



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

September 10, 2009

Small Entity Compliance Guide

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

This letter is to inform you that, **as of 0001 hours local September 17, 2009, NE multispecies days-at-sea (DAS) vessels NE Multispecies DAS vessels are prohibited from using a flounder trawl net when fishing in the Eastern U.S./Canada Area (Area 2).** NE multispecies DAS vessels that have declared a trip through the Vessel Monitoring System (VMS) into the Eastern U.S./Canada Area and started the trip by crossing the VMS demarcation line prior to 0001 hours September 17, 2009, may continue to use a flounder net in the Eastern U.S./Canada Area for the duration of that trip.

NOAA's National Marine Fisheries Service (NMFS) is authorized to modify the gear requirements for the U.S./Canada Management Area to prevent over- or under-harvesting the total allowable catch (TAC) allocations specified for the U.S./Canada Management Area. Available catch and discard information indicates that 41 percent of the TAC for Georges Bank (GB) cod specified for the Eastern U.S./Canada Area has been harvested as of August 31, 2009. Additionally, 59 percent of the TAC of GB yellowtail flounder has been harvested.

Based upon VMS reports and other available information, the current catch rate of Eastern GB cod and GB yellowtail flounder will result in the harvest of the TACs of these species before the end of the 2009 fishing year (April 30, 2010). The high catch rate of GB cod has been exacerbated by very high rates of observed discards on trips fishing with flounder trawl nets.

Vessels may continue to fish in the Eastern Area using a haddock separator trawl, a Ruhle trawl, hook gear, or gillnets. Other gear may be on board, but must be stowed according to the regulations.

If any of the U.S./Canada TACs is achieved, the Regional Administrator is required to close the Eastern U.S./Canada Area for the remainder of the fishing year. Therefore, this action is necessary to slow the catch rate of both Eastern GB cod and GB yellowtail flounder.

The rate of harvest of Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder TACs in the U.S./Canada Management Area are updated weekly on the internet at <http://www.nero.noaa.gov>.

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

This notice is authorized by the Administrator of the National Marine Fisheries Service, Northeast Region.

