



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

September 1, 2009

### **Small Entity Compliance Guide**

Dear Scallop Permit Holder:

This letter is to inform you that the 2009 Open Area Observer days at sea (DAS) Set-aside has been fully utilized. Therefore, for any Open Area scallop trip departing after 0001 hours, September 9, 2009, with an observer on board, the vessel's DAS charge will not be reduced to offset the cost of that observer. Scallop vessels that have been selected to take an observer and that cross the demarcation line before 0001, September 9, 2009, may complete their trips and will only be charged 0.85 DAS for each actual DAS the observer is on board.

You must still comply with all the observer notification requirements, and owners will be responsible for paying the cost of observers, if selected to carry observers on an Open Area trip. The Atlantic sea scallop regulations at 50 CFR 648.60(d)(2) state that vessel owners are responsible for paying the cost of observers, regardless of whether the vessel lands or sells scallops on that trip, and regardless of the availability of set-aside for an increased possession limit. Vessels may not depart on a scallop trip in the Open Area without an observer if the vessel owner, operator, and/or manager has not received a waiver of the observer requirement. For questions about this action, 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>.*

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.*

