



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

May 6, 2004

SMALL ENTITY COMPLIANCE GUIDE

Dear Northeast (NE) Multispecies Permit Holder:

This letter is to inform you of **3 specific provisions that are incorrect in the final rule implementing Amendment 13** to the NE Multispecies Fishery Management Plan, and are in the process of being corrected.

Gear Requirements for Vessels Fishing in the U.S./Canada Area:

One of the two allowed **flounder trawl net specifications** in the Amendment 13 final rule, for vessels that are fishing in the Eastern U.S./Canada Area, incorrectly stated that the 12-inch mesh requirement in the square of the top panel of the net (the area located from the headrope to the beginning of the first belly) must be square mesh. This should have stated that **the mesh in the square of the net must be at least 12.0 inches**. Because of this error, NMFS (NOAA Fisheries) intends on correcting this through future rule making to read: "A two seam low-rise net constructed with mesh size in compliance with § 648.80(a)(4) with the exception that the top panel of the net, identified as the area located from the headrope to the beginning of the first belly, shall not be smaller than 12.0-in. mesh. The vertical dimension of the forward wing end may not measure more than 3.0 ft in height".

NMFS Law Enforcement and the U.S. Coast Guard, in the interim, have agreed to enforce this measure as corrected above until such time that a correction to the regulations is made.

Gillnet Tagging Requirement for Trip Category Gillnet Vessels Fishing in the Georges Bank (GB) Regulated Mesh Area:

The Amendment 13 final rule incorrectly included the requirement that Trip category gillnet vessels fishing in the GB Regulated Mesh Area must tag their gillnets with 2 tags per net. This should have stated that **Trip gillnet category vessels fishing in the GB Regulated Mesh Area need to tag their gillnets with one tag per net**. Because of this error, NMFS Law Enforcement and the U.S. Coast Guard, in the interim, have agreed to enforce this measure as herein corrected until such time that a correction to the regulations is made.

Clarification of Vessel Monitoring System Power Down Requirements:


The Power down exemption implemented under the Amendment 13 final rule that allows a vessel owner to sign out of the VMS program for a minimum period of 1 calendar month



will be clarified in future rule making to state: **The vessel owner is required to sign out of the VMS program for a minimum period of 30 days.** NMFS Law Enforcement and the U.S. Coast Guard, in the interim, have agreed to enforce this measure as herein corrected until such time that a correction to the regulations is made.

Please contact Sustainable Fisheries Division at (978) 281-9315 if you have any further questions on these issues.

Sincerely,

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

Patricia A. Kurkul
Regional Administrator