



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

December 28, 2010

## **SMALL ENTITY COMPLIANCE GUIDE**

### **2011 FINAL SPECIFICATIONS FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS; NOTICE OF 2011 COMMERCIAL SUMMER FLOUNDER CLOSURE IN DELAWARE**

Dear Permit Holder:

NOAA's National Marine Fisheries Service (NMFS) has approved final 2011 specifications, including commercial quotas and possession limits, and recreational harvest limits, for the summer flounder (fluke), scup (porgy), and black sea bass fisheries. The specifications will be effective January 1, 2011.

The attached tables provide specific information regarding the 2011 initial commercial quotas, the commercial quotas less the research set-aside (RSA), any applicable overages, the resulting 2011 final commercial quotas, and scup possession limits.

#### SUMMER FLOUNDER

For 2011, the summer flounder total allowable landings (TAL) are 29.48 million lb. After deducting the RSA of 521,441 lb, the TAL is divided into an initial commercial quota of 17,375,135 lb and a recreational harvest limit of 11,583,424 lb. The commercial quota is allocated to the states according to the allocation percentages identified in Amendment 2 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Individual state commercial quotas are adjusted to account for overages in previous years, where applicable, to produce the final 2011 commercial state-by-state quotas (see Table 1).

Due to overages in previous years, Delaware has no 2011 commercial summer flounder quota. Fishing vessels issued a Federal moratorium permit for the summer flounder fishery may not land summer flounder in Delaware during the 2011 calendar year, and dealers issued Federal dealer permits for summer flounder are advised that they may not purchase summer flounder from federally permitted vessels that land in Delaware during the 2011 calendar year, unless additional quota becomes available through a transfer.

#### SCUP

The scup TAL for 2011 is 20.0 million lb. NMFS is aware that, during its December 2010 meeting, the Mid-Atlantic Fishery Management Council voted to recommend an increase in the 2011 scup TAL. The recommendation to increase scup landing levels is still being developed and will be addressed through a subsequent action in early 2011.



After deducting the RSA of 396,500 lb from the 20.0-million-lb TAL for 2011, the commercial quota is 15,600,000 lb, and the recreational harvest limit is 4,312,770 lb. There are currently no applicable commercial quota overages to deduct from the 2011 scup period quotas. The commercial scup Winter I (January-April) Federal possession limit remains at 30,000 lb per trip for 2011, and will be reduced to 1,000 lb when 80 percent of the quota is projected to be reached (see Table 2).

The Winter II (November-December) initial Federal possession limit will remain 2,000 lb. The Winter II possession limit-to-rollover amount ratios will be 1,500 lb per 500,000 lb of unused Winter I period quota transferred to the Winter II period (see Table 3).

### BLACK SEA BASS

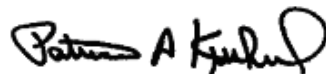
For 2011, the black sea bass TAL is 3.6 million lb. After deducting the RSA of 108,000 lb, the TAL is divided into a commercial quota of 1,711,080 lb and a recreational harvest limit of 1,780,920 lb.

Proposed 2011 recreational fishery management measures for all three species will be published in the *Federal Register* as soon as possible in 2011.

This letter does not contain all the regulatory provisions that pertain to these species, and consequently, has no legal force or effect. A copy of the regulations can be obtained through a link to the *Federal Register* at the NOAA Fisheries Service Northeast Regional Office website: <http://www.nero.noaa.gov>.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is written in a cursive style with a large, looped initial "P".

Patricia A. Kurkul  
Regional Administrator

**Table 1. Final state-by-state commercial summer flounder allocations for 2011.**

	Percent Share	Initial Quota	Initial Quota, Less RSA	Quota Overages (through 10/31/09) <sup>1</sup>	Adjusted Quota less RSA
State		lb	lb	lb	lb
ME	0.04756	8,412	8,264	0	8,264
NH	0.00046	81	80	0	80
MA	6.82046	1,206,403	1,185,064	28,112	1,156,952
RI	15.68298	2,774,006	2,724,939	0	2,724,939
CT	2.25708	399,232	392,171	0	392,171
NY	7.64699	1,352,600	1,328,675	0	1,328,675
NJ	16.72499	2,958,316	2,905,990	0	2,905,990
DE	0.01779	3,147	3,091	56,259	-53,168
MD	2.03910	360,676	354,296	55,966	298,330
VA	21.31676	3,770,509	3,703,816	0	3,703,816
NC	27.44584	4,854,620	4,768,752	0	4,768,752
Total <sup>2</sup>	100.00	17,688,000	17,375,135	140,337	17,287,969

<sup>1</sup> 2010 quota overage is determined through comparison of landings for January through October 2010 plus any landings in 2009 in excess of the 2009 quota that were not previously addressed in the 2010 quota specifications, with the final 2010 quota for each state.

<sup>2</sup> Total quota is the sum of all states having allocation. A state with a negative number has an allocation of zero (0).

**Table 2. Final scup commercial quota allocations for 2011 and Initial Trip Limits.**

	Percent Share	Total Allowable Catch	Discards	Initial Quota	Initial Quota less Overages (through 10/31/2009) <sup>1</sup>	Adjusted Quota less Overages and RSA	Possession Limits (Per Trip) <sup>2</sup>
		(lb)	(lb)	(lb)		(lb)	(lb)
Winter I	45.11	8,479,778	1,442,618	7,037,160	N/A	6,897,648	30,000
Summer	38.95	7,321,821	1,245,621	6,076,200	N/A	5,955,738	N/A
Winter II	15.94	2,996,401	509,761	2,486,640	N/A	2,437,342	2,000
Total	100.0	18,798,000	3,198,000	15,600,000	N/A	15,290,730	N/A

<sup>1</sup> There were no applicable overages through 10/31/2010.

<sup>2</sup>The Winter I possession limit will drop to 1,000 lb upon attainment of 80 percent of that period's allocation. The Winter II possession limit may be adjusted (in association with a transfer of unused Winter I quota to the Winter II period) via notification in the *Federal Register*.

N/A=Not applicable.

**Table 3. Potential Increase in 2011 Winter II Possession Limits based on the Amount of Scup Rolled over from Winter I to Winter II.**

Initial Winter II Possession Limit	Rollover from Winter I to Winter II	Increase in Initial Winter II Possession Limit	Final Winter II Possession Limit after Rollover from Winter I to Winter II
lb	lb	lb	lb
2,000	0-499,999	0	2,000
2,000	500,000-999,999	1,500	3,500
2,000	1,000,000-1,499,999	3,000	5,000
2,000	1,500,000-1,999,999	4,500	6,500
2,000	2,000,000-2,500,000	6,000	8,000