



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

SEP 14 2009

Small Entity Compliance Guide

Dear Atlantic Sea Scallop Permit Holder:

This is to inform you that NOAA's National Marine Fisheries Service (NMFS) has issued a final regulation (74 FR 46930, September 14, 2009) that implements minor modifications to the existing requirements regarding the use of chain-mat modified dredges in the Atlantic sea scallop fishery. This final regulation is effective October 14, 2009. These modifications: (1) clarify where on the dredge the chain mat must be hung; (2) exclude the sweep from the requirement that the side of each opening in the chain mat be less than or equal to 14 inches (35.5 cm); and (3) define the sweep and the diamonds, which are terms used to describe parts of the scallop dredge gear. 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 chain mat regulations

The chain mat regulations require that from 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.

With this action, NMFS has clarified where on the dredge the chain mat must be hung, excluded the sweep from the 14-inch requirement, and has added definitions of the sweep and the diamonds. Specifically, the vertical and horizontal chains must be hung to cover the opening of the dredge bag such that the vertical chains extend from the back of the cutting bar to the sweep. The horizontal chains must intersect the vertical chains such that the length of each side of the openings formed by the intersecting chains is less than or equal to 14 inches with the exception of the side of any individual opening created by the sweep. The sweep is defined as a chain extending, usually in an arc, from one end of the dredge frame to the other to which the ring bag, including the diamonds, is attached. The sweep forms the edge of the opening of the dredge bag. The diamonds are defined as the triangular shaped portions of the ring bag on the "dredge bottom" as defined in 50 CFR 648.2.

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.

The chain mat regulations also provide a transiting provision. This provision specifies that 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

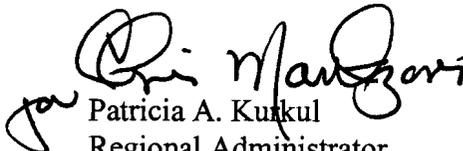
(2) The towing wire is detached from the dredge and attached to a bright-colored poly ball no less than 24 inches (60.9 cm) in diameter, with the towing wire left in its normal operating position (through the various blocks) and either is wound back to the first block (in the gallows) or is suspended 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 the required spacing.

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, while not required by section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, is provided to you for informational purposes. Thank you for your continued support in the protection of endangered and threatened sea turtles. For more information on these regulations, call 978-281-9300 x6505 or visit http://www.nero.noaa.gov/prot_res/seaturtles.

Sincerely,


Patricia A. Kukul
Regional Administrator