



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

NOV 15 2006

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 (71 FR 66466) that removes one of the options for configuring chain mats in the mid-Atlantic sea scallop dredge fishery. This final regulation is effective November 18, 2006. In August 2006, NMFS published a final rule to require the use of a chain-mat modified dredge in the mid-Atlantic sea scallop fishery ("chain mat regulation"). The August 2006 regulation provided the vessel with two options for configuring the chain mats. Under the first option, the vessel was required to modify the dredges using a specified number of evenly spaced horizontal (tickler) chains and vertical (up-and-down) chains. The number of chains required was specified based on dredge width. Under the second option, the vessel was required to configure an unspecified number of chains, however many would be needed, such that the length of each side of the squares or rectangles formed by the chains is less than or equal to 14 inches. NMFS believed that the two options produced the same results, namely rectangles or squares with sides measuring 14 inches or less. Shortly after the chain mat regulation went into effect, NMFS became aware that, depending on the dredge width and configuration, using the specified number of chains may result in openings greater than 14 inches. With this new final regulation, NMFS has corrected this discrepancy by requiring only the second option for the configuration of the chain mats. That is, scallop dredge vessels are required to configure the chains such that the length of each side of the squares or rectangles formed by the intersecting chains is less than or equal to 14 inches. 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. The area affected by the regulation remains waters south of 41° 9.0' N latitude. The regulation is in effect May 1 through November 30 each year.

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, present in 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 chains that are configured such that the length of each side of the square or rectangle formed by the

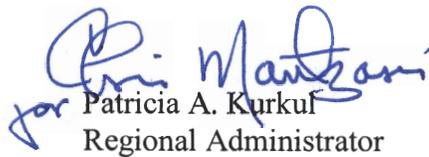


intersecting chains is less than or equal to 14 inches (35.5 cm). The chains must be connected to each other with a shackle or link at each intersection point. The measurement must be taken along the chain, with the chain held taut, and include one shackle or link at the intersection point and all links in the chain up to, but **excluding**, the shackle or link at the other intersection point. In addition, any vessel that harvests sea scallops in or from 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

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,


Patricia A. Kurkul
Regional Administrator

cc: F/NER3 – Colligan, Scida, Keane
F/NEC4-PS - Merrick, Potter
F/EN2 – Cohen, DuBois
F/PR3 - Long
GCNE – Williams, Casey