



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

August 11, 2006

SMALL ENTITY COMPLIANCE GUIDE

Dear Category 1 Herring Vessel Owner/Operator and
Herring Dealer/Processors:

New regulations will go into effect on August 15, 2006, regarding bycatch in the herring fishery as the result of the National Marine Fisheries Service (NMFS) approval of Framework 43 to the Northeast Multispecies Fishery Management Plan. Read this letter carefully, as it provides important information about the new management measures. This letter summarizes the new measures, but is not a substitute for the regulatory text, which may be requested by calling 978-281-9315, or obtained on our website (<http://www.nero.noaa.gov>).

CATEGORY 1 HERRING VESSEL REQUIREMENTS

The following measures apply to all Category 1 vessels on all trips that do not use NE multispecies days-at-sea (DAS).

(1) Authorize the Possession of Haddock by Category 1 Vessels

Category 1 vessels are allowed to possess and land haddock of unlimited amounts until the haddock bycatch cap, described below, is attained, on all trips that do not use a NE multispecies DAS. Vessels fishing under a NE multispecies DAS are subject to the possession limits specified for such fishing activity.

(2) Cap on Amount of Haddock Caught by Category 1 Vessels

The catch cap for Category 1 vessels is equal to 0.2 percent of the total combined target TAC for GOM and GB haddock specified for each NE multispecies fishing year. The haddock catch cap specified for the period May 1, 2006 - April 30, 2007, is 161,377 lb.

Once the haddock cap has been caught, all vessels issued a herring permit or fishing in the Federal portion of the GOM/GB Herring Exemption Area (see 3) shall be prohibited from fishing for, possessing, or landing herring in excess of 2,000 lb of herring per trip in or from the GOM/GB Herring Exemption Area, except that such vessels may possess more than 2,000 lb of herring that was caught outside of the area and may transit the area, with gear properly stowed.

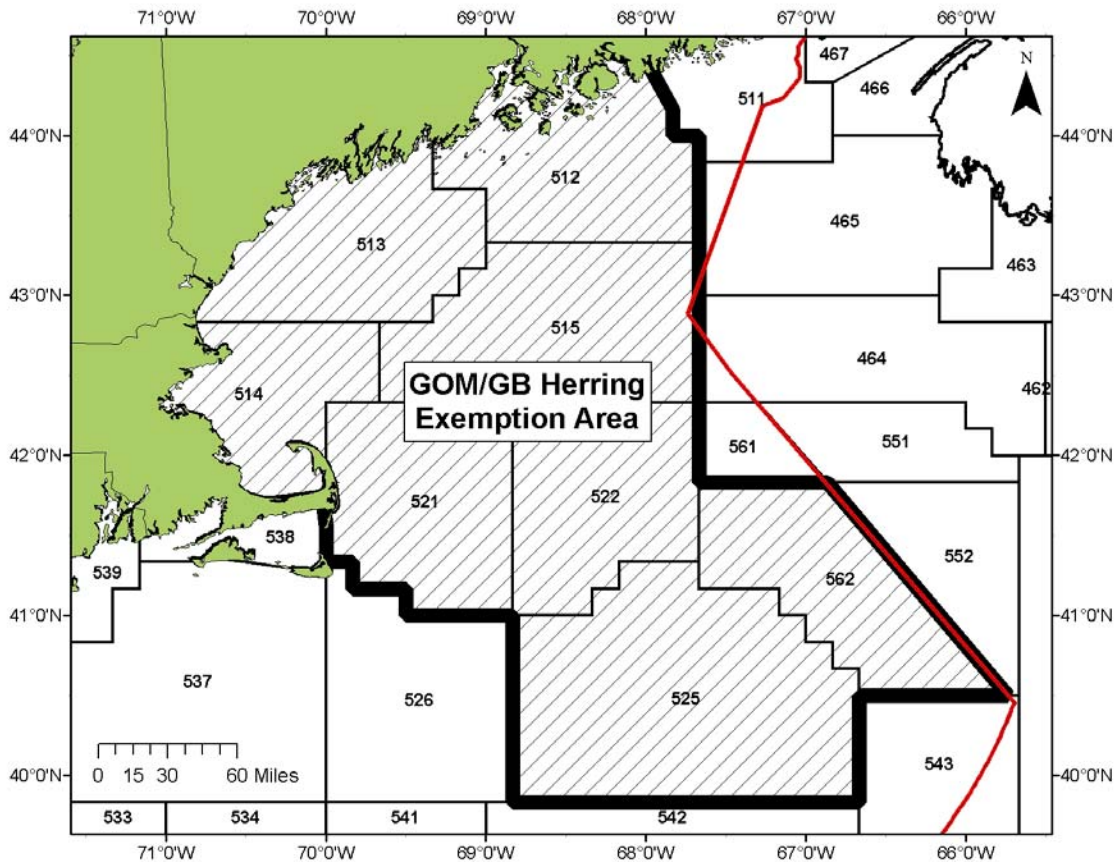
Haddock data will be posted on the Northeast Regional Office (NERO) website at http://www.nero.noaa.gov/ro/fso/reports/reports_frame.htm.



(3) GOM/GB Herring Exemption Area

Framework 43 establishes the GOM/GB Herring Exemption Area (see map below). Once the haddock cap is determined to be attained, the Regional Administrator will announce that all herring vessels would be limited to the 2,000-lb catch limit for herring if any of the herring is caught in the GOM/GB Herring Exemption Area. In the event that the haddock catch cap is reached, the measures that would require processors/dealers to retain and report culled haddock, and the requirement for Category 1 vessels to provide advance notification of landing, would remain in effect to enhance the enforceability of the closure (see 7 and 9). Category 1 vessels and other herring vessels would not be subject to the 2,000-lb herring limit if all herring caught, possessed, or landed by the vessel is from outside the GOM/GB Herring Exemption Area, and provided the vessel complies with the gear stowage requirements in the Exemption Area as specified in the regulations.

GOM/GB Herring Exemption Area (shaded)



(4) Authorize the possession of regulated multispecies

Category 1 vessels can possess and land up to 100 lb (45 kg) of other regulated multispecies, on all trips that do not use a NE multispecies DAS. Vessels fishing under a NE multispecies DAS would be subject to the possession limits specified for such fishing activity.

(5) Suspend the Minimum Fish Size for NE Multispecies Possessed by Category 1 Vessels

Category 1 vessels are exempt from the minimum size requirements for the allowed bycatch of haddock and the other regulated multispecies.

(6) Prohibit the Purchase or Sale for Human Consumption of NE Multispecies Landed by Category 1 Vessels

To eliminate any incentive for Category 1 vessels to target haddock or other regulated multispecies, the sale of haddock and those other species caught by Category 1 vessels for human consumption is prohibited. Atlantic herring dealers and processors are also prohibited from purchasing such haddock and other regulated multispecies to be sold for human consumption. This latter prohibition does not apply to the sale of haddock or the other regulated multispecies for use as bait because herring catches landed for use as bait are generally offloaded by pumping the fish from the vessel hold into tanker trucks. As a result, some haddock and other regulated multispecies could remain mixed in with the herring catch. In establishing this measure, the Council concluded that it would be impossible to require all such landings to be culled or sorted, and would be inequitable to make downstream purchasers of such bait legally liable for the presence of haddock or other regulated multispecies.

(7) Require Specified Herring Dealers/Processors to Retain Haddock Landed by Category 1 Vessels

Herring dealers and processors that sort herring as part of their operations are required to separate out, report, retain, and make available for inspection, for 12 hr all haddock landed by a Category 1 vessel in order to facilitate monitoring and enforcement of the haddock catch cap. At-sea herring processors are required to retain all culled haddock for 12 hours after landing. The haddock must be set aside and retained for 12 hr to facilitate inspection by enforcement officials, and the vessel that landed the haddock must be clearly identified. The sale of these culled haddock, for any purpose, is prohibited. All herring dealers and processors must continue to comply with the current reporting requirements that require federally permitted dealers and processors to report all fish purchased or received with a vessel trip identifier via the weekly electronic dealer reporting system as specified under § 648.7(a). If you are unsure if this provision applies to you please contact NOAA Fisheries Service Sustainable Fisheries Division at 978-281-9315.

(8) Prohibit Discarding of Haddock at Sea by Category 1 Vessels

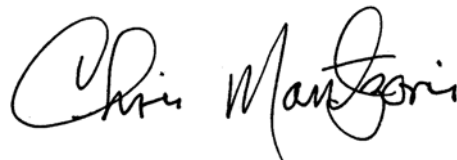
In order to more fully account for all the haddock caught by Category 1 vessels, such vessels are prohibited from discarding haddock that has been brought on the deck or pumped into the hold.

(9) Require Category 1 Vessels to Provide VMS Notification Prior to Landing

Category 1 vessels are required to provide notification to NMFS of their intent to land at least 6 hr prior to landing. This provision is intended to facilitate the enforcement and monitoring of the haddock catch cap by giving enforcement agents sufficient notice of landing to enable them to meet a fishing vessel at the dock to observe offloading or sample the catch.

If you have questions, please call 978-281-9315.

Sincerely,

A handwritten signature in black ink that reads "Chris Mangione". The signature is written in a cursive, flowing style.

for Patricia A. Kurkul
Regional Administrator

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