



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930

Dear Permit Holder:

This letter is to inform you that the National Marine Fisheries Service (NMFS) has partially approved the management measures in Framework Adjustment 13 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and Framework Adjustment 34 to the Northeast Multispecies FMP. The measure to allow General Category scallop permitted vessels access to portions of the closed areas opened through this action has been disapproved because it creates significant enforcement and administrative burdens and is not consistent with the Magnuson-Stevens Act requirements.

This rule creates the 2000 seasonal Sea Scallop Exemption Program (Exemption Program) that allows limited access scallop vessels access to portions of Closed Area I (CA I), Closed Area II (CA II) and Nantucket Lightship Closed Area (NLCA), when fishing under certain conditions. In addition, this rule implements an alternative method of dredge stowage for scallop vessels when transiting closed or otherwise restricted areas and clarifies end of the year days-at-sea (DAS) carry-over specifications for limited access scallop permit holders with a confirmation of permit history (CPH).

The primary management measures contained in the regulations and their respective effective dates are listed below. A subsequent letter containing the Exemption Program observer protocol is attached. **There have been several changes from last year's Exemption Program, please read the following measures carefully.**

SEA SCALLOP EXEMPTION PROGRAM

All scallop vessels issued a Federal limited access scallop permit may fish in the exempted portions of Closed Area I, Closed Area II and Nantucket Lightship Closed Area when fishing under a scallop DAS, provided the vessel complies with the requirements specified below.

Closed Area II Sea Scallop Exemption Area -

The Closed Area II Exemption Area is defined by straight lines connecting the following points in the order stated. Please note, there is no buffer zone surrounding Closed Area II for the 2000 Exemption Program:



CLOSED AREA II EXEMPTION AREA

Point	N. Latitude	W. Longitude
CII1	41°00'	67°20'
CII2	41°00'	66°35.8'
G5	41°18.6'	66°24.8' (on U.S./Canada Maritime Boundary)
SC1	41°30'	66°34.8' (on U.S./Canada Maritime Boundary)
SC2	41°30'	67°20'
CII1	41°00'	67°20'

Nantucket Lightship Sea Scallop Exemption Area -

The Nantucket Lightship Exemption Area is defined by straight lines connecting the following points in the order stated:

NANTUCKET LIGHTSHIP EXEMPTION AREA

Point	N. Latitude	W. Longitude
G10	40°50'	69°00'
SC7	40°30'	69°00'
SC8	40°30'	69°14.5'
SC9	40°50'	69°29'
G10	40°50'	69°00'

Closed Area I Sea Scallop Exemption Area -

The Closed Area I Exemption Area is defined by straight lines connecting the following points in the order stated:

CLOSED AREA I EXEMPTION AREA

Point	N. Latitude	W. Longitude
SC3	41°04.5'	69°1.2'
SC4	41°09'	68°30'
CI4	41°30'	68°30'
SC5	41°30'	68°35'
SC6	41°08'	69°4.2'
SC3	41°04.5'	69°1.2'

REQUIREMENTS:

Season -

A vessel will have sequential access to portions of CA II, NLCA and CA I during the period of June 15, 2000 through December 31, 2000, unless otherwise specified by notification in the Federal Register. Closed areas will be opened individually for the following periods:

- ▶ Closed Area II - June 15, 2000 through August 14, 2000
- ▶ Nantucket Lightship Closed Area - August 15, 2000 through September 30, 2000
- ▶ Closed Area I - October 1, 2000 through December 31, 2000

New to this year's Exemption Program, a vessel must have ended its closed area trip and return to port by midnight of the last day an exempted area is open. Returning to port means the first point when a vessel ties up at the dock or mooring in a port at the end of a fishing trip.

Vessel Monitoring System (VMS) -

All participating vessels must have installed on board an operational VMS unit.

VMS Polling -

To aid enforcement, for the duration of the Exemption Program, all limited access scallop vessels equipped with a VMS unit will be polled twice per hour, regardless of whether the vessel is enrolled in the Exemption Program.

Declaration -

Several changes from last year have been made to the procedures for declaring into the 2000 Exemption Program. Please thoroughly read the following requirements:

- ▶ A vessel planning to fish in the Exemption Program must submit a report through the VMS e-mail messaging system (**NEC.Observers@noaa.gov**) of its intention to fish in an exemption area prior to the scheduled openings of each of the three areas, along with the following information: Vessel name and permit number, owner and operator's name, owner and operator's phone numbers, and number of trips anticipated for the area in question. For the NLCA and CA I, vessels must submit this report no later than 15 days prior to their scheduled openings. **For CA II, vessels are strongly encouraged to submit this report immediately. Any vessel that fails to submit these reports as required will be prohibited from accessing the area in question.**
- ▶ In addition to the above advance notice for accessing each of the closed areas, for the purpose of randomly selecting vessels to carry an observer, a vessel must also submit a report through the VMS e-mail messaging system (**NEC.Observers@noaa.gov**) of its intention to fish at least 5 **working** days prior to the date it intends to depart on each trip into an exemption area. For each of these reports vessels must submit the following information: Vessel name and permit number, owner and operator's name, owner and

operator's phone numbers and date and time of departure. Within 3 days of a vessel's notification, NMFS will notify a vessel if it has been selected to carry an observer

- ▶ **A vessel chosen to carry an observer must have a valid Coast Guard Inspection Sticker. Any vessel that does not have an inspection sticker will not be given a waiver to carry an observer. Consequently, vessels will be prohibited from participating in the Exemption Program until the vessel is inspected by the Coast Guard and receives its inspection sticker.**
- ▶ On the day the vessel leaves port to fish under the Exemption Program, the vessel owner or operator must declare into the Exemption Program through the VMS prior to leaving port. Please see the attached instructions on how to declare into this program through VMS.

Area Fished -

A vessel that has declared a trip into the Exemption Program is prohibited from fishing for, catching or harvesting scallops outside of the Exemption Area and may enter and exit the Exemption Area only once per trip.

Reporting -

A vessel must submit reports through the VMS for each day fished when declared in the Exemption Program. Note that some of the reporting requirements have changed from last year's Exemption Program. Reports for each fishing day **must be submitted no later than 0900** hours the following day where each fishing day is defined as beginning at 0000 hours and ending at 2400 hours. For example: a vessel fishing for scallops between 5:00 am and 9:00 pm Tuesday must submit a report for this day (Tuesday) by 9:00 am the following day (Wednesday). A tow that is in the water at midnight should be counted toward the next day's catch. Each daily report must include the following information:

- ▶ Total pounds of scallop meats kept,
- ▶ Log book page number (new requirement), and
- ▶ For each trip that the vessel has a NMFS approved observer on board, a separate report of total pounds of scallop meats kept, log book page number, and total pounds of yellowtail flounder caught for each tow that is observed by a NMFS approved observer.

In the event a vessel operator or observer misses a reporting day, two days of data may not be grouped into a single report. If a day is missed, two separate reports must be filed back to back, with the first report being the day that was missed.

Please see the attached instructions on how to fill out these reports using VMS.

Number of Trips -

Unless otherwise specified by notification in the Federal Register, full and part-time scallop vessels are allowed no more than three trips into CA II, one trip into NLCA and two trips into

CA I. Occasional scallop vessels may fish only one trip overall, but that one trip may be in any one of the Sea Scallop Program Areas.

Possession Limits -

Sea Scallops: Unless otherwise authorized by the Regional Administrator, a vessel declared into the Exemption Program may possess and land up to 10,000 lb of scallop meats per trip, no more of which may consist of 50 bu of in-shell scallops.

The Regional Administrator may increase the sea scallop possession limit for a vessel that has declared a fishing trip into the Sea Scallop Exemption Program and on which a NMFS approved observer is on board the vessel. The amount of the possession limit increase will be determined by the Regional Administrator up to a cumulative total not to exceed 2 percent of the scallop total allowable catch per area. The vessel owner will be responsible for paying the cost of the observer, regardless of whether the vessel lands or sells sea scallops on that trip. A subsequent letter containing observer protocol, including instructions on how to receive an increased trip limit to pay for an observer, is attached.

The Regional Administrator may also increase the sea scallop possession limit or number of trips into an area to help defray research costs in accordance with the scallop research set-aside program. The possession limit increase or number of additional trips will be determined by the Regional Administrator up to a cumulative total not to exceed 1 percent of the scallop total allowable catch for an area. The vessel owner will be responsible for paying and/or defraying the cost of the research project, whichever is applicable, regardless of whether the vessel lands or sells sea scallops on that trip.

Regulated multispecies: The amount of regulated multispecies that a vessel may possess has increased from last year's Exemption Program. Vessels participating in the Exemption Program may possess and land up to 1,000 lb of regulated multispecies, unless otherwise restricted under the multispecies FMP or the vessel is carrying a NMFS approved observer on board the vessel.

Any vessel carrying an approved observer may possess all regulated multispecies caught provided the regulated multispecies in excess of 1,000 lb are donated to charity. All vessels subject to the 1,000 lb possession limit must separate all regulated multispecies onboard from other species of fish so as to be readily available for inspection.

Gear Restrictions -

All vessels declared into the Exemption Program must fish with or possess scallop dredge gear in accordance with current scallop dredge vessel restrictions, except that the mesh size of net material on the top of a scallop dredge in use by or in possession of the vessel may not be smaller than 10.0 inches square or diamond mesh.

Transiting -

When transiting to and from the Exemption Area, all gear on board must be properly stowed and not available for immediate use in accordance with the provisions of the multispecies FMP.

Limited access sea scallop vessels intending to fish for scallops under a scallop DAS that have not declared a trip into the Exemption Program may not enter, fish, or be in Closed Area II, Nantucket Lightship Closed Area, or Closed Area I Sea Scallop Exemption Areas unless:

For Closed Area II:

- ▶ The operator has determined that there is a compelling safety reason; and
- ▶ The vessel's fishing gear is stowed in accordance with the requirements in the multispecies FMP.

For Closed Area I and Nantucket Lightship Closed Area:

- ▶ The vessel's fishing gear is stowed in accordance with the requirements in the multispecies FMP.

Offloading -

Vessels may not off-load their sea scallop catch at more than one location per trip.

DAS Accrual -

Scallop vessels that have declared a fishing trip into the Exemption Program will have a minimum of 10 DAS deducted from its DAS allocation, regardless of whether the actual number of DAS used during the trip are less than 10. Trips that exceed 10 DAS will be counted as actual time.

In-Season Adjustments -

The Regional Administrator may adjust the sea scallop possession limit, and/or allocate one or more additional trips for full and part-time limited access sea scallop vessels, for the Nantucket Lightship and/or Closed Area I Sea Scallop Exemption Areas only, during the month of January 2001. Occasional permitted vessels will not be allocated an additional trip.

The Regional Administrator will terminate access to any of the Exemption Areas if the scallop total allowable catch is exceeded. When the Regional Administrator projects that vessels fishing in the Exemption Program have caught 2,934 metric tons of scallops in CA II; 2,445 metric tons of scallops in NLCA, or 3,111 metric tons of scallops in CA I, the program will be terminated for that particular area by notification in the Federal Register.

The Regional Administrator will also terminate access to any of the Exemption Areas due to high yellowtail flounder bycatch. When the Regional Administrator projects that vessels fishing in the Exemption Program have caught 717.75 metric tons of yellowtail flounder in CA II and CA I combined, or 49.5 metric tons of yellowtail flounder in NLCA, the program will be terminated for that particular area by notification in the Federal Register.

SCALLOP DREDGE STOWAGE

The current dredge stowage criteria, requiring that the scallop dredge be covered, may for some vessels be unsafe. Therefore, the following alternative method of dredge stowage for scallop

vessels when transiting closed or otherwise restricted areas has been approved and is effective June 15, 2000.

Scallop Dredge Stowage -

- ▶ The towing wire is detached from the scallop dredge and reeled up onto the winch;
- ▶ The dredge is secured; and
- ▶ The dredge **or the winch** is covered so that it is rendered unusable for fishing.

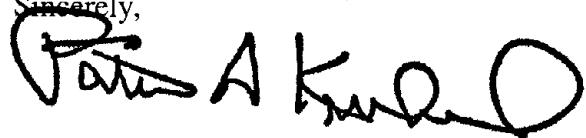
This method differs from the existing regulations by giving vessels a choice of covering either the dredge or the winch. The dredge or the winch must still be rendered unusable for fishing.

DAS CARRY-OVER

The current scallop regulations for the end of the year DAS carry-over, which allows vessels with unused scallop DAS to carry-over a maximum of 10 DAS into the next permit year, does not address vessels with a scallop permit in the CPH program. Therefore, effective June 15, 2000, with the exception of vessels that held a CPH the **entire** fishing year preceding the carry-over year, limited access scallop vessels that held a CPH for only a **portion** of the fishing year preceding the carry-over year are eligible to carry-over up to 10 DAS into the next permit year. Vessels holding a CPH for the entire preceding fishing year may not carry-over any DAS.

This letter is only a summary of the regulations that have been implemented. To read these regulations in their entirety, you are encouraged to obtain a complete copy of the regulations by calling (978) 281-9278, or by accessing the Northeast Regional Office's website at: <http://www.wh.who.edu/ro/doc/nero.html>

Sincerely,



Patricia A. Kurkul,
Regional Administrator

SEA SCALLOP 2000 EXEMPTION PROGRAM POSSESSION LIMIT INCREASE AND OBSERVER PROTOCOL

The following outlines the sea scallop possession limit increase and protocol for observer payment for vessels declared and accepted into the Sea Scallop Exemption Program (Exemption Program) and carrying a NMFS approved observer on board the vessel. **Please note that there have been several changes from last year's observer protocol.**

POSSESSION LIMIT INCREASE:

Vessels selected to carry an observer while participating in the Exemption Program are authorized to possess and to land an additional 200 pounds of scallop meats for each day the vessel is gone from port for six or more hours. This extra poundage, above and beyond the 10,000 pound scallop possession limit allowed for all non-observed Exemption Program trips, is to be used to reimburse the cost of the observer program, as well as to compensate the vessel and its crew. For example, a vessel that has declared and been accepted into the Exemption Program and selected to carry an observer for that trip, and which is gone from port for 5 days, starting from the time the vessel left port, would be authorized to possess and land up to 11,000 pounds of scallop meats for that trip (10,000 pound trip limit + 1,000 pounds for the 5 observer days). If this same vessel was gone from port for 5 days and 6 hours (5¼ days), it would be allowed to possess and land up to 11,200 pounds of scallop meats.

PAY DISTRIBUTION:

Vessels selected to carry an observer while participating in the Exemption Program are required to pay **\$570.00** per day for the observer coverage. Using the 5¼ Exemption Program trip example from above and an average scallop price of \$5.00 per pound, 200 pounds x 6 days (or 1,200 pounds), would yield a total of \$6,000.00 (1,200 pounds x \$5.00 per pound). A vessel that declared into the Exemption Program for 5¼ days while carrying an observer on board would be allowed to possess up to 11,200 pounds of scallop meats, and would be required to compensate the observer \$3,420.00 (\$570.00 x 6 days). The remaining money, in this case \$2,580.00 (1,200 pounds x \$5.00 = \$6,000 - \$3,420.00), would go to the vessel and crew.

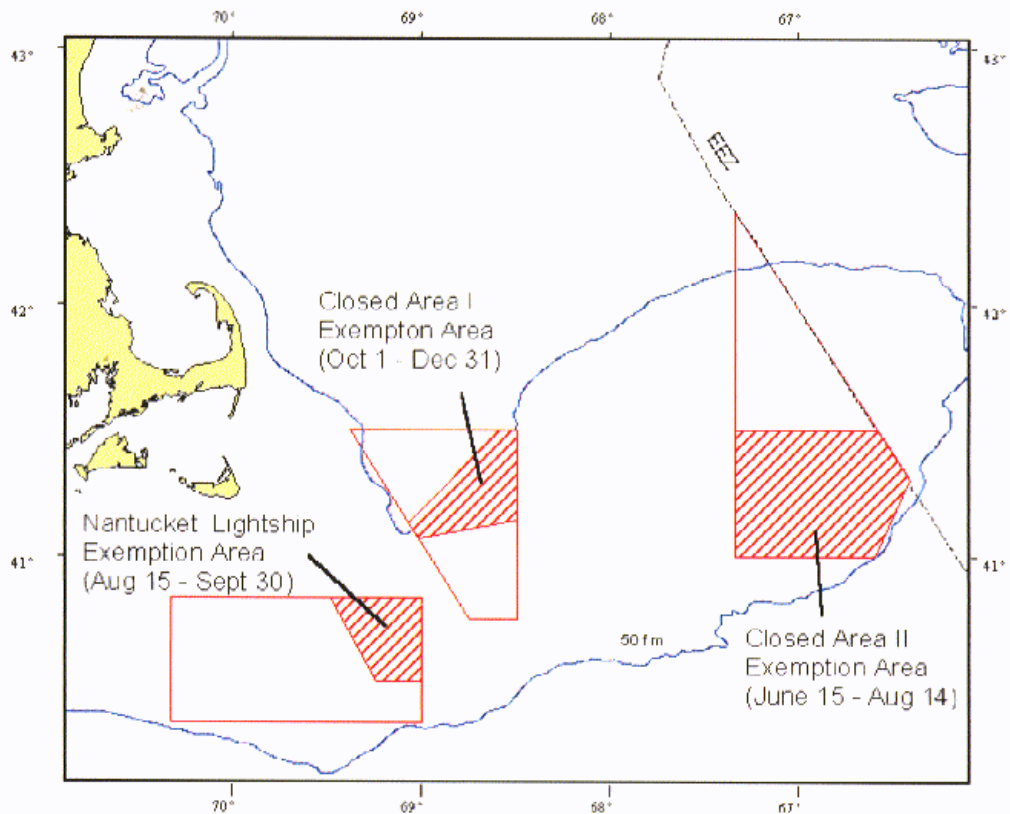
OBSERVER PAYMENT:

Bank or cashiers checks for the cost of the observer must be made out to A.I.S., Incorporated and received within one week of the date landed, unless the vessel receives other instructions in writing. Please mail your check, along with a note containing the following information: "Sea Scallop Observer Fund," vessel name, permit number, owner or operator name, time and date of departure, and time and date of return, to:

**A.I.S., Incorporated
Attn: Arvidas Poshkus
P.O. Box 421
19 Camden Street
Stoughton, MA 02072**

If you have any questions, please call the Fisheries Information Line at (978) 281-9278.

Sea Scallop Exemption Program Fishing Year 2000





Sending in the "Vessel Activity" Marco

1. Press the **READ PREV** key on the **BOATRACS** Keyboard until you reach the **"WEEKLY BOATRACS MESSAGE"**.
2. Press the **REPLY** key on the **BOATRACS** keyboard. The screen will show:

**** Select Canned Message (0-63):_**
**** Use "+" / "-" to View Canned Message**

3. Press the + (plus) key until you find the "Vessel Activity" macro
4. Press Enter. The "Vessel Activity" macro should look like the following:

5. Use the down arrow to find your fishing activity. Type an **X** next in the blank next to your fishing activity and press Enter. **Make sure that you have selected 1 and only 1 fishing activity or your activity will be rejected.**
6. Press the **Send** Key.
7. Press the **Y** key to confirm that you want to send your vessel activity in.
8. You should receive and acceptance or rejection message within 15 minutes. If you do not receive a response within 15 minutes, send a Boat-to-Email message to operations@boatracs.com for guidance.

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VESSEL ACTIVITY REPORT ◀
PLACE AN X NEXT TO THE CATEGORY ◀
THAT YOU WISH TO BEGIN: ◀
_ 1: SES-DOF SCALLOP (OR COMBINATION) ◀
VESSEL "DECLARING OUT" OF FISHERY. ◀
DOES NOT COUNT DAYS AT SEA, BUT STRICT ◀
PROHIBITIONS ON BOTH ELIGIBILITY AND ◀
POSSESSION OF REGULATED MULTISPECIES ◀
APPLY. ◀
_ 2: SES-SCA SCALLOP (OR COMBINATION) ◀
VESSEL SCALLOP FISHING. COUNT DAYS AT ◀
SEA. ◀
CATEGORY 3 IS NO LONGER AVAILABLE ◀
3: SES-CLA SCALLOP (OR COMBINATION) ◀
VESSEL FISHING IN GEORGES BANK SEA ◀
SCALLOP EXEMPTION AREA. COUNTS AS 10 ◀
DAYS MINIMUM, OR COUNTS ACTUAL TIME ◀
IF TRIP IS LONGER THAN 10 DAYS. ◀
_ 4: MNK-SCA SCALLOP (OR COMBINATION) ◀
VESSEL ON A MONKFISH TRIP. DAYS AT SEA ◀
IS CHARGED TO BOTH MONKFISH DAYS AT ◀
SEA AND SCALLOP DAYS AT SEA ALLOCATION ◀
_ 5: MNK-MUL MULTISPECIES (OR ◀
COMBINATION) VESSEL ON MONKFISH TRIP. ◀
DAYS AT SEA CHARGED TO BOTH MONKFISH ◀
DAYS AT SEA AND MULTISPECIES DAYS AT ◀
SEA ALLOCATION. ◀
_ 6: NMS-MUL MULTISPECIES (OR ◀
COMBINATION) VESSEL, FISHING ON ◀
REGULATED SPECIES. COUNTS DAYS AT SEA ◀
_ 7: NMS-DOF MULTISPECIES (OR ◀
COMBINATION) VESSEL "DECLARING OUT" OF ◀
FISHERY. DOES NOT COUNT DAYS AT SEA ◀
BUT THERE ARE STRICT PROHIBITIONS ON ◀
BOTH ELIGIBILITY TO "DECLARE OUT" AND ◀
POSSESSION OF REGULATED MULTISPECIES ◀
APPLY FOR THE ENTIRETY OF THE TRIP ◀
(I.E. NONE). ◀

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Sending in the "Scallop Hail Report" Macro

1. Press the **READ PREV** key on the **BOATRACS** keyboard until you reach the **"WEEKLY BOATRACS MESSAGE"**.
2. Press the **REPLY** key on the **BOATRACS** keyboard. The screen will now show:

****Select Canned Message (0-63):_**
****Use "+"/"_" to View Canned Message**

3. Press the **+** (plus) key until you find the "Scallop Hail Report" macro
4. Press **Enter**. The "Scallop Hail Report" macro should look like the following:
5. Use the down arrow to find the **TOTAL POUNDS OF SCALLOP MEATS CAUGHT BETWEEN 0000 HRS AND 2400 HRS YESTERDAY** field. Enter the appropriate information. Please note that this is a numbers only field. Letters and punctuation are not allowed.
6. If you **DO NOT** have a NMFS observer onboard, go to step 7. If you **DO** have a NMFS observer onboard, skip steps 7 and 8 and proceed to step 9.

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SCALLOP HAIL REPORT ◀
*****
      INSTRUCTIONS ◀
FILL OUT THE APPROPRIATE FIELDS BELOW.
IF YOU DO NOT HAVE AN NMFS OBSERVER ◀
ONBOARD FILL OUT THE FIRST TWO FIELDS.
ONLY. ◀
◀
IF YOU HAVE AN NMFS OBSERVER ONBOARD, ◀
FILL OUT ALL FOUR FIELDS. ◀
◀
EACH FIELD IS A NUMBERS ONLY FIELD ◀
(LETTERS, PUNCTUATION, ETC. ARE NOT ◀
ALLOWED). ◀
◀
*****
TOTAL POUNDS OF SCALLOP MEATS CAUGHT ◀
BETWEEN 0000 HRS AND 2400 HRS ◀
YESTERDAY _____ ◀
◀
LOGBOOK PAGE NUMBER _____ ◀
*****
      NMFS OBSERVER ONBOARD ONLY ◀
TOTAL POUNDS OF SCALLOP MEATS ◀
ESTIMATED FROM OBSERVED TOWS BETWEEN ◀
0000 HRS AND 2400 HRS YESTERDAY ◀
_____ ◀
◀
TOTAL POUNDS OF YELLOWTAIL FLOUNDER ◀
ESTIMATED FROM THE SAME OBSERVED TOWS ◀
BETWEEN 0000 HRS AND 2400 HRS ◀
YESTERDAY _____ ◀

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7. Press the **Send** Key.
8. Press the **Y** key to confirm that you want to send the Scallop Hail Report.
9. Use the down arrow to find the **TOTAL POUNDS OF SCALLOP MEATS ESTIMATED FROM OBSERVED TOWS BETWEEN 0000 HRS AND 2400 HRS YESTERDAY** field. Enter the appropriate information. Please note that this is a numbers only field. Letters and punctuation are not allowed.
10. Use the down arrow to find the **TOTAL POUNDS OF YELLOWTAIL FLOUNDER ESTIMATED FROM THE SAME OBSERVED TOWS BETWEEN 0000 HRS AND 2400 HRS YESTERDAY** field. Enter the appropriate information. Please note that this is a numbers only field. Letters and punctuation are not allowed.
11. Press the **SEND** Key.
12. Press the **Y** key to confirm that you want to send the Scallop Hail Report.