

Cod Minimum Fish Size (Commercial Vessels)

Under this final emergency rule, the minimum size for cod that may be lawfully sold is 22 inches (55.9–cm) total length.

NE Multispecies Possession Restrictions

Yellowtail Flounder

This final emergency rule requires enrollment in one of two authorization programs for any possession of yellowtail flounder, and continues restrictions on the harvest of yellowtail flounder when fishing in the SNE and MA RMAs and in the GB RMA south of 40° 00' N. lat. From March 1 through April 30, 2004, all vessels are subject to a possession and landing limit of 250 lb (113.4 kg) of yellowtail flounder per trip when fishing any part of a trip in the SNE and MA RMAs north of 40° 00' N. lat. In addition, from June 1 through February 28, all vessels are subject to a possession and landing limit of 750 lb (340.3 kg) of yellowtail flounder per day, and a maximum trip limit of 3,000 lb (1,361.2 kg) per trip when fishing any part of the trip in the SNE and MA RMAs north of 40° 00' N. lat. A vessel fishing for yellowtail flounder in the SNE and MA RMAs north of 40° 00' N. lat. may possess and land up to the seasonal yellowtail flounder allowable limits, provided the vessel does not fish south of 40° 00' N. lat. and has on board a SNE/MA yellowtail flounder possession/landing authorization issued by the Administrator, Northeast Region, NMFS (Regional Administrator). Under this final emergency rule, all vessels are prohibited from possessing yellowtail flounder in the MA, SNE or GB RMAs unless fishing north of 40° 00' N. lat., or unless the vessel is transiting areas south of 40° 00' N. lat. and all fishing gear on board the vessel is properly stowed according to the regulations. Vessels fishing east or north of this area are not subject to the yellowtail flounder possession limit restrictions, provided that the vessel does not fish west of the GB RMA and possesses on board a GOM/GB yellowtail flounder possession/landing authorization issued by the Regional Administrator. Vessels exempt from the yellowtail flounder possession limit requirements may transit areas outside of the specific exempted area that they are fishing, provided that their gear is stowed in accordance with one of the provisions of § 648.23(b).

Hand-gear Permitted Vessels

Under this final emergency rule, the maximum haddock possession limit for vessels that have been issued a valid

open access Hand-gear permit has been modified from the interim measures to allow up to the trip limit in effect prior to the implementation of the Settlement Agreement, 300 lb (136.1 kg) of haddock per trip. However, the maximum possession limit for cod or yellowtail flounder, combined, remains at 200 lb (90.7 kg) per trip. In other words, such vessels may land a maximum of 300 lb (136.1 kg) combined cod, haddock, or yellowtail flounder, provided that no more than 200 lb (90.7 kg) of which are cod or yellowtail flounder. Such vessels are not required to obtain a yellowtail flounder possession/landing authorization in order to harvest yellowtail flounder, but are not allowed to harvest yellowtail flounder south of 40° 00' N. lat. The haddock limit is changed in order to enhance the equitable distribution of fish harvest among sectors of the NE multispecies fishery, decrease discarding, and mitigate economic impacts resulting from the measures implemented as a result of the Settlement Agreement.

GB Cod Trip Limit

This final emergency rule continues the current method of how the DAS clock accrues for those vessels fishing in the GB RMA and harvesting GB cod, which is consistent with how the DAS clock accrues when fishing in the GOM RMA and harvesting GOM cod. That is, a vessel subject to this landing limit restriction can come into port with, and offload cod in excess of the landing limit, as determined by the number of DAS elapsed since the vessel called into the DAS program, provided that the vessel operator does not call out of the DAS program and does not depart from a dock or mooring in port until the rest of the additional 24-hr block of the DAS has elapsed, regardless of whether all of the cod on board is offloaded.

GOM Cod

This action maintains the daily possession limit for GOM cod at 500 lb (227.3 kg) per DAS, with a maximum possession limit of 4,000 lb (1,818.2 kg) per trip.

Recreational and Charter/Party Vessel Restrictions

Under this final emergency rule, the minimum fish size for haddock that can be retained by a federally permitted charter/party vessel not on a NE multispecies DAS, or a private recreational vessel not holding a Federal permit and fishing in the EEZ, is reduced from 23 inches (58.4–cm) to 21 inches (52.5–cm) total length, which was the minimum size limit in effect prior to the implementation of the

Settlement Agreement. This final emergency rule also removes the haddock bag limit for the charter/party sector when fishing in the GOM RMA and not under a NE multispecies DAS. This final emergency rule continues the current cod bag (possession) limit for the charter/party sector when a vessel is fishing in the GOM RMA and not under a DAS. Each person on a charter/party vessel not fishing under a DAS in the GOM RMA is allowed to possess no more than 10 cod per trip during the period April through November, and no more than 5 cod per trip during the period December through March. This final emergency rule continues the minimum fish size of 23 inches (58.4–cm) total length for cod that can be retained by a federally permitted charter/party vessel not on a NE multispecies DAS, or a private recreational vessel not holding a Federal permit and fishing in the EEZ. This action continues the cod and haddock possession limit of no more than 10 cod or haddock, combined, for private recreational vessels, and continues the further restriction of the cod possession limit for private recreational vessels when fishing in the GOM RMA, by requiring that during the period December through March, each person on a recreational vessel may possess no more than five cod. Cod and haddock harvested by recreational vessels with more than one person aboard can be pooled in one or more containers. Compliance with the possession limit is determined by dividing the number of fish on board by the number of persons on board. The haddock minimum size and bag limit are changed in order to enhance the equitable distribution of fish harvest among sectors of the NE multispecies fishery, decrease discarding, and mitigate potential economic impacts resulting from the measures implemented as a result of the Settlement Agreement.

For a vessel that intends to charter/party fish in the GOM closed areas, this final emergency rule requires that the vessel possess on board a letter of authorization (LOA) issued by the Regional Administrator. The LOA is required for the entire fishing year if the vessel intends to fish in the year-round GOM closure areas, and for a minimum of 3 months if the vessel intends to fish in the seasonal GOM closure areas. Vessels can obtain an LOA by calling the NMFS Permit Office at 978–281–9370.

All other existing recreational measures remain in effect, including the no-sale provision for all fish caught for both the party/charter and private recreational sectors when not fishing