



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

SMALL ENTITY COMPLIANCE GUIDE

Dear Sea Scallop Permit Holder:

The Nantucket Lightship Access Area (Nantucket Lightship), which was scheduled to open on June 15, 2011 under current regulations, will remain closed to scallop fishing in 2011. This closure was done through NOAA's National Marine Fisheries Service's (NMFS) authority to take emergency actions and is consistent with proposed Framework Adjustment 22 to the Atlantic Sea Scallop Fishery Management Plan (Framework 22). This emergency closure of the Nantucket Lightship was requested by members of the scallop industry and by the New England Fishery Management Council (Council) because the final decision for approving Framework 22 will not be made before June 15.

In the absence of Framework 22 being approved and implemented before June 15, 2011, the current regulations would have rolled over, thereby opening Nantucket Lightship on that date. This would have undermined the proposed Framework 22 measure designed to prevent high levels of scallop and yellowtail flounder from being caught in the Nantucket Lightship in FY 2011. Industry members told us that many vessel owners were considering taking their Nantucket Lightship trips if the area opened this year. If scallop and yellowtail flounder catch levels are too high in 2011, this would be detrimental to the long-term management and health of the scallop fishery.

We know some vessel owners may have preferred to send their vessels to the Nantucket Lightship this year. However, the risks to the long-term success of management of the scallop fishery for the overall fleet outweigh the short-term benefits for those that would fish in the Nantucket Lightship. If scallop and yellowtail catch had been too high in 2011 because of fishing that occurred in this area, even vessels that chose not to fish their trips would have had to pay for the decision of other vessels. I commend the scallop industry for demonstrating its commitment to effective and successful management of the scallop fishery by urging action to prevent excessive harvest.

Please note that Amendment 15 and Framework 22 are both still in public comment periods through May 26 and May 31, 2011, respectively. If approved, we expect these actions to be in place in July 2011. Measures implemented under Framework 22, if approved, would replace this emergency measure by continuing this closure for the rest of the 2011 fishing year. Please call the Sustainable Fisheries Division at (978) 281-9315 if you have any questions regarding the information in this letter.

Sincerely,

Patricia A. Kurkul
Regional Administrator

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.

