



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

March 29, 2004

SMALL ENTITY COMPLIANCE GUIDE

Dear Scup Permit Holder:

This letter is to inform you that the National Marine Fisheries Service (NOAA Fisheries) is implementing Framework Adjustment 4 (Framework 4) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The final rule published in the Federal Register on March 29, 2004. Framework 4 establishes a mechanism to allow for the transfer of scup at sea, between two vessels that are issued a valid Federal scup moratorium permit, subject to several conditions. Framework 4 is intended to improve management of the commercial scup fishery by allowing vessels to land some scup, in excess of scup possession limits, that would otherwise be discarded.

Effective April 28, 2004, the contents of a large scup haul may be shared with another federally permitted scup vessel, provided the amount of scup transferred is less than or equal to the possession limit and both vessels comply with the following conditions:

- Both vessels involved in the transfer have a Federal scup moratorium permit;
- The transfers only occur seaward of a boundary line that is roughly 20 nautical miles from shore (See attached map and list of coordinates defining the scup transfer boundary);
- The donating and receiving vessels possess gear that meets the regulatory requirements for commercial scup fishing gear;
- The transfers occur only in the Winter I or Winter II periods of the scup season;
- Only one transfer is allowed per fishing trip for the donor vessel;
- The donor vessel may only remove enough scup from the net to attain the scup possession limit;
- After removal of scup from the net by the donor vessel, the entire codend, with all its contents, must be transferred to the receiving vessel;
- Only scup may be retained by the receiving vessel;
- While fishing for scup, all other nets must not be available for immediate use; and
- The donating and receiving vessels must report the transfer amount on the vessel trip report for each vessel.

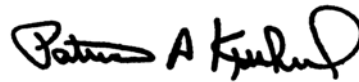
Transfers of scup at sea are not mandatory. The regulations are intended to provide an option for vessels that haul back an amount of scup in the net that exceeds the possession limit. Vessel owners/operators can now transfer rather than discard the excess scup. It is NOAA Fisheries' and the Mid-Atlantic Fishery Management Council's intention that this activity occur only under safe weather and sea conditions, as determined by the participants in any such transfer. Transfers should not be attempted should either participant, in his or her best judgement, determine that this activity would jeopardize the safety of their vessel, vessel crew, or that of any vessel in the vicinity of the transfer.



In addition to the Framework 4 action described above, the final rule modifies regulations to clarify that no owner or operator of an otter trawl vessel issued a scup moratorium permit may possess 500 lb or more of scup from November 1 through April 30, or 100 lb or more of scup from May 1 through October 31, unless fishing with nets that have a minimum mesh size of 4.5-inch diamond mesh for no more than 25 continuous meshes forward of the terminus of the codend, and with at least 100 continuous meshes of 5.0-inch mesh forward of the 4.5-inch mesh.

You may receive permit holder letters, including closure notices, by e-mail by clicking on “NOAA Fisheries News Releases” on our website at <http://www.nero.nmfs.gov>, or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135. This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Sincerely,

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

Patricia A. Kurkul
Regional Administrator

Attachment

Attachment

Scup Framework 4 - Small Entity Compliance Guide

Scup Transfer Boundary Line. Scup may only be transferred seaward of a line defined as follows:

Point	Latitude	Longitude
1	40°50' N. lat.	70°00' W. long.
2	40°15' N. lat.	73°30' W. long.
3	37°50' N. lat.	75°00' W. long.
4	35°30' N. lat.	75°00' W. long.

