



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

June 24, 2009

## **SMALL ENTITY COMPLIANCE GUIDE**

Dear Charter/Party Vessel Permit Holder:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) has approved the final 2009 recreational management measures for the summer flounder, scup, and black sea bass fisheries. The final rule implementing these measures published in the Federal Register on June 24, 2009, and will remain in effect until further notification.

The tables on the reverse summarize the minimum fish size, possession limit, and fishing season for these fisheries. For the summer flounder fishery, the final rule implements conservation equivalency, as described in the proposed rule. Under conservation equivalency, each vessel is required to abide by the regulations in effect for the state in which it lands summer flounder (see Table 1). The recreational measures for scup are unchanged from those in place for 2008 (Table 2). Scup measures will differ in state waters, as the Atlantic States Marine Fisheries Commission is utilizing a conservation equivalency approach for the scup fishery in the state waters of New York, Connecticut, Rhode Island, and Massachusetts. The recreational measures for black sea bass in the final rule increase the minimum fish size by ½ inch from 12.0 to 12.5 inches. Black sea bass possession limits and fishing season remain unchanged from 2008 (Table 2).

In cases where state recreational measures for scup and black sea bass are different from those listed in Table 2, federally permitted party/charter vessels are required to abide by the more restrictive state or Federal measure. For example, if a state has adopted a possession limit of 45 fish for scup, a federally permitted party/charter vessel is required to abide by the 15-fish per person possession limit when landing recreationally caught fish in that state.

You may also receive permit holder letters, and find supporting documentation for these management measures, on our web site at <http://www.nero.noaa.gov/>. If you have questions, please contact the Sustainable Fisheries Division at (978) 281-9315.

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

Sincerely,

*For* Patricia A. Kurkul  
Regional Administrator



**Table 1 - 2009 State Recreational Management Measures for Summer Flounder**

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	18.5	5 fish	July 1-August 13
Rhode Island	21.0	6 fish	June 17-December 31
Connecticut	19.5	3 fish	June 15-August 19
New York	21.0	2 fish	May 15-June 15 and July 3-August 17
New Jersey	18.0	6 fish	May 23 –September 4
Delaware	18.5	4 fish	All Year
Maryland: Atlantic & Coastal Bays Chesapeake Bay	18.0 16.5	3 fish 1 fish	April 15-September 13
Virginia	19.0	5 fish	All Year
North Carolina	15.0 in all waters external waters; 14.0 in Pamlico Sound <sup>A</sup> , Albemarle Sound <sup>B</sup> , and Browns Inlet South <sup>C</sup>	8 fish	All Year

- A. PAMLICO SOUND - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point on Point of Marsh in Carteret County at 35° 04.6166'N – 76° 27.8000'W, then running northeasterly to a point at Bluff Point in Hyde County at 35° 19.7000'N – 76° 09.8500'W. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes the boundary north of which flounder must be at least 14 inches total length.
- B. ALBEMARLE SOUND - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point 35° 57.3950'N – 76° 00.8166'W on Long Shoal Point; running easterly to a point 35° 56.7316'N – 75° 59.3000' W near Marker "5" in Alligator River; running northeasterly along the Intracoastal Waterway to a point 36° 09.3033'N - 75° 53.4916'W near Marker "171" at the mouth of North River; running northwesterly to a point 36° 09.9093'N – 75° 54.6601'W on Camden Point.
- C. BROWNS INLET-SOUTH – No person may possess flounder less than 14 inches total length in internal and Atlantic Ocean fishing waters for recreational purposes west and south of a line beginning at a point 34° 37.0000'N – 77° 15.000'W; running southeasterly to a point 34° 32.0000'N – 77° 10.0000'W.

**Table 2 - 2009 Recreational Management Measures for Scup and Black Sea Bass**

Fishery	Minimum Fish Size (Inches)	Possession Limit (Number of fish)	Fishing Season
Scup	10.5	15	January 1-February 28 and October 1-October 31
Black Sea Bass	12.5	25	All Year