



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
**NORTHEAST REGION**  
One Blackburn Drive  
Gloucester, MA 01930-2298

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## Small Entity Compliance Guide

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

The National Marine Fisheries Service (NOAA Fisheries Service) has recently received several recurring questions regarding specific regulations pertaining to the NE Multispecies Fishery Management Plan (FMP). This permit holder letter addresses these commonly asked questions and includes general information about VMS catch reporting and the Observer notification policy.

- Vessel Monitoring System (VMS) Catch Report:

This is a reminder that vessels fishing in the U.S./Canada Management Area, the Regular B Days-at-Sea (DAS) Pilot Program, and in any of the Special Access Programs, must report their catch, as specified in the regulations, through VMS. The reports must be submitted via VMS in 24-hour intervals for each day, beginning at 0000 hr and ending at 2400 hr, and must be submitted by 0900 hr the following day.

For example: If the vessel crossed the VMS Demarcation Line at 5 p.m. on February 1st, it would need to make its first catch report through the VMS on February 2, by 9 a.m., whether it has started fishing or not.

- 72-hour Observer Notification Policy when fishing in the B DAS Program and U.S./Canada Management Area:

There are four key time elements when notifying the Observer Program 72 hours in advance of participating in any of the B DAS Programs and/or the U.S./Canada Management Area: The initial call-in date and time; 48 hours after the initial call-in; 72 hours after the initial call-in; and the next 2 days (48 hours).

1. The 72-hour clock starts with the required call-in from a vessel owner/operator to the Observer service provider (Atlantic Inspection Services) at 508-990-9057. Once the call has been received, it will be determined if there is an Observer available and if coverage requirements in that program determine that the vessel should be selected for coverage.
2. Within 48 hours of the original call-in, the vessel will either be notified of its being selected to carry an Observer, and to expect a call from the Observer to make final arrangements, or that a waiver will be issued.
3. If a waiver is issued, it is effective 72-hours after the original call-in. If the vessel has been selected to carry an observer, the exact timing for the vessel to depart with an Observer is contingent on the final arrangements made between the vessel and Observer.
4. Following the 72-hour mark from the original call-in contact, the vessel waiver or Observer assignment is effective for an additional 2 days (48 hours) from the date of issuance. The additional 2-day time period is made available to account for weather issues, mechanical failures, crew staffing problems, or whatever else could delay sailing. If sailing is delayed beyond those 2 days, the vessel must call in again for a new trip, and the 72-hour clock starts again.



- RECENT FREQUENTLY ASKED QUESTIONS:

**Q:** When fishing under the Regular B DAS Program, when am I required to flip from an A DAS to a B DAS?

**A:** A vessel fishing under the Regular B DAS Pilot Program must flip from a B Regular DAS to an A DAS upon harvesting more than the landing limit of legal-sized regulated groundfish. To flip, a vessel must change its DAS designation on the VMS screen prior to crossing the Demarcation Line on its return to port. For Gulf of Maine (GOM) cod, Georges Bank cod, American plaice, white hake, and southern New England (SNE)/Mid-Atlantic (MA) winter flounder, the landing limit is 100 lb per DAS, up to 1,000 lb per trip. For Cape Cod (CC)/GOM yellowtail flounder, and SNE/MA yellowtail flounder, the landing limit is 25 lb per DAS, up to 250 lb per trip. Under the Regular B DAS Pilot Program, vessels are prohibited from discarding legal-sized regulated groundfish. Therefore, vessels may not dump the contents of a net containing legal-sized regulated groundfish during haul back operations when participating in this program.

Additionally, vessels participating the Regular B DAS Pilot Program must call the NOAA Observer Program at least 72 hours in advance of the trip in order to facilitate Observer coverage. The NOAA Observer Program contact number is: (508) 990-9057.

**Q:** What trip limits am I subject to when fishing inside and outside of the U.S./Canada Management Area?

**A:** Groundfish DAS vessels that have declared into the Western/U.S. Canada Area and outside of this area (Area 4 declaration using VMS) on the same trip must abide by the most restrictive trip limits for all species for the entire trip.

For example: A vessel fishing for yellowtail in the Western/U.S. Canada Area currently has a 5,000-lb trip limit. However, when fishing both inside and outside the Western/U.S. Canada Area (Area 4 declaration) it is necessary to have a Letter of Acknowledgement (LOA) for either the CC/GOM Yellowtail Flounder Area or SNE/MA Yellowtail Flounder Area on board the vessel and abide by the following landing limits:

- ✓ When fishing in the CC/GOM Yellowtail Flounder Area during April through May, and October through November, a vessel may land up to 250 lb of yellowtail flounder per trip; during June through September, and December through March, a vessel may land up to 750 lb of yellowtail flounder per DAS, or any part of a DAS, up to a maximum possession limit of 3,000 lb per trip.
- ✓ When fishing in the SNE/MA Yellowtail Flounder Area during March through June, a vessel may land up to 250 lb of yellowtail flounder per trip; during July through February, a vessel may land up to 750 lb of yellowtail flounder per DAS, or any part of a DAS, up to a maximum possession limit of 3,000 lb per trip.

**Q:** Can leased DAS be carried over into the next fishing year?

**A:** No, leased DAS from one fishing year cannot be carried over to the subsequent fishing year. For the purpose of accounting for leased DAS use, leased DAS are used (from the time the lease is approved) before allocated DAS.

General DAS Carry-Over Reminder: Vessels that have unused DAS on the last day of April of any fishing year may carry over a maximum of 10 DAS into the next fishing year (with the

exception of vessels that held a Confirmation of Permit History for the entire fishing year preceding the carry-over year). Any DAS carried over from one fishing year to the subsequent fishing year will be determined as follows: Remaining Category A will be carried over first, then Regular B DAS, then Reserve B DAS, up to a total of 10 DAS, combined.

For example: If a vessel ended the 2004 fishing year with 3 A DAS, 6 Regular B DAS, and 10 Reserve B DAS, that vessel would carry-over 10 DAS, comprised of the following: 3 A DAS, 6 Regular B DAS, and 1 Reserve B DAS. Category C DAS cannot be carried over and cannot be fished.

This Permit Holder Letter addresses only a portion of the fishing regulations in effect under the NE Multispecies FMP. This is not a substitute for the actual regulations, which can be found at 50 CFR part 648.

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

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