



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

April 8, 2008

Small Entity Compliance Guide

Dear Atlantic Sea Scallop Permit Holder:

This is to inform you that NOAA's National Marine Fisheries Service has issued a final regulation (73 FR 18984, April 8, 2008) that clarifies the existing requirements regarding the use of chain-mat modified dredges in the Atlantic sea scallop fishery and adds a transiting provision to these requirements. This final regulation is effective May 8, 2008. The chain-mat modified dredge is necessary to help conserve and recover sea turtles listed under the Endangered Species Act.

How to comply with the regulation

During the time period of May 1 through November 30, any vessel with a sea scallop dredge and required to have a Federal Atlantic sea scallop fishery permit, regardless of dredge size or vessel permit category, that enters waters south of 41° 9.0' N. latitude, from the shoreline to the outer boundary of the Exclusive Economic Zone must have on each dredge a chain mat described as follows. The chain mat must be composed of horizontal ("tickler") chains and vertical ("up-and-down") chains that are configured such that the openings formed by the intersecting chains have no more than 4 sides. The length of each side of the openings formed by the intersecting chains, including the sweep, must be less than or equal to 14 inches (35.5 cm). The chains must be connected to each other with a shackle or link at each intersection point. The measurement must be taken along the chain, with the chain held taut, and include one shackle or link at the intersection point and all links in the chain up to, but excluding, the shackle or link at the other intersection point. Any vessel that enters the waters described above and that is required to have a Federal Atlantic sea scallop fishery permit must have the chain mat configuration installed on all dredges for the duration of the trip.

Vessels subject to the requirements transiting waters south of 41° 9.0' N. latitude, from the shoreline to the outer boundary of the Exclusive Economic Zone, will be exempted from the chain-mat requirements provided the dredge gear is stowed in accordance with 50 CFR §648.23(b) and there are no scallops on-board. Scallop dredge gear is considered stowed if:

- 1) The towing wire is detached from the scallop dredge, the towing wire is completely reeled up onto the winch, the dredge is secured and the dredge or the winch is covered so that it is rendered unuseable for fishing; or
- (2) The towing wire is detached from the dredge and attached to a bright-colored poly ball no less than 24 inches (60.9 cm) in diameter, with the towing wire left in its normal operating position (through the various blocks) and either is wound back to the first block (in the gallows) or is suspended at the end of the lifting block where its retrieval does not present a hazard to the crew and where it is readily visible from above.



Additional Information

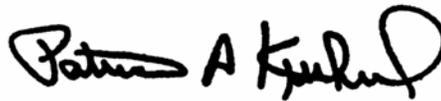
NMFS is aware that as the links in the chain wear with time, the chains will become longer (“stretch”). This wear depends on several factors including the type of chain and the bottom habitat fished. Fishermen should be aware of this “stretch” and take it into account when configuring the gear so that, as the chains wear, the length of the sides maintain a spacing of less than or equal to 14 inches.

As you know chain-mat modified dredges have been required in the Atlantic sea scallop dredge fishery since the fall of 2006. In 2007, two sea turtles were reported captured in the dredge bag of chain-mat modified dredges. For both these interactions, the observers’ comments indicate that there were openings in the gear larger than the openings required, allowing the sea turtles to pass into the dredge bag. This information shows that improperly configured gear may result in its failure. The information also illustrates the importance of ensuring that the gear be properly configured and maintained.

You may receive permit holder letters by email by clicking on “Permit Holder Letters” on our website 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. Thank you for your continued support in the protection of endangered and threatened sea turtles in the mid-Atlantic.

For more information on these regulations, call 978-281-9300 x6505 or visit http://www.nero.noaa.gov/prot_res/ProResDiv/LinkforSeaTurtles.htm.

Sincerely,

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

Patricia A. Kurkul
Regional Administrator