



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

DEC 1 2009

SMALL ENTITY COMPLIANCE GUIDE

Dear Scup Dealer and
Commercial Vessel Permit Holder:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) is projecting that the Federal Winter II Period (November through December) commercial quota for the scup fishery will be fully harvested before the end of the quota period. Therefore, in order to avoid quota overages that would have to be deducted from the 2010 Winter II Period quota, effective **0001 hours on December 9, 2009**, fishing vessels issued a Federal moratorium permit for the scup fishery may no longer land scup in any state from Maine through North Carolina for the remainder of the Winter II Period.

This prohibition applies to federally permitted scup vessels, whether they fish for scup in Federal or state waters. Vessel owners issued Federal permits are reminded that they must continue to complete and submit vessel logbooks. Additionally, dealers issued Federal dealer permits are reminded that they may not purchase scup from federally permitted vessels that land scup for the remainder of the Winter II Period. Federally permitted dealers must continue to report all fish purchases from any vessel.

Vessel owners issued Federal limited access scup permits are reminded that regulations at 50 CFR 648.4(a)(1)(i)(K) state that, if a vessel's limited access permit history for a particular fishery is voluntarily surrendered to the Regional Administrator, no limited access permit for that fishery may be reissued or renewed based on that vessel's history. Accordingly, once a Federal limited access permit is obtained in any given year, that permit may not be relinquished during that same year (e.g., for purposes of fishing for scup in state waters). Should this occur, the limited access permit eligibility would be forfeited and cannot be renewed in the following or subsequent permit years.

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>.¹

Sincerely,

Patricia A. Kurkul
Regional Administrator

¹This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

