



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 7, 2010

Small Entity Compliance Guide

Subject: Georges Bank (GB) Yellowtail Flounder TAC Reduction

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

This letter is to inform you that because the fishing year (FY) 2009 Total Allowable Catch (TAC) of Georges Bank (GB) yellowtail flounder was exceeded by 153 mt, the 2010 overall GB yellowtail flounder TAC has been adjusted, effective September 7, 2010, downward to 1,047 mt (2,303,240 lb). This reduction in the 2010 overall GB yellowtail flounder TAC results in the reduction in annual catch limits (ACLs), sub-ACLs, and annual catch entitlements (ACEs) specified in attached Tables 1 and 2.

The FY 2010 TAC for GB yellowtail flounder for the U.S./Canada Management Area, as well as the Acceptable Biological Catch (ABC) and ACL, was set by Framework Adjustment 44 to the NE Multispecies Fishery Management Plan and published on April 9, 2010. A subsequent rule published on May 26, 2010, adjusted ACE for each of the 17 NE multispecies sectors authorized for FY 2010 and the sub-ACL for the common pool based on final sector rosters received on April 30, 2010, the last day of FY 2009.

The NE multispecies regulations at 50 CFR 648.85(a)(2)(ii) state that: "... any overages of the GB yellowtail flounder TAC specified for the common pool, individual sectors, or the scallop fishery . . . that occur in a given fishing year will be subtracted from the respective TAC in the following fishing year." Based upon vessel reports, dealer reports, and other information available the total estimated catch of GB yellowtail flounder in the U.S./Canada Management Area during FY 2009 was 1,770 mt. This exceeds the FY 2009 GB yellowtail flounder TAC of 1,617 mt by 153 mt. Therefore, an overage of 153 mt of GB yellowtail flounder is being deducted from the FY 2010 U.S./Canada GB yellowtail flounder TAC of 1,200 mt through this action. This results in an adjusted TAC of 1,047 mt (2,308,240 lb) for FY 2010.

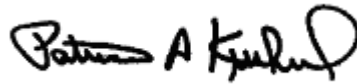
Because there was no sector or common pool allocation of GB yellowtail flounder in FY 2009, the GB yellowtail flounder overage is being deducted from the total U.S. TAC. Therefore, the deduction is distributed across all of the sectors and the common pool. Each sector's ACE and the common pool sub-ACL are reduced by the same percentage. Notification of this adjustment will publish in the Federal Register on September 10, 2010. Sector members should contact their sector manager to determine their revised share of their sector's ACE.



Any overages of the Eastern GB cod, Eastern GB haddock, or GB yellowtail flounder allocations specified for the common pool or individual sectors that occur in FY 2010 will be subtracted from the respective allocation in FY 2011.

The rates of harvest of all NE multispecies stocks are updated weekly on the internet at <http://www.nero.noaa.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is fluid and cursive, with a large initial "P" and "K".

Patricia A Kurkul
Regional Administrator

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

Table 1. GB Yellowtail Flounder Allocations for FY 2010.

	Previous Value (mt)	New Value (mt)	New Value (lb)
ABC (U.S. TAC)	1,200	1,047	2,308,240
Total ACL	1,170	1,021	2,250,920
Scallop Fishery Allocation (set by FW 44)	146	146	321,875
Other ACL Subcomponents	60	52	114,640
Groundfish Total ACL	964	823	1,814,404
Sector Sub-ACL*	941	803	1,770,222
Common Pool Sub-ACL	23	20	43,954

*Assumes that each sector MRI has a valid permit for FY 2010

Table 2. GB Yellowtail Flounder ACE Allocated for Each Sector for FY 2010 (lb).*

Sector	Previous ACE	New ACE
FGS	272	232
NCCS	17,793	15,191
NEFS 2	36,062	30,787
NEFS 3	957	817
NEFS 4	45,930	39,212
NEFS 5	202,823	173,157
NEFS 6	28,219	24,091
NEFS 7	342,980	292,814
NEFS 8	338,615	289,088
NEFS 9	402,656	343,761
NEFS 10	360	307
NEFS 11	34	29
NEFS 12	9	8
NEFS 13	327,764	279,823
PCCGS	76	65
SHS	175,065	149,459
TSS	153,890	131,381

*All ACE values for sectors are allocations and do not reflect any ACE transfers between sectors or harvest in the current FY, and assume that each sector MRI has a valid permit for FY 2010. Georges Bank Cod Fixed Gear Sector (FGS), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), Port Clyde Community Groundfish Sector (PCCGS), Sustainable Harvest Sector (SHS), and Tri-State Sector (TSS)