



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

December 31, 2008

SMALL ENTITY COMPLIANCE GUIDE

2009 FINAL SPECIFICATIONS FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS; NOTICE OF 2009 COMMERCIAL SUMMER FLOUNDER CLOSURE IN DELAWARE

Dear Permit Holder:

NOAA's National Marine Fisheries Service (NMFS) has approved final 2009 specifications, including commercial quotas and possession limits, and recreational harvest limits, for the summer flounder (fluke), scup (porgy), and black sea bass fisheries. The specifications will be in effect as of January 1, 2009.

See the attached tables for specific information regarding the 2009 initial commercial quotas, the commercial quotas less the research set-aside (RSA), any applicable overages, the resulting 2009 final commercial quotas, and scup possession limits.

SUMMER FLOUNDER

For 2009, the summer flounder total allowable landings (TAL) is 18.45 million lb. After deducting the RSA of 533,500 lb, the TAL is divided into an initial commercial quota of 10,737,900 lb and a recreational harvest limit of 7,158,600 lb. The commercial quota is further allocated to the states according to the allocation percentages identified in Amendment 2 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Individual state commercial quotas are further adjusted to account for previous years' overages, where applicable, as outlined in the FMP to produce the final 2009 commercial state-by-state quotas (see Table 1).

Due to overages in previous years, Delaware has no 2009 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 2009 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 2009 calendar year, unless additional quota becomes available through a transfer.

SCUP

The scup TAL for 2009 is 11.18 million lb. Note that this is an increase from the 7.34 million lb contained in the specifications proposed rule. After deducting the RSA of 220,200 lb, the commercial quota is 8,373,848 lb and the recreational harvest limit is 2,585,952 lb. The 2008 Federal Summer Quota period was exceeded by 328,795 lb. In addition, updated landings information for the 2007 Federal Summer Quota period indicates that an additional 2,085-lb overage occurred that was not previously accounted for in the 2008 specifications. As a result, the 2009 Federal Summer Period quota is reduced by this combined, previously unaccounted for 2007 overage, and the 2008 overage amounts (330,880 lb.) The



commercial scup Winter I (January-April) Federal possession limit remains at 30,000 lb per trip for 2009, and will be reduced to 1,000 lb when 80 percent of the quota is projected to be reached (see Table 2).

The Winter II (November-December) initial possession limit will remain 2,000 lb. The Winter II possession limit-to-rollover amount ratios will be 1,500 lb per 500,000 lb of unused Winter I period quota transferred to the Winter II period (see Table 3).

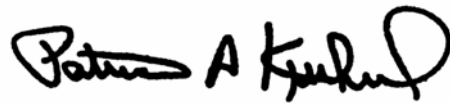
BLACK SEA BASS

For 2009, the black sea bass TAL is 2.30 million lb. After deducting the RSA of 69,000 lb, the TAL is divided into a commercial quota of 1,093,190 lb and a recreational harvest limit of 1,137,810 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 Service 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

Table 1. Final state-by-state commercial summer flounder allocations for 2009.

	Percent Share	Initial Quota	Initial Quota, Less RSA	Quota Overages (through 10/31/07)	Adjusted Quota less RSA ¹
State		lb	lb	lb	lb
ME	0.04756	5,265	5,107	0	5,107
NH	0.00046	51	49	0	49
MA	6.82046	755,025	732,374	29,760	702,614
RI	15.68298	1,736,106	1,684,023	0	1,684,023
CT	2.25708	249,859	242,363	0	242,363
NY	7.64699	846,522	821,126	0	821,126
NJ	16.72499	1,851,456	1,795,913	0	1,795,913
DE	0.01779	1,969	1,910	56,621	-54,711
MD	2.03910	225,728	218,957	0	218,957
VA	21.31676	2,359,765	2,288,972	0	2,288,972
NC	27.44584	3,038,254	2,947,107	0	2,947,107
Total ²	100.00	11,070,001	10,737,901	86,381	10,706,231

¹ 2008 quota overage is determined through comparison of landings for January through October 2008 plus any landings in 2007 in excess of the 2007 quota that were not previously addressed in the 2008 quota specifications, with the final 2008 quota for each state.

² Total quota is the sum of all states having allocation. A state with a negative number has an allocation of zero (0).

Table 2. Final scup commercial quota allocations for 2009 and Initial Trip Limits.

Quota Period	Percent Share	Total Allowable Catch	Discards	Initial Quota	Initial Quota less Overages (through 10/31/2008) ¹	Adjusted Quota less Overages and RSA	Possession Limits (Per Trip) ²
Winter I	45.11	5,467,873	1,614,938	3,852,935	N/A	3,777,443	30,000
Summer	38.95	4,721,207	1,394,410	3,326,797	2,995,917	2,930,733	N/A
Winter II	15.94	1,932,119	570,652	1,361,467	N/A	1,334,791	2,000
Total	100.0	12,121,200	3,580,000	8,541,200	N/A	8,373,484	N/A

¹A combined overage of 330,880 lb for the 2008 and 2007 Federal Summer Period Quota (see text for details).

²The Winter I possession limit will drop to 1,000 lb upon attainment of 80 percent of that period's allocation. The Winter II possession limit may be adjusted (in association with a transfer of unused Winter I quota to the Winter II period) via notification in the [Federal Register](#).

N/A=Not applicable.

Table 3. Potential Increase in 2009 Winter II Possession Limits based on the Amount of Scup Rolled over from Winter I to Winter II.

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
2,000	0-499,999	0	2,000
2,000	500,000-999,999	1,500	3,500
2,000	1,000,000-1,499,999	3,000	5,000
2,000	1,500,000-1,999,999	4,500	6,500
2,000	2,000,000-2,500,000	6,000	8,000