



# Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:  
Sustainable Fisheries Division  
(978) 281 – 9315

<http://www.greateratlantic.fisheries.noaa.gov/>  
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## Atlantic Sea Scallop Fishery

### Management Measures for Fishing Year 2016 Small Entity Compliance Guide

*Effective Date: March 1, 2016*

The following information is important for planning your scallop fishing operations 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.greateratlantic.fisheries.noaa.gov/>.

**IMPORTANT:** The New England Fishery Management Council voted on final 2016 allocations in Framework Adjustment 27 on December 3, 2015, and, if we approve the action, we will likely adjust scallop allocations in April 2016. We have noted these Framework 27 proposed allocations throughout this letter so you can consider these adjustments when planning your fishing activity between March 1 and the implementation of Framework 27.

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If you have a question about any of the measures, please call our Sustainable Fisheries Division staff at (978) 281-9315. They will answer your questions or direct you to other Greater Atlantic Regional Fisheries 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, Greater Atlantic Region.*

## Section 1: Measures for LAGC Scallop Vessels

Fishing Year 2016 Allocations: The table below includes the LAGC fleet allocations for individual fishing quota (IFQ) vessels that become effective March 1, 2016, along with the allocations proposed under Framework 27 that, if adopted, would replace the March 1, 2016, measures. We will send you a separate letter that specifies your vessel's 2016 IFQ, which we set based on the allocations listed below. Your IFQ allocation letter will explain the details of setting your IFQ.

### LAGC Fleet Allocations

	March 1, 2016	Proposed Framework 27 (if approved)
LAGC IFQ only	<b>3,406,142 lb</b>	<b>4,067,529 lb</b>
LAGC IFQ with Limited Access permit	<b>339,512 lb</b>	<b>405,651 lb</b>

**Important IFQ Transfer Information:** Beginning March 1, 2016, we will begin processing temporary and permanent transfers of 2016 IFQ.

- **Temporary Transfers:** You will not be able to temporarily transfer any of your Framework 27 IFQ that exceeds your March 1, 2016, allocation until Framework 27 is approved and adopted.
- **Permanent Transfers:** If you submit a request for a permanent transfer before we implement Framework 27 and your IFQ is increased, both parties will receive increases proportional to the amount of IFQ permanently transferred. For example:

**Boat A allocation:**

Before Framework 27: 1,000 lb

After Framework 27: 1,200 lb

If Boat A permanently transfers 500 lb to Boat B prior to Framework 27 then 50 percent of the Boat A's allocation percentage will be transferred to Boat B as of the date of transfer. If Framework 27 is implemented, both Boat A and Boat B would each automatically receive an additional 100 lb without any further action by either boat owner. For more details, see your vessel's 2016 IFQ letter for details.

IFQ Overage Payback (accountability measure): Please remember that it is a violation to exceed your yearly IFQ allocation, but you can balance an overage within a fishing year (submitted on or before February 28) through temporary IFQ leases and/or permanent allocation transfers completed before the applicable fishing year ends. If you exceed your yearly IFQ allocation, in

addition to this being a violation, we will deduct any overages that remain at the end of the fishing year from the following year's IFQ allocation on a pound-for-pound basis.

IFQ Carryover: After the start of fishing year 2016, we will be mailing revised allocation letters to those LAGC IFQ permit holders receiving an IFQ adjustment due to carry-over pounds or overage deductions from fishing year 2015. Vessel owners may carry over unused IFQ up to 15 percent of the vessel's fishing year 2015 IFQ, including the original allocation and IFQ transferred from another vessel (leases or permanent allocation transfers). We typically mail the adjustment letters in May or June.

#### Fishing Year 2016 Access Area Trip Allocations for the LAGC IFQ Scallop Fleet:

At the start of fishing year 2016, there will be no access area trips allocated to LAGC IFQ vessels. However, LAGC IFQ vessels will be allocated 602 fleet-wide trips into the Mid-Atlantic Access Area (MAAA) on April 1, 2016.

Framework 27 proposes a total of 2,068 fleet-wide trips in the MAAA. In addition, Framework 27 proposes a total of 485 LAGC IFQ fleet-wide trips into the northern portion of the Nantucket Lightship Access Area. Vessels must wait for Framework 27's approval and implementation to utilize these additional trips.

LAGC Northern Gulf of Maine (NGOM) Management Area Scallop Total Allowable Catch (TAC): Vessels issued an LAGC NGOM scallop permit are restricted to 200 lb shucked or 25 bu in-shell scallops per trip. The NGOM TAC for fishing year 2016 is 70,000 lb. Unless a state has applied for and received an exemption to continue fishing in state waters, when the NGOM fleet harvests 70,000 lb of scallops from the NGOM area, we must close the NGOM to all scallop vessels for the remainder of the fishing year. Maine is the only state that has requested and received this state waters exemption.

LAGC Incidental Scallop Target TAC: The incidental scallop target TAC for fishing year 2016 is 50,000 lb. Vessels issued an LAGC Incidental Catch scallop permit may land up to 40 lb shucked or 5 bu in-shell scallops per trip.

## **Section 2: Measures for Limited Access Scallop Vessels**

### Fishing Year 2016 Limited Access Scallop Access Area Allocations

- Beginning March 1, 2016, and through the first 60 days of the fishing year, limited access vessels may fish their remaining unharvested 2015 MAAA scallop poundage. These trips must begin no later than April 29, 2016. After that date, any unused 2015 MAAA carryover expires.
- Scallop possession limits are unchanged: 17,000 lb for full-time vessels and 10,200 lb for part-time vessels.
- Access area crew limits are also maintained: Eight individuals per limited access vessel, or six individuals for vessels participating in the small dredge program.

- In addition, beginning April 1, 2016, limited access vessels will be allocated a reduced amount of scallop pounds that can be harvested from the MAAA while waiting for final Framework 27 allocations. Full-time vessels will receive 17,000 lb pounds and part-time vessels will receive 10,200 lb, equivalent to one trip into the MAAA.
- Framework 27, if approved, would maintain the current boundary of the MAAA, as well as the current possession and crew limits, but would increase the MAAA scallop poundage available to each vessel. With the exception of 2015 carryover, any scallops landed while under initial 2016 allocations will be applied against the final 2016 allocations.
- The MAAA is the only access area open to the limited access fishery.

Limited Access Open Area Days at Sea (DAS) Allocations

	<b>Full-Time</b>	<b>Part-Time</b>	<b>Occasional</b>
March 1, 2016	26	10.40	2.17
Proposed Framework 27 (if approved)	34.55	13.82	2.88

\*Allocations exclude carryover DAS

**Note:** You cannot exceed the March 1, 2016, DAS allocations unless and until we approve and implement Framework 27.

Shell Stock Restrictions:

- Vessels fishing in or transiting the area south of 42°20' N. lat. at any time during a trip cannot possess more than 50 bu of in-shell scallops shoreward of the Vessel Monitoring System demarcation line.
- A vessel declared into the Scallop Area Access Program may not possess more than 50 bu of in-shell scallops outside of the access area.

**Section 3: Measure for Limited Access and LAGC Scallop Vessels**

Turtle Deflector Dredge (TDD) and Turtle Chain Mat Requirements

All scallop vessels, except LAGC vessels using a dredge less than 10 feet 6 inches wide, must use a TDD in the Mid-Atlantic. In addition, all scallop vessels must use turtle chain mats. The season and area for both of these requirements is from May 1 through November 30 each year west of 71° W. long.

Industry-Funded Observer Set-Aside Compensation

The industry-funded observer program covers Limited Access vessels and LAGC IFQ vessels fishing in both open areas and in access areas. We will provide the observer compensation rates for each of these at a later date. The 2015 observer compensation rates apply until further notice.

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.

For details on how we've calculated these compensation rates in the past, and our expectation of how it will impact compensation and observer coverage rates, please go to: [http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/quotas/fy\\_2015\\_observer\\_compensation\\_rate\\_calculation\\_summary\\_final.pdf](http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/quotas/fy_2015_observer_compensation_rate_calculation_summary_final.pdf)

You can track the observer set-aside for each scallop management area and its use on our website at: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/scal.htm> (see links to "Observer Set-Asides" by area)

#### Observer notification procedures

The owner or agent of a scallop vessel must comply with observer notification procedures detailed in the attachment. All vessels must provide notification prior to all open area and access area trips.

Attachment

# Industry-Funded Scallop Observer Program Call-In Guide

**Limited Access (LA) Vessels:** Call for **BOTH** Open Area and Access Area trips. MUST provide 72 hours' notice before the intended sail date. Notice should be no more than 10 days prior to sail date.

**LA General Category Vessels:** Call for **BOTH** Open and Access Area trips. Notify weekly by Thursday if you intend to make any trips 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:**

4	Mid-Atlantic Open Area
5	Georges Bank Open Area
9	Mid-Atlantic 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 at (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 notify you on observer availability. General Category vessels that are selected for coverage are required to carry an observer and may be selected for up to 2 trips during the week per NMFS discretion.

**You are required to call all observer providers before requesting a waiver from NMFS.**

**Current Industry Funded Scallop Observer providers are:**

**A.I.S. Inc. (774) 200-1688**

**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.

*This summary is not a substitute for the actual regulations. The full text of the regulations is available at <http://www.nero.noaa.gov> or call the Northeast Regional Office at (978) 281-9315.*

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