



# Northeast Region Bulletin

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<http://www.nero.noaa.gov/>  
Date Issued: 5/8/2013

## **ATLANTIC SEA SCALLOP FISHERY:** **LIMITED ACCESS VESSELS**

Updated Allocations for the Remainder of the 2013 Fishing Year  
*Effective Date: May 20, 2013*

This is a summary of new measures implemented through Framework 24 and a guide to how they may affect your fishing plans and activities for the remainder of the 2013 fishing year (FY). 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>.

If you would like to learn more about these and other measures, or details about recent actions, we have posted additional information on our website at:  
<http://www.nero.noaa.gov/sfd/sfdscallop.html>.

If you 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 that can help you.

### **Mid-Year Allocation Adjustments and Payback Measures**

We have approved Framework 24 to the Atlantic Sea Scallop Fishery Management Plan, which included final FY 2013 allocations, as well as other management measures. Outlined below are the updated FY 2013 allocations set by Framework 24, as well as payback measures that will affect vessels that have gone over their final FY 2013 allocations.

#### Days-at-Sea (DAS) Allocations

The final FY 2013 open area DAS allocations for full-time, part-time, and occasional vessels are listed below.

#### Scallop Open Area DAS Allocations

| Permit Category | FY 2013 DAS |
|-----------------|-------------|
| Full-Time       | 33          |
| Part-Time       | 13          |
| Occasional      | 3           |

*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.*

### Access Area Trip Allocations

- Full-time vessels are allocated two access area trips of 13,000 lb each in two of the access areas available for fishing (See table below). We have already notified full-time vessels of their Framework 24 access area allocations, but we have updated that list with any changes in permit information, which is available at <http://www.nero.noaa.gov/sfd/sfdscallop.html>.

Scallop Access Area Allocations for FY 2013

|                     | Number of Full-Time Limited Access Trips per Area |
|---------------------|---|
| Hudson Canyon       | 210 (Open)  |
| Delmarva            | 0 (Closed)  |
| Elephant Trunk      | 0 (Closed)  |
| Closed Area 1       | 118 (Open)  |
| Closed Area 2       | 182 (Open)  |
| Nantucket Lightship | 116 (Open)  |

- Part-time vessels are allocated one FY 2013 access area trip allocation equivalent to 10,400 lb, which can be fished in any one of the open access areas (i.e., Hudson Canyon, Closed Area 1, Closed Area 2, or Nantucket Lightship).
- Occasional vessels are allocated one FY 2013 access area trip allocation equivalent to 2,080 lb, which can be fished in any one of the open access areas (i.e., Hudson Canyon, Closed Area 1, Closed Area 2, or Nantucket Lightship).

Update Seasonal Closures of Georges Bank Access Areas: Beginning this year, Closed Area 1 and Nantucket Lightship Access Areas are open year-round, and Closed Area 2 will close annually from August 15 – November 15.

### Georges Bank Access Area Trips Broken after December 2, 2012

You may take your compensation trips into Closed Area 1, Closed Area 2, and Nantucket Lightship beginning May 20, 2013. Compensation trips must begin no later than 60 days from the date the area opens. All compensation trips in Closed Area 1, Closed Area 2, and Nantucket Lightship from trips broken after December 2, 2012, if not taken, will expire 60 days from the date the area opens (i.e., July 19, 2013).

Hudson Canyon FY 2012 compensation trips have already expired (i.e., those trips had to start by April 30, 2013).

### FY 2013 Payback Measures

As you were alerted to in our bulletin announcing March 1, 2013, interim measures, in order to minimize access area trip overages in Hudson Canyon due to higher FY 2013 default measures that were in place starting March 1, 2013, Framework 24 includes payback measures for full-time and part-time vessels that fished over their ultimate Framework 24 FY 2013 allocations. These payback measures are summarized below:

*Full-time vessels:* If you do not have an FY 2013 Hudson Canyon trip allocated to you under Framework 24 and you landed scallops from that area during FY 2013, or if you landed more than 13,000 lb from Hudson Canyon on an allocated trip, you will forfeit all your remaining FY 2013 access area trips and lose 12 DAS. This deduction will occur soon after May 20, 2013. These penalties do not apply FY 2012 Hudson Canyon compensation trips taken in the first 60 days of FY 2013.

*Part-time vessels:* If you have fished more than one 10,400-lb trip in Hudson Canyon during FY 2013, your vessel will forfeit five DAS with the implementation of Framework 24. This deduction will occur soon after May 20, 2013. These penalties do not apply to FY 2012 Hudson Canyon compensation trips taken in the first 60 days of FY 2013.

#### Observer Set-Aside Compensation

The compensation rate for all four open access areas for limited access vessels is 150 lb per day, in addition to the vessel's possession limit for the trip for each day or part of a day an observer is on board.

The compensation rate for open areas for limited access vessels fishing under DAS is 0.08 DAS per DAS fished (the vessel is charged 0.92 DAS for each DAS fished with an observer onboard).

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. Further, Framework 24 now allows us to shift available observer set-aside from one area to another in the event that one area is using set-aside quickly and another is well below expected use rates.

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/nr/2013/March/fy13obscomratecalsum.pdf>

#### FY 2013 Yellowtail Flounder sub-Annual Catch Limits (sub-ACL) in the Scallop Fishery

The FY 2013 yellowtail flounder sub-ACLs are as follows:

Georges Bank: 83.4 mt (183,866 lb)

Southern New England/Mid-Atlantic: 61 mt (134,482 lb)

For more information about yellowtail flounder catch limits in the scallop fishery, go to

<http://www.nero.noaa.gov/regs/info.html>.

#### SNE/MA Windowpane Flounder sub-ACLs in the Scallop Fishery

- Framework Adjustment 50 to the Northeast Multispecies Fishery Management Plan (effective May 1, 2013) allocates the scallop fishery a new sub-ACL for SNE/MA windowpane flounder.
- For FY 2013, the scallop fishery's sub-ACL of SNE/MA windowpane flounder is 183 mt (403,446 lb).
- The New England Fishery Management Council is developing AMs for the scallop fishery related to this sub-ACL in an upcoming management action, which may apply retroactively to FY 2013 if an overage occurs.

## Reminders

Northeast (NE) Multispecies Possession Limits on Access Area Trips: Unless otherwise prohibited, limited access scallop vessels, also issued a valid NE multispecies permit, that have declared into a trip and that are fishing within the Sea Scallop Access Areas may possess and land, per trip, up to a maximum of 1,000 lb of all NE multispecies combined, excluding yellowtail flounder. Additionally, the restrictions for Atlantic cod, haddock, and yellowtail flounder are:

- ***Atlantic cod*** - Vessels may possess up to 100 lb (45.4 kg) of Atlantic cod per trip, provided such fish is for personal use only (you cannot sell, trade, or barter cod caught in access areas).
- ***Haddock*** - Vessels may possess and land haddock up to the overall possession limit of all NE multispecies combined, except that vessels cannot possess or land haddock from January 1 through June 30.
- ***Yellowtail flounder*** - Vessels must retain and land all yellowtail flounder that meet the minimum size restrictions.

NE Multispecies Possession Limits on Scallop DAS Trips: Unless otherwise prohibited, limited access scallop vessels also issued a valid NE multispecies permit that have declared into the scallop DAS program may possess and land, per trip:

- ***NE multispecies*** - A maximum of 300 lb of all NE multispecies combined, excluding yellowtail flounder.
- ***Yellowtail flounder*** - Vessels must retain and land all yellowtail flounder that meet the minimum size restrictions.

## Shell Stock Restrictions:

- Vessels fishing in areas that are closed due to paralytic shellfish poisoning (PSP).
- Vessels fishing in or transiting the area south of 42°20'N. lat. at any time during a trip may possess no more than 50 bu of in-shell scallops shoreward of the Vessel Monitoring System (VMS) demarcation line, unless fishing under the state waters exemption.
- A vessel declared into the Sea Scallop Area Access Program may not possess more than 50 bu of in-shell scallops outside of the access area.

Attachment 1 – Updated Access Area Coordinates

Closed Area 2 Sea Scallop Access Area

Updated coordinates in **bold**.

| Point  | Latitude    | Longitude      |
|--------|-------------|----------------|
| CAIIA1 | 41°00' N.   | 67°20' W.      |
| CAIIA2 | 41°00' N.   | 66°35.8' W.    |
| CAIIA3 | 41°18.6' N. | <b>(1) (2)</b> |
| CAIIA4 | 41°30' N.   | <b>(3)</b>     |
| CAIIA5 | 41°30' N.   | 67°20' W.      |
| CAIIA1 | 41°00' N.   | 67°20' W.      |

**(1) The intersection of 41°18.6 N. lat. and the U.S.-Canada maritime boundary**

**(2) From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada maritime boundary**

**(3) The intersection of 41°30 N. lat. and the U.S.-Canada maritime boundary**

# 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 **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 |
|---|----------------|---|---------------|

3. **Permit type:**

|   |                |   |                  |
|---|----------------|---|------------------|
| 1 | Limited Access | 2 | General Category |
|---|----------------|---|------------------|

4. **Fishing Area:**

|   |                                 |   |                           |
|---|---------------------------------|---|---------------------------|
| 1 | Nantucket Lightship Access Area | 4 | Mid-Atlantic Open Area    |
| 2 | Closed Area II Access Area      | 5 | Georges Bank Open Area    |
| 3 | Hudson Canyon Access Area       | 7 | Closed Area I 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) as soon as possible.**

## **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.

**It is 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.*