



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

August 31, 2010

## Small Entity Compliance Guide

Subject: Northeast (NE) Multispecies Common Pool Vessels – Increase in Days-at-Sea (DAS) Counting Rate in Gulf of Maine (GOM) and Georges Bank (GB) and No Possession of Witch Flounder

Dear NE Multispecies Permit Holder:

This letter is to inform you that, effective on September 2, 2010 at 0001 hours, NOAA's National Marine Fisheries Service (NMFS) is implementing a Category A differential DAS counting rate of 2:1. This requirement applies to NE multispecies common pool vessels fishing under a Category A DAS in the Inshore GOM Differential DAS Area, the Offshore GOM Differential DAS Area, the Inshore GB Differential DAS Area, and the Offshore GB Differential DAS Area (see Figure 1). This rule does not apply to the Southern New England (SNE) Differential DAS Area; vessels will only be charged at a 1:1 rate if fishing there. 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 on September 2, 2010, will not be subject to the new differential DAS counting rate for that trip.

This rule also implements a zero possession limit on witch flounder for all common pool vessels.

This rule is based upon projections that the catch of witch flounder, GOM cod, and white hake will be approximately 177 percent, 196 percent, and 205 percent of their respective sub-ACLs by the end of fishing year (FY) 2010 (April 30, 2011) if no adjustments are made. As of August 19, 2010, NMFS has determined that the catch of witch flounder, GOM cod, and white hake were 101 percent, 87 percent, and 47 percent of their respective sub-ACLs.

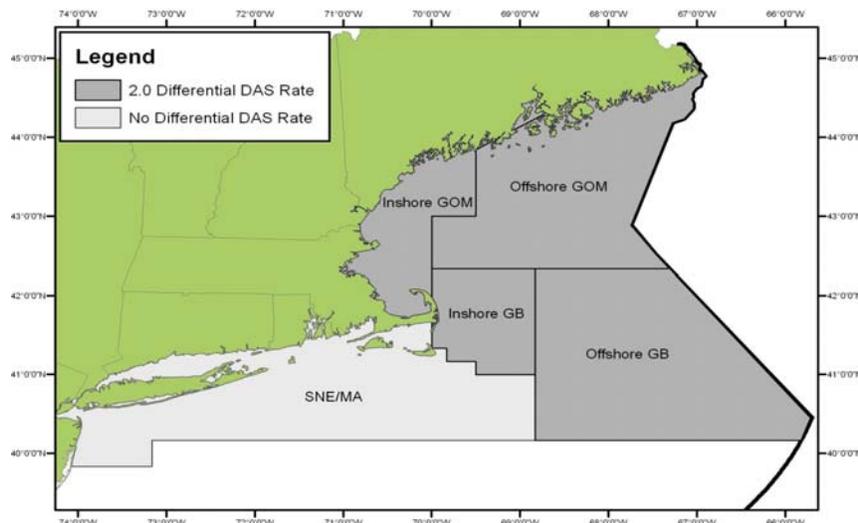


Figure 1. The five differential DAS areas in Amendment 16.



## HOW DIFFERENTIAL DAS WILL BE CHARGED

The 2:1 rate will be applied to the total time spent in each differential DAS area where fishing activity occurred during a trip. VMS determines the time in area from the first VMS position in the area to the first position outside the area. Vessels are reminded that they must still declare all broad stock areas (BSA) they intend to fish in prior to leaving port.

Sector vessels fishing under the DAS program are not subject to differential DAS counting. Monkfish DAS are still charged at a real-time rate and are unaffected by this rule.

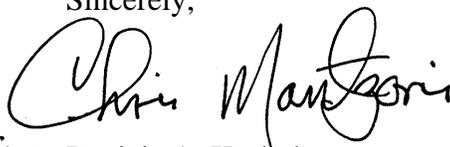
**Fishing solely within a differential DAS area:** Common pool vessels are currently charged a full 24 hours for each day or part of a day fished. The total trip length will be first rounded up to whole days, and then the differential rate will be applied. This will ensure the differential rate is effective in reducing effort sufficiently.

- (1) **Example of a 13 hour trip in the GOM.** This trip would be rounded up to 24 hours then multiplied by 2.0, resulting in a DAS charge of 48 hours.
- (2) **Example of a 25 hour trip in the GOM.** This trip would be rounded up to 48 hours, then multiplied by 2.0, resulting in a DAS charge of 96 hours.

**Fishing both inside and outside a differential DAS area.** Time spent in the SNE Differential DAS area (currently exempt from 2:1 counting) will be counted as real time (time will not be rounded up to 24 hours, nor will differential DAS accrue). For example, a vessel fishing in the GOM for 20 hours and in SNE for 5 hours would be charged 53 hours (i.e., 20 hours (GOM) rounded up to 24 hours multiplied by 2.0 = 48; plus 5 hours (SNE) = 53 hours).

**Transiting through a differential DAS area:** Vessels will only be charged the increased differential rate for the time in the area that it fishes. Vessels may transit through areas with increased differential DAS counting without being charged the 2:1 rate, provided their gear is properly stowed according to the regulations at 50 CFR 648.23(b). For example, if a vessel transits through the Inshore GB Differential DAS Area without fishing and only fishes in the Offshore GB Differential DAS Area, the differential rate of 2:1 will only apply to time spent in the Offshore GB Differential DAS Area. Transiting time to and from the Offshore GB Differential DAS Area would only be charged 1:1. However, should the vessel decide to fish in the Inshore GB Differential DAS Area at any point during that trip, (e.g., upon returning from Offshore GB), all time spent in the area would then be charged the 2:1 rate.

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.

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