



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

April 10, 2006

SMALL ENTITY COMPLIANCE GUIDE

Dear Northeast (NE) Multispecies Permit Holder:

This letter is to inform you of regulations implementing an emergency management action to immediately reduce fishing mortality on specific groundfish stocks for the start of the 2006 fishing year (FY) on May 1, 2006. **These new regulations become effective on May 1, 2006, and will remain in effect until such time as measures included in Framework Adjustment (FW) 42 to the NE Multispecies Fishery Management Plan (FMP) and FW 3 to the Monkfish FMP can be implemented, or unless you are otherwise informed.**

Amendment 13 to the FMP established a biennial adjustment process to ensure that the groundfish rebuilding program is maintained. Data from the August 2005 Groundfish Assessment Review Meeting (GARM II) indicated that the current management measures are not achieving the fishing mortality objectives for several groundfish stocks (Gulf of Maine (GOM) cod, Cape Cod (CC)/GOM yellowtail flounder, Georges Bank (GB) yellowtail flounder, GB winter flounder, Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder, and white hake) of the Amendment 13 rebuilding programs. These stocks require immediate reductions in fishing mortality to fully comply with the Magnuson-Stevens Act.

The New England Fishery Management Council (Council) has developed FW 42 to implement management measures that would bring the fishery back on track with the Amendment 13 rebuilding program. However, the development of FW 42 was delayed and it cannot be implemented by the start of FY 2006 on May 1, 2006. Therefore, the Secretary of Commerce developed this emergency rule to implement measures to immediately reduce fishing mortality for certain groundfish stocks beginning May 1, 2006. Combined with the measures proposed by the Council in FW 42, this emergency action should achieve the Amendment 13 fishing mortality objectives for all species during FY 2006.

Because of the necessarily short public comment period on the proposed rule, increased interest in this action, and revisions made to the measures included in the proposed rule, the National Marine Fisheries Service (NOAA Fisheries Service) is requesting additional comments on the measures implemented by this emergency action and has published this emergency action in the Federal Register as an interim final rule. Comments must be received by NOAA Fisheries Service by May 15, 2006.

A summary of the management measures implemented under this emergency follows. All management measures that were in effect prior to May 1, 2006, and not modified by this emergency rule will remain in effect.

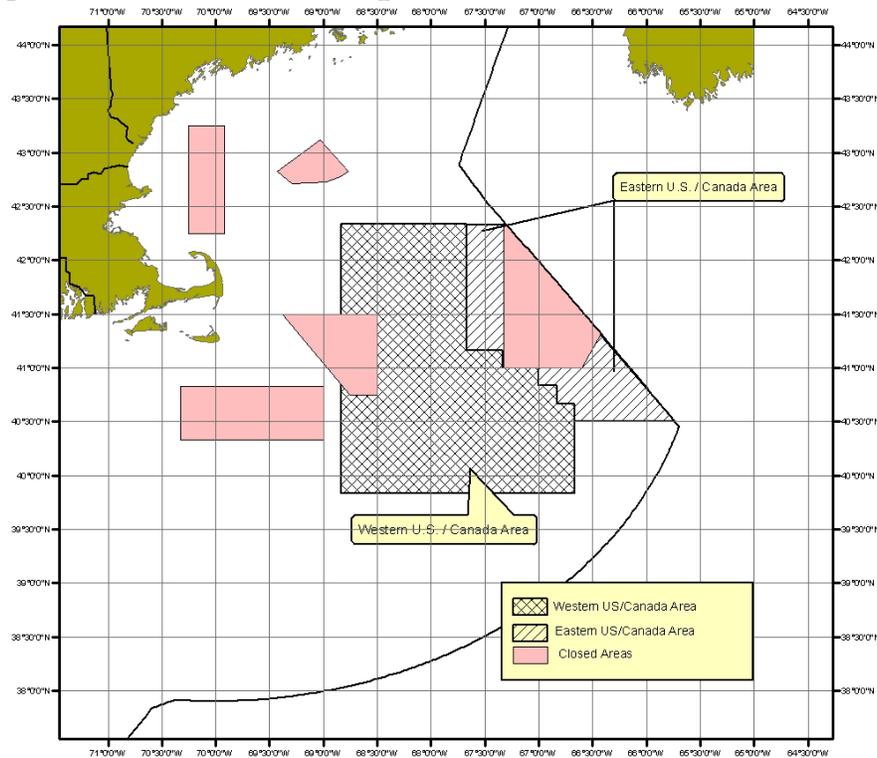
DIFFERENTIAL DAYS-AT-SEA (DAS) COUNTING

Beginning May 1, 2006, all Category A DAS used by a vessel issued a limited access NE multispecies DAS permit outside of the U.S./Canada Management Area (U.S./Canada



Area) (see Figure 1) will be charged at a rate of 1.4 for every 1 DAS used, with the exception of Day gillnet vessels, as described below. A vessel that fishes its entire trip under a Category A DAS within the U.S./Canada Area will be charged DAS at a rate of 1:1. A vessel that has declared its intent (through the Vessel Monitoring System (VMS)) to fish both inside and outside of the U.S./Canada Area on the same trip under a Category A DAS will be charged DAS at a rate of 1.4 for every 1 DAS used, including steaming time, regardless of area fished.

Figure 1: Map of the U.S./Canada Management Area



Examples:

- A vessel fishing exclusively in the GOM on a fishing trip that lasts 10 hours would be charged for 14 hours (10 hours x 1.4) of DAS use.
- A vessel that has declared its intent (through VMS) to fish exclusively within the U.S./Canada Area and fishes only within this area on a trip that lasts 5 DAS (120 hours) would be charged 5 DAS (120 hours).
- A vessel that has declared its intent (through VMS) to fish inside and outside of the Western U.S./Canada Area on the same trip and that fishes, for example, within the Western U.S./Canada Area and the GOM on a trip that lasts 5 DAS (120 hours) would be charged 7 DAS (168 hours) (120 hours x 1.4).

A vessel that fishes exclusively within the Eastern U.S./Canada Area will not be charged steaming time to and from the Eastern U.S./Canada Area and will have its DAS charged at a rate of 1:1.

Day Gillnet Vessels: A Day gillnet vessel fishing any part of a trip under a Category A DAS outside of the U.S./Canada Area will be charged at a rate of 1.4:1 for the actual hours used for

any trip less than 3 hours in duration, and for any trip of 11 hours or greater. A Day gillnet vessel fishing any part of a trip under a Category A DAS outside of the U.S./Canada Area of between 3 and 11 hours duration will be charged 15 hours. A Day gillnet vessel fishing an entire trip under a Category A DAS inside of the U.S./Canada Area will be charged DAS at a rate of 1:1 for the actual hours used for any trip of 0-3 hours in duration, and for any trip of greater than 15 hours. A Day gillnet vessel fishing the entire trip under a Category A DAS within the U.S./Canada Area of between 3 and 15 hours duration will be charged 15 hours. Should a Day gillnet vessel declare its intent to fish both inside and outside of the U.S./Canada Area on the same trip, its DAS for the entire trip will be counted as if it were fishing outside of the U.S./Canada Management Area, regardless of area fished.

Examples:

- A Day gillnet vessel fishing an entire 12-hour trip under a Category A DAS within the GOM would be charged for 16.8 hours of DAS use (12 hours x 1.4).
- A Day gillnet vessel fishing an entire 10-hour trip under a Category A DAS within the GOM would be charged for 15 hours of DAS use.
- A Day gillnet vessel that has declared its intent (through VMS) to fish exclusively within the U.S./Canada Area and that fishes a 14-hour trip under a Category A DAS entirely within this area would be charged for 15 hours of DAS use.
- A Day gillnet vessel that has declared its intent (through VMS) to fish inside and outside of the Western U.S./Canada Area on the same trip and that fishes, for example, a 14-hour trip under a Category A DAS within the Western U.S./Canada Area and the GOM would be charged for 19.6 hours of DAS use (14 hours x 1.4).

DAS Flips: For all NE multispecies DAS vessels, if a vessel is fishing under a Category B (regular or reserve) DAS and flips its DAS to a Category A DAS, that vessel will be charged Category A DAS at the rate of 1.4:1 for the entire trip if fishing any part of its trip outside of the U.S./Canada Area; otherwise, the vessel will be charged Category A DAS at a rate of 1:1 if it fished exclusively within the U.S./Canada Area.

U.S./Canada Area Declaration: Any NE multispecies DAS vessel that fishes within the U.S./Canada Area is required to use a VMS and declare its intent to fish in one of the sub-areas of the U.S./Canada Area through VMS prior to leaving the dock. Because of continued reductions in the GB yellowtail flounder total allowable catch (TAC) for FY 2006, the Closed Area II Yellowtail Flounder Special Access Program (SAP) will not likely be open for FY 2006 (a formal announcement will follow shortly). Therefore, there will be only four U.S./Canada Area sub-areas available in FY 2006, as follows (see Attachment 1):

<u>Area</u>	<u>Description</u>
2	Eastern U.S./Canada Area Outside of Closed Area II
4	Western U.S./Canada Area Only
5	Eastern U.S./Canada Area Haddock SAP
6	Eastern U.S./Canada Area and the Eastern U.S./Canada Area Haddock SAP

A vessel may elect to fish outside of these areas on the same trip, provided the vessel declares its intent to do so via VMS and abides by the more restrictive regulations (i.e., DAS counting, trip limits, and submission of daily catch reports via VMS) in either area.

Any vessel declaring its intent to fish inside and outside of the U.S./Canada Area on the same trip is required to fish under a Category A DAS for the entire trip. To declare a vessel's intent to fish outside of the specific U.S./Canada Area sub-areas listed above, vessel operators must select one of the following VMS options:

- **Area 4 + Open:** This declaration allows a vessel to fish inside and outside of the Western U.S./Canada Area (i.e., Area Code 4) on the same trip. A vessel will be charged Category A DAS at a rate of 1.4:1 for the entire trip; must submit daily catch reports of yellowtail flounder for the duration of the trip; and must abide by the more restrictive trip limits for cod, yellowtail flounder, and winter flounder between the areas fished. This declaration must be submitted prior to leaving the dock at the start of the trip.
- **Flex Out:** This declaration allows a vessel to fish in the Eastern U.S./Canada Area (i.e., Area Codes 2, 5, or 6) and outside of the Eastern U.S./Canada Area on the same trip. A vessel will be charged Category A DAS at a rate of 1.4:1 for the entire trip (i.e., the vessel would not receive steaming time credit); must submit daily catch reports of cod, haddock, and yellowtail flounder for the duration of the trip; and must abide by the more restrictive trip limits for cod, yellowtail flounder, and winter flounder between the areas fished. This declaration must be submitted either prior to leaving the dock at the start of the trip, or prior to leaving the Eastern U.S./Canada Area.
- **Flex West:** This declaration allows a vessel to fish in the Eastern U.S./Canada Area (i.e., Area Codes 2, 5, or 6) and within the Western U.S./Canada Area (i.e., Area Code 4) on the same trip. A vessel will be charged Category A DAS at a rate of 1:1 for the entire trip (i.e., the vessel would not receive steaming time credit); must submit daily catch reports of cod, haddock, and yellowtail flounder for the duration of the trip; and must abide by the more restrictive trip limits for cod. This declaration must be submitted either prior to leaving the dock at the start of the trip, or prior to leaving the Eastern U.S./Canada Area.

Effect on Monkfish DAS: Despite differential counting of NE multispecies DAS, monkfish DAS will continue to be charged at a rate of 1:1. Currently, a Category C, D, G, or H monkfish vessel can fish under a monkfish-only DAS when NE multispecies Category A DAS are no longer available, provided the vessel fishes under the provisions of the monkfish Category A or B permit (i.e., under reduced trip limits and gear restrictions). The number of monkfish-only DAS that may be used by a vessel is equal to the difference between the number of its net monkfish DAS allocation* and the number of its net NE multispecies Category A DAS allocation.**

Example: If a vessel has an annual allocation of 40 monkfish DAS and 30 NE multispecies Category A DAS, the vessel would be allocated 10 monkfish-only DAS.

*Net monkfish DAS allocation is defined as the sum of the vessel's allocated monkfish DAS, plus its monkfish carry-over DAS, minus any monkfish DAS deducted from that vessel due to a DAS sanction, minus any forfeited monkfish DAS due to leasing of NE multispecies Category A DAS.

**Net NE multispecies Category A DAS allocation is defined as the sum of the vessel's NE multispecies Category A DAS allocated, plus NE multispecies carry-over DAS, minus any NE multispecies DAS deducted from that vessel due to a DAS sanction, minus DAS leased to another vessel, plus any NE multispecies DAS leased from another vessel.

Under this emergency rule, for any vessel that fishes, or that has declared through VMS that it

will fish, any of its allocated NE multispecies Category A DAS outside of the U.S./Canada Area and is, therefore, subject to differential counting of NE multispecies DAS at a rate of 1.4:1, the number of monkfish-only DAS that may be used by that vessel is increased by 0.286 DAS for every NE multispecies DAS charged at the differential DAS counting rate of 1.4:1 when fishing any part of a trip outside of the U.S./Canada Area to adjust for differential DAS counting of NE multispecies DAS. This adjustment factor is equal to the rate at which monkfish-only DAS increase for each additional NE multispecies Category A DAS used outside of the U.S./Canada Area at a rate of 1.4:1. That is, $0.286 = 1 - (1 \div 1.4)$.

Examples:

- If a monkfish Category C vessel has an annual allocation of 40 monkfish DAS and 30 NE multispecies DAS, the vessel has an annual allocation of 10 monkfish-only DAS. If this vessel uses 10 NE multispecies DAS outside of the U.S./Canada Area, the vessel would actually be charged 14 NE multispecies DAS (10 DAS x 1.4), and its monkfish-only DAS would be increased by 2.86 DAS (10 DAS x 0.286), for a total of 12.86 monkfish-only DAS.
- If a monkfish Category C vessel has an annual allocation of 40 monkfish DAS and 30 NE multispecies DAS, the vessel has an annual allocation of 10 monkfish-only DAS. If this vessel fishes exclusively within the U.S./Canada Management Area for the entire fishing year, the vessel would not be allocated any additional monkfish-only DAS and would be allowed to use only 10 monkfish-only DAS.

A vessel may obtain the current balance of its available monkfish-only DAS by calling the NOAA Fisheries Service Office of Law Enforcement at (978) 281-9213.

Cod Running-Clock Provision: This emergency action revises the current cod running-clock to account for differential DAS counting to ensure that DAS are appropriately charged for vessels landing an additional DAS's worth of cod.

- Vessels fishing outside of the U.S./Canada Area: For any vessel that fishes, or that has declared through VMS that it intends to fish, any part of a trip outside of the U.S./Canada Area, regardless of area fished, and that catches an additional days worth of GOM or GB cod, any Category A DAS used will be charged as follows: Any trip of between 24-34 hours in duration will be charged 48 hours of DAS use; and any trip greater than 34 hours will be charged at a rate of 1.4:1 for the entire trip.

Example: A vessel that fished for 25 hours in the GOM could land up to 1,200 lb of GOM cod (2 days' worth) and would be charged for 48 hours. A vessel that fished for 35 hours in the GOM could also land up to 1,200 lb of GOM cod, but would be charged 49 hours (35 hours x 1.4 = 49 hours).

- Vessels fishing exclusively in the U.S./Canada Area: For a vessel harvesting fish exclusively inside of the U.S./Canada Area that catches an additional days worth of GOM or GB cod, any Category A DAS used will be charged additional DAS, rounded to the next whole DAS, at a rate of 1:1.

Example: A vessel that harvests fish exclusively in the Western U.S./Canada Area on a trip lasting 25 hours could land up to 2,000 lb of GB cod (2 days' worth) and would be charged 48 hours. A vessel that harvests fish exclusively in the Western U.S./Canada Area on a trip lasting 35 hours could also land up to

2,000 lb of GB cod (2 days' worth) and would also be charged 48 hours.

Under this rule, the reporting requirements for a vessel that catches an additional day's worth of cod are different depending on whether it is a VMS vessel or non-VMS vessel:

- **Non-VMS vessels:** A non-VMS vessel fishing under a Category A DAS that catches an additional DAS worth of GOM or GB cod must call out of the DAS program upon landing and declare that it has caught an additional day's worth of cod via the Interactive Voice Response (IVR), or call-in system (**888-284-4904**).
- **VMS Vessels:** A VMS vessel fishing under a Category A DAS that catches an additional DAS worth of GOM or GB cod must declare that it has caught an additional day's worth of cod via VMS prior to crossing the VMS demarcation line on its return to port.

TRIP LIMITS

This emergency action implements the following trip limits, effective May 1, 2006. All of the trip limits currently in place are listed in Table 1.

GOM Cod: The GOM cod possession limit for vessels operating under a NE multispecies DAS is reduced to 600 lb per DAS, with a maximum trip limit of 4,000 lb per trip. The GOM cod possession limit for vessels operating under the limited access NE multispecies Handgear A permit regulations is reduced to 250 lb per trip. The GOM cod trip limit for vessels operating under the open access Handgear B provisions is maintained at 75 lb per trip.

GB Yellowtail Flounder: The GB yellowtail flounder trip limit is reduced from an initial unlimited amount to 10,000 lb per trip. This trip limit may be increased or decreased to ensure that the GB yellowtail flounder TAC in the U.S./Canada Area is not under- or overharvested during the fishing year.

GB Winter Flounder: A GB winter flounder trip limit of 5,000 lb per trip is created by this emergency action.

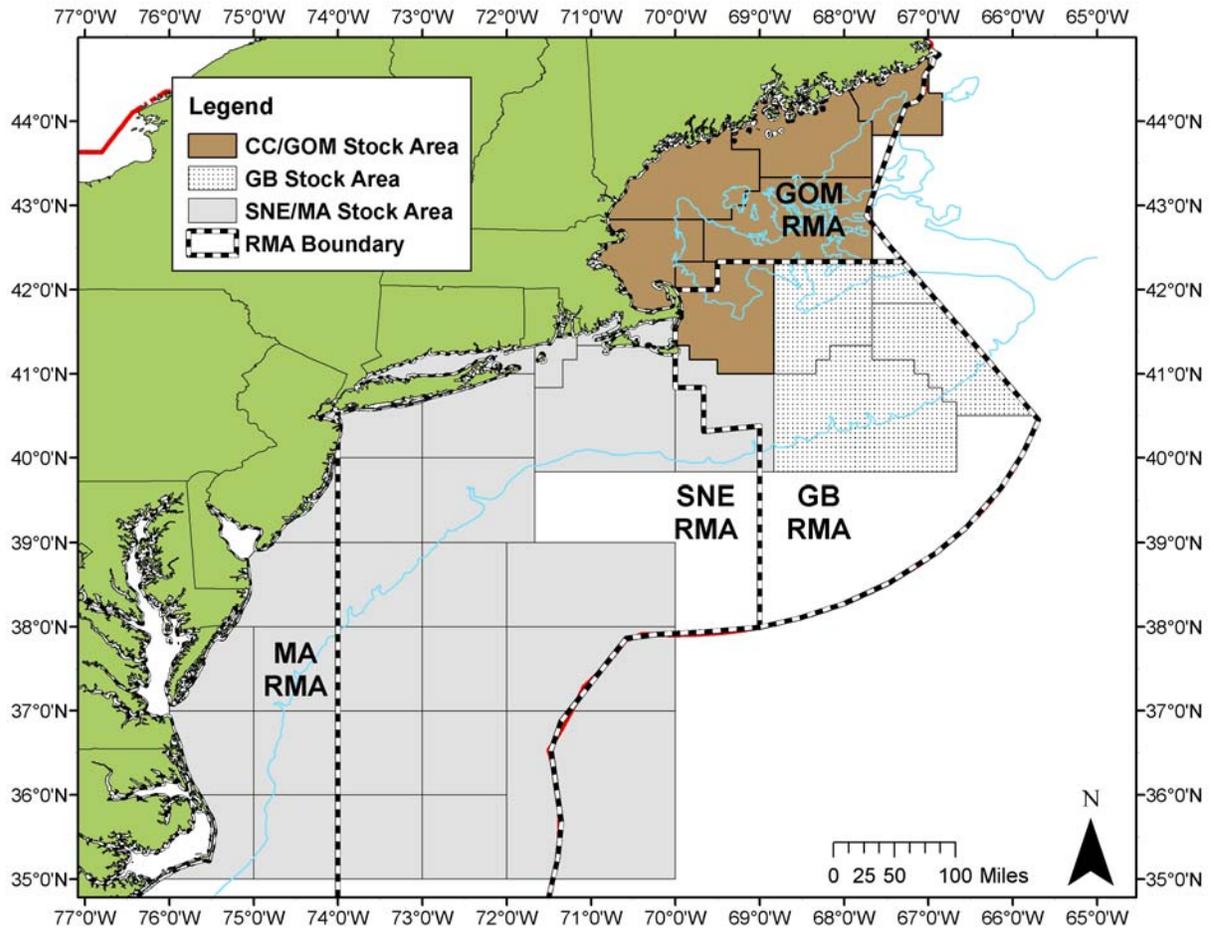
White Hake: A white hake trip limit of 1,000 lb per DAS, up to 10,000 lb per trip is created by this emergency action.

Haddock: The daily and maximum trip limits for haddock are eliminated for the duration of this emergency action.

CC/GOM and SNE/MA Yellowtail Flounder: When fishing in either the CC/GOM or SNE/MA Yellowtail Flounder Areas (see Figure 2 below), the following possession limits apply:

- May 1 through June 30, and October 1 through November 30: 250 lb (113 kg) per trip; and
- December 1 through April 30, and July 1 through August 31: 500 lb per DAS, up to 2,000 lb per trip.

Figure 2: Yellowtail Flounder Stock Areas and Regulated Mesh Area (RMA) Boundaries.



Species	Stock Area	Category A DAS Possession Limits
Cod	GOM	600 lb/DAS, up to 4,000 lb/trip for DAS vessels
		250 lb/trip for Handgear A vessels
		75 lb/trip for Handgear B vessels
	GB	500 lb/DAS, up to 5,000 lb/trip (Eastern U.S./Canada Area*)
		1,000 lb/trip (Eastern U.S./Canada Haddock SAP*)
		1,000 lb/DAS, up to 10,000 lb/trip (outside of the Eastern U.S./Canada Area)
Haddock	All Areas	Unlimited
Yellowtail Flounder	CC/GOM and SNE/MA	250 lb/trip (May – June and October – November)
		500 lb/DAS, up to 2,000 lb/trip (December – April and July – August)
	GB	10,000 lb/trip, unless otherwise modified
Winter Flounder	GB	5,000 lb/trip
	GOM and SNE/MA	Unlimited
White Hake	All Areas	1,000 lb/DAS, up to 10,000 lb/trip
All Other Regulated Species	All Areas	Unlimited

*See Appendix 1

Table 1: Regulated Groundfish Landing Limits for Limited Access NE Multispecies Vessels Fishing on a Category A DAS.

REGULAR B DAS PROGRAM

The Regular B DAS Program was originally established as a pilot program under FW 40A and expired on October 31, 2005. This program created opportunities for NE multispecies limited access DAS permit holders to use Regular B DAS outside of a SAP to target stocks that can withstand additional fishing effort. However, because of the need to reduce fishing mortality for the 2006 fishing year, this emergency rule continues a modified Regular B DAS Program that would continue opportunities to use Regular B DAS in this program without jeopardizing the rebuilding efforts of other stocks. The provisions of the original program that are different under this emergency action are described in further detail below. The remaining requirements are not modified by this action and are the same as those originally implemented in FW 40A in November 2004. For details regarding the other measures, refer to the FW 40A permit holder letter sent to you on November 17, 2004. This letter is also available on the internet at the following address: www.nero.noaa.gov/nero/nr/nr04.htm.

Area Restrictions: Vessels participating in the Regular B DAS Program may only fish within either the Eastern or Western U.S./Canada Area (see Figure 1). Participating vessels must declare their intent to fish in the Eastern U.S./Canada Area (VMS Area Code 2) or the Western U.S./Canada Area (VMS Area Code 4) prior to leaving port at the start of a trip. Participating vessels may not fish in the Regular B DAS Program and in a SAP on the same trip.

Gear Requirements: Trawl vessels participating in the Regular B DAS Program must use a haddock separator trawl, as currently defined in the regulations. Gear other than the haddock separator trawl may be on board a vessel, provided it is stowed according to the regulations.

Quarterly DAS Limit: To limit the potential biological impacts of the Regular B DAS Program, the maximum number of Regular B DAS that may be used in the this program during a particular quarter is as follows:

- Quarter 1 (May – July): 500 DAS
- Quarter 2 (August – October): 1,000 DAS
- Quarter 3 (November – January): 1,000 DAS
- Quarter 4 (February – April): 1,000 DAS

Regular B DAS Accrual: While fishing under the Regular B DAS Program, Regular B DAS will accrue at the rate of 1 DAS for each calendar day, or part of a calendar day, fished.

Example: A vessel that leaves on a trip at 11 p.m. on the first calendar day and returns at 10 p.m. on the second calendar day would be charged 48 hours of Regular B DAS instead of 23 hours, because the fishing trip would have spanned 2 calendar days.

Requirement to Flip from a Regular B DAS to a Category A DAS: This emergency rule continues the requirement to flip from a Regular B DAS to a Category A DAS should a vessel exceed the trip limits specified for this program. If a vessel harvests and brings on board legal-sized regulated groundfish or monkfish in excess of the landing limits specified below in Tables 2 and 3, the vessel operator must retain the excess catch and notify NOAA Fisheries Service via VMS prior to crossing the VMS demarcation line that it is changing its DAS category from a Regular B DAS to a Category A DAS (“DAS flip”). The landing limits are applied at the end of a vessel’s trip.

Example: A vessel that declared in the Regular B DAS Program and that caught 300 lb of cod on the first day of a 2-day trip would not be required to flip immediately to a Category A DAS on the first day, but, if after completing its fishing trip after 26 hours, the vessel had caught 300 lb, the vessel would be required to flip to a Category A DAS prior to crossing the demarcation line (for 2 days of fishing under the Regular B DAS Program, the vessel is only allowed 2 days’ worth of cod, or 200 lb).

Any vessel participating in the Regular B DAS Program that flips its DAS from a Regular B DAS to a Category A DAS will be charged Category A DAS for the entire trip. If a vessel fishes, or declares through VMS that it will fish, any part of its trip outside of the U.S./Canada Area, Category A DAS will be charged at a rate of 1.4:1; otherwise, if the vessel fishes exclusively within the U.S./Canada Area, Category A DAS will be charged at a rate of 1:1. Further, the vessel will be subject to the possession and landing restrictions that apply to a vessel fishing on a Category A DAS (i.e., not the Regular B DAS Program limits). The possession

limits on either a Regular B DAS or a Category A DAS are described below.

Example: If a vessel fishes for 15 hours under the Regular B DAS Program and then flips to Category A DAS, continues fishing, and then crosses the VMS demarcation line to end the trip after 23 hours, the vessel would be charged 32.2 hours of Category A DAS (23 hours x 1.4). The vessel would be subject to the Category A DAS landing limits. Under this example, the vessel would be allowed to retain up to 1,000 lb of GB cod.

Possession/Landing Limits: Vessels fishing on a Regular B DAS in the Regular B DAS Program are subject to the following possession/landing limits (see Tables 2 and 3):

- The landing limit for GB cod and white hake is 100 lb/DAS, up to 1,000 lb/trip;
- For vessels fishing with trawl gear, possession of lobsters is prohibited and possession of flounders (all species, combined), monkfish (whole weight), and skates is limited to 500 lb each;
- The landing limit for all other groundfish stocks (i.e., those not listed in Table 2) are the same as under the current regulations (see Table 1);
- The current monkfish incidental catch limit will apply on vessels issued a limited access monkfish Category C or D permit and fishing on a Regular B DAS under this program, depending on the area fished (in the Northern Fishery Management Area (NFMA), that limit is 400 lb tail weight per DAS, or 50 percent of the total weight of fish on board, whichever is less; in the Southern Fishery Management Area (SFMA), that limit is 50 lb tail weight per DAS) (see Table 3).

A vessel cannot discard legal-sized groundfish or monkfish while fishing on a Regular B DAS in this program. If a vessel exceeds the landing limit for a groundfish stock of concern or monkfish, the DAS must be “flipped” to a Category A DAS. Once the DAS is “flipped,” the vessel must comply with the landing limits for Category A DAS (see Tables 2 and 3) and may discard fish in excess of the landing limits.

Example: A vessel begins a planned 12-hour trip under the Regular B DAS Program. The vessel catches 1,200 lb of legal-sized GB cod in one tow. All legal-sized GB cod must be retained while fishing on a Regular B DAS. Since the vessel will only be underway for 12 hours, the vessel “flips” to a Category A DAS. Under this scenario, it must discard 200 lb of GB cod to comply with the Category A DAS landing limit of 1,000 lb/DAS. Alternatively, the vessel could remain at sea longer to account for the cod overage.

Species	Regular B DAS Landing Limits		Category A DAS Landing Limits
	Trawl Gear	Non-Trawl Gear	All Gear Types
GB cod	100 lb/DAS; 1,000 lb/trip		1,000 lb/DAS, up to 10,000 lb/trip (Western U.S./Canada Area)
			500 lb/DAS, up to 5,000 lb/trip (Eastern U.S./Canada Area)
American Plaice	100 lb/DAS, up to 500 lb/trip of all flatfish species combined	100 lb/DAS, up to 1,000 lb/trip	Unlimited
Witch Flounder		100 lb/DAS, up to 1,000 lb/trip	Unlimited
GB Yellowtail Flounder		100 lb/DAS, up to 1,000 lb/trip	10,000 lb/trip, or as modified by the Regional Administrator
GB Winter Flounder		100 lb/DAS, up to 1,000 lb/trip	5,000 lb/trip
White Hake	100 lb/DAS, up to 1,000 lb/trip		1,000 lb/DAS, up to 10,000 lb/trip
Skates (all species)	500 lb/trip	10,000 lb of skate wings for trips less than 24 hours	10,000 lb of skate wings for trips less than 24 hours
		20,000 lb of skate wings for trips greater than 24 hours	20,000 lb of skate wings for trips greater than 24 hours

Table 2: Groundfish and Skate Landing Limits for Limited Access NE Multispecies Vessels Fishing in the Regular B DAS Program.

Monkfish Permit Category	Area	Regular B DAS Landing Limits		Category A DAS Landing Limits	
		Trawl Gear	Non-Trawl Gear	Trawl Gear	Non-Trawl Gear
C or D	NFMA	400 lb/trip, or 50% of the total weight of fish on board, whichever is less		No Trip Limit	
	SFMA	50 lb/trip		300 lb/trip	50 lb/trip
F	NFMA	400 lb/trip, or 50% of the total weight of fish on board, whichever is less			
	SFMA	50 lb/trip		300 lb/trip	50 lb/trip
E	NFMA	400 lb/trip, or 50% of the total weight of fish on board, whichever is less			
	SFMA	50 lb/trip			

Table 3: Monkfish Trip Limits (lb, tail weight) for Vessels Issued Category C, D, F, or E Monkfish Permits and Fishing in the Regular B DAS Program.

Vessels participating in the Regular B DAS Program and fishing under a Regular B DAS are prohibited from discarding legal-sized regulated species* and monkfish, except where mandatory retention would conflict with a prohibition on the retention of such species. For example, if the GB yellowtail flounder TAC in the U.S./Canada Area is caught, a prohibition on the possession of yellowtail flounder would be implemented. If this occurs, discarding of yellowtail flounder in

the Regular B DAS Program would be permitted.

*Regulated species refers to the following groundfish species:

- American plaice
- Atlantic cod
- Haddock
- Pollock
- Redfish
- White hake
- Winter flounder
- Windowpane flounder
- Witch flounder
- Yellowtail flounder

Minimum Category A DAS Requirement: In order to ensure that a vessel will always have the ability to flip to a Category A DAS while fishing under a Regular B DAS (should it encounter a groundfish species of concern or monkfish in an amount that exceeds the trip limit), the number of Regular B DAS that would be allowed to be used on a trip is limited to the number of Category A DAS that the vessel has at the start of the trip divided by 1.4.

Example: If a vessel plans a trip under the Regular B DAS Program and has 5 Category A DAS available, the maximum number of Regular B DAS that the vessel could fish on that trip under the Regular B DAS Program would be 5 divided by 1.4, or 3.6 days.

Quarterly Incidental TACs for Stocks of Concern: In order to limit the potential impact on fishing mortality that the use of Regular B DAS in the Regular B DAS Program may have on groundfish stocks of concern, a quarterly Incidental TAC is set for each groundfish stock of concern for the Regular B DAS Program, as summarized in Table 4:

Species	Regular B DAS Program	
	Quarter 1	Quarters 2 through 4
GB cod	8.0	17.8
American Plaice	23.8	53.2
White Hake	5.3	11.9
Witch Flounder	35.8	79.9
GB Yellowtail Flounder	2.7	6.0
GB Winter Flounder	1.8	4.1

Table 4: Incidental TACs (mt, live weight) by Quarter for Groundfish Stocks of Concern.

Prohibition of the Use of Regular B DAS: If the quarterly incidental TAC for any of the stocks of concern listed in Table 4 is caught, the use of Regular B DAS in the Regular B DAS Program within the U.S./Canada Management Area will be prohibited for the remainder of that quarter. If the use of Regular B DAS in this program is prohibited, vessels may still fish in the U.S./Canada Area under a Category A DAS, or use Category B DAS (Regular or Reserve) in a SAP.

Information on the harvest of stocks of concern, as well as the number of Regular B DAS used in each quarter, will be available on the internet at the following address:

www.nero.noaa.gov/ro/fso/f40a.htm.

DAS LEASING PROGRAM

The Amendment 13 final rule implemented the DAS Leasing Program for 2 years, expiring on April 30, 2006. This emergency action continues the DAS Leasing Program, as originally adopted under Amendment 13, for FY 2006. Please refer to the Amendment 13 permit holder letter for more information on the requirements for this program. This letter is available on the internet at the following address: www.nero.noaa.gov/nero/nr/nr04.htm.

EASTERN U.S./CANADA HADDOCK SAP

The Eastern U.S./Canada Haddock SAP was originally implemented by the FW 40A final rule. This program allows vessels to target haddock in the Eastern U.S./Canada Area, including the northern tip of Closed Area II (see Figure 3), using a haddock separator trawl. This emergency action modifies the start date, implements incidental catch TACs for GB winter flounder and GB yellowtail flounder, establishes possession limits for specific species, and revises the minimum Category A DAS requirement, as detailed below. All other provisions of this SAP, including the DAS restrictions and reporting requirements, remain the same. These revised measures are identical to those adopted under FW 42.

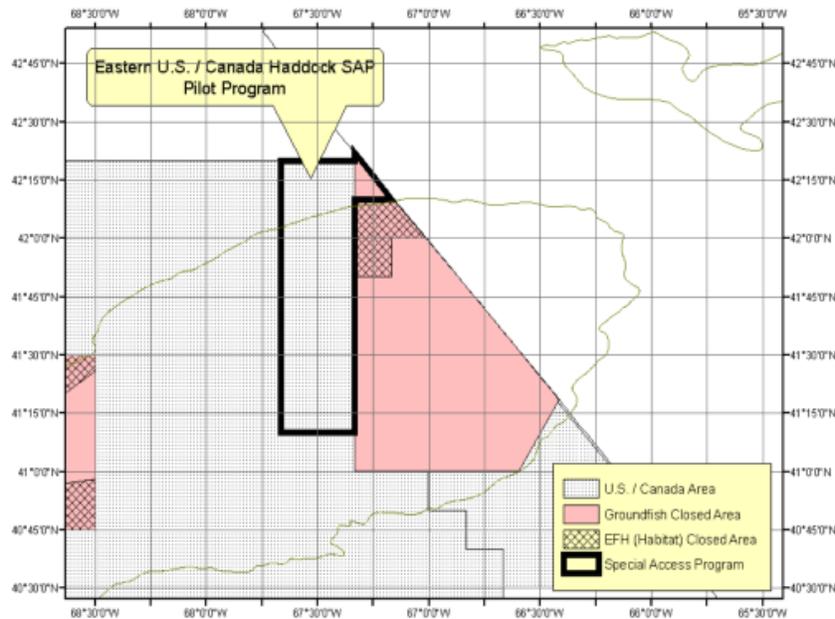


Figure 3: The Eastern U.S./Canada Haddock SAP.

Start Date: The start date of the Eastern U.S./Canada Haddock SAP is delayed until August 1. The season for this SAP is now August 1 through December 31, unless otherwise notified.

Incidental Catch TACs: This emergency action establishes two new incidental catch TACs for GB winter flounder and GB yellowtail flounder for this SAP. These two new TACs are in addition to the incidental catch TAC for GB cod established under FW 40A. Any cod, winter flounder, or yellowtail flounder caught under a Category B (Regular or Reserve) DAS will count toward these incidental catch TACs (see Table 5). Once any of the TACs is caught, the use of Category B DAS (Regular or Reserve) in this SAP will be prohibited.

Species	2006 Incidental Catch TAC
GB cod	19.6
GB Yellowtail Flounder	20.7
GB Winter Flounder	14.2

Table 5: 2006 Eastern U.S./Canada Haddock SAP Incidental Catch TACs (mt, live weight).

Information on the rate of harvest of cod, yellowtail flounder, and winter flounder from this SAP will be available on the internet at the following address: www.nero.noaa.gov.

Discard Prohibition and Possession Limits: A vessel fishing in the Eastern U.S./Canada Haddock SAP under a Category B DAS (Regular or Reserve B DAS) may not discard legal-sized cod, winter flounder, or yellowtail flounder. Participating vessels are prohibited from possessing lobsters and are subject to the possession limits specified in Table 6 below.

Species	Category B DAS Landing Limits	Category A DAS Landing Limits
GB Cod	1,000 lb/trip	
GB Winter Flounder	100 lb/DAS, up to 500 lb of all flounder species combined	500 lb of all flatfish species combined
GB Yellowtail Flounder		
Other Flounder Species	500 lb of all flatfish species combined	

Table 6: Possession Limits for Limited Access NE Multispecies Vessels Participating in the Eastern U.S./Canada Haddock SAP.

Requirement to Flip from a Category B DAS to a Category A DAS: If a vessel fishing under a Category B DAS harvests and brings on board more than the allowable limits of legal-sized cod, winter flounder, yellowtail flounder specified in Table 6, the vessel operator must notify NOAA Fisheries Service via VMS that it is changing its DAS category from Category B DAS (Regular or Reserve) to Category A DAS prior to crossing the VMS demarcation line on its return trip to port. Should a vessel that has declared into the Eastern U.S./Canada Haddock SAP flip from a Category B DAS to a Category A DAS, it will be charged Category A DAS for the entire trip at a rate of 1:1 if fishing exclusively within the U.S./Canada Area on the same trip, or at a rate of 1.4:1 if also fishing outside of the U.S./Canada Area on the same trip. Once the vessel is fishing under a Category A DAS, the prohibition on discarding legal-sized cod, winter flounder, or yellowtail flounder no longer applies.

Minimum Category A DAS Requirement: The number of Regular B DAS that will be allowed to be used on a trip is limited to the number of Category A DAS that the vessel has at the start of the trip divided by 1.4, similar to the minimum Category A DAS requirement specified for the Regular B DAS Program.

U.S./CANADA MANAGEMENT AREA

Under this emergency action, a vessel may elect to fish both inside and outside of the Eastern U.S./Canada Area on the same trip. Vessels electing this option are required to declare their intent to fish inside and outside of the Eastern U.S./Canada Area on the same trip through VMS either prior to leaving the dock, or prior to leaving the Eastern U.S./Canada Area.

A vessel is prohibited from fishing outside of the Eastern U.S./Canada Area on the same trip if it

has already exceeded the restrictive possession limits for a particular species outside of the Eastern U.S./Canada Area.

Example: If a vessel declares through VMS, prior to leaving the dock that it intends to fish in the Eastern U.S./Canada Area in June, and then catches 500 lb of GB yellowtail flounder in this area, the vessel operator would be prohibited from fishing in the CC/GOM or SNE/MA yellowtail flounder areas on the same trip, because the vessel has already exceeded the June SNE/MA and CC/GOM yellowtail flounder possession limits of 250 lb per trip. However, the vessel could continue to fish within the Western U.S./Canada Area for the remainder of the trip by electing to fish in the Eastern and Western U.S./Canada Areas on the same trip by selecting the “Flex West” VMS option described below.

A vessel electing to fish inside and outside of the Eastern U.S./Canada Area on the same trip must declare its intent to do so via VMS and must comply with the more restrictive landing limits and DAS charges associated with the areas fished, and will be subject to the following conditions:

- Category A DAS will be charged for the entire trip and the vessel would not receive any steaming time credit to or from the Eastern U.S./Canada Area;
 - If a vessel declares through VMS that it will be fishing within the Eastern and Western U.S./Canada Areas on the same trip by selecting the “**Flex West**” VMS option, Category A DAS will be charged at a rate of 1:1 for the entire trip.
 - If a vessel declares through VMS that it will be fishing within the Eastern U.S./Canada Area and outside of the U.S./Canada Area on the same trip by selecting the “**Flex Out**” VMS option, Category A DAS will be charged at a rate of 1.4:1 for the entire trip.
- All cod and haddock caught on the entire trip will be applied against the Eastern U.S./Canada Area TACs, while all yellowtail flounder will be applied to the overall U.S./Canada Area TAC for this species; and
- The vessel must comply with reporting requirements for the Eastern U.S./Canada Area for the entire trip.

RECREATIONAL FISHING MEASURES

This emergency action implements additional restrictions on the recreational sector to immediately reduce fishing mortality on GOM cod, as specified below. These measures are identical to those proposed under FW 42 and are expected to result in a proportionate reduction in fishing mortality from the recreational fishing sector to help achieve the Amendment 13 fishing mortality objectives for all species during FY 2006.

Seasonal GOM Cod Possession Prohibition: Private recreational vessels and vessels fishing under the charter/party regulations of the FMP are prohibited from possessing or retaining any cod from the GOM RMA (see Figure 2 above) from November 1 – March 31.

Minimum Size Restrictions: The minimum size for cod in the GOM RMA is increased to 24 inches.

Gear Stowage Requirement: Private recreational and charter/party vessels are allowed to transit the GOM RMA with cod caught from outside this area, provided all bait and hooks are removed from fishing rods and that all cod are stored in coolers or ice chests. These storage

requirements are intended to facilitate the enforceability of these recreational measures.

This letter is only a summary of the NE multispecies regulations implemented under this emergency action, and should not be considered as a substitute for the actual regulations. To read these regulations in their entirety, you are encouraged to obtain a complete copy by calling (978) 281-9315, or by accessing the Northeast Regional Office's web page at: <http://www.nero.noaa.gov>. You may also receive permit holder letters by e-mail by clicking on "NOAA Fisheries News Releases" on our website at <http://www.nero.noaa.gov>; or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135.

If you have any questions regarding the above measures, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is fluid and cursive, with a large initial "P" and "K".

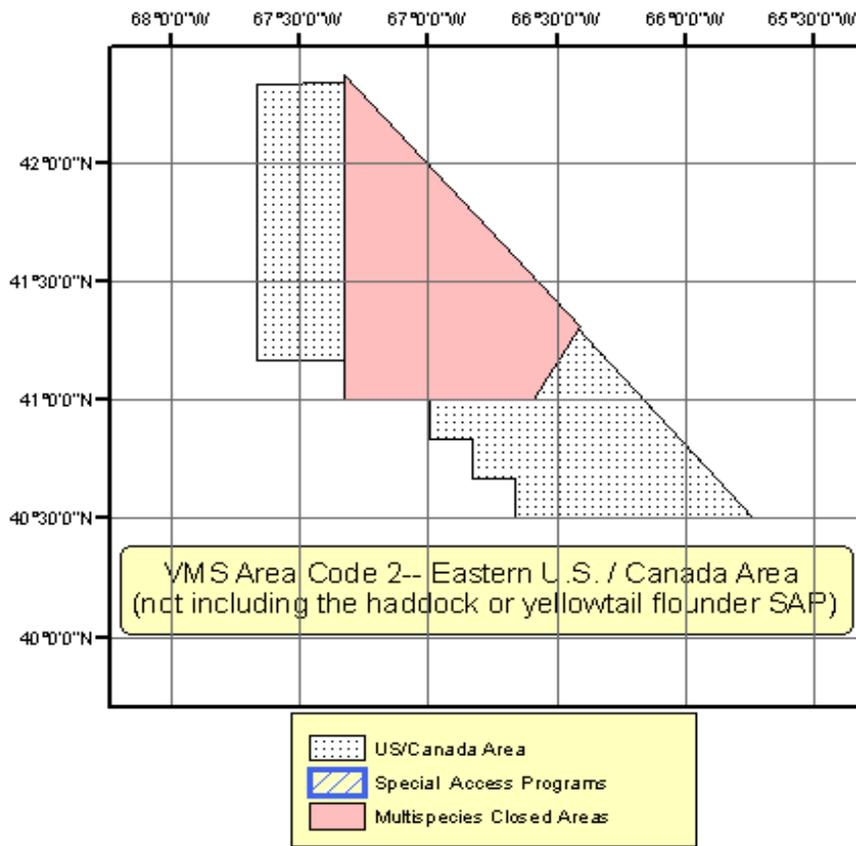
Patricia A. Kurkul
Regional Administrator

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

Attachment 1

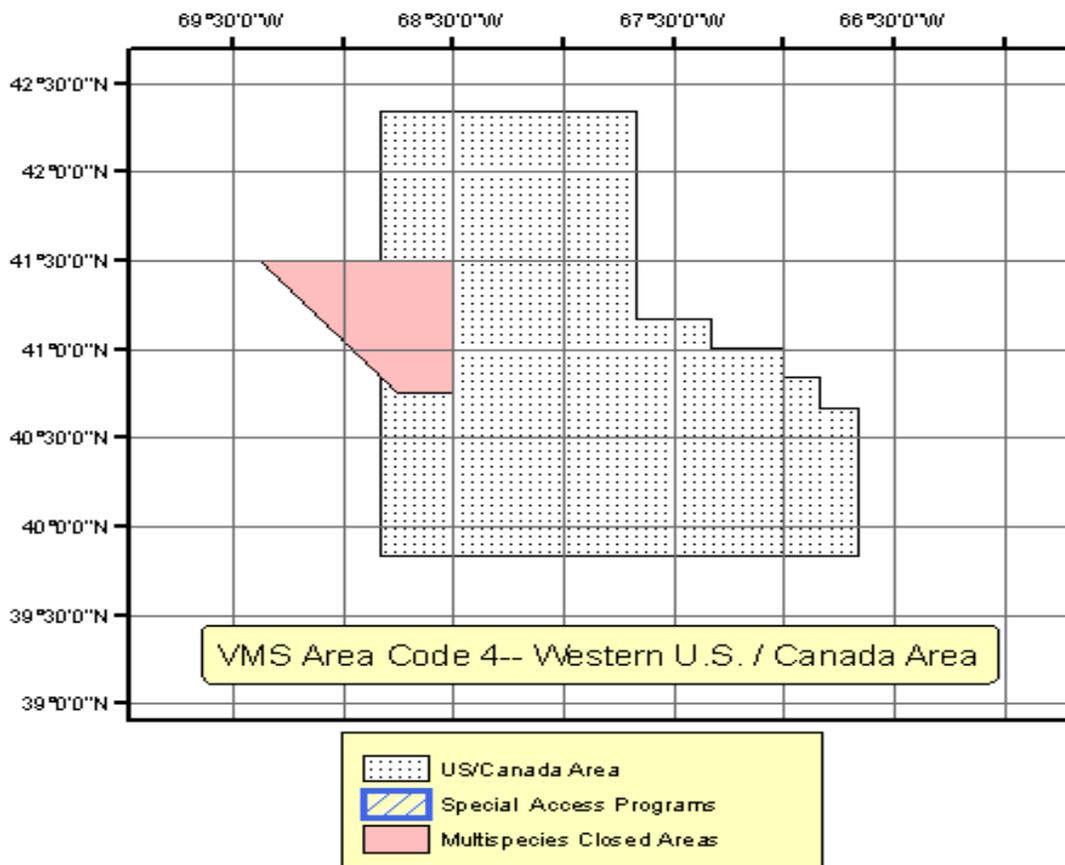
U.S./CANADA MANAGEMENT AREA POSSIBLE COMBINATIONS OF AREAS TO FISH ON A SINGLE TRIP

VMS CODE 2: EASTERN U.S./CANADA AREA



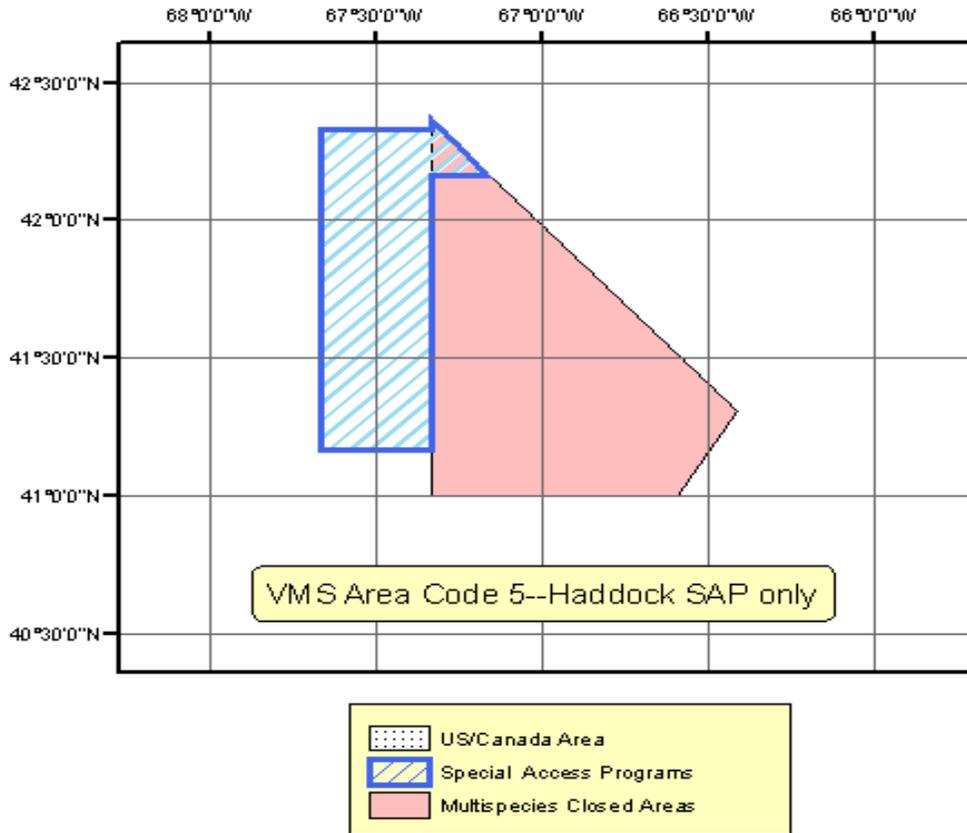
Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	500 lb/DAS, with a maximum of 5,000 lb/trip; not to exceed 5% of total catch
Regular B DAS Program	Flipping required; Discarding of cod prohibited	100 lb/DAS, with a maximum of 1,000 lb/trip. If a vessel exceeds 1,000 lb, it must flip to A DAS.

VMS CODE 4: WESTERN U.S./CANADA AREA



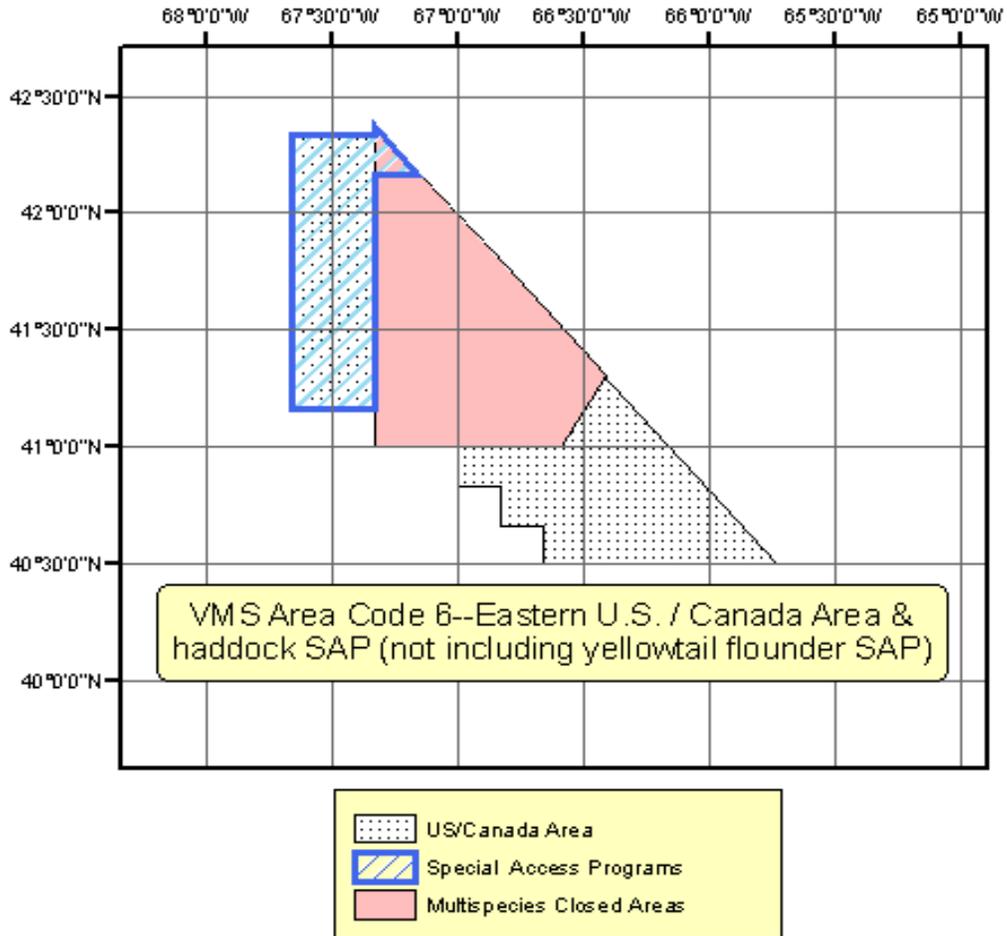
Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/DAS; 10,000 lb/trip (if enrolled in GOM cod trip limit exemption program)
Regular B DAS Pilot Program	Flipping required; Discarding of cod prohibited	100 lb/DAS; 1,000 lb/trip If a vessel exceeds 1,000 lb, it must flip to A DAS.

VMS CODE 5: EASTERN U.S./CANADA HADDOCK SAP PILOT PROGRAM (only)



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/trip
Reserve B, Regular B (not the Regular B DAS Program)	Flipping required; Discarding of cod prohibited	1,000 lb/trip. If a vessel exceeds 1,000 lb, it must flip to A DAS.

VMS CODE 6: EASTERN U.S./CANADA AREA and EASTERN U.S./CANADA HADDOCK SAP PILOT PROGRAM



Allowed DAS Category	DAS Flipping Requirement	Cod Trip Limit
A	N/A	1,000 lb/DAS