



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

CHANGES TO NORTHEAST REGION MANDATORY OBSERVER COVERAGE

Dear Fishery Participant:

This notice contains essential information regarding mandatory observer coverage of fisheries in the Northeast and ***NEW VESSEL SAFETY INSPECTION REQUIREMENTS*** for vessels issued a Northeast Federal fishing permit or participating in any fishery listed as a Category I or Category II fishery under the Marine Mammal Protection Act (MMPA). If requested to carry a NMFS certified observer, a vessel may not engage in any fishing operations in the following fisheries unless a NMFS certified observer is on board, or the requirement has been waived: Northeast multispecies groundfish, Atlantic mackerel, squid, butterfish, Atlantic sea scallop, monkfish, skates, summer flounder, scup, black sea bass, Atlantic bluefish, Atlantic herring, spiny dogfish, Atlantic deep-sea red crab, and tilefish [50 CFR § 648.11]. MMPA Category I and II fisheries include: mid-Atlantic coastal gillnet; Northeast sink gillnet; large pelagics longline; Northeast and mid-Atlantic American lobster pot; Atlantic squid, mackerel, and butterfish trawl; North Carolina inshore gillnet; Northeast anchored float gillnet; Northeast drift gillnet; Southeast Atlantic gillnet; Southeastern U.S. Atlantic shark gillnet; Atlantic herring midwater and pair trawl; Atlantic blue crab pot; mixed species pot; mid-Atlantic beach seine; North Carolina long haul seine; North Carolina roe mullet stop net; and Virginia pound net [List of Fisheries for 2004, 69 FR 48408, August 10, 2004 and 50 CFR § 229.2].

Safety Requirements (*NEW REQUIREMENTS FOR ALL VESSELS*)

As of May 1, 2006, all vessels required to carry an observer must meet United States Coast Guard (USCG) safety requirements and display a current Commercial Fishing Vessel Safety Examination Decal (Decal) (issued within the previous two years). Vessels that do not have a current safety Decal are deemed unsafe for purposes of carrying an observer. Vessels that are required to carry an observer, but are inadequate or unsafe for purposes of carrying an observer, are prohibited from fishing without observer coverage [50 CFR § 600.746(f)]. Enforcement action may result when a vessel that is required to take an observer does not meet the safety requirements and embarks on a fishing trip without the observer.

In addition to the requirement to display a current Decal, the vessel's owner or operator must allow an observer, NMFS, or designated observer service provider to visually inspect any safety or accommodation requirement if requested [50 CFR § 600.746(c)(2)]. Observers are **required** to complete a pre-trip safety check of the emergency equipment and are encouraged to review emergency instructions and drills with the operator prior to the vessel departing port. The vessel must correct noted safety deficiencies before departing to fish with the observer [50 CFR § 600.746(d)(2)]



If you need to schedule a dockside examination, call your nearest Marine Safety Office Dockside Examiner:

Portland, ME	(207) 780-3256
Boston, MA	(617) 223-3045
Providence, RI & Cape Cod	(508) 999-0072
Long Island Sound (CT, NY)	(203) 468-4437
Baltimore, MD	(410) 576-2526
Hampton Roads, VA	(757) 668-5535
Philadelphia, PA	(215) 271-4852
Willmington, NC	(910) 772-2231
Atlantic Beach, NC	(252) 247-4562

Waiver

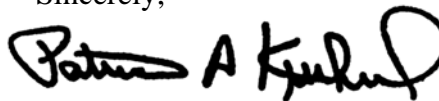
The requirement to display a current Decal may be waived for vessels where failure to pass the Coast Guard safety examination in the past two years was related only to the requirement for Marine Sanitation Devices (33 CFR 159.7). You will be notified by the NMFS whether or not this waiver may be granted for your vessel. Waiving the requirement to display a current Decal does not mean a vessel is safe to carry an observer. The vessel still must pass the Observer's Pre-Trip Vessel Safety Check as described above before it can begin a fishing trip with an observer.

Questions

Questions involving the above conditions or the management of the observer program should be directed to the Northeast Fisheries Observer Program, NMFS, Northeast Fisheries Science Center, 166 Water Street, Woods Hole, Massachusetts, 02543, or call David Potter at (508) 495-2262. Additional information about the observer program, such as the proposed sea day schedule, summary reports, sampling manual, and observer forms is available online at: <http://www.nefsc.noaa.gov/femad/fsb/> or by contacting the Observer Program Outreach Coordinator, Amy Van Atten at 508-495-2266.

Neither the designated NMFS contracted observer service provider, nor the observer assigned aboard the vessel have the authority to modify these instructions or provisions.

Sincerely,



Patricia Kurkul
Regional Administrator