



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

February 7, 2005

SMALL ENTITY COMPLIANCE GUIDE

Dear Sea Scallop Permit Holder:

The 2004 Sea Scallop fishing year ends on February 28, 2005. This letter informs you of how the National Marine Fisheries Service (NOAA Fisheries Service) will account for trips in the Hudson Canyon Access Area that begin in the 2004 fishing year and end in the 2005 fishing year. This letter also provides details on days-at-sea (DAS) and Access Area trip allocations for the 2005 fishing year.

Limited access scallop vessels that declare into the Hudson Canyon Access Area and set sail prior to March 1, 2005, will have that trip charged as one of their 2004 allocated Hudson Canyon Area Access trips. Such a trip will not count against 2005 fishing year trip or DAS allocations. Vessels that have received a compensation trip for a broken Hudson Canyon Access Area trip, must start that compensation trip prior to March 1, 2005. Any trips that have not been initiated by the end of the 2004 fishing year, including compensation trips for broken trips, may not be carried over into the 2005 fishing year.

Vessels fishing under open area DAS that start a trip in the 2004 fishing year and end it in the 2005 fishing year, will have their real time DAS charged to each fishing year. For example, a vessel on an open area trip that fishes the last 3 days of the 2004 fishing year and first 7 days of the 2005 fishing year will have the first 3 days of the trip charged to their 2004 open area DAS allocations. The last 7 days of the trip will be charged to their 2005 open area DAS allocation.

Number of Access Area Trips for the 2005 Fishing Year

The number of trips into each Access Area by vessels issued limited access scallop permits vary according to permit category: Full-time, Part-time, and Occasional. Vessels in each permit category are allocated a specific number of trips for use in Scallop Access Areas, with a specified number of DAS charged for each area trip, regardless of actual trip length. In addition, there is a **maximum number of trips** that can be made into any one Access Area, by vessel permit category.

Fishing Year	Access Area	Maximum trips per area and per vessel	Maximum Number of Trips; and DAS Charge per trip		
			Full-time	Part-time	Occasional
2005	Closed Area I	1	1 trip; 12 DAS	2 trips; 12 DAS	1 trip; 5 DAS
	Closed Area II	1	1 trip; 12 DAS		
	Hudson Canyon	3	3 trips; 12 DAS		



Access Area Possession Limits

Fishing Year	Access Area	Possession Limit (per trip)		
		Full-time	Part-time	Occasional
2005	Closed Area I	18,000 lb	18,000 lb	7,500 lb
	Closed Area II			
	Hudson Canyon			

Open Area DAS Allocations

The maximum number of DAS that may be fished in open areas is specified by permit category and by fishing year through 2006, as follows (these allocations do not include vessels' individual amount of carry over DAS for open areas):

Permit Category	2005
Full-time	40
Part-time	16
Occasional	3

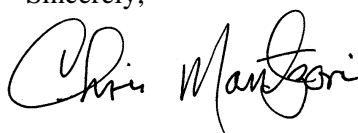
As a reminder, vessel owners must comply with trip notification requirements and must carry an observer if one is requested for a particular trip. However, vessels carrying an observer while making trips to either open areas or access areas are not responsible for paying for the observer until further notice. Consequently, vessels carrying an observer on trips fishing in the access area will not be allowed to possess additional sea scallops as compensation for carrying the observer; and vessels carrying an observer on trips fishing in open areas will be charged 1.0 day for every day at sea.

Please note that Access Area trip allocation and DAS allocations for 2006 are not included in this letter. Allocations for the 2006 fishing year can be found in the regulations and in permit holder letters for Amendment 10 and Framework 16/39.

This letter does not contain all the regulatory provisions that pertain to this species and consequently, has no legal force or effect. A copy of the regulations can be obtained through a link to the Office of the Federal Register at the NOAA Fisheries Northeast Regional Office website: <http://www.nero.noaa.gov>. Further information can be obtained by calling (978-281-9315).

This Small Entity Compliance Guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.

Sincerely,



for

Patricia A. Kurkul
Regional Administrator