



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 22, 2010

Small Entity Compliance Guide

Subject: Common Pool Trip Limit Reductions for Gulf of Maine (GOM) Cod, Georges Bank (GB) Yellowtail Flounder, White Hake, and Changes to Trawl Gear Restrictions in the U.S./Canada Management Area

Dear Common Pool Northeast (NE) Multispecies Permit Holder:

This letter is to inform you that, **as of 0001 hours September 27, 2010, the trip limits for GOM cod, GB yellowtail flounder, and white hake are reduced, and the trawl gear restriction in the U.S./Canada Management Area is expanded to the entire Western U.S./Canada Area, as detailed below, for vessels fishing in the common pool fishery under a NE multispecies day-at-sea (DAS), or fishing under a NE multispecies Small Vessel or Handgear A or B category permit.**

NE multispecies common pool vessels that have submitted the required 48-hour Pre-Trip Notification, declared a trip through the vessel monitoring system (VMS), and crossed the VMS demarcation line prior to 0001 hours September 27, 2010, will not be subject to these new restrictions for that trip and are therefore subject to the old landing and gear limits for that trip.

New Landing Limits

The following landing limits are effective 0001 hours local time, September 27, 2010 for all DAS common pool vessels or other vessels as described below.

Species	Broad Stock Areas	Old Landing Limit	New Landing Limit
Cod	GOM	200 lb/DAS up to 1,000 lb/trip	100 lb/DAS up to 1,000 lb/trip
Yellowtail Flounder	Offshore GB	1,000 lb/trip	100 lb/trip
White Hake	GOM, Inshore GB, Offshore GB, and SNE/MA*	2,000 lb/DAS up to 10,000 lb/trip	100 lb/DAS up to 500 lb/trip

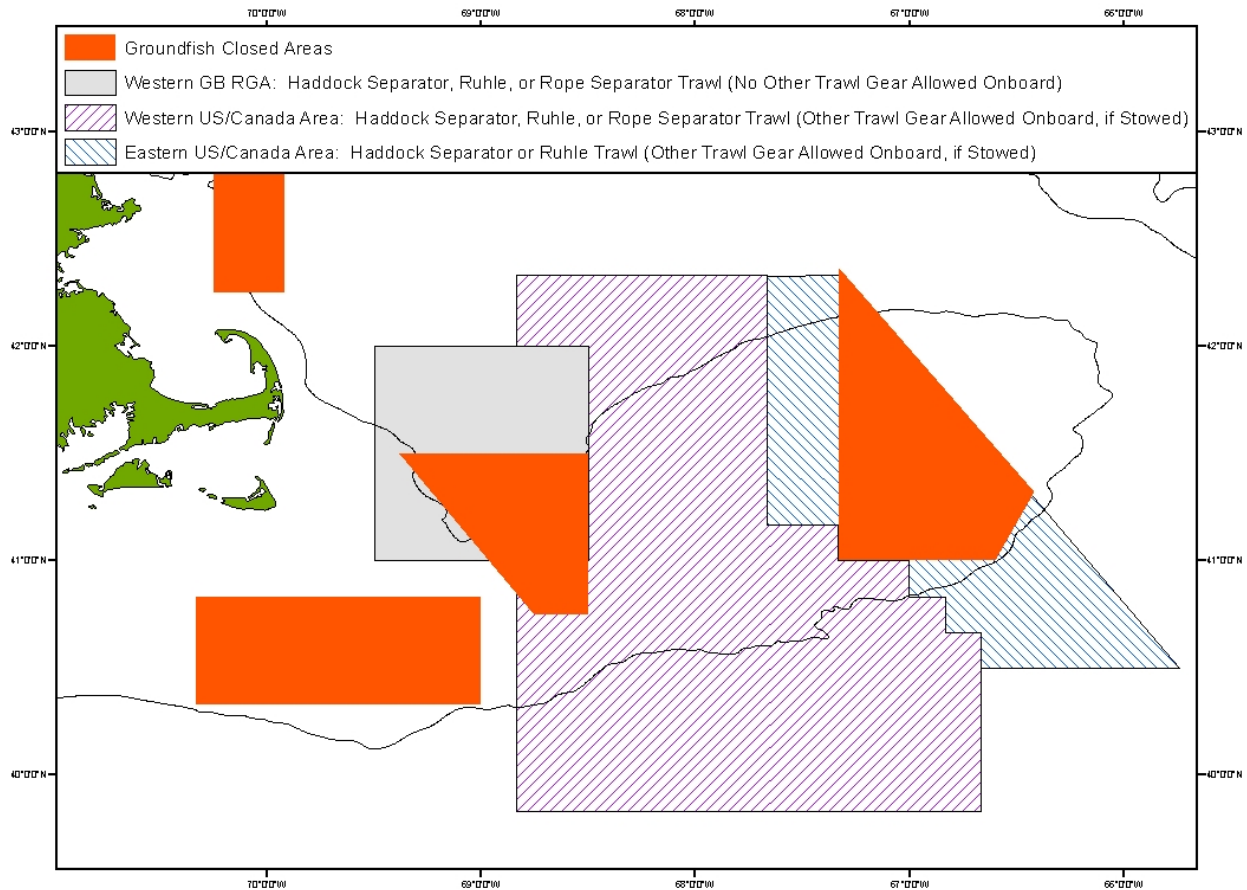
*SNE/MA=Southern New England/Mid-Atlantic

This action does not change the current cod-specific possession limit for vessels with a Handgear A, Handgear B, or Small Vessel category permit (i.e., 100 lb of cod; 25 lb of cod; or 75 lb of cod within the limit of 300 lb of cod, haddock, and yellowtail flounder combined, respectively) but may affect the limits for other stocks that can be caught and retained by these vessels.



U.S./Canada Gear Restriction

Effective 0001 hours local time, September 27, 2010, the current restriction on the use of trawl gear in the U.S./Canada Management Area is expanded to include the entire Western U.S./Canada Area (not just the area south of 41°40' N. lat.), and the list of trawl gear types allowed in this area is modified to allow the use of a rope separator trawl. Therefore, NE multispecies vessels fishing with trawl gear in the Western U.S./Canada Area must fish with a haddock separator trawl, a Ruhle trawl, or a rope separator trawl. Trawl vessels fishing in the Eastern U.S./Canada Area are still restricted to using either a haddock separator trawl or a Ruhle trawl, as the rope separator trawl is not authorized for use in this area. The map below shows what trawl gears are allowed and whether other trawl gear may be onboard the vessel.



Please note that a vessel that fishes with one of the authorized trawl gears in the Western U.S./Canada Area and/or the Eastern U.S./Canada Area is restricted to the gear performance possession limits at 50 CFR 648.85(a)(3)(iv)(D) for the entire trip, regardless of whether the vessel also fishes outside of these areas. The gear performance possession limits are as follows: 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. Please note that, under this action, the

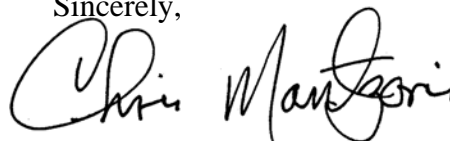
500 lb of flatfish allowed under the gear performance limits may not include more than 100 lb of yellowtail flounder or 0 lb of witch flounder

NOAA's National Marine Fisheries Service (NMFS) is taking this action to help slow the catch rate of some NE multispecies stocks, to maximize the availability of fish throughout the fishing year. NMFS is authorized to make changes to the trip limits in the common pool to prevent over- and under-harvesting the common pool sub-annual catch limit (sub-ACL). Initial VMS and dealer reports indicate that approximately 91.4% of the GOM cod, 90.2% of the GB yellowtail flounder, and 65.5% of the white hake common pool sub-ACLs had been harvested as of September 11, 2010. Based on available information and data, a projection of harvest rate in the fishery indicates that the current trip limits would result in the over-harvest of the common pool sub-ACL for each of these stocks before the end of FY 2010. Therefore, this action will reduce the trip limits to prevent the common pool sub-ACLs from being exceeded and provide opportunities to fully harvest the common pool sub-ACLs for all NE multispecies stocks.

Should the common pool sub-ACL for any stock be exceeded by the end of FY 2010 (April 30, 2011), accountability measures would be put in place for FY 2011, beginning May 1, 2011. This could result in less common pool sub-ACL being available for that stock, and differential DAS counting in that stock area in FY 2011.

If a common pool sub-ACL is projected to be under-harvested by the end of FY 2010, in-season adjustments to increase the trip limit will be considered. The rates of harvest of all NE multispecies stocks are updated weekly on the internet at <http://www.nero.noaa.gov>.

Sincerely,



for Patricia A. Kurkul
Regional Administrator

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