



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, MA 01930-2298

December 20, 2006

## SMALL ENTITY COMPLIANCE GUIDE

### 2007 FINAL SPECIFICATIONS AND CLOSURE NOTICE FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS; NEW BLACK SEA BASS POT/TRAP REGULATIONS

Dear Permit Holder:

Final 2007 commercial quotas and possession limits, and recreational harvest limits for the summer flounder (fluke), scup (porgy), and black sea bass fisheries have been approved effective January 1, 2007. Also included in this rule are changes to the black sea bass pot and trap regulations, originally adopted in 2006, which will be effective January 1, 2007.

See the attached tables for specific information regarding the 2007 initial commercial quotas, the commercial quotas less the research set-aside (RSA), any applicable overages, the resulting 2007 final commercial quotas, and scup possession limits.

#### SUMMER FLOUNDER

For 2007, the summer flounder total allowable landings (TAL) is 12.983 million lb. After deducting the RSA of 389,490 lb, the commercial quota is 7,303,026 lb and the recreational harvest limit is 5,193,200 lb. The commercial quota is further 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 (see Table 1).

Due to overages in previous years, Delaware has no 2007 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 2007 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 2007 calendar year, unless additional quota becomes available through a transfer.

We anticipate that the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Reauthorized Magnuson-Stevens Act) will be signed into law by the President before the end of the year. The Reauthorized Magnuson-Stevens Act contains a specific provision that may allow NOAA Fisheries Service to extend the summer flounder rebuilding time frame from 2010 to no later than January 1, 2013, provided several criteria are met.

As quickly as possible following the signing of the Reauthorized Magnuson-Stevens Act into law, the criteria to determine if the rebuilding time frame can be extended will be analyzed. Should the criteria be met, we will publish in the Federal Register as soon as is practicable, a revised 2007 summer flounder TAL. Should the rebuilding time frame be extended to end no



later than January 1, 2013, the 2007 TAL is expected to increase from 12.983 million lb to 17.112 million lb. We will notify permit holders of any change in the 2007 TAL by subsequent Permit Holder Letter, following the publication of any changed TAL in the Federal Register.

#### SCUP

The scup TAL for 2007 is 12.0 million lb. After deducting the RSA of 360,000 lb, the commercial quota is 8,895,800 lb and the recreational harvest limit is 2,744,200 lb. The commercial scup Winter I (January-April) Federal possession limit remains at 30,000 lb per trip for 2007, 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 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.

#### BLACK SEA BASS

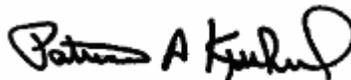
For 2007, the black sea bass TAL is 5.0 million lb. After deducting the RSA of 150,000 lb, the commercial quota is 2,376,500 lb and the recreational harvest limit is 2,473,500 lb (see Table 3).

**Two changes to the regulations, implemented in 2006, regarding the commercial black sea bass pot/trap fishery are effective January 1, 2007.** First, the number of required vents in the parlor portion of the pot or trap is increased from one to two. Black sea bass traps constructed of wooden laths instead may have escape vents constructed by leaving spaces of at least 1.375 inches between two sets of laths in the parlor portion of the trap. Second, the minimum circle vent size is increased from 2.375 inches to 2.5 inches in diameter. The purpose of these modifications is to allow for greater escapement of sublegal fish and other non-target species from black sea bass pots and traps. The delay in effectiveness was granted to allow fishery participants additional time to comply with the new requirements.

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 Office of 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,



Patricia A. Kurkul  
Regional Administrator

**Table 1. Final state-by-state commercial summer flounder allocations for 2007.**

	Percent Share	Initial Quota	Initial Quota, Less RSA	Quota Overages (through 10/31/06)	Adjusted Quota less RSA <sup>1</sup>
State		lb	lb	lb	lb
ME	0.04756	3,705	3,594	0	3,594
NH	0.00046	36	35	0	35
MA	6.82046	531,300	515,361	30,046	485,315
RI	15.68298	1,221,673	1,185,023	0	1,185,023
CT	2.25708	175,822	170,547	16,470	154,077
NY	7.64599	595,685	577,815	156,038	421,777
NJ	16.72499	1,302,843	1,263,758	0	1,263,758
DE	0.01779	1,386	1,344	50,528	-49,184
MD	2.03910	158,842	154,077	0	154,077
VA	21.31676	1,660,533	1,610,717	0	1,610,717
NC	27.44584	2,137,976	2,073,837	0	2,073,837
Total <sup>2</sup>	100.00	7,789,801	7,556,108	253,082	7,303,026

<sup>1</sup> 2006 quota overage is determined through comparison of landings for January through October 2006 plus any landings in 2005 in excess of the 2005 quota that were not previously addressed in the 2006 quota specifications, with the final 2006 quota for each state (70 FR 77060, December 29, 2006).

<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 2007 and Initial Trip Limits.**

Quota Period	Percent Share	Total Allowable Catch (lb)	Discards (lb)	Initial Quota (lb)	Initial Quota less RSA (lb)	Possession Limits (Per Trip) <sup>1</sup> (lb)
Winter I	45.11	4,915,456	775,892	4,139,564	4,012,895	30,000
Summer	38.95	4,244,226	669,940	3,574,286	3,464,914	N/A
Winter II	15.94	1,736,918	274,168	1,462,750	1,417,991	2,000
Total	100.00	10,896,600	1,720,000	9,176,600	8,895,800	N/A

<sup>1</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 Winter II Possession Limits based on the Amount of Scup Rolled over from Winter I to Winter II.**

Initial Winter II Possession Limit (lb)	Rollover from Winter I to Winter II (lb)	Increase in Initial Winter II Possession Limit (lb)	Final Winter II Possession Limit after Rollover from Winter I to Winter II (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

**Table 4. Final black sea bass commercial quota allocations for 2007.**

Initial Quota (lb)	Quota Less Research Set-aside (lb)	Quota Overages (through 09/30/06) (lb)	Final Quota (lb)
2,450,000	150,000	0	2,376,500