



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

December 20, 2001

**2002 SPECIFICATIONS AND CLOSURE NOTICE FOR SUMMER FLOUNDER, SCUP AND
BLACK SEA BASS**

Dear Permit Holder:

The National Marine Fisheries Service (NMFS) has approved final 2002 specifications, including commercial quotas, recreational harvest limits, and other commercial management measures for the summer flounder (fluke), scup (porgies) and black sea bass fisheries. This rule was published in the Federal Register on December 26, 2001.

All commercial quotas are in effect beginning **January 1, 2002**. Also, beginning January 1, 2002, fishing vessels issued a Federal moratorium permit for the summer flounder fishery may not land summer flounder in the states of Maine and Delaware during the 2002 calendar year, because those states have no 2002 commercial quota due to overages in previous years. Dealers issued Federal dealer permits for summer flounder are advised that they may not purchase summer flounder from federally permitted vessels that land in the states of Maine and Delaware during the 2002 calendar year.

Requirements related to gear modifications are in effect beginning **February 24, 2002**. This delay will provide vessel owners with time to make the required modifications. The delayed requirements are: (1) Changes to minimum mesh requirements for scup and black sea bass trawl nets; (2) increased escape vent sizes for black sea bass pots and traps; (3) an increase in the commercial minimum black sea bass fish size from 10 inches to 11 inches; and (4) a reduction in the threshold black sea bass possession level that triggers the minimum mesh requirement. These measures are described in detail below.

SUMMER FLOUNDER

For 2002, the summer flounder total allowable landings (TAL) is 24.297 million lb (mlb), resulting in a commercial quota of 14.578 mlb and a recreational harvest limit of 9.719 mlb. The commercial quota is allocated by state, and adjusted to deduct for overages of each state's 2001 commercial quota (see table). This year, the 2001 overages were preliminarily determined based upon landings for the period January - October 2001, as proposed by NMFS in a regulatory amendment. Further adjustments would be necessary if the regulatory amendment disapproved.



Final 2002 state-by-state commercial summer flounder allocations.

State	Percent Share	2002 Initial Quota (lbs)	2001 Preliminary Quota Overages (lbs) ¹	Adjusted 2002 Quota (lbs) ²
ME	0.04756	6,933	19,871	(12,938)
NH	0.00046	67	-	67
MA	6.82046	994,306	55,541	938,765
RI	15.68298	2,286,310	-	2,286,310
CT	2.25708	329,044	-	329,044
NY	7.64699	1,114,800	-	1,114,800
NJ	16.72499	2,438,217	-	2,438,217
DE	0.01779	2,593	46,240	(43,647)
MD	2.03910	297,266	-	297,266
VA	21.31676	3,107,619	-	3,107,619
NC	27.44584	4,001,133	-	4,001,133
Total	100.00	14,578,288		14,513,221

¹ 2001 quota overages as of October 31, 2001.

² Parentheses indicate negative number.

³ Total 2002 quota is the sum of all states having an allocation. A state with a negative number has an allocation of zero (0).

SCUP

Effective on February 24, 2002, otter trawl vessels issued a scup moratorium permit that possess 500 lb or more of scup from November 1 through April 30, or 100 lb or more of scup from May 1 through October 31, must fish with nets that have a minimum mesh size of 4.5 inches (diamond mesh) for no more than 25 meshes in the codend, and with at least 100 continuous meshes of 5.0-inch mesh forward of the codend. For trawl nets with codends (including an extension) less than 125 meshes, the trawl net must have a minimum mesh size of 4.5-inches (diamond mesh) throughout.

For 2002, the initial scup TAL is 10.770 mlb. Through the research quota set-aside program, three projects were approved that will use 222,775 lb of the scup TAL. After deducting the research set-aside, the commercial scup quota is 7,834,522 lb and the recreational harvest limit is 2,712,703 lb. The scup commercial quota is distributed among three quota periods. Each period's quota is adjusted to deduct for overages of each period's 2001 commercial quota. The 2001 overages were determined based upon landings for the period January - October 2001, as proposed by NMFS in the regulatory amendment (see table below).

Final 2002 scup commercial quota allocations.

Period	Percent	Initial	2002 Quota	2001 Quota	Adjusted	Possession
		2002 Quota (lb)	Less Research Set-Aside (lb)	Overages ¹ (lb)	2002 Quota (lb)	Limits (lb)
Winter I (Jan-Apr)	45.11	3,608,800	3,534,153	16,853	3,517,300	10,000 ²
Summer (May-Oct)	38.95	3,116,000	3,051,546	494,951	2,556,595	N/A ³
Winter II (Nov-Dec)	15.94	1,275,200	1,248,823	N/A ³	1,248,823	2,000
Total	100.00	8,000,000	7,834,522 lb		7,322,718	

¹ 2001 quota overages as of October 31, 2001.

² The Winter I landing limit will drop to 1,000 lb when 80 percent of the seasonal allocation is attained.

³ Not Applicable.

BLACK SEA BASS

The following requirements are in effect beginning February 24, 2002: (1) The commercial minimum fish size for black sea bass is increased to 11 inches (total length); (2) otter trawl vessels issued a black sea bass moratorium permit that possess 500 lb or more of black sea bass from January 1 through March 31, or 100 lb or more of black sea bass from April 1 through December 31, must fish with nets that have a minimum mesh size of 4.5 inches (diamond mesh) applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, for trawl nets with codends (including an extension) less than 75 meshes the trawl net must have a minimum mesh size of 4.5 inches (diamond mesh) throughout; and (3) the minimum escape vent size for black sea bass pots and traps is increased to 2 3/8-inch circular, 2-inch square, and 1-3/8 inch x 5-3/4 inch rectangular. Traps constructed of wooden lathes may instead employ an escape vent constructed by leaving a space of at least 1-3/8 inch between a pair of lathes in the parlor portion of the trap.

For 2002, the black sea bass TAL is 6.8 mlb. Through the research quota set-aside program, four projects were approved that will use 76,005 lb of the black sea bass TAL. After deducting the research set-aside, the black sea bass commercial quota is 3,294,758 lb, and the recreational harvest limit is 3,429,237 lb. The black sea bass commercial quota is distributed by quarter. Each quarter's quota is adjusted to deduct for overages of each quarter's 2001 commercial quota. The 2001 overages were determined based upon landings for the period January - October 2001, as proposed by NMFS in the regulatory amendment (see table below).

Final black sea bass commercial quota allocations for 2002.

Quarter	Percent	2002 Initial Quota (lb)	2002 Quota Less Research Set-Aside (lb)	2001 Quota Overages ¹ (lb)	Adjusted 2002 Quota (lb)	Possession Limits (lb)
1. (Jan-Mar)	38.64	1,287,485	1,273,094	53,042	1,220,052	7,000
2. (Apr-Jun)	29.26	974,943	964,046	107,838	856,208	2,000
3. (Jul-Sep)	12.33	410,836	406,244	-	406,244	2,000
4. (Oct-Dec)	19.77	658,736	651,374	N/A ²	651,374	2,000
Total	100.00	3,332,000	3,294,758		3,133,878	

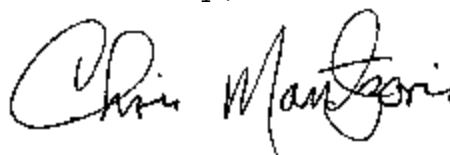
¹ 2001 quota overages as of October 31, 2001.

² Not applicable.

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 also be obtained through a link to the office of the Federal register at the NMFS Northeast Regional Office's website: <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,



for Patricia A. Kurkul
Regional Administrator