



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

January 14, 2005

SMALL ENTITY COMPLIANCE GUIDE

Important Notice Regarding Scallop Access Area Season for Closed Area II and Nantucket Lightship Closed Area

Dear Scallop Permit Holder:

This is to remind you that the Sea Scallop Access Areas within Closed Area II (CAII) and the Nantucket Lightship Closed Area (NLCA) will close on January 31, 2005. Scallop vessels may continue fishing in the CAII and NLCA Access Areas until 2400 hr, Eastern Standard Time, on January 31, 2005. Beginning at 0001 hr, Eastern Standard Time, on February 1, 2005, scallop vessels fishing in the CAII or NLCA Access Area must be outside of the boundaries of the Access Area. A vessel fishing in these areas after their closure may be subject to civil penalties, permit sanctions, or catch seizure and forfeiture. This restriction does not apply to the Hudson Canyon Access Area, which does not have a seasonal closure.

Although only a short amount of time remains for scallop fishing in Closed Area II and the Nantucket Lightship Closed Area, the following information may help vessel owners and operators decide how to allocate remaining fishing time in the Closed Area II and/or the Nantucket Lightship Closed Area. If a vessel breaks an Access Area trip before the 18,000-lb possession limit is attained, the National Marine Fisheries Service (NOAA Fisheries) issues a "compensation trip" to allow vessels to complete the initial trip that was broken, at a reduced possession limit. Vessels may also have to break compensation trips due to unforeseen events. This letter clarifies that there would be no further reduction (e.g., penalty) in the compensation trip possession limit in such a case, but the vessel owner would still have to submit a broken trip request. For example, a vessel that is allowed to harvest 12,000 lb on a compensation trip, but terminates that trip with only 5,000 lb, will be allowed to take a subsequent compensation trip in the same Access Area and land 7,000 lb of scallops, provided NOAA Fisheries has received an application for and approved the compensation trip. The trip allowance in this example would be 7,000 lb (12,000 - 5,000 lb).

Information pertaining to the 2005 fishing year restrictions will be provided in a separate notice.

Sincerely,

for Patricia A. Kurkul
Regional Administrator

