



Northeast Region Bulletin

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Date Issued: 7/1/2013

Prohibition on Possessing >50 bu of In-Shell Scallops Inside the Demarcation Line

Compliance

Effective Date: Immediately

Please be aware that shucking large amounts of scallops while off the days-at-sea (DAS) clock has serious implications on future scallop fishing allocations and may be in violation of restrictions on dumping at sea.

National Marine Fisheries Service regulations prohibit limited access scallop vessels that fish a trip or any part of a trip south of 42 deg 20 min N.Lat from fishing for, possessing, or landing more than 50 bushels (bu) of in-shell scallops once inside the Vessel Monitoring System (VMS) Demarcation Line. A standard bushel of in-shell scallops is equal to 1.24 cubic ft (35.24 L) of in-shell sea scallops. (Be aware that the typical orange fishing basket holds more than a standard bushel of in-shell scallops.)

We have become aware that some limited access scallop vessels are shucking significantly more than 50 bu of scallops while inside the VMS Demarcation Line. This is a direct violation of the regulations, and vessel owners and operators who violate the restriction may be subject to enforcement action. If a vessel crosses the Demarcation Line, but does not return to port, the DAS clock should not stop. See 50 CFR 648.10(e)(5)(iii). DAS counting ends with the first location signal received showing that the vessel crossed the VMS Demarcation Line upon its return to port.

We determine DAS for the scallop fleet based on the average amount of scallops landed per DAS used (known as the landings per unit effort, or “LPUE”). Since there is a prohibition on possessing more than 50 bu of in-shell scallops once inside the VMS Demarcation Line, most of the shucking must be done outside of the Demarcation Line, while the DAS clock is running. When vessels violate this regulation it has several unfortunate results:

- It puts the fleet at risk of exceeding its annual catch limit (ACL), which would automatically and directly reduce DAS the following year.
- The estimated LPUE for a scallop DAS will increase, resulting in reduced DAS in future years.
- Some discarded live scallops survive for future harvest if discarded on or close to scallop fishing grounds. Scallops that remain on deck longer and that are discarded in areas where sea scallops cannot live will provide no benefit for future harvest.
- Shucking large amounts of scallop shells and waste into inshore habitats can contaminate the area. Without a permit to do so, you may be in violation of the Clean Waters Act or the Marine Protection, Research, and Sanctuary Act (Ocean Dumping Act). The Environmental Protection Agency strictly regulates these activities.

Contact the Sustainable Fisheries Division with any questions or concerns at (978) 281-9315.

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.