



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

June 10, 2009

Small Entity Compliance Guide

Dear Limited Access Scallop Vessel Owner:

The National Marine Fisheries Service (NMFS) announces that, effective June 15, 2009, in the Closed Area II Sea Scallop Access Area (CAII Access Area) fishery, vessels that carry an observer are authorized to possess 200 lb of scallop meats per day over the vessel's allowed possession limit for the trip on which the observer is onboard. This is a decrease from previous allowed limit of scallop meats per day over the allowed possession limit.

Under the authority of the regulations governing observer coverage in the scallop fishery found at 50 CFR 648.11(g)(5)(ii), the Regional Administrator shall determine the amount of additional pounds of scallops per day fished in Sea Scallop Access Areas (Access Area) in order to help defray costs for vessels that carry an at-sea observer. The determination takes into account expected changes in the economic conditions of the fishery, and includes consideration of expected trip length, fishing productivity, ex-vessel price, observer costs, etc. This reduction in the additional possession limit for vessels that carry an observer is intended to more accurately match the possession limit to current economic conditions of the fishery and prevent the Observer TAC from being unnecessarily exhausted as it was in the Elephant Trunk Access Area earlier this year.

The target observer coverage level in the CAII Access Area fishery is 9.8 percent of trips taken. Information from observed trips is used to monitor the utilization of yellowtail flounder total allowable catch (TAC) for the CAII Access Area fishery. The observer TAC possession limit for observed CAII Access Area trips of 200 lb per day should last for the duration of the fishery under estimated trip duration of approximately 10 days. Ex-vessel scallop prices of \$6.90 or more per pound are estimated throughout the CAII Access Area fishery. With normal fluctuations in price, and conditions in the fishery, the additional 200 lb per day is estimated to be sufficient to fully or substantially defray observer costs and vessel operation costs associated with the additional catch throughout the CAII Access Area fishery. It is likely that allowing a higher additional possession limit would exhaust the observer set-aside TAC (observer TAC) of 58,000 lb before the CAII Access Area fishery is completed, likely leaving many observed trips uncompensated.

Please note that this adjustment is based on anticipated conditions in the fishery. If trip lengths are longer than expected, or if prices fall sharply, the adjusted possession limit may no longer achieve its intended goals. NMFS may re-examine the observer compensation possession limit if fishery conditions are dramatically different than expected.



Please refer to the February 17, 2009, Small Entity Compliance Guide for trip allocations and possession limits for the CAII Access Area. Please call the Sustainable Fisheries Division of NMFS at 978-281-9315 if you have any questions about this action.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is written in a cursive style with a large initial "P".

for

Patricia A. Kurkul

Regional Administrator