

## Small Entity Compliance Guide

Dear Permit Holder:

This is to inform you that the Secretary of Commerce has approved an interim final rule that was prepared in response to a Federal Court decision in the case of Conservation Law Foundation, et al. v. Evans, et al., in which the Court adopted a Settlement Agreement Among Certain Parties (Settlement Agreement). This is the second step in a three-step approach stipulated under the Settlement Agreement to reduce overfishing on regulated species managed under the Northeast Multispecies Fishery Management Plan (FMP). The measures contained in this interim final rule include revised regulated mesh areas, revised closure areas, new gear restrictions, reductions in days-at-sea (DAS), new possession/landing limits, and more restrictive recreational fishing measures. Most of these measures are **effective from August 1, 2002**, unless otherwise noted below, and are intended to remain in effect through the implementation of Amendment 13 to the FMP, which is to be implemented, according to the Settlement Agreement, no later than August 22, 2003.

A summary of the management measures that will be implemented under this interim final rule is contained in the following paragraphs. All management measures that were in effect prior to May 1, 2002, and that are not modified by this interim final rule, will remain in effect after July 31, 2002.

### REGULATED MESH AREAS

This interim action redefines and divides the Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area (RMA) into two areas. These areas are: (1) The GOM RMA, which is the area north of the GOM cod exemption line currently used to define the divide between the GOM cod and GB cod trip limit allowances; and (2) the GB RMA, which is that part of the current GOM/GB RMA that lies south of the current GOM cod exemption line, but continues south to the exclusive economic zone (EEZ) for the areas that lie east of 69°00' W. long.

The Southern New England (SNE) and Mid-Atlantic (MA) RMAs are also redefined by this interim final rule. The SNE RMA is defined as the area that lies west of the new GB RMA and east of a line beginning at the intersection of 74°00' W. long. and the south-facing shoreline of Long Island, NY, and running southward along the 74°00' W. long. line. The MA RMA is defined as that area west of the SNE RMA (see Figure 1).

*Special note: For purposes of exempted fishery programs currently implemented under the FMP, the boundaries of the GOM/GB, SNE and MA RMAs are defined as the RMAs in effect prior to May 1, 2002, and are now referred to as Exemption Areas (see Figure 2).*

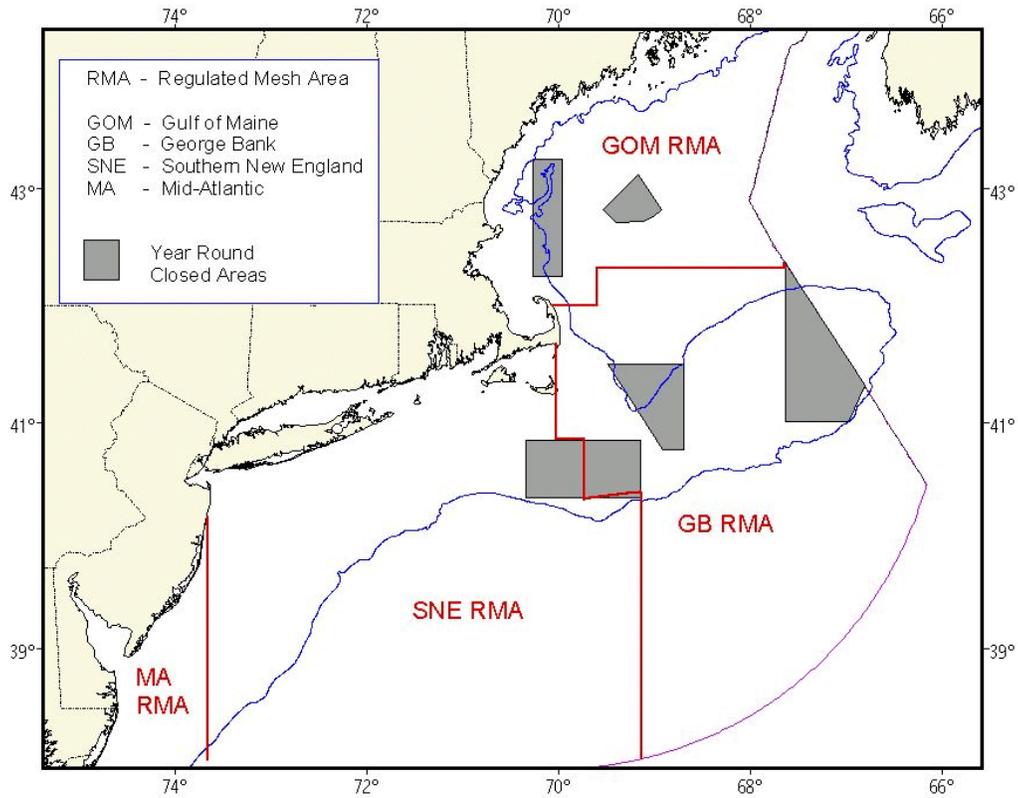


Figure 1. Revised Regulated Mesh Areas

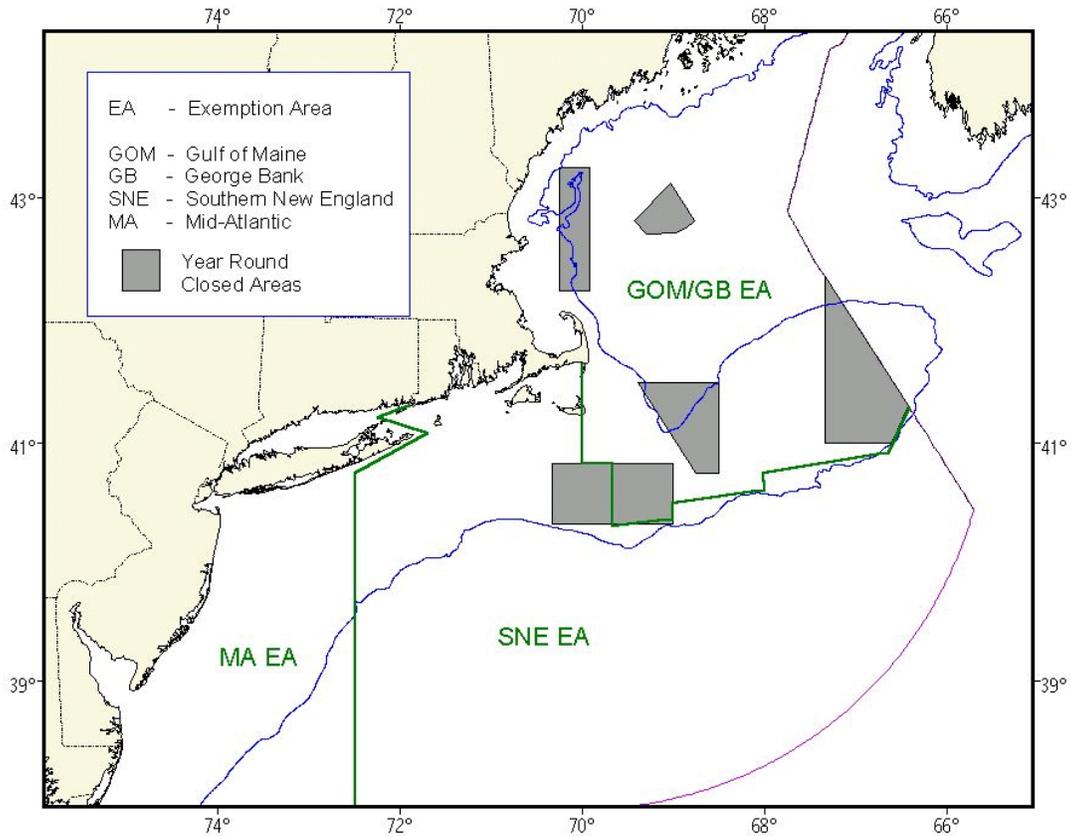


Figure 2. Exemption Areas

### **DAS Used Baseline**

This interim final rule establishes a new Northeast (NE) multispecies DAS baseline based on DAS used as reflected in the permit history of each vessel for this fishing year and for the 2003 fishing year, unless changed by subsequent action. The used DAS baseline is calculated based on the highest number of DAS that the vessel fished during a single fishing year using the 1996 through 2000 fishing years, beginning May 1, 1996, through April 30, 2001, provided the vessel's used DAS baseline allocation does not exceed that vessel's current DAS allocation. A vessel will not be allocated a used DAS baseline of less than 10 DAS.

Vessel owners have recently been notified by the National Marine Fisheries Service (NOAA Fisheries) of their used DAS baseline. A vessel owner may request from the Regional Administrator (RA) by August 31, 2002, a correction of its used DAS baseline, provided the request is made in writing and the vessel owner submits credible evidence that the information used by the RA in making the determination of the vessel's used DAS baseline was based on mistaken or incorrect data.

### **Reduction in DAS from Used DAS Baseline**

This interim final rule also reduces NE multispecies DAS for the 2002 fishing year, beginning May 1, 2002, through April 30, 2003, and for the 2003 fishing year, beginning May 1, 2003, until implementation of Amendment 13 to the FMP. Under this DAS effort reduction, a vessel's used DAS baseline allocation will be reduced by 20 percent. For example, a vessel with a used DAS baseline of 88 DAS, a 20-percent reduction would equate to 70.4 DAS:

$$2002 \text{ DAS} = \text{used DAS baseline (88 DAS)} - \underline{20\% (17.6 \text{ DAS})} = \mathbf{70.4 \text{ DAS}}$$

#### Calculation of DAS for the 2002 Fishing Year

NE multispecies DAS that were fished by a vessel during the period May 1 through July 31, 2002, will be deducted from that vessel's total allocated DAS for the 2002 fishing year. Therefore, a vessel's DAS allocation for the period August 1, 2002, through April 30, 2003, will be equal to the vessel's used DAS baseline allocation, minus 20-percent of that baseline, minus the DAS that the vessel fished during the May 1 through July 31, 2002, period. For example:

$$2002 \text{ DAS} = \text{used DAS baseline (88 DAS)} - 20\% (17.6 \text{ DAS}) - \underline{\text{DAS fished from May 1 - July 31, 2002 (10 DAS)}} = \mathbf{60.4 \text{ DAS remaining for the August 1, 2002, through April 30, 2003, time period}}$$

Under a previous interim final rule, all NE multispecies DAS vessels were subject to a minimum of 15 hours charged for each NE multispecies DAS trip that exceeded 3 hours during the May 1 through July 31, 2002, period. Under the August 1, 2002, interim final rule, for the purpose of determining the NE multispecies DAS used during the May through July period, DAS will be counted based on the 15-hour minimum for Day gillnet vessels only. DAS used during May 1 through July 31, 2002, will be counted as actual time for all other vessels.

For NE multispecies DAS trips beginning prior to August 1, 2002, and ending on or after August 1, 2002, DAS occurring up until midnight (0:00) July 31, 2002, will be counted toward the May 1 - July 31, 2002, period.

#### Carry-Over from 2001 Fishing Year

The FMP authorizes limited access NE multispecies vessels to carry over up to 10 unused NE multispecies DAS from the previous fishing

year to utilized during the current fishing year. Carry-over DAS are not considered part of a vessel's used DAS baseline. Under this interim final rule, therefore, vessels will be authorized to fish any carry-over DAS from the 2001 fishing year during the period from August 1, 2002, through April 30, 2003. These DAS will be in addition to a vessel's 2002 DAS allocation, as calculated above. For example:

2002 DAS = [used DAS baseline (88 DAS) - 20% (17.6 DAS) - DAS fished from May 1 - July 31, 2002 (10 DAS)] + carry-over DAS from 2001 (8 DAS) = **68.4 DAS remaining for the August 1, 2002, through April 30, 2003, time period**

#### Large Mesh DAS

The DAS allocation for a NE multispecies vessel issued a limited access Large Mesh DAS permit will be calculated based on the vessel's used DAS baseline allocation, less the 20-percent reduction, plus a 36-percent increase. For example:

2002 Large Mesh DAS = [used DAS baseline (88 DAS) - 20% (17.6 DAS)] + 36% (25.3 DAS) = **95.7 DAS\***

\* This allocation will then be adjusted based on the number of NE multispecies DAS used during May - July 2002, plus any carry-over DAS from the 2001 fishing year, as explained above.

#### Monkfish Vessels

The number of DAS allocated to limited access monkfish vessels (currently 40 monkfish DAS) are unaffected by this interim final rule. Vessels that hold Category C or D limited access monkfish permits (i.e., those that also hold a limited access NE multispecies permit) that are allocated fewer NE multispecies DAS than monkfish DAS will be allowed to fish these extra DAS as monkfish only DAS. In other words, vessels will be required to fish these monkfish only DAS under the same provisions as Category A and B vessels (i.e., these vessels must fish under existing monkfish exemption programs when fishing in the GOM, GB or SNE RMAs). Vessels that hold limited access Category C or D monkfish permits that have been allocated fewer NE multispecies DAS than monkfish DAS will receive a separate letter further explaining how this reduction in NE multispecies DAS effects their monkfish DAS.

### **FREEZE ON ISSUANCE OF NEW HANDGEAR PERMITS**

Vessels that have never been issued an open access NE multispecies Handgear permit (Category H), or applied for as of August 1, 2002, will be prohibited from obtaining an open access NE multispecies Handgear permit for the duration of this interim final rule.

### **PROHIBITION ON FRONT-LOADING THE DAS CLOCK**

The practice of starting a vessel's DAS clock in advance of the actual departure of the vessel from the dock is known as "front-loading".

Under the interim final rule published April 29, 2002, front-loading is prohibited for limited access multispecies vessels through July 31, 2002. This interim final rule extends that prohibition for the duration of this action. As a result, vessel owners or authorized representatives will be required to notify NOAA Fisheries no earlier than 1 hour prior to the vessel leaving port to fish under the NE multispecies DAS program. This measure applies to all management areas.

## **REVISIONS TO NE MULTISPECIES CLOSURE AREAS**

This interim final rule implements additional NE multispecies seasonal and year-round area closures, and opens up an inshore area, corresponding to blocks 124 and 125, from January through March. Maps of the revised rolling closure areas and the existing year-round closure areas are provided in Figure 3. This action:

- Continues the Western Gulf of Maine (WGOM) Area Closure, in its current configuration, and closes the Cashes Ledge Closure Area, in its original configuration, for the duration of this interim final rule;
- Expands Rolling Closure Area III by closing area blocks 124 and 125 for the month of May 2003, and expands Rolling Closure Area IV by closing area blocks 132 and 133 for the month of June 2003;
- Further expands the Georges Bank (GB) Seasonal Closure Area by closing blocks 80 and 81 and the portion of blocks 118 through 120 that lie south of 42°20' N. lat. during the month of May 2003;
- Opens blocks 124 and 125 from January through March by eliminating the January Massachusetts Bay-Stellwagen Bank Conditional Closure Area and the February Rolling Closure Area VI, and by eliminating blocks 124 and 125 from the March Rolling Closure Area I.

Exemptions to the current GOM rolling closure areas will apply to the expanded rolling closure areas and the expanded GB Seasonal Closure Area. All current exemptions will apply also to the WGOM and Cashes Ledge Closure Areas, with the following exceptions:

- Vessels are prohibited from fishing with scallop dredge gear, and
- Vessels are prohibited from fishing in the Raised Footrope Trawl Exempted Whiting Fishery.

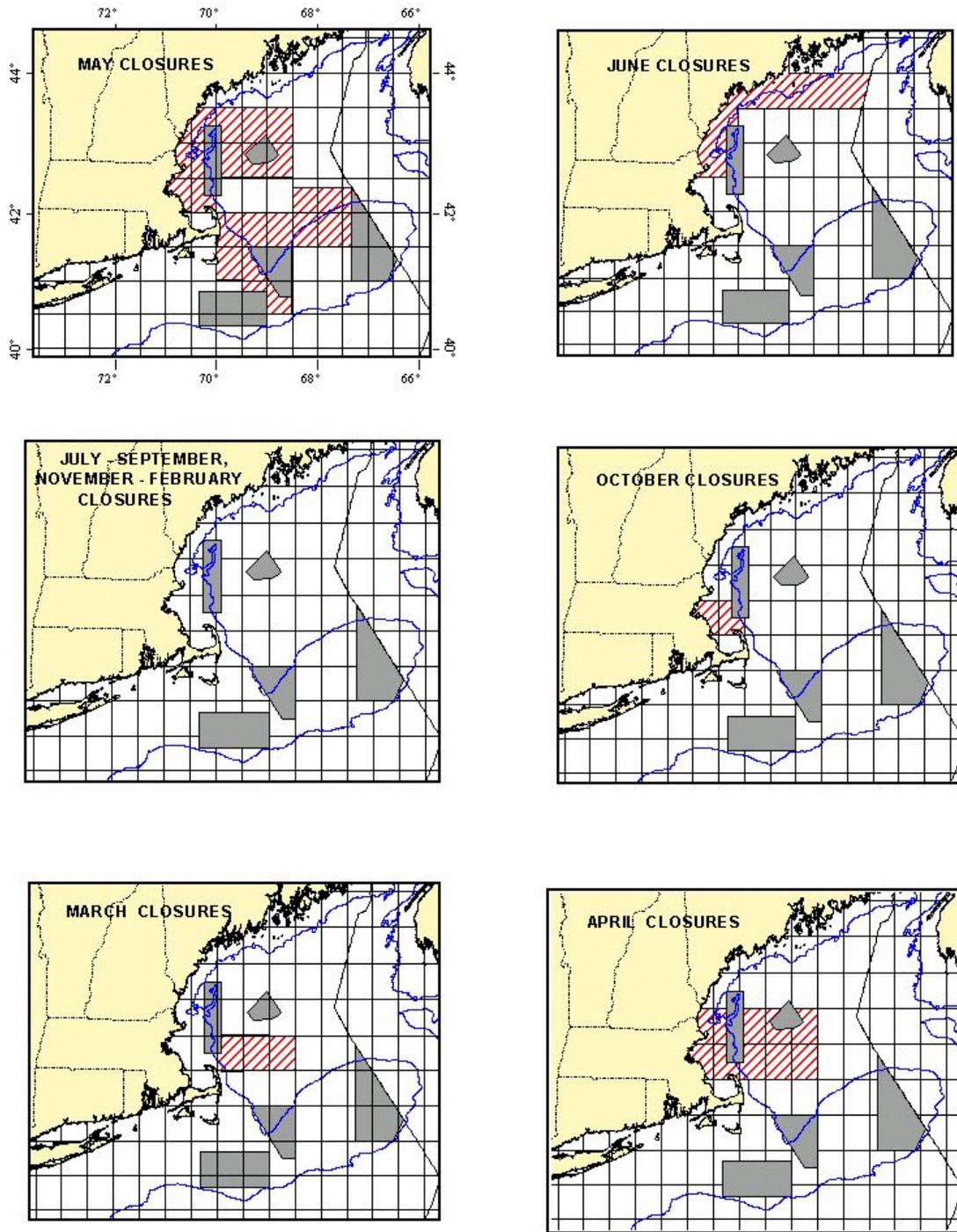


Figure 3. Rolling Closure Areas (including year-round closed areas indicated by shading)

## GEAR RESTRICTIONS UNDER A NE MULTISPECIES DAS

The following gear restrictions are summarized in Table 1.

### Trawl Vessel Restrictions

The following changes in mesh size restrictions implemented through this interim final rule apply only to the codend of the net. The minimum mesh size restrictions for the remaining portion of the net for vessels fishing under a NE multispecies DAS will continue to be 6.0-inch diamond or 6.5-inch square mesh, or any combination thereof, when fishing in the GOM, GB, and SNE RMAs, and 5.5-inch diamond or 6.0-inch square mesh, or any combination thereof, when fishing in the MA RMA. Trawl net vessels currently fishing with 6.5-inch square mesh throughout the entire net are not subject to the following minimum mesh size changes.

#### GOM, GB, and MA RMAs

When fishing in the GOM, GB, or MA RMAs, vessels fishing under a NE multispecies DAS are restricted to fishing with a codend\* having a minimum mesh size of 6.5-inch diamond or square mesh. **For vessels fishing in the GB or MA RMAs, this mesh size requirement is not effective until August 15, 2002.**

#### SNE RMA

When fishing in the SNE RMA, vessels fishing under a NE multispecies DAS are restricted to fishing with a codend\* having a minimum mesh size of 7.0-inch diamond or 6.5-inch square mesh. **The requirement to use 6.5-inch square mesh is not effective until August 15, 2002, and the requirement to use 7.0-inch diamond mesh is not effective until September 1, 2002.**

\*Under this interim final rule, a codend is defined as follows:

- For vessels 45 ft in length overall or less, a diamond mesh codend is defined as the first 25 meshes counting from the terminus of the net, and a square mesh codend is defined as the first 50 bars counting from the terminus of the net.
- For vessels greater than 45 ft in length overall, a diamond mesh codend is defined as the first 50 meshes counting from the terminus of the net, and a square mesh codend is defined as the first 100 bars counting from the terminus from the net.

### Gillnet Vessel Restrictions

Currently, all vessels issued a limited access NE multispecies permit and intending to fish under a NE multispecies DAS with gillnet gear must obtain an annual designation as either a Day or Trip gillnet vessel. Declarations are to be made on a form provided by NOAA Fisheries and signed by the vessel owner or authorized representative.

This form can be obtained by calling the Northeast Regional Permit Office at (978) 281-9370, and can also be obtained on the Northeast Regional Office's web site (listed at the end of this letter). Once a declaration form has been received, NOAA Fisheries will send a letter to the vessel owner that serves as written confirmation from the Regional Administrator that the vessel is a Day or Trip gillnet vessel. This confirmation letter must be retained on board the vessel when fishing under a NE multispecies DAS with gillnet gear.

Once a vessel owner has elected a designation, he/she may not change that designation for the remainder of the fishing year. However, under this interim final rule, for the 2002 fishing year, vessels that have elected a Day or Trip gillnet designation may change their designation prior to September 1, 2002, and will be authorized to fish under the new designation during the September 1, 2002, through April 30, 2003, period.

A vessel owner electing a Day or Trip gillnet declaration must indicate the number of gillnet tags that he/she is requesting on the above mentioned form provided by NOAA Fisheries, and provide a check for the cost of the tags. Day gillnet vessels will be authorized to obtain up to 160 gillnet tags and Trip gillnet vessels will be authorized to obtain up to 150 gillnet tags. A vessel may have tags on board the vessel that are in excess of the number of tags corresponding to the allowable number of nets for a given RMA, provided such tags are onboard the vessel and can be made available for immediate inspection.

A gillnet vessel may stow additional nets on board that are in excess of the allowable nets for a given RMA, up to 160 nets for Day gillnet vessels, counting the number of deployed nets. Trip gillnet vessels are not restricted to the number of nets that can be stowed on board the vessel. All nets in excess of the allowable number of nets for a given RMA must be stowed according to the regulations.

**\*In order to provide vessel owners with an opportunity to obtain gillnet tags, the following gillnet tagging requirements will be waived through August 31, 2002.**

**\*Unless otherwise specified below, the effective date for the following mesh size requirements is August 1, 2002.**

#### GOM RMA

Vessels that have obtained an annual Trip gillnet vessel designation and that are fishing under a NE multispecies DAS in the GOM RMA will be required to fish with nets having a minimum mesh size of 6.5-inch mesh and will be restricted to fishing 150 nets, with one tag fixed to each net.

Vessels that have obtained an annual Day gillnet vessel designation will be allowed to fish up to 100 nets, provided the vessel complies with the following restrictions:

- When fishing with flatfish nets, vessels can fish no more than 100 nets, having a minimum mesh size of 7 inches, with one tag fixed to each net. **The effective date of this mesh size requirement is September 1, 2002.**
- When fishing with roundfish nets, vessels can fish with no more than 50 nets, having a minimum mesh size of 6.5 inches, with two tags fixed to each net. Vessels may only fish with roundfish nets during July through February of each fishing year.

Vessels may fish any combination of roundfish and flatfish nets, provided that the total number of nets fished does not exceed 100.

#### GB RMA

Vessels fishing under either a Day or Trip gillnet designation and that are fishing under a NE multispecies DAS in the GB RMA will be required to fish with nets having a minimum mesh size of 6.5 inches and will be restricted to fishing no more than 50 nets, with two tags fixed to each net. **The effective date of this mesh size requirement is August 15, 2002.**

#### SNE RMA

Vessels fishing under either a Day or Trip gillnet designation and that are fishing under a NE multispecies DAS in the SNE RMA will be required to fish with nets having a minimum mesh size of 6.5 inches and will be restricted to fishing no more than 75 nets, with two tags fixed to each net. **The effective date of this mesh size requirement is August 15, 2002.**

#### MA RMA

Gillnet regulations when fishing under a NE multispecies DAS remain unchanged for this management area. That is:

- Vessels that fish under a Day gillnet designation will continue to be authorized to fish up to 160 nets, provided that the vessel does not fish more than 80 roundfish nets. Roundfish and flatfish nets must have a minimum mesh size of 5.5-inch diamond or 6.0-inch square mesh, with roundfish nets having two tags fixed to each net, and flatfish nets having one tag fixed to each net.
- Vessels that fish under a Trip gillnet designation are not limited to a restriction on the number of nets fished. All nets must have a minimum mesh size of 5.5-inch diamond or 6.0-inch square mesh.

#### Gillnet Vessels Fishing Under a Monkfish DAS

Under this interim final rule, vessels that hold a limited access monkfish Category C or D permit (i.e., vessels that hold both a monkfish and a NE multispecies limited access permit) and that are fishing under a monkfish DAS will be restricted to using 150 nets in all areas, provided that the vessel fishes with nets having a minimum mesh size of 10 inches. Such vessels will also be required to attach one tag to each net.

## **Vessels Fishing Under the Large Mesh DAS Program**

Vessels that hold a valid limited access NE multispecies Large Mesh Individual DAS category (Category F) or Large Mesh Fleet DAS category (Category G) permit will be required to fish with nets having a mesh size that is 2.0 inches larger than the current regulated mesh size when fishing under the NE multispecies DAS program. This mesh size regulation applies throughout the entire net (i.e., not just the codend for trawl vessels). Therefore, vessels fishing under a NE multispecies DAS with a valid Large Mesh DAS permit with trawl nets or sink gillnets will be required to fish with nets having 8.5-inch square or diamond mesh when fishing in the GOM, GB, and SNE RMAs, and 7.5-inch diamond or 8.0-inch square mesh when fishing in the MA RMA. **Limited access NE multispecies vessels issued Large Mesh category permits will have until September 1, 2002, to comply with these new mesh size requirements.**

### Change to Permit Category

Vessel owners or an authorized representative have a one-time opportunity to change a vessel's NE multispecies permit category each fishing year. This change must be made within 45 days of permit issuance, and a vessel may not fish in more than one permit category during a fishing year. However, under this interim final rule, for the 2002 fishing year, owners of vessels that were issued a limited access NE multispecies permit prior to August 1, 2002, may request a change in permit category one time prior to August 31, 2002, or within 45 days of permit issuance, whichever date is later. Thus, prior to August 31, 2002, a vessel may withdraw from the large mesh category if it is already in that category, or may opt into this category for the first time this fishing year. For vessels that change permit category, the associated DAS may be adjusted accordingly.

## **Hook-Gear Vessels**

### De-hooker restriction

Vessels that hold a valid limited access NE multispecies Hook-Gear permit (Category D) will be prohibited from using de-hookers (crucifiers) with less than 6-inch spacing between the fairlead rollers.

### Hook size restriction

Limited access vessels fishing with longline gear under a NE Multispecies DAS in the GOM, GB, or SNE RMAs will be required to use 12/0 or larger circle hooks.

### Restriction on Number of Rigged Hooks

When fishing in the GOM or SNE RMAs, limited access Hook-Gear vessels will be restricted to possessing no more than 2,000 rigged hooks on board. When fishing in the GB RMA, such vessels will be restricted to possessing no more than 3,600 rigged hooks on board. Vessels fishing in the MA RMA will be subject to the current 4,500-hook restriction.

	GOM	GB	SNE	MA
<b>MINIMUM MESH SIZE RESTRICTIONS FOR GILLNET GEAR</b>				
NE Multispecies Day Gillnet Category*	July-February only: <u>Roundfish nets</u> 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net	<u>Roundfish nets</u> 5.5" (14.0 cm) diamond or 6.0" (15.2 cm) square mesh; 80-net allowance; 2 tags/net
	Year-round: <u>Flatfish nets</u> 7.0" (17.8 cm) mesh; 100-net allowance; 1 tag/net			<u>Flatfish nets</u> 5.5" (14.0 cm) diamond or 6.0" (15.2 cm) square mesh; 160-net allowance 1 tag/net;
NE Multispecies Trip Gillnet Category*	<u>All nets</u> 6.5" (16.5 cm) mesh; 150-net allowance; 1 tag/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net	<u>All gillnet gear</u> 5.5" (14.0 cm) diamond or 6.0" (15.2 cm) square mesh; No net limit; no tag requirement
Monkfish Vessels**	10" (25.4 cm) mesh/150-net allowance			
	1 tag/net			
<b>MINIMUM MESH SIZE RESTRICTIONS FOR TRAWL GEAR</b>				
Codend only mesh size*	6.5" (16.5 cm) diamond or square		7.0" (17.8 cm) diamond or 6.5" (16.5 cm) square	6.5" (16.5 cm) diamond or square
Large Mesh Category - entire net	8.5" (21.6 cm) diamond or square			7.5" (19.0 cm) diamond or 8.0" square (20.3 cm)
<b>MAXIMUM NUMBER OF HOOKS AND SIZE RESTRICTIONS FOR HOOK-GEAR</b>				
Limited access NE multispecies vessels	2,000 hooks	3,600 hooks	2,000 hooks	4,500 hooks (no change)
	No less than 6" (15.2 cm) spacing allowed between the fairlead rollers			
	minimum size of 12/0 circle hooks required for longline gear			N/A

Table 1. Gear Restrictions by Regulated Mesh Area

## REVISION TO COD MINIMUM FISH SIZE (Commercial Vessels)

This interim final rule revises the minimum size for cod that may be lawfully taken and sold by a commercial vessel to 22 inches total length. All other commercial size limits remain unchanged by this action.

## NE MULTISPECIES POSSESSION RESTRICTIONS

### Yellowtail Flounder Possession Restrictions

This interim final rule establishes restrictions on the possession and landing of yellowtail flounder for vessels fishing south or west of the GB RMA. As a result of these possession restrictions, vessels fishing under the NE multispecies DAS program will be required to obtain a Letter of Authorization (LOA) to possess and land yellowtail flounder. Vessels will be required to remain in the authorization program for a minimum of 30 consecutive days.

#### Yellowtail Flounder Prohibition

- All vessels are prohibited from possessing or landing yellowtail flounder in or from the SNE and MA RMAs south of 40°00' N. lat., except for transiting purposes, provided all gear is properly stowed according to the regulations.

#### Vessels Fishing any Part of a Trip in the SNE and MA RMAs North of 40°00' N. lat.

- Limited access NE multispecies vessels may possess and land yellowtail flounder when fishing any part of a trip in the MA or SNE RMAs north of 40°00' N. lat. under the conditions described below, or when transiting, provided all gear is properly stowed according to the regulations.
- March 1 through May 31: All limited access NE multispecies vessels, unless otherwise restricted, will be subject to a possession and landing limit of 250 lb of yellowtail per trip.
- June 1 through February 28: All limited access NE multispecies vessels, unless otherwise restricted, will be subject to a possession and landing limit of 750 lb of yellowtail flounder per day and 3,000 lb per trip.
- Vessels must have on board a valid SNE Yellowtail Flounder Possession/Landing Authorization, and may not fish south of 40°00' N. lat. while participating in this authorization program and fishing under a NE multispecies DAS.

#### Vessels Fishing Exclusively in the GOM or GB RMA

- Limited access NE multispecies vessels fishing in the GOM or GB RMA are not subject to a yellowtail flounder possession or landing limit, provided that vessels possess on board a valid GOM/GB Yellowtail Flounder Possession/Landing Authorization, and do not fish outside the GOM and GB RMAs while participating in this authorization program, and fishing under a NE multispecies

DAS, except for transiting purposes provided all gear is stowed according to the regulations.

### **Possession Restrictions for Handgear Permitted Vessels**

Under this interim final rule, the combined trip limit for cod, haddock, and yellowtail flounder for vessels that hold an open access NE multispecies Handgear permit will be reduced to 200 lb per trip, unless otherwise restricted according to the regulations. Open access Handgear permitted vessels will still be authorized to possess and land one Atlantic halibut per trip, and unlimited amounts of other NE multispecies. Such vessels are required to use and possess only rod and reel or handline gear while in possession, fishing for, or landing NE multispecies, and must have at least one standard tote on board.

As with limited access NE multispecies permitted vessels, open access Handgear permitted vessels are prohibited from possessing yellowtail flounder south of 40°00' N. lat. when fishing in the SNE and MA RMAs. However, open access Handgear vessels are not required to obtain a LOA to possess yellowtail flounder in the RMAs north of this line.

### **GB Cod Trip Limit Modification**

This interim final rule does not change the GB cod trip limit, but makes the trip limit more restrictive with respect to the DAS clock in order to be consistent with the GOM cod trip limit provisions. Therefore, under this rule, a vessel subject to the GB landing limit may come into port and offload cod in excess of the landing limit determined by the number of DAS elapsed, provided the vessel operator does not call out of the DAS program and does not depart from the dock or mooring until the remainder the additional 24-hour period has elapsed. For example, a vessel that has been called into the DAS program for 25 hours at the time of landing may land only up to 4,000 lb of cod (2 DAS worth of cod), provided the vessel does not call out of the DAS program or depart from the dock until the remainder of the 48-hour period, starting with the beginning of the fishing trip, has elapsed. As with the GOM trip limit regulations, a vessel may transit to another port during the time it is required to run its clock, provided that the operator notifies the Regional Administrator and the gear is stowed according to the regulations.

### **GOM Cod**

This interim final rule increases the daily possession limit for GOM cod to 500 lb per DAS, but maintains the trip limit of 4,000 lb per trip.

### **Recreational and Party/Charter Vessel Restrictions**

#### **Size Limit Modification**

This interim final rule increases the minimum size limit for cod and

haddock to 23 inches total length for Party/Charter vessels not fishing on a NE multispecies DAS, and private recreational vessels.

#### Possession Limit Modification

This interim final rule implements the following possession limit restrictions:

For Party/Charter vessels:

- During April - November, no more than 10 cod and haddock combined, per person, per trip, when fishing any part of a trip in the GOM RMA.
- During December - March, no more than 10 cod and haddock combined, of which no more than 5 may be cod, per person, per trip, when fishing any part of a trip in the GOM RMA.

For private recreational vessels:

- During December - March, no more than 10 cod and haddock combined, of which no more than 5 may be cod, per person, per trip, when fishing any part of a trip in the GOM RMA.

#### Party/Charter Exemptions from GOM Closed Areas

This interim final rule modifies the current GOM Party/Charter closed area exemption program as follows:

- To fish in the WGOM and Cashes Ledge Closed Areas, vessels will be required to obtain a Letter of Authorization from the Regional Administrator for the entire fishing year, beginning at the time the vessel enrolls in the program through April 30.
- To fish in the GOM seasonal closure areas, vessels will be required to obtain a Letter of Authorization from the Regional Administrator for a minimum of 3 months.

While participating in the GOM Party/Charter closed area exemption program, a vessel may not fish commercially for any species except tuna.

This letter is only a summary of the regulations that have been implemented. To read these regulations in their entirety, you are encouraged to obtain a complete copy by calling (978) 281-9278, or by accessing the NE Regional Office web page. Up to date question and answer information is also available on the NE Regional Office web page at: <http://www.nero.nmfs.gov>.

This Small Entity Compliance Guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.

Sincerely,

Patricia A. Kurkul  
Regional Administrator