



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

August 6, 2010

Small Entity Compliance Guide

Subject: New Witch Flounder Trip Limit, Removal of Pollock Trip Limit, and Correction to Handgear A Cod Limit

Dear Common Pool Northeast (NE) Multispecies Permit Holder:

This letter is to inform you that, for vessels fishing in the common pool fishery under a NE multispecies day-at-sea (DAS), or fishing under a NE multispecies Small Vessel or Handgear A or B category permit:

- **Effective immediately, the trip limit for pollock is removed; and**
- **As of 0001 hours local August 9, 2010, there is a 130 lb/trip limit for witch flounder.**

This action also corrects upwards the landing limit for all stocks of cod for limited access Handgear A vessels to 100 lb/trip. An inseason action, which was effective on July 30, 2010, changed common pool cod landing limits and incorrectly specified the new Handgear A cod limit as 75 lb/trip. The regulations at 50 CFR 648.82(b)(6) specify that the cod limit for Handgear A vessels should be rounded up to the nearest 50 lb. Therefore, the cod limit for Handgear A vessels should have been 100 lb/trip, and is corrected, effective immediately.

NE multispecies common pool vessels that have submitted the required 48-hour Pre-Trip Notification, declared a trip through the vessel monitoring system (VMS), and crossed the VMS demarcation line prior to 0001 hours August 9, 2010, will not be subject to the new witch flounder limit for that trip. Vessels may take advantage of the unlimited possession limit for pollock immediately.

NOAA's National Marine Fisheries Service (NMFS) is taking this action in order to slow the catch of witch flounder to maximize the availability of fish throughout the course of the fishing year, and to increase the opportunity to harvest pollock. NMFS is authorized to make changes to the trip limits in the common pool to prevent over- and under-harvesting the common pool sub-Annual Catch Limit (sub-ACL). For fishing year 2010, the common pool sub-ACL is 55,115 lb for witch flounder, and 826,725 lb for pollock. Based on available information and data, a projection of harvest rate in the fishery indicates that the current trip limits would result in the over-harvest of the common pool sub-ACL for witch flounder, but an under-harvest of pollock before the end of FY 2010. As of August 4, 2010, approximately 93.5% of the witch flounder and 7.3% of the pollock common pool sub-ACLs have been harvested.



Should 100 percent of the common pool sub-ACL for any stock be exceeded by the end of FY 2010 (April 30, 2011), accountability measures (AM) would be put in place for FY 2011 beginning May 1, 2011, including differential DAS counting in that stock area.

If a common pool sub-ACL is projected to be under-harvested by the end of FY 2010, in-season adjustments to increase the trip limit will be considered. The rates of harvest of all NE multispecies stocks are updated weekly on the internet at <http://www.nero.noaa.gov>.

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

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