



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

May 29, 2009

Small Entity Compliance Guide

Dear Scallop Permit Holder:

This letter is to inform you that the Elephant Trunk Scallop Access Area (ETAA) is closed to general category scallop vessels effective 0001, June 1, 2009. Therefore, effective 0001, June 1, 2009, no IFQ scallop vessel fishing under LAGC regulations may declare its intent to enter the fishery and may not fish for, possess, or retain any scallops. This closure applies to vessels issued an IFQ permit and to vessels issued Letters of Authorization to fish under appeal. Based on VMS declaration and analysis of fishing effort through May 15, 2009, 1,826 trips were completed by general category scallop vessels fishing in the ETAA, leaving 138 allotted trips when the Quarter II LAGC IFQ fishery opens on June 1, 2009. It is projected the final 138 allocated trips would be reached in a 24-hour period. A 24-hour opening would likely result in an overrun of the trip and catch quota and result and could create unsafe conditions for LAGC IFQ vessels.

This action is being taken in accordance with the Atlantic sea scallop regulations at 50 CFR 648.53(a)(8)(iii) to prevent the IFQ scallop vessels from exceeding the trips allocated to the ETAA for the 2009 fishing year.

For questions about this closure, please call the Sustainable Fisheries Division at 978-281-9315.

You may also receive permit holder letters, including closure notices, by e-mail by clicking on "Permit Holder Letters" on our website at <http://www.nero.noaa.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.

Sincerely,

Patricia A. Kurkul
Regional Administrator

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

