



## Sea Scallop Voluntary Individual Fishing Quota (IFQ) Sector Program

### Introduction

This summary provides a broad overview of restrictions and requirements, and is not a substitute for the regulations. You are strongly encouraged to read the regulations in conjunction with this information sheet to fully understand how this fishery is managed. Regulations about the Scallop IFQ Sector Program are located at **50 CFR 648.63**. This information sheet will be updated when regulations are revised, and posted on NOAA's National Marine Fisheries Service (NMFS) scallop information webpage at: [www.nero.noaa.gov/sfd/sfdscallop.html](http://www.nero.noaa.gov/sfd/sfdscallop.html).

### **VOLUNTARY IFQ SECTORS**

The Atlantic Sea Scallop Fishery Management Plan (FMP) includes a mechanism to allow the owners of limited access general category (LAGC) scallop vessels to form voluntary sectors that could manage their own fishing activity as a group. To create a Sector, a group (two or more) of IFQ permit holders must agree to cooperate and submit a binding plan for the management of that Sector's allocation of the total allowable catch. Sector formation is optional; vessels that do not want to participate in a sector will continue to fish under the IFQ program.

*Scallop Sectors are not exempt from any scallop regulations through the Sector process. Participating vessels would not be restricted by their individual IFQ allocation but would participate in harvesting up to the total combined IFQ allocation of all Sector members. The 400-lb possession limit is maintained for vessels in a sector.*

### **Sector Membership Restrictions**

- Once a vessel enters into a Sector, that vessel must remain in the Sector for the remainder of the fishing year and cannot fish under the regulations that apply to the common pool.

- If the permit of a Sector vessel is transferred to another vessel, the new permit owner must also participate in the Sector for the remainder of the fishing year.
- A vessel cannot join a Sector mid-fishing year if it has fished in the IFQ scallop fishery earlier in that particular fishing year, unless the Sector operations plan was written with a provision to account for the IFQ previously used.
- A vessel may not be a member of more than one Sector and cannot shift from one sector to another during a single fishing year.
- Permanent or temporary transfers of IFQ are prohibited for vessels participating in a Sector. (i.e., no transfers can occur between vessels from different Sectors or between Sector and non-Sector participants)
- If a vessel leaves a Sector for any reason, it cannot participate in the LAGC scallop fishery for the remainder of that fishing year.

### **Allocation of TAC to Sectors**

A Sector's share will be the sum of the participating vessels' percentage shares of the TAC allocation for IFQ scallop vessels. A Sector's share could increase or decrease its initial allocation in a given fishing year if a vessel either joins or leaves a sector during that fishing year. No single Sector's share can exceed 20 percent of the overall IFQ TAC for a single fishing year.

Once a Sector's allocation has been fully harvested, sector operations will stop for the remainder of the fishing year.

### **Definition and Requirements for Operations Plans**

A group that wants to form a Sector and receive an allocation must submit a legally binding operations plan to both the New England Fishery Management (Council) and

NMFS. The operations plan must be agreed upon and signed by all members of the Sector and, if approved, shall constitute a legally binding contract. Detailed requirements are in the scallop regulations at § 648.63.

**Specifications for the Review, Approval, and Revocation Process**

A Sector needs to submit its operations plan and any NEPA documents to both the Regional Administrator and the Council no less than 1 year prior to the date that it wishes to begin operations under the Sector.

The Council will consider this plan in the course of a periodic framework adjustment or specification process and may, if approved, implement the Sector through either of those processes. After Council approval of a Sector, the details of its operation will be discussed between the Sector and NMFS, although the Council may review and provide comment on the proposed details.

The Regional Administrator may withdraw approval of a Sector at any time if, in consultation with the Council, it has been determined that Sector participants are not complying with the requirements of an approved operations plan or that the continuation of the operations plan will undermine achievement of fishing mortality objectives of the Atlantic Sea Scallop FMP.

Each approved Sector is required to resubmit its operations plan for re-approval for the following fishing year to the Regional Administrator no later than July 1 of each year, whether or not the plan has changed.

Approved Sectors must also submit an annual year-end report to NMFS and the Council, within 60 days of the end of the fishing year, that summarizes the fishing activities of its members, including harvest levels of all federally managed species by Sector vessels, enforcement actions, and other relevant information required to evaluate the performance of the Sector.

At the end of the fishing year, NMFS shall evaluate landings using VMS and any other available information to determine whether a Sector has exceeded any of its allocations based on the list of participating vessels submitted in the operations plan.

If a Sector exceeds its TAC, the Sector may have its authorization as a Sector withdrawn by the Regional Administrator, after consultation with the Council, and may be subject to enforcement action.