



United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Northeast Region  
55 Great Republic Drive  
Gloucester, MA 01930

February 23, 2011

### SMALL ENTITY COMPLIANCE GUIDE

Dear Sea Scallop Permit Holder:

This letter summarizes sea scallop management measures for fishing year (FY) March 1, 2011– February 29, 2012 (FY 2011). This is intended to help guide vessel owners' and operators' fishing plans and activities for the upcoming fishing year, so please read through each section carefully, and distribute this letter to your vessel operators. This summary is not a substitute for the actual regulations. We encourage you to review the full text of the regulations, available at <http://www.nero.noaa.gov> or from the Northeast Regional Office at (978) 281-9315.

The measures described in this letter will take effect on March 1, 2011, but please be aware that the New England Fishery Management Council (NEFMC) recently adopted measures for Framework 22 that, if approved, will likely become effective in July 2011. Framework 22 would affect the overall total allowable catch (TAC) for the scallop fishery, days-at-sea (DAS) and access area trip allocations, and individual fishing quotas (IFQ). This letter does not contain a description of the measures adopted by the NEFMC in Framework 22, but the implications of the NEFMC's proposed changes are described in detail under specific measures described in the attachment. Because Framework 22 is currently under review by NOAA's National Marine Fisheries Service (NMFS), the implications of the action's management measures have been described in this letter to the fullest extent possible and are subject to NMFS review and approval of Framework 22.

Please call the Sustainable Fisheries Division at (978) 281-9315 if you have any questions regarding the information in this letter or the management measures for FY 2011.

Sincerely,

Patricia A. Kurkul  
Regional Administrator

*This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.*



## **LIMITED ACCESS GENERAL CATEGORY (LAGC) IFQ PROGRAM**

FY 2011 IFQs are the same as those in FY 2010. A separate letter will be sent to LAGC IFQ permit holders including their 2011 IFQs. The annual scallop TAC is distributed as follows (minus applicable observer and research DAS and TAC set-asides): 94.5 percent of the TAC is allocated to limited access scallop vessels for DAS and access area trips; 5 percent of the TAC is allocated to LAGC IFQ vessels, translated into IFQs; and 0.5 percent of the TAC is allocated to LAGC IFQ vessels that also have a limited access scallop permit (i.e., scallop DAS), and translated into IFQs for such vessels.

**Framework 22 Implications:** The total IFQ TAC proposed in Framework 22 is higher than what will be in place on March 1, 2011. If Framework 22 is approved, it should likely go into effect in July 2011, resulting in slight increases in IFQ allocations mid-year. FY 2011 leases submitted between the start of FY 2011 and the implementation of Framework 22, if approved, must be based on the current IFQ allocation effective March 1, 2011. Any additional pounds allocated through NMFS approval of Framework 22 will be given to the vessel issued the IFQ permit, regardless of whether or not that vessel previously leased out its IFQ allocation prior to Framework 22 adjustments.

## **DAS ALLOCATIONS**

### **Open area DAS allocation for limited access vessels (Effective March 1, 2011)**

<b>Full-Time</b>	<b>Part-Time</b>	<b>Occasional</b>
38	15	3

Allocations exclude carryover DAS

**Framework 22 Implications:** Full-time and part-time DAS allocations proposed in Framework 22 would likely go into effect in July 2011, if approved, and would be less than the DAS allocations specified above, that take effect March 1, 2011. In such a case, it is possible that vessels could exceed the Framework 22 allocations prior to the effective date of Framework 22. If Framework 22 is approved and implemented, and a vessel legally exceeds the Framework 22 DAS allocation by fishing its full FY 2011 DAS allocation prior to the effective date of Framework 22, the number of DAS that the vessel used in excess of the Framework 22 DAS allocation would be deducted from the vessel's FY 2012 DAS allocation.

## **AREA ACCESS PROGRAM**

**Sea Scallop Access Area Schedule Effective March 1, 2011** (See Attachment 1 for coordinates and chart)

<b>Area</b>	<b>Status</b>
Nantucket Lightship (NLCA)	Open - 6/15/11 - 1/31/12

Closed Area II (CAII)	Closed
Closed Area I (CAI)	Closed
Elephant Trunk (ETAA)	Open-3/1/11 - 2/29/12 (Except September 1 – October 31 Seasonal Closure)
Delmarva	Open - 3/1/11 - 2/29/12 (Except September 1 – October 31 Seasonal Closure)
HCCA	Closed

### Access Area Trip Allocations and Possession Limits

<u>Permit Category</u>	<u>Possession Limit</u>	<u>Total Access Area Trips</u>	<u>ETAA</u>	<u>Delmarva</u>	<u>NLCA</u>
<b>Full-time</b>	18,000 lb/trip	4	2	1	1
<b>Part-time*</b>	14,400 lb/trip	2	Up to 2	Up to 1	Up to 1
<b>Occasional**</b>	6,000 lb/trip	1	Up to 1	Up to 1	Up to 1
<b>LAGC</b>	400 lb/trip	NA	1,377 Fleetwide	714 Fleetwide	714 Fleetwide

- \* Part-time scallop vessels have the following access area trip options in 2011:  
1 trip in the ETAA and 1 trip in Delmarva; 1 trip in the ETAA and 1 trip in NLCA;  
1 trip in Delmarva and 1 trip in NLCA; OR 2 trips in ETAA.
- \*\* Occasional scallop vessels have the following access area trip options:  
1 trip in ETAA; OR 1 trip in Delmarva; OR 1 trip in NLCA

Framework 22 Implications: Although the total number of access area trips for full-time, part-time, and occasional vessels under Framework 22 would be identical to those effective at the start of FY 2011, the locations of where these trips can be fished would be adjusted if Framework 22 is approved and implemented. If Framework 22 is approved and implemented, Delmarva will remain open, CAI, CAII, and HC will be opened, the NLCA will close, and the ETAA will revert to open area status. As a result, allocated ETAA trips effective at the start of FY 2011 will disappear because these trips have been accounted for in the open area DAS allocations in Framework 22. A limited access vessel that uses an FY 2011 ETAA trip during the interim period between the start of FY 2011 and implementation of Framework 22 will be subject to a DAS deduction from their open area DAS allocations in FY 2012 that is equivalent to the scallop fishing mortality resulting from the open area DAS allocation. Additionally, if the NLCA opens prior to the approval and implementation of Framework 22, vessels that declare an NLCA trip

would be subject to equivalent trip or possession limit deductions on FY 2012 access area trips to account for those pounds landed in excess of the final FY 2011 total access area trip allocations. If the number of LAGC trips in an access area exceeds the final FY 2011 allocation, the LAGC trip allocations will also be reduced in FY 2011 by the amount of the overage. More information will be provided after NMFS completes the review of Framework 22 measures proposed by the NEFMC.

Note that the NEFMC has proposed a new access area allocation scheme as part of Framework 22 for full-time limited access scallop vessels fishing in scallop access areas. If approved, Framework 22 will allocate “split-fleet” trips into certain access areas for FY 2011 for full-time vessels, resulting in half of the full-time vessels being allocated a trip into CAII and the other half of full-time vessels being allocated an additional trip into CAI. In order to promote ease in trading trips between vessels if and when Framework 22 is approved, preliminary allocations for full-time vessels for FY 2011 have already been assigned and can be found on the NMFS’s webpage (<http://www.nero.noaa.gov/sfd/sfdscallop.html>). Note that these allocations are subject to NMFS approval of Framework 22 and vessel permit renewal requirements and will be updated with any adjustments due to vessel ownership changes or vessel replacements prior to the implementation of Framework 22. The fleet will be informed of any changes in a permit holder letter that will be sent based upon the approval of Framework 22. The NEFMC’s Framework 22 document also includes the FY 2011 allocations for full-time vessels, as well as a full description of the random selection process that would be used for FYs 2011 through 2013.

### **Measures to Minimize Sea Turtles Interactions Effective March 1, 2011**

The FY 2011 access area trip restriction for limited access vessels fishing in the Mid-Atlantic Access Areas will be identical to that of FY 2010: A full-time vessel will be allocated two trips in the ETAA and one trip in DMV but is restricted to fishing no more than the equivalent of two trips during the period of June 15, 2011, through August 31, 2011. In addition, a seasonal closure will be in effect in Delmarva and the ETAA from September 1 through October 31 for all scallop vessels fishing in these areas. For more details on these measures, see the June 23, 2010, permit holder letter applicable to FY 2010.

Framework 22 Implications: The seasonal closure of Delmarva and the ETAA would be removed if Framework 22 is implemented and approved. In addition, the NEFMC has proposed in Framework 22 that limited access vessels be restricted to fishing no more than the equivalent of one access area trip in Delmarva or HC during the period of June 15, 2011, through October 31, 2011. More information will be provided after NMFS completes the review of Framework 22 measures proposed by the NEFMC.

### **INDUSTRY-FUNDED OBSERVER PROGRAM**

The owner or agent of a limited access scallop vessel or LAGC scallop vessel must

comply with observer notification procedures (details in Attachment 2), as follows:

- Limited Access Vessels: Notification prior to all open area and access area trips.
- LAGC vessels: Notification prior to all access area trips.

One percent of both the open area DAS and access area allocations are set aside to help defray the cost of observer coverage.

#### **2011 Observer Set-Asides**

ETAA Access Area TAC	Delmarva Access Area TAC	NLCA Access Area TAC	Open Area DAS
162,000 lb	60,000 lb	58,910 lb	141 DAS

Framework 22 Implications: CAI, CA II, and HC are proposed to be open under Framework 22, and observer set asides would be deducted from the FY 2011 set-aside allocations.

### **OTHER PROVISIONS AND REMINDERS**

#### **Trips Beginning Prior to March 1, 2011**

- A limited access vessel's ETAA or Delmarva trip that begins prior to March 1, 2011, and ends on or after March 1, 2011, will count in its entirety against the vessel's 2010 ETAA or Delmarva trip allocation.
- Limited access vessels without any remaining FY 2010 ETAA or Delmarva trips, and LAGC scallop vessels, may begin an ETAA or Delmarva trip prior to March 1, 2011, provided the vessel does not enter the ETAA or Delmarva, as applicable, prior to March 1, 2011.
- All Vessel Monitoring System (VMS) trip declaration and observer program notification requirements must be met for all access area trips.

#### **ETAA and Delmarva Trips Broken after December 30, 2010**

Limited access ETAA or Delmarva trips that were broken after December 30, 2010, may be completed under an authorized compensation trip that begins no later than April 29, 2011. All compensation trips from trips broken after December 30, 2010, that do not begin on or before April 29, 2011, will expire on April 30, 2011. To be eligible for a compensation trip, vessels must have followed the broken trip notification and compensation trip request requirements for the trip broken after December 30, 2010.

#### **Prohibition on Deckloading**

Scallop vessels declared into the Area Access Program are prohibited from possessing more than 50 bushels (bu) of in-shell scallops outside the boundaries of any Sea Scallop Access Area.

#### **Notification of Fishery Closures**

Vessel owners will be notified when a fishery is closed (for instance when a TAC is projected to be reached, or when the maximum number of trips into an access area are projected to have been taken). Closures are announced using VMS and, in most cases, on NOAA Weather Radio and USCG radio. All vessel owners will be mailed permit holder

letters announcing closures, though these may be obtained more quickly by email. *Sign up to get permit holder letters by email at: [www.nero.noaa.gov/nero/nr/](http://www.nero.noaa.gov/nero/nr/).*

**Paralytic Shellfish Poisoning (PSP) Closures**

As a reminder, only scallop meats (adductor muscle) may be possessed, retained, or landed in or from the PSP closure areas. See Attachment 3 for coordinates and chart.

**MEASURES SPECIFIC TO LAGC FISHERY**

**LAGC Northern Gulf of Maine (NGOM) Management Area Scallop TAC**

The NGOM TAC for FY 2011 is 70,000 lb. Once this TAC is reached, vessels issued LAGC permits are prohibited from fishing for, possessing, retaining, or landing scallops in or from the NGOM for the remainder of the FY. The NGOM Management Area is the area north of 42° 20' N.lat. and within the Gulf of Maine Scallop Dredge Exemption Area. (See Attachment 1 for coordinates and chart).

**LAGC Incidental Scallop Target TAC (TTAC)**

The Incidental scallop TTAC for FY 2011 fishing year is 50,000 lb. Vessels issued an LAGC Incidental Catch scallop permit are restricted to 40 lb shucked or 5 U.S. bu in shell scallops per trip. Landings are compared to the TTAC after FY 2010 fishing year is completed, and future management measures may be adjusted if the TTAC is exceeded.

**Possession of In-shell Scallops Seaward of the VMS Demarcation Line**

LAGC vessels not declared into an access area and fishing in compliance with all other regulations may possess the following amounts of scallops SEAWARD of the VMS demarcation line:

LAGC Permit Category	Scallop Meat Possession Limit	In-Shell Possession Limit Shoreward of VMS Line	In-shell Possession Limit Seaward of VMS Line
IFQ – Not declared into the Access Area Program	400 lb	50 U.S. bu	100 U.S. bu*
IFQ – Declared into the Access Area Program	400 lb <sup>†</sup>	50 U.S. bu	50 U.S. bu (100 bu while inside access area)*
NGOM	200 lb	25 U.S. bu	50 U.S. bu
Incidental	40 lb	5 U.S. bu	10 U.S. bu

\* Be aware that IFQ -permitted vessels declared into the Access Area Program may not possess more than 50 bu of in-shell scallops outside of the access area in which they are declared, regardless of whether they are shoreward or seaward of the VMS Demarcation line. The only time a vessel declared into an access area trip may be in possession of 100 bu of in-shell scallops is when that vessel is within the boundaries of an access area while

on a declared access area trip. Only IFQ vessels that are not declared into an access area may possess up to 100 bu of in shell scallops seaward of the VMS Demarcation line

† IFQ-permitted vessels on declared access area trips may only possess more than 400 lb of shucked scallops if they are carrying an observer and the observer set-aside for that particular access area is available to harvest.

### **LAGC Calendar Day Landing Restriction**

LAGC vessels are prohibited from landing scallops more than once per calendar day. For example, an LAGC vessel that lands scallops on Monday may depart on a second trip on the same day it landed scallops (Monday), as long as the vessel does not land until Tuesday or later.

### **RESEARCH SET-ASIDE (RSA) PROGRAM**

Effective March 1, 2011, open area DAS and access area TAC allocations are set aside to fund sea scallop research are as follows:

#### **2011 RSA TACs**

<b>NLAA</b>	<b>ETAA</b>	<b>Delmarva</b>	<b>Open Area DAS</b>
117,820 lb	227,060 lb	117,700 lb	269 DAS

Scallop Amendment 15 and Framework 22 Implications: RSA projects for FY 2011 are currently under consideration for funding. The RSA recommended by the NEFMC as part of Amendment 15 would be 1.25 million lb for FY 2011. Should NMFS approve and implement Amendment 15 measures, this quota would be available for harvest in open areas for FY 2011. The RSA quota would then be available for harvest from any open access area in FY 2011 upon NMFS subsequent approval and implementation of Framework 22. There would be no specific RSA quota allocations connected to specific access areas.

## Attachment 1 – Area Coordinates

### Hudson Canyon Closed Area

Point	Latitude	Longitude
H1	39°30' N.	73°10' W.
H2	39°30' N.	72°30' W.
H3	38°30' N.	73°30' W.
H4	38°50' N.	73°30' W.
H5	38°50' N.	73°42' W.
H1	39°30' N.	73°10' W.

### Area

### Nantucket Lightship Sea Scallop Access Area (NLAA)

Point	Latitude	Longitude
NLAA1	40°50' N.	69°00' W.
NLAA2	40°30' N.	69°00' W.
NLAA3	40°30' N.	69°14.5' W.
NLAA4	40°50' N.	69°29.5' W.

### NGOM Scallop Management Area

Point	Latitude	Longitude
NGOM1	42°20' N.	Massachusetts Shoreline
NGOM2	42°20' N.	69°40' W.
NGOM3	42°49.5' N.	69°40' W.
NGOM4	43°12' N.	69°00' W.
NGOM5	43°41' N.	68°00' W.
G2	43°58' N.	67°22' W.
G1	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup>Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

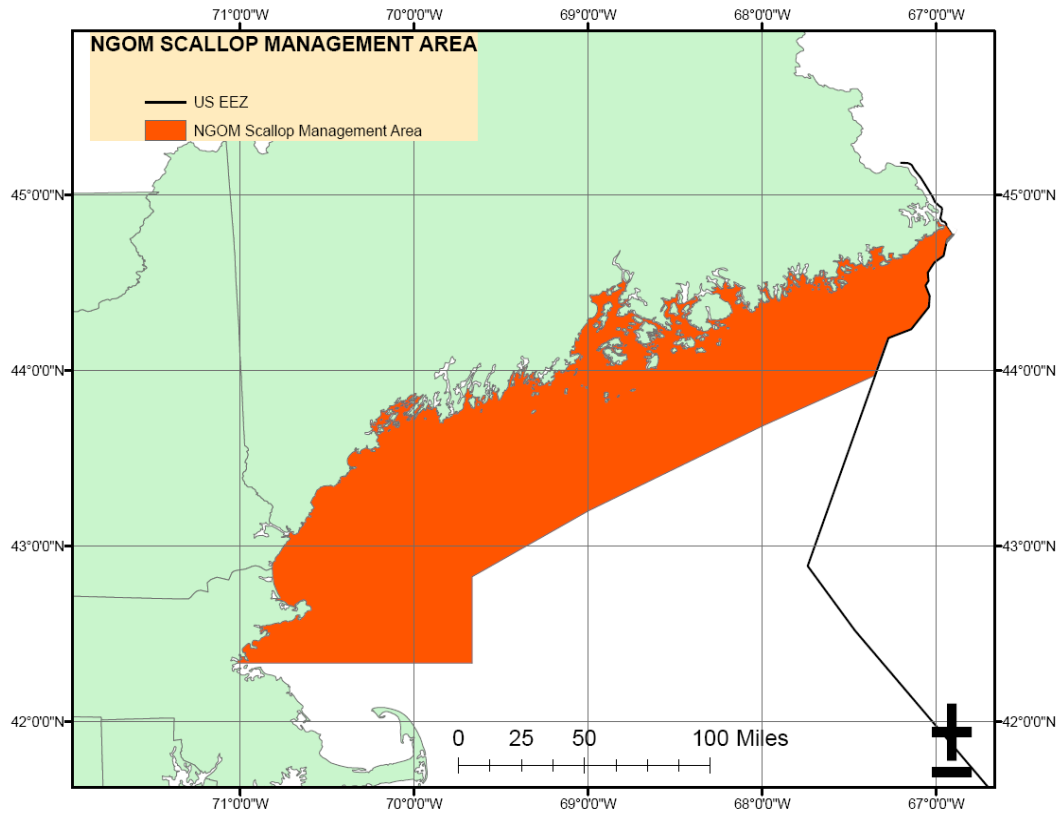
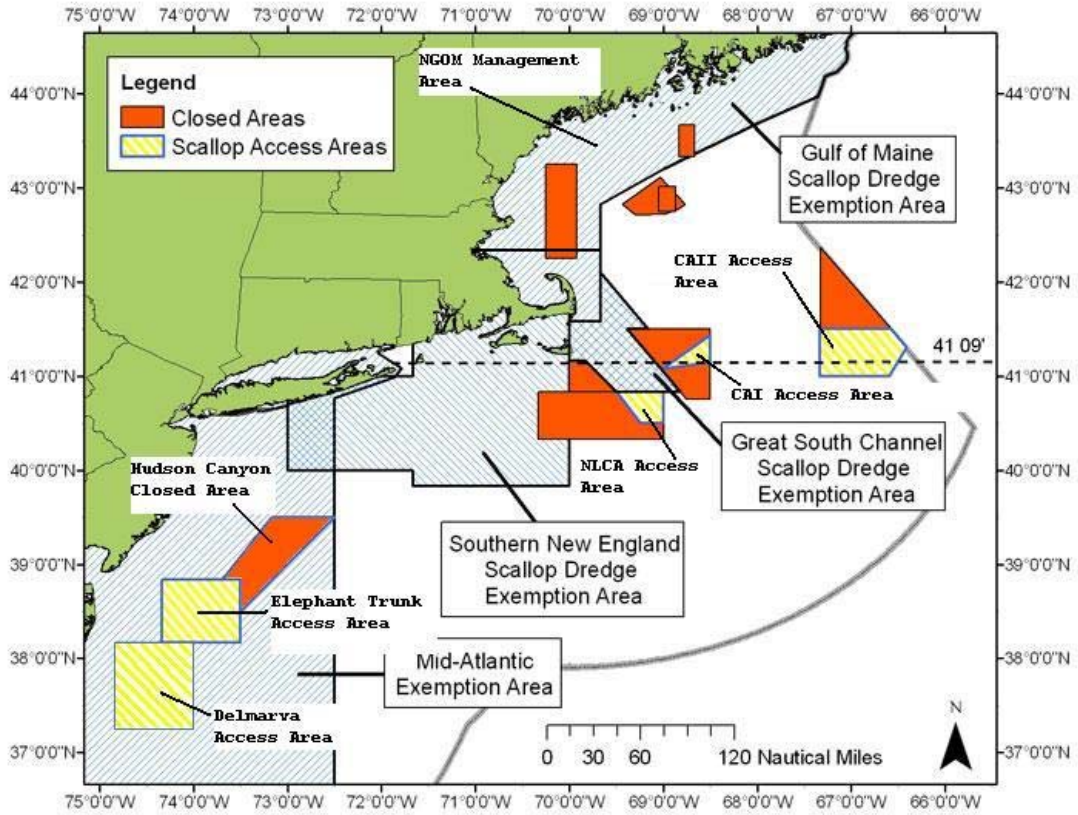
### Delmarva Sea Scallop Access Area.

Point	Latitude	Longitude
DMV1	38°10' N.	74°50' W.
DMV2	38°10' N.	74°00' W.
DMV3	37°15' N.	74°00' W.
DMV4	37°15' N.	74°50' W.
DMV1	38°10' N.	74°50' W.

### Elephant Trunk Sea Scallop Access

Point	Latitude	Longitude
ETAA1	38°50' N.	74°20' W.
ETAA2	38°10' N.	74°20' W.
ETAA3	38°10' N.	73°30' W.
ETAA4	38°50' N.	73°30' W.
ETAA1	38°50' N.	74°20' W.





## **Attachment 2 Industry-Funded Scallop Observer Program Call-In Guide** (NE Fisheries Observer Program, February 2009)

For Limited Access (Open Area and Access Area trips) and General Category (Access Area trips)

### **STEP I - TRIP NOTIFICATION 72-HOURS PRIOR TO TRIP**

**No More than 10 days prior to sail date**

Call the automated NE Fisheries Scallop Observer Program Number at **(508) 495-2100**, press **1** to report a

trip, and follow the telephone message prompts:

**Gear type** – 1=scallop dredge, 2=scallop trawl

**Limited Access/General Category** – 1=limited access, 2=general category

**Area Fishing** – 1=NLSA, 2=CAII, 3=HCA, 4=MA Open, 5=GB Open, 6=ET, 7=CAI, 8=DELMARVA

**Phone number** – enter your 10 digit phone number (DO NOT use ‘1’ before the area code)

**Permit number** – enter your 6 digit permit number

**Name** - speak clearly, first and last name, then press # key

**Port sailing from** - speak clearly, port name including city and state, then press # key

**Date of sailing** - speak clearly, 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). For the weekly general category calls, call by Thursday if you expect to make any trips in an access area from Sunday through Saturday of the next week. 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. Once you make the initial call, NMFS/NEFOP may take up to 24 hours to inform you if you have been selected for observer coverage or not. **If selected, you MUST provide 48 hours notice to the observer provider.** The observer provider may take up to 18 hours to get back to you on observer availability. **If you do not receive VMS notification within 24 hours, contact the NMFS Vessel Call-in Coordinator.**

### **STEP II - OBSERVER PROVIDER 48-HOURS PRIOR TO TRIP**

If you receive an email from NMFS that you must hire an observer for the trip, week (Gen Category) please call the provider(s) below. For the most current list of approved observer service providers, go to the ‘Sea Scallop Observer Program Information’ webpage at <http://www.nefsc.noaa.gov/femad/fsb/> or call the NE Fisheries Scallop Observer Program Number listed above, and press 2. These are the current providers:

**A.I.S. Inc. (508) 990-9057, and East West Technical Services Inc. (860) 223-5165.**

If there are no observers available from any of the providers, request a waiver by calling the:

**NMFS Vessel Call-in Coordinator at (508) 495-2188 or (508) 560-3550 (cell).**

#### **IF THE TRIP IS DELAYED OR CANCELED**

If the trip is delayed more than 48 hours beyond the intended sail date, please call the NMFS vessel Call-in Coordinator to explain. If you had an observer assigned and you canceled the trip, you must take an observer on your next trip to the same area, unless no observers are available.

#### **TO CHANGE INTENDED FISHING AREA**

If you change the area you plan to fish, please call the NE Fisheries Scallop Observer Program Number

for a new confirmation number.

**FOR TRIPS THAT LAYOVER IN PORT**

If you must interrupt an open area trip and return to port, for example due to weather, **do not offload your catch**, and go back out within 48 hours, you may use the same confirmation number and maintain the same observer status. If any catch is offloaded or the layover time is greater than 48 hours, call the NE Fisheries Scallop Observer Program Number for a new confirmation number.

### Attachment 3 – PSP Closure Areas

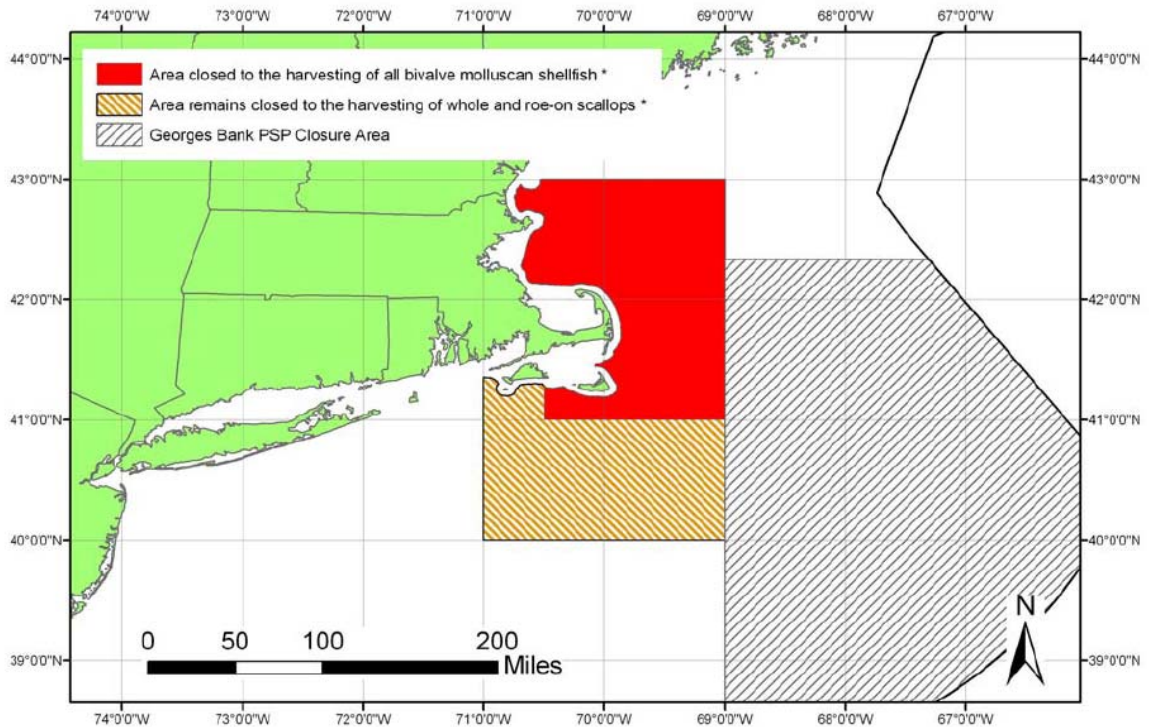
Table 1. Revised Northern Temporary PSP Closure Area Coordinates

Point	Latitude	Longitude
1	43° 00' N	71° 00' W
2	43° 00' N	69° 00' W
3	41° 00' N	69° 00' W
4	41° 00' N	70° 30' W
5	41° 39' N	70° 30' W
6	41° 39' N	71° 00' W
7	43° 00' N	71° 00' W

Table 2. Revised Southern Temporary PSP Closure Area Coordinates

Point	Latitude	Longitude
1	41° 39' N	71° 00' W
2	41° 39' N	70° 30' W
3	41° 00' N	70° 30' W
4	41° 00' N	69° 00' W
5	40° 00' N	69° 00' W
6	40° 00' N	71° 00' W
7	41° 39' N	71° 00' W

### Federal Water Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning



\* Exception allowed for scallop harvesting with onboard shucking of the adductor muscle only