



Northeast Region Bulletin

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<http://www.nero.noaa.gov/>
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ATLANTIC SEA SCALLOP FISHERY
Management Measures for Fishing Year 2012
Small Entity Compliance Guide
Effective Dates: March 1, 2012 – February 28, 2013

NOTE: Correction on page four

This information helps to guide vessel owners' and operators' fishing plans and activities for the upcoming fishing year. Please read through each section carefully, and distribute this letter to your vessel operators. This summary is not a substitute for the actual regulations, and we encourage you to review the full text of the regulations, available at <http://www.nero.noaa.gov>.

To explain the FY 2012 sea scallop management measures, we have divided this letter into three sections:

- **Section 1:** Measures for Limited Access General Category (LAGC) scallop vessels (Page 2).
- **Section 2:** Measures for Limited Access scallop vessels (Page 3).
- **Section 3:** Measures for Limited Access and LAGC scallop vessels (Page 7).
- **Attachments:** Management area coordinates and charts and observer notification requirements.

Questions You May Have

Are there other details that you have not described in this letter?

We have summarized the measures that are essential to your day-to-day fishing operations for the fishing year (FY) 2012, which will become effective March 1, 2012. In addition, we have summarized certain other measures that have been the subject of recent questions. If you want to learn more about other measures and details about recent actions, we have posted additional information on our website at: <http://www.nero.noaa.gov/sfd/sfdscallop.html>.

Who can I call if I have a question about any of the measures?

Please call our Sustainable Fisheries Division staff at (978) 281-9315. They can answer your questions or direct you to other Northeast Regional Office staff who can help you.

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region.

Section 1: Measures for limited access general category (LAGC) scallop vessels

FY 2012 Allocation: The individual fishing quota (IFQ) allocations for LAGC vessels will be effective on March 1, 2012. The LAGC fleet allocations are specified below. We will apportion some of the allocation to each vessel to establish vessel IFQs. LAGC IFQ permit holders will receive a separate letter that specifies 2012 IFQs.

LAGC Fleet Allocations

LAGC IFQ only: **3,095,450 lb**
LAGC IFQ with LA permit: **309,550 lb**

Access Area Trips for LAGC IFQ vessels: The following table lists the number of trips the LAGC IFQ fleet can take in the individual access areas. See Section 2 for more information on access areas.

FY 2012 Access Area Trip Allocations for the LAGC IFQ Scallop Fleet

	<u>CAI</u>	<u>CAII</u>	<u>NLAA</u>	<u>HCAA</u>	<u>Delmarva</u>
Trips	296	0	296	887	296

IFQ Carryover: In April 2012, some LAGC IFQ permit holders will receive a revised allocation letter that will include an IFQ adjustment due to carry-over pounds from FY 2011. Vessel owners may carry over unused IFQ up to 15 percent of the IFQ pounds they controlled during the previous FY, which can include original allocation, temporary IFQ leases, and permanent allocation transfers.

IFQ Overage Payback (accountability measure): For any vessel that exceeded its FY 2011 IFQ allocation (including any transferred or leased IFQ), we will deduct the amount of the overage from its 2012 IFQ allocation. Please remember that it is a violation to exceed your yearly IFQ allocation, but overages within a FY can be balanced through temporary IFQ leases and/or permanent allocation transfers that have been completed before the applicable FY expires.

LAGC Northern Gulf of Maine (NGOM) Management Area Scallop Total Allowable Catch (TAC): The NGOM TAC for FY 2012 is 70,000 lb. When 70,000 lb of scallops have been harvested from the NGOM area, all scallop vessels are prohibited from fishing for, possessing, retaining, or landing scallops in or from the NGOM for the remainder of the FY. See Attachment 1 for coordinates and chart.

LAGC Incidental Scallop Target TAC (TTAC): The incidental scallop TTAC for FY 2012 is 50,000 lb. Vessels issued an LAGC Incidental Catch scallop permit are restricted to 40 lb shucked or 5 U.S. bu in-shell scallops per trip.

LAGC Calendar Day Landing Restriction: LAGC vessels are prohibited from landing scallops more than once per calendar day. For example, an LAGC vessel that lands scallops on Monday may depart on a second trip on the same day it landed scallops (Monday), but cannot land scallops again until Tuesday or later.

Framework 23 has proposed changing the NGOM management program to allow federally permitted NGOM vessels to be able to declare a state-only trip within the NGOM and not have those landings applied to the Federal NGOM TAC. Currently, NGOM and IFQ vessels that declare NGOM trips must have all landings applied to the Federal TAC, regardless of whether or not they were fishing in state or Federal waters of the NGOM.

Section 2: Measures for Limited Access Scallop Vessels

Limited Access Sea Scallop Access Area Schedule

(See Attachment 1 for coordinates and chart)

Area	Status
Closed Area I (CAI)	Open - 6/15/12 - 1/31/13*
Closed Area II (CAII)	Open - 6/15/12 - 1/31/13*
Nantucket Lightship (NLAA)	Open - 6/15/12 - 1/31/13*
Hudson Canyon (HCAA)	Open
Delmarva (DMAA)	Open

* See explanation of yellowtail flounder (YTF) restrictions in the “Yellowtail Flounder Access Area TACs” section below.

FY 2012 Access Area Trip Allocations for Full-Time Scallop Vessels

	CAI	CAII	NLAA	HCAA	Delmarva
2012	0.5	1	0.5	1.5	0.5

- Split-fleet trips are identified by “0.5”: The “0.5” indicates that half the fleet will be allocated one full trip into the area, and the “1.5” indicates that all full-time vessels are allocated one trip into the area and half the fleet will have an additional trip into the area.

Full-time vessels are each allocated four access area trips in FY 2012, which have been individually allocated to the access areas. Each trip has a possession limit of 18,000 lb. For a list of vessels and associated trip assignments, go to the Scallop Access Area Trip Assignments

page on our website at

<http://www.nero.noaa.gov/nero/nr/nrdoc/12/12ScallopAccessAreaFTTrips.pdf> or request a copy by calling (978) 281-9135.

Part-time vessels are each allocated two access area trips in FY 2012, with a possession limit of 14,400 lb/trip, which can be taken in the following ways:

If a vessel takes a trip in this area	It can also take one more trip in one of these areas
HCAA	HCAA, CAI, CAII, NLAA, or DMAA
DMAA	HCAA, CAI, CAII, or NLAA,
CAI	HCAA, CAII, DMAA, or NLAA,
CAII	HCAA, CAI, DMAA, or NLAA
NLAA	HCAA, CAI, CAII, or DMAA

Occasional vessels are each allocated one access area trip in FY 2012, with a possession limit of 6,000 lb/trip, which can be taken in any one of the access areas.

Full and part-time vessel trip exchanges

- Full and part-time vessels may exchange access area trips within their permit category. This means that full-time vessels may only exchange with other full-time vessels and part-time vessels may only exchange with other part-time vessels

Access Area Trips Beginning Prior to March 1, 2012 – CORRECTED February 27, 2012

- A limited access vessel's HCAA or Delmarva trip that begins prior to March 1, 2012, and ends on or after March 1, 2012, will count in its entirety against the vessel's 2011 HCAA or Delmarva trip allocation, provided it has a remaining 2011 trip to the applicable area.
- Limited access vessels without any remaining FY 2011 HCAA or Delmarva trips, and LAGC scallop vessels, may begin a HCAA or Delmarva trip prior to March 1, 2012, provided the vessel does not enter the access area, as applicable, prior to March 1, 2012.
- NLAA, CAI, and CAII do not open until June 15, 2012, so vessels may not enter these areas prior to this date.

HCAA and Delmarva Trips Broken after December 31, 2011

Limited access HCAA or Delmarva trips that were broken after December 31, 2011, may be completed under an authorized compensation trip that begins no later than April 29, 2012. All compensation trips from trips broken after December 31, 2011, will expire on April 30, 2012, if they have not been taken. To be eligible for a compensation trip, vessels must have followed the broken trip notification and compensation trip request requirements for the trip broken after December 31, 2011.

NE multispecies possession limits: Limited access scallop vessels, also issued a valid North East multispecies permit, that have declared into a trip and fishing within the Sea Scallop Access Areas may possess and land, per trip, up to a maximum of 1,000 lb of all New England multispecies combined, excluding yellowtail flounder. Additional restrictions for Atlantic cod, haddock, and yellowtail flounder are listed below:

- **Atlantic cod** - Vessels may possess up to 100 lb (45.4 kg) of Atlantic cod per trip, provided such fish is intended for personal use only and cannot be not sold, traded, or bartered.
- **Haddock** - Vessels may possess and land haddock up to the overall possession limit of all NE multispecies combined, except that vessels are prohibited from possessing or landing haddock from January 1 through June 30.
- **Yellowtail flounder** - Vessels must retain all yellowtail flounder that meet the minimum size restrictions.

Mid-Atlantic Access Area Limit on Trips to Protect Endangered and Threatened Sea Turtles

Vessels may land no more than one full trip from the HCAA and DMAA between June 15, 2012, and October 31, 2012.

A full trip is 18,000 lb for a full-time vessel and 14,400 lb for a part-time vessel.

Scallop landings from a HCAA and DMAA access area trip that starts before June 15, 2012, and ends after June 15, 2012, or starts before October 31, 2012, and ends after October 31, 2012, will count toward the one-trip limit.

If a full-time vessel owner has exchanged trips with another vessel(s) so his/her vessel has an allocation of four combined trips into the DMAA and HCAA, that vessel may land two full trips (combined total of 36,000 lb of scallops) from the DMAA and HCAA combined. No single trip may exceed 18,000 lb.

If the vessel has an observer onboard, it may exceed the applicable possession limit as specified in “Section 4: Industry-Funded Observer Program”

Limited Access Vessel DAS Measures

Limited Access Open Area Days at Sea (DAS) Allocations

DAS allocation for Limited Access Vessels

Full-Time	Part-Time	Occasional
34	14	3

Allocations exclude carryover DAS

Limited Access Accountability Measure (AM) -- DAS reductions

- In July, we will evaluate the limited access fishery’s landings relative to its 58,503,960 lb Annual Catch Limit (ACL) for FY 2011. If the fleet has exceeded its ACL, then we will

reduce the DAS for each limited access vessel for the remainder of FY 2012 unless the “Limited Access AM Exception” (see below) applies.

- If DAS are reduced, we will calculate the DAS reduction for each full-time vessel using the total overage, landings per DAS equal to 2,662 lb per DAS, and a total of 313 full-time permitted vessels.
- For example, assuming a 300,000-lb overage of the ACL in 2011, each full-time vessel's DAS would be reduced by 0.36 DAS (300,000 lb/2,662 lb per DAS = 113 lb per DAS/313 vessels = 0.36 DAS per vessel).
- Deductions in DAS for part-time and occasional scallop vessels would be 40 percent and 8.33 percent of the full-time DAS deduction, respectively.

Limited Access AM Exception

Prior to reducing the DAS, the New England Fishery Management Council’s Scallop Plan Development Team (PDT) will review the overage and determine the fishing mortality rate associated with total landings by the limited access fleet. If the PDT determines that the fishing mortality rate is less than 0.28, the DAS reduction described above will not take effect.

Timing and Implications on DAS Use before Implementation

We expect to make the decision to implement the AM or not before September 30, 2012, and we realize that many vessels have used most, if not all of their DAS by about that time of year.

If the DAS reduction AM is implemented and a vessel has exceeded its 2012 DAS allocation, as adjusted by the DAS reduction, the DAS used in excess of the adjusted DAS will be deducted from the vessel’s 2013 DAS allocation effective March 1, 2013.

Shell Stock Restriction: Vessels on DAS trips may possess no more than 50 bu of in-shell scallops shoreward of the Vessel Monitoring System (VMS) demarcation line. Only scallop meats may be landed from areas that are closed due to paralytic shellfish poisoning (PSP).

Yellowtail flounder measures

2012 Yellowtail flounder (YT) sub-ACLs

- Georges Bank stock: **677,922 lb**
- Southern New England/Mid-Atlantic stock: **279,987 lb**

Possible changes to the YT measures

We may be changing the restrictions on yellowtail catch in CAI, CAII, and NLAA through an adjustment to the Northeast Multispecies Fishery Management Plan (FMP). If approved, the measures are scheduled to be effective May 1, 2012, and we will provide updated information when the action is finalized.

Section 3: Measure for Limited Access and LAGC scallop vessels

Industry-Funded Observer Program

Observer Set-Aside Compensation Rate

The compensation rates in effect for open area DAS, CAI, CAII, HCAA, NLAA, and DMAA for scallop vessels that carry an observer on scallop trips are provided below. We will continue to monitor the condition of the fishery in open areas and access areas to determine whether the compensation rate needs adjustment.

Compensation Rate for LA Vessels

- 0.08 DAS per DAS fished for open area DAS trips (i.e., vessels will be charged 0.92 DAS per DAS fished with an observer onboard).
- 150 lb per day, or part of a day, for CAI, CAII, HCAA, NLAA, and DMAA trips.

Compensation Rate for LAGC IFQ Vessels

- 150 lb per trip for CAI, HCAA, NLAA, and DMAA trips.

For details on how we calculated these compensation rates, and our expectation of how it will impact compensation and observer coverage rates, please go to:

<http://www.nero.noaa.gov/nero/regs/infodocs/FY11ObsCompRateCalculationSum.pdf>

We monitor the compensation rates and the observer set-aside use in each area very closely throughout the year. If information suggests that a different rate is necessary to account for unexpected fishery conditions, we will change the compensation rate as appropriate and necessary.

The observer set-aside for each scallop management area is available on our website and its use can be tracked at: <http://www.nero.noaa.gov/ro/fso/scal.htm> (see links to “Observer Set-Asides” by area)

Observer notification procedures

The owner or agent of a limited access scallop vessel or LAGC scallop vessel must comply with observer notification procedures (details in Attachment 2), as follows:

- Limited Access Vessels: Notification prior to all open area and access area trips.
- LAGC vessels: Weekly notification for all access area trips.

Attachment 1 – Area Coordinates

Hudson Canyon Access Area (HCAA) (DMAA)

Point	Latitude	Longitude
H1	39°30' N.	73°10' W.
H2	39°30' N.	72°30' W.
H3	38°30' N.	73°30' W.
H4	38°50' N.	73°30' W.
H5	38°50' N.	73°42' W.
H1	39°30' N.	73°10' W.

Nantucket Lightship Sea Scallop Access Area (NLAA)

Point	Latitude	Longitude
NLAA1	40°50' N.	69°30' W.
NLAA2	40°50' N.	69°00' W.
NLAA3	40°20' N.	69°00' W.
NLAA4	40°20' N.	69°30' W.
NLAA1	40°50' N.	69°30' W.

Closed Area II Sea Scallop Access Area (CAII)

Point	Latitude	Longitude
CA2A1	41°00' N.	67°20' W.
CA2A2	41°00' N.	66°35.8' W.
CA2A3	41°18.6' N.	66°24.8' W.
CA2A4	41°30' N.	66°34.8' W.
CA2A5	41°30' N.	67°20' W.
CA2A1	41°00' N.	67°20' W.

NGOM Scallop Management Area

Point	Latitude	Longitude
NGOM1	42°20' N.	Massachusetts Shoreline
NGOM2	42°20' N.	69°40' W.
NGOM3	42°49.5' N.	69°40' W.
NGOM4	43°12' N.	69°00' W.
NGOM5	43°41' N.	68°00' W.
G2	43°58' N.	67°22' W.
G1	(¹)	(¹)

¹Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

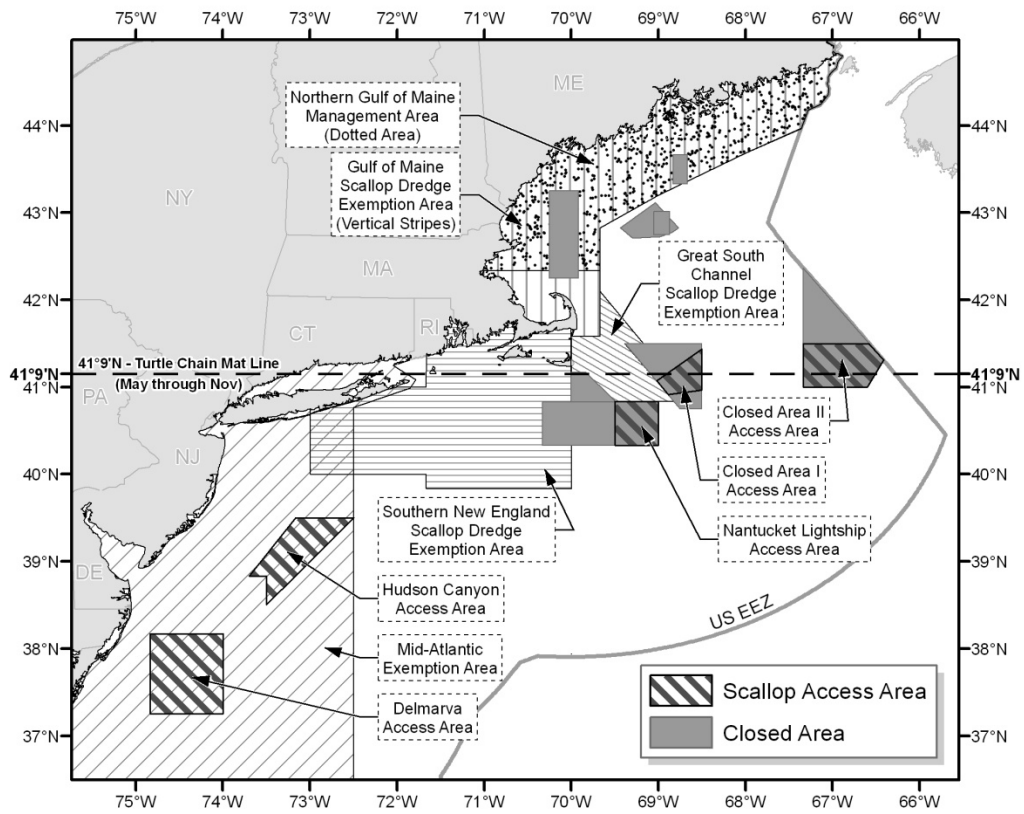
Delmarva Sea Scallop Access Area

Point	Latitude	Longitude
DMV1	38°10' N.	74°50' W.
DMV2	38°10' N.	74°00' W.
DMV3	37°15' N.	74°00' W.
DMV4	37°15' N.	74°50' W.
DMV1	38°10' N.	74°50' W.

Closed Area I Sea Scallop Access Area (CAI)

Point	Latitude	Longitude
CAIA1	41°26' N.	68°30' W.
CAIA2	40°58' N.	68°30' W.
CAIA3	40°55' N.	68°53' W.
CAIA4	41°04.5' N.	69°01' W.
CAIA1	41°26' N.	68°30' W.

Chart of Scallop Management Areas



Industry-Funded Scallop Observer Program Call-In Guide

Limited Access (LA) Vessels: Call for both Open Area and Access Area trips. 72 hours notice before the intended sail date is required and notice should be no more than 10 days prior to sail date.

LA General Category Vessels: Call for Access Area trips only. Notify weekly and call by Thursday if you expect to make any trips in an Access Area from Sunday through Saturday of the following week.

STEP I – CALL (508) 495-2100

1. **Press 1** to report a trip and follow the telephone message prompts.

2. **Gear type:**

1	Scallop Dredge	2	Scallop Trawl
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3. **Permit type:**

1	Limited Access	2	General Category
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4. **Fishing Area:**

2	Closed Area II Access Area	5	Georges Bank Open Area
3	Hudson Canyon Access Area	7	Closed Area I Access Area
4	Mid-Atlantic Open Area	8	Delmarva Access Area

5. **Phone Number:** enter your 10 digit phone number (DO NOT use '1' before the area code)

6. **Permit number:** enter your 6 digit permit number

7. **Name:** please speak clearly, first and last name, then press # key

8. **Port sailing from:** please speak clearly the port name, including city and state, then press # key

9. **Date of sailing:** please speak clearly the month, day, and year, then press # key; for General Category, use the date for Sunday starting that week.

You will receive a **trip confirmation number** for each call (trip calls for limited access trips, and weekly calls for general category trips). An email transmission from the National Marine Fisheries Service (NMFS) will be sent to your email address(s) within 24 hours and will either issue a 'waiver' or notify you that an observer must be hired for the trip. If you are issued a waiver, you may begin your trip(s). If you receive an observer notice, please follow the instructions in Step II. **If you do not receive VMS notification within 24 hours, contact the NMFS Vessel Call-in Coordinator (508) 495 – 2188 or (508) 560 – 3550 (cell)**

STEP II - OBSERVER PROVIDER 48-HOURS PRIOR TO TRIP

If selected for observer coverage you MUST provide 48 hours notice to observer providers. The 48 hour notice is required for each provider when contacting them to hire an observer for your trip. The observer provider may take up to 18 hours to get back to you on observer availability. General Category vessels that are selected for coverage are required to carry an observer on up to 2 trips during the week.

It is required to call all observer providers before requesting a waiver.

Current Industry Funded Scallop Observer providers are:

A.I.S. Inc. (508) 990-9057

East West Technical Services Inc. (860) 910-4957

Fathom Research LLC. (508) 990 - 0997

Please call the NMFS Vessel Call-in Coordinator at (508) 495-2188 or (508) 560-3550 (cell) if:

1. There are no observers available from any of the providers and you would like to request a waiver.
2. You are cancelling your trip or your trip has been delayed more than 48 hours beyond the intended sail date.
3. Any other extenuating circumstances.

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