAS for Category B and D vessels.
- The trip limits for vessels fishing in the SFMA remain at 550 lb tail weight (1,826 lb whole weight) per monkfish DAS for Category A and C vessels, and 450 lb tail weight (1,494 lb whole weight) per monkfish DAS for Category B, D, and H vessels.
- All limited access monkfish vessels are allocated 31 monkfish DAS to use during FY 2007. However, vessels are restricted to using only 12 monkfish DAS in the SFMA during FY 2007.
- There will not be any carryover of unused monkfish DAS from FY 2006 under this interim rule.
- Vessels fishing in the NFMA will have to declare a monkfish DAS at the start of a trip in order to possess more monkfish than the applicable incidental catch limit. Vessels may not declare a monkfish DAS while at sea.
- For vessels that participate in the Offshore Fishery Program (Category F vessels), monkfish DAS will be prorated downward to account for the higher possession



limit of 1,600 lb tail weight (5,312 lb whole weight) per monkfish DAS authorized under this program. Prorated DAS for this permit category are calculated by dividing the standard trip limit for vessels fishing in the SFMA (see applicable category above) by the 1,600 lb (tail weight) possession limit, and then multiplying the ratio by 12 DA--the DAS available to vessels when fishing in the SFMA.

- The northern boundary line applicable to Category H permit holders is moved 20 nautical miles northward to 38° 40' N lat.

A summary of the FY 2007 monkfish trip limits for the SFMA and NFMA, as well as the incidental catch provisions in designated fishing areas, is included in the attached tables. These four tables are separated according to participation in the monkfish, Northeast (NE) multispecies, or sea scallop DAS programs and fisheries that are not under a DAS program, and are also are specific to area and gear type.

REMINDERS:

DAS usage: Category C, D, F, or H permit holders that also possess a NE multispecies or scallop limited access permit 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. There are several exceptions to this, as follows:

- Limited access NE multispecies vessels, monkfish-only DAS. This exception applies to Category C, D, F, or H permit holders that have a NE multispecies Category A DAS allocation that is less than their monkfish DAS allocation. Such vessels are given monkfish-only DAS in the amount equivalent to a vessel's annual monkfish allocation minus its annual allocation of NE multispecies Category A DAS. These monkfish-only DAS can only be used once a vessel's allocation of NE multispecies Category A DAS has been fully utilized. Additionally, a vessel is subject to the same restrictions applicable to limited access monkfish Category A and B vessels when under a monkfish-only DAS.
- Vessels that receive leased NE multispecies DAS from another vessel. A Category C, D, F, or H permit holder that has "monkfish-only" DAS as described above, and that leases NE multispecies DAS from another vessel, must fish all its "monkfish-only" DAS in conjunction with its leased NE multispecies DAS to the extent that it has NE multispecies available.
- Vessels that lease NE multispecies DAS to another vessel. A monkfish Category C, D, F, or H permit holder must forfeit a monkfish DAS for each NE multispecies DAS equal in number 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, a vessel that is originally allocated 31 monkfish DAS and 40 NE multispecies Category A DAS would have no "monkfish-only" DAS as described above. If this vessel leases 10 of its NE multispecies DAS to another vessel, it would have a balance of 30 NE multispecies DAS and 31 monkfish DAS. Since the vessel must use a NE multispecies DAS with each monkfish DAS, the vessel must forfeit 1 of its monkfish DAS leaving 30 NE multispecies DAS and 30 monkfish DAS.

SFMA Roller Gear Restriction

All trawl vessels fishing under a monkfish DAS in the SFMA are restricted to a maximum disc diameter of 6 inches.

Declaration into the NFMA

All federally permitted monkfish vessels fishing for monkfish exclusively in the NFMA under the less restrictive measures of that area must first obtain a monkfish exemption certificate from the National Marine Fisheries Service (NMFS). 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 obtained this certificate 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 possession limits and DAS restrictions of that area, regardless of where the fish are caught or landed.

This letter only summarizes regulations implementing the FY 2007 interim measures for the monkfish fishery. Violations of these regulations could result in the imposition of civil penalties, permit sanctions, or catch forfeitures, thus you are encouraged to review the monkfish regulations in their entirety through a link to the Office of the Federal Register at NMFS's 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,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized and cursive.

Patricia A. Kurkul
Regional Administrator

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FY 2007 Monkfish Trip Limits while on a Monkfish DAS

Permit Category	DAS Program	Area	Gear	Trip Limit (tail weight per DAS¹)
A or C	Monkfish	NFMA	All gear	1,250 lb (4,150 lb whole weight)
B or D	Monkfish	NFMA	All gear	470 lb (1,560 lb whole weight)
A or C	Monkfish	SFMA	All gear	550 lb (1,826 lb whole weight)
B, D, or H	Monkfish	SFMA	All gear	450 lb (1,494 lb whole weight)
F	Monkfish ²	Offshore Fishery Program Area	All gear	1,600 lb (5,312 lb whole weight)

FY 2007 Monkfish Trip Limits while on a NE Multispecies DAS but not a Monkfish DAS

Permit Category	DAS Program	Area	Gear	Trip Limit (tail weight per DAS¹)
C, D, E, F, or H	Multispecies	NFMA	All gear	Up to 25% (where all monkfish is converted to tail weight) of the total weight of fish on board, not to exceed 300 lb (996 lb whole weight) per DAS.
C, D, or F	Multispecies	SFMA	Trawl	300 lb (996 lb whole weight)
C, D, or F	Multispecies	SFMA	Non-trawl	50 lb (166 lb whole weight)
E or H	Multispecies	SFMA	All gear	50 lb (166 lb whole weight)

FY 2007 Monkfish Trip Limits while on a Scallop DAS or in the Sea Scallop Access Area Program

Permit Category	DAS Program	Area	Gear	Trip Limit (tail weight per DAS¹)
C, D, E, F, or H	Sea Scallop Access Area	NFMA & SFMA	All gear	300 lb (996 lb whole weight) ³
C, D, E, F, or H	Scallop	NFMA & SFMA	All gear	300 lb (996 lb whole weight)

FY 2007 Monkfish Trip Limits for Vessels not under a DAS Program

Permit Category	DAS Program	Area(s) and Gear	Trip Limit (per trip unless stated otherwise)
A, B, C, D, E, F, or H	No DAS	<u>Area:</u> The Gulf of Maine (GOM) or Georges Bank (GB) Regulated Mesh Areas (RMAs), or the Southern New England (SNE) RMA east of the Mid-Atlantic (MA) Exemption Area boundary. <u>Gear:</u> Mesh no smaller than required in the above referenced Regulated Mesh Areas.	Up to 5% (where all monkfish is converted to tail weight) of the total weight of fish on board ¹
A, B, C, D, E, F, or H	No DAS	<u>Area:</u> SNE RMA west of the MA Exemption Area boundary or MA RMA. <u>Gear:</u> Mesh no smaller than that specified for the summer flounder fishery.	Up to 5% (where all monkfish is converted to tail weight) of the total weight of fish on board, not to exceed 450 lb (1,494 lb whole weight).
A, B, C, D, E, F, or H	No DAS	<u>Areas:</u> NFMA or SFMA <u>Gear:</u> Mesh smaller than specified for the areas described above.	50 lb (166 lb whole weight) per day ⁴ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H and NE Multispecies Small Vessel permit ⁵	No DAS ⁵	<u>Area:</u> NFMA or SFMA <u>Gear:</u> All gear	50 lb (166 lb whole weight) per day ⁴ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H	No DAS	<u>Area:</u> NMFA or SFMA <u>Gear:</u> Rod and reel or handlines only	50 lb (166 lb whole weight) per day ⁴ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H and a surf clam or ocean quahog permit	No DAS	<u>Area:</u> NFMA or SFMA <u>Gear:</u> Hydraulic clam dredge or mahogany quahog dredge	50 lb (166 lb whole weight) per day ⁴ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H and a sea scallop permit	No DAS	<u>Area:</u> NFMA or SFMA <u>Gear:</u> Scallop dredge only	50 lb (166 lb whole weight) per day ⁴ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.

¹ Or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 3.32 (tail weight x 3.32 = whole weight; or whole weight/ 3.32 = tail weight).

² For category F vessels, FY 2006 DAS allocations will be prorated according to the method outlined on the first page of this letter.

³ For vessels with limited access sea scallop permits fishing in an established Sea Scallop Access Area, the monkfish possession limit is per day fished inside the access area (as determined by VMS), not including steaming time.

⁴ A day is the 24-hour period that begins when the vessel leaves port or, if the vessel has an operational VMS, when the vessel crosses the VMS demarcation line when leaving port and ends when the vessel returns to port or, if the vessel has an operational VMS, crosses the VMS demarcation line on its return to port.

⁵ These vessels are exempt from a NE multispecies DAS provided they meet the vessel size requirements applicable to the limited access NE multispecies small vessel permit category (vessels < 30 ft in length).