



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

November 17, 2009

Small Entity Compliance Guide

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

To prevent over-harvest of Georges Bank (GB) yellowtail flounder in the U.S./Canada Management Area, **NE multispecies days-at-sea (DAS) vessels, as of 0001 hours local November 20, 2009, are prohibited from using, fishing with, or deploying trawl net gear, except for a haddock separator trawl or a Ruhle trawl, in the area south of 41°40' N. latitude in the Western U.S./Canada Area (Area 4).** See attachments for details about these gears. NE multispecies DAS vessels that have declared a trip through the Vessel Monitoring System (VMS) into the Western U.S./Canada Area and started a trip by crossing the VMS demarcation line prior to 0001 hours November 20, 2009, may continue to use other trawl net gear in any part of the Western U.S./Canada Area for the duration of that trip.

A vessel that fishes on a NE multispecies DAS in the Western U.S./Canada Area south of the 41°40' N. latitude line using a haddock separator trawl or Ruhle trawl for any part of a trip, may not fish with other trawl gear on that same trip, regardless of where the vessel fishes. Other trawl gear may be onboard the vessel, but must be stowed according to the regulations.

A vessel that harvests fish on a NE multispecies DAS in the Western U.S./Canada Area exclusively north of 41°40' N. latitude, may use other legal trawl gear. Such a vessel may transit the Western U.S./Canada Area south of this line provided that all trawl gear, except the haddock separator trawl or Ruhle trawl, is stowed for the entire trip.

Please note that, a vessel that fishes with a haddock separator trawl or Ruhle trawl in the Western U.S./Canada Area south of 41°40' N. latitude is restricted to the following gear performance possession limits, as required at 50 CFR 648.85(a)(3)(iv)(D): Possession of flounders (all species combined), monkfish, and skates is limited to 500 lb (whole weight) each (i.e., no more than 500 lb of all flounders, no more than 500 lb of monkfish, and no more than 500 lb of skates), and possession of lobsters is prohibited. This is consistent with the gear performance possession limits that apply when a vessel uses a haddock separator trawl or a Ruhle trawl in the Regular B DAS Program or in the Eastern U.S./Canada Haddock Special Access Program. Possession limits for other species and for vessels fishing with non-trawl gear (e.g., hook or gillnet gear) are unaffected by this action. See Table 1 below for trip limit comparisons. Vessels are currently prohibited from using trawl gear other than a haddock separator trawl or a Ruhle trawl in the entire Eastern U.S./Canada Area.

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 76 percent



of the TAC for GB yellowtail flounder has been harvested as of November 12, 2009. Based upon VMS reports and other available information, the current catch rate of 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). Recent observer information indicates that high catch rates of yellowtail flounder are being caught primarily south of 41°40' N. latitude. Because observer reports indicate that catches of yellowtail flounder are lower north of 41°40' N. latitude, all trawl gear will continue to be allowed on trips fishing in the Western U.S./Canada Area exclusively north of this line in order to allow vessels to fish for other species, such as winter flounder and monkfish.

If the FY 2009 GB yellowtail flounder TAC is achieved, the Regional Administrator is required to close the Eastern U.S./Canada Area for the remainder of the fishing year, prohibit retention of yellowtail flounder by any vessel fishing in the U.S./Canada Management Area, and deduct any overage from the FY 2010 GB yellowtail flounder TAC. Therefore, this action is necessary to slow the catch rate of 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.

Figure 1. Trawl gear requirements in the U.S./Canada Management Area (all other gears status quo).

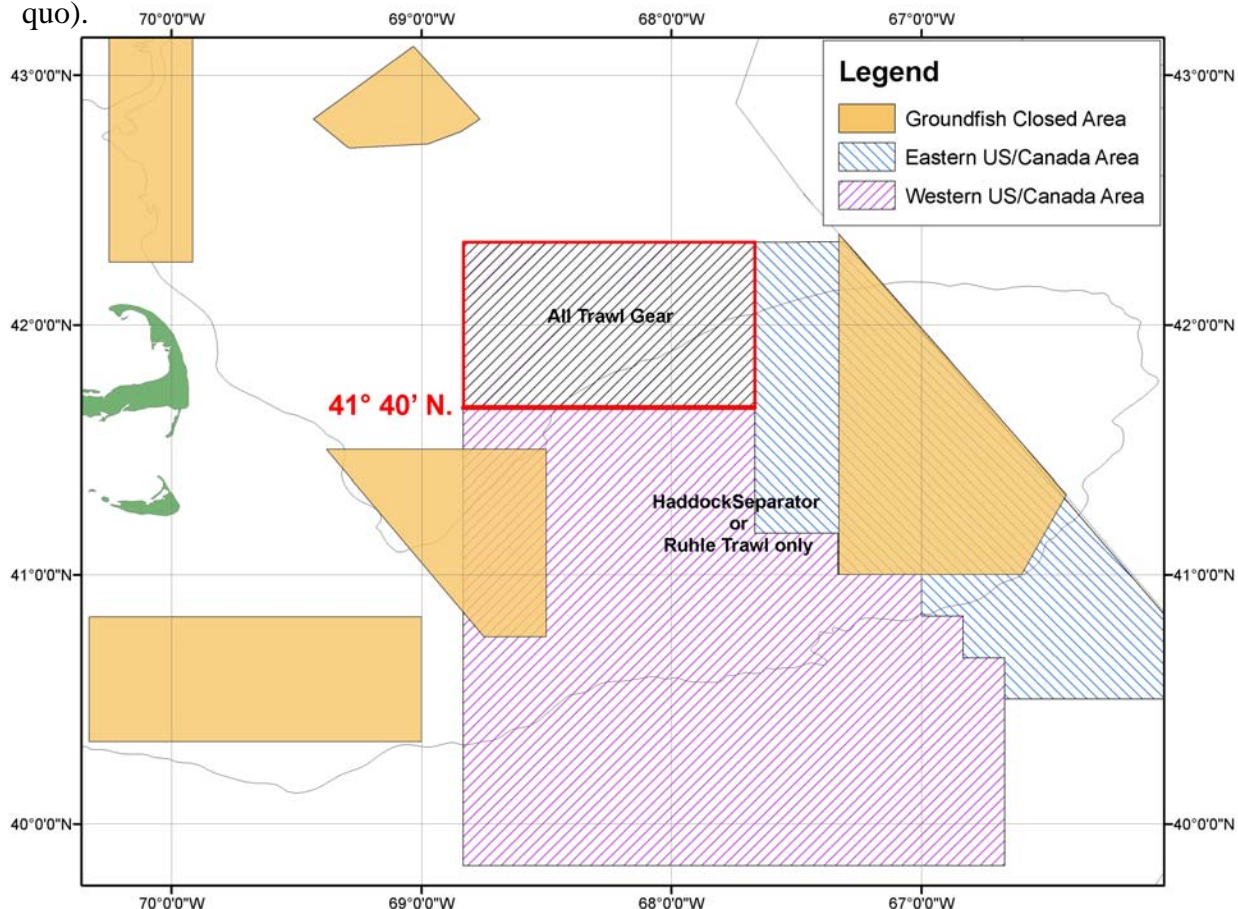


Table 1. Comparison of possession limits on a NE multispecies A-DAS in the Western U.S./Canada Area by gear-type, if any part of a trip is fished south of 41°40' N. latitude.

Species	Hook or Gillnet Gear	Trawl gear – Exclusively North of 41°40' N lat.	Trawl gear – South of 41°40' N lat. (Haddock Separator Trawl or Ruhle Trawl)
Cod ¹	1,000 lb/DAS to 10,000 lb/trip (if vessel submits GOM Cod Trip Limit Exemption form via VMS)		
Haddock	Unlimited		
Pollock	Unlimited		
Redfish	Unlimited		
White Hake	2,000 lb/DAS to 10,000 lb/trip		
Yellowtail Flounder	2,500 lb/trip	Maximum of 500 lb/trip of all flatfish combined	
Winter Flounder (blackback)	Unlimited		
American Plaice (dab)	Unlimited		
Witch Flounder (grey sole)	1,000 lb/DAS to 5,000 lb/trip		
Windowpane Flounder	Possession Prohibited		
Ocean Pout	Possession Prohibited		
Atlantic Halibut	1 fish/trip		
Skates	10,000 lb on trips under 24 hr 20,000 lb on trips over 24 hr	500 lb/trip (whole weight)	
Monkfish	Dependant on permit and Area Fished	500 lb/trip (whole weight)	
Lobster	Regular Non-Trap Limit (100 per day up to 500 per trip)	Possession Prohibited	

¹ The cod limit on an A DAS in the Eastern U.S./Canada Area remains 500 lb/DAS, up to a maximum of 5,000 lb/trip.

Attachments (2)

Haddock Separator Trawl

A haddock separator trawl is defined as a groundfish trawl modified to a vertically oriented trouser trawl configuration, with two extensions arranged one over the other, where a codend is attached only to the upper extension and the bottom extension is left open and has no codend attached. A horizontal large-mesh separating panel constructed with a minimum of 6.0-inch diamond mesh must be installed between the selvages joining the upper and lower panels, as described below, extending forward from the front of the trouser junction to the aft edge of the first belly behind the fishing circle.

- Two-seam bottom trawl nets - For two seam nets, the separator panel must be constructed such that the width of the forward edge of the panel is 80-85% of the width of the after edge of the first belly of the net where the panel is attached. For example, if the belly is 200 meshes wide (from selvedge to selvedge), the separator panel must be no wider than 160-170 meshes wide.
- Four-seam bottom trawl nets - For four seam nets, the separator panel must be constructed such that the width of the forward edge of the panel is 90-95% of the width of the after edge of the first belly of the net where the panel is attached. For example, if the belly is 200 meshes wide (from selvedge to selvedge), the separator panel must be no wider than 180-190 meshes wide. The separator panel must be attached to both of the side panels of the net along the midpoint of the side panels. For example, if the side panel is 100 meshes tall, the separator panel must be attached at the 50th mesh.

Attachment 2

Ruhle Trawl

The Ruhle trawl is a four-seam bottom groundfish trawl designed to reduce the bycatch of cod while retaining or increasing the catch of haddock, when compared to traditional groundfish trawls. A Ruhle trawl must be constructed in accordance with the standards described below:

NET COMPONENTS

The net must be constructed with four seams (i.e., a net with a top and bottom panel and two side panels), and include at least the following net sections as depicted in the diagram on page 3 of this attachment: Top jib, bottom jib, jib side panels (x 2), top wing, bottom wing, wing side panels (x 2), square, bunt, square side panels (x 2), first top belly, first bottom belly, first belly side panels (x 2), second top belly, second bottom belly, second belly side panels (x 2), and third bottom belly.

LARGE MESH COMPONENTS

The first bottom belly, bunt, the top and bottom wings, and the top and bottom jibs, jib side panels, and wing side panels (the first bottom belly and all portions of the net in front of the first bottom belly, with the exception of the square and the square side panels) must be at least two meshes long in the fore and aft direction. For these net sections the stretched length of any single mesh must be at least 7.9 ft, measured in a straight line from knot to knot. Stretched mesh, with respect to the NE multispecies Ruhle trawl, means mesh that is pulled so that slack in the mesh is eliminated and the mesh opening is closed.

MESH SIZE REQUIREMENTS

Mesh size in all other sections must be consistent with mesh size requirements specified in the NE Multispecies regulations and meet the following minimum specifications: Each mesh in the square, square side panels, and second bottom belly must be 31.5 inches; each mesh in the first and second top belly, the first belly side panels, and the third bottom belly must be at least 7.9 inches; and 6 inches or larger in sections following the second top belly and third bottom belly sections, all the way to the codend. The mesh size requirements of the top sections apply to the side panel sections.

MEASUREMENT OF MESH SIZE

The mesh size of a particular section of the Ruhle trawl is the average of the measurements of 20 consecutive adjacent meshes, running parallel to the long axis of the net, unless insufficient numbers of mesh exist, in which case the maximum total number of meshes in the section will be measured (between two and twenty meshes).

FISHING CIRCLE REQUIREMENT

The trawl must have a fishing circle of at least 398 ft. Fishing circle, with respect to the NE multispecies limited access fishery, means the calculated circumference of a bottom trawl based on the number of meshes and stretched mesh length at the narrow, aft end of the square of the net. This number is calculated by separately counting the number of meshes for each section of the net at the wide, fore end of the first bottom belly, and then calculating a stretched length as follows: For each section of the net (first bottom belly, two belly side panels and first top belly) multiply the number of meshes times the length of each stretched mesh to get the stretched mesh length for that section, and then add the sections together. For example, if the wide, fore end of the bottom belly of the Ruhle trawl is 22 meshes (and the mesh is at least 7.9 ft), the stretched mesh length for that section of the net is derived by multiplying 22 times 7.9 ft and equals 173.2 ft. The top and sides (x 2) of the net at this point in the trawl are 343 meshes (221 + 61 + 61, respectively) (each 7.9 inches), which equals 225.1 ft stretched length. The stretched lengths for the different sections of mesh are added together (173.2 ft + 225.1 ft) and result in the length of the fishing circle, in this case 398.3 ft.

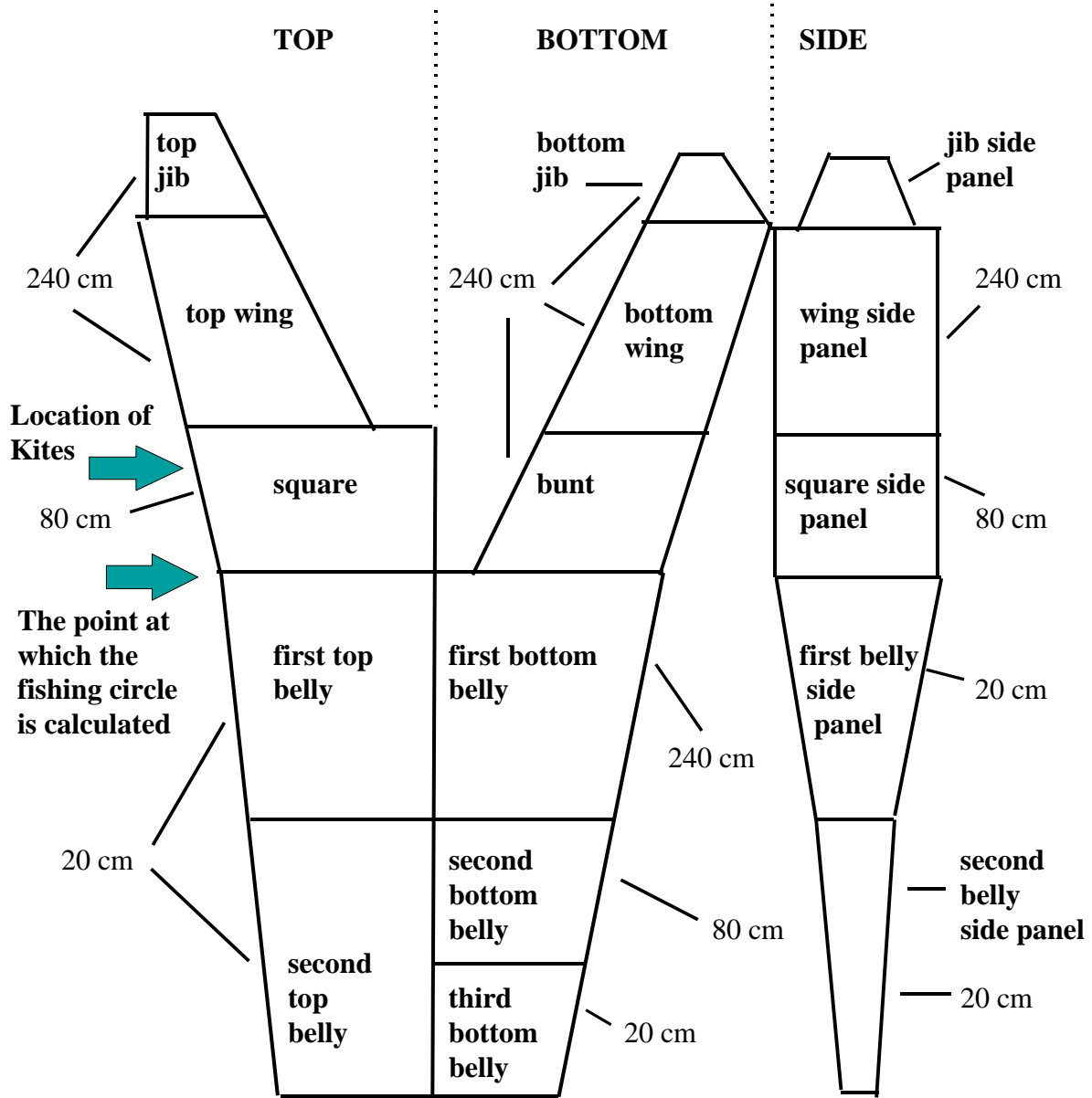
KITE PANEL REQUIREMENT

The trawl must have a single or multiple kite panels with a total surface area of at least 29.1 square feet on the forward end of the square to help maximize headrope height, for the purpose of capturing rising fish. A kite panel is a flat structure, usually semi-flexible used to modify the shape of trawl and mesh openings by providing lift when a trawl is moving through the water.

SWEEP REQUIREMENT

The sweep must include rockhoppers of various sizes, which are arranged along the sweep in size order, graduated from 16-inch diameter in the sweep center down to 12-inch diameter at the wing ends. There must be six or fewer 12 to 16-inch rockhopper discs over any 10-ft length of the sweep. The 12 to 16-inch discs (minimum size) must be spaced evenly, with one disc placed approximately every 2 ft along the sweep. The 12 to 16-inch discs must be separated by smaller discs, no larger than 3.5 inches in diameter. Sweep, with respect to the NE multispecies limited access fishery, means the part of a bottom trawl that, during normal use, is in contact with the sea floor along the outer edges of the lower webbing of the net.

DIAGRAM OF RUHLE TRAWL
 MINIMUM MESH SIZE BY SECTION



20 cm = 7.9 inches;
 80 cm = 31.5 inches;
 240 cm = 7.9 ft