



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

SMALL ENTITY COMPLIANCE GUIDE

June 23, 2010

Dear Sea Scallop Permit Holder:

This letter notifies you that regulations implementing Framework Adjustment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP) (Framework 21) will be effective on **June 28, 2010**. This letter summarizes the new management measures established by Framework 21 to help guide vessel owners and operators for the remainder of the 2010 fishing year (FY). Framework 21 makes adjustments to FY 2010 measures that were established on March 1, 2010, including adjustments to the FY 2010 total allowable catch (TAC), limited access general category (LAGC) individual fishing quota (IFQ) allocations, days-at-sea (DAS) allocations, and access area trip allocations and possession limits. 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.

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 2010.

Sincerely,

for

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.



SCALLOP FISHERY ALLOCATIONS

Framework 21 replaces the allocations that took effect on March 1, 2010 (see February 24, 2010, permit holder letter), which were based on FY 2009 allocations, as specified in the regulations.

Framework 21 establishes the following scallop quotas for FY 2010:

Scallop Fleet Category	FY 2010 Quota (mt)
Overall quota	21,422
Limited Access Vessels (“DAS Vessels”)	19,637 (94.5%*)
Limited Access General Category (LAGC) IFQ Vessels	1,055 (5%*)
DAS Vessels with LAGC IFQ permits**	106 (0.5%*)

* Percentages reflect the TAC allocations prior to the deduction of applicable set-asides for observer coverage and research. Values (mt) represent the actual fleet-specific allocations after applicable set-asides have been deducted.

** This allocation applies to limited access DAS vessels fishing when fishing under the provisions of their IFQ permits.

IFQ PROGRAM

A separate letter will be sent to LAGC IFQ permit holders specifying their revised 2010 allocations based on the Framework 21 IFQ TAC determinations. The revised allocations result in a slight increase (69,166 lb) in the TAC from the March 1, 2010, allocation. Please note that the separate letters sent to IFQ permit holders represent the permit’s vessel and ownership status associated with each IFQ permit as of June 11, 2010. As a result, any vessel replacements, changes in vessel ownership, or permanent IFQ transfers that have occurred after this date would not be reflected in this letter.

- If you have received an IFQ allocation letter in error due to a recent change in ownership, please disregard.
- If you have recently purchased a vessel with an IFQ permit and did not receive a letter, please call the Sustainable Fisheries Division at (978) 281-9315 and an updated letter will be sent to you.
- These letters reflect the adjustments of each permit’s IFQ base allocation (i.e., leases and FY 2010 landings to date are not included) and may not represent the amount of IFQ available to harvest.
- If you have already leased out your IFQ, please be aware that any adjustments to your FY 2010 IFQ allocation will be applied to the lessee (i.e., the recipient of your IFQ for FY 2010).

Be aware that the sum of all contribution factors (CF) to LAGC vessel changed since the initial determination of this sum in February 2010 due to the fact that some vessel owners have opted to change their LAGC category from an IFQ permit to an NGOM or Incidental Permit.

Relinquishing an IFQ permit removes that permit’s CF from the pool of all IFQ contribution factors. This change results in slight adjustments in the percent share values for each IFQ permit (roughly equating to one hundredth of a percent). This change in the CF sum only applies to LAGC vessels with IFQ permits (i.e., limited access DAS vessels that also have IFQ permits have not been affected). In the future, NMFS will make these adjustments before the start of a new fishing year to prevent confusion and minor adjustments mid-year to IFQs. However, since

Framework 21 results in changes to the IFQ TAC anyway, NMFS has incorporated a minor adjustment to the total CF resulting from a change in the number of IFQ-permitted vessels as of June 11, 2010.

OPEN AREA DAS ALLOCATION

Framework 21 implements the following FY 2010 DAS allocations for limited access vessels:

Open area DAS allocation for limited access vessels*

Full-Time	Part-Time	Occasional
38	15	3

* Allocations exclude carryover DAS

Note that the DAS allocation that took effect on March 1, 2010, in lieu of final Framework 21 measures, were as follows: Full-time - 42 DAS; Part-time - 15 DAS; and Occasional - 3 DAS. If a vessel used more DAS between March 1, 2010, and June 28, 2010, than has been allocated by Framework 21, the overage will be deducted from the vessel’s FY 2011 DAS allocation.

SEA SCALLOP ACCESS AREA ROTATION PROGRAM

Hudson Canyon Rotational Closed Area (HCCA)

The HCCA remains closed to all scallop fishing due to a high concentration of small scallops in the HCCA, consistent with the Scallop FMP’s area rotation program strategy to protect large concentrations of small scallops. No vessel may fish for, possess, or land scallops in or from the HCCA. (See Attachment 1 for coordinates and chart)

Sea Scallop Access Area Schedule

Framework 21 implements the following Sea Scallop Access Area Schedule for FY 2010: (See Attachment 1 for coordinates and chart)

Area	Status
Nantucket Lightship (NLAA)	Open-6/28/10 – 1/31/11
Closed Area II (CAII)	Closed
Elephant Trunk (ETAA)	Open-3/1/10 - 2/28/11 (Except September 1 – October 31 Seasonal Closure)
Delmarva (DMV)	Open - 3/1/10 - 2/28/11 (Except September 1 – October 31 Seasonal Closure*)
Closed Area I (CAI)	Closed

* The DMV seasonal closure is a new management measure. See page 4 for more information.

New Delmarva and Elephant Trunk Access Area Measures to Minimize Sea Turtles Interactions

Seasonal Closure of DMV

A seasonal closure will be in effect in DMV from September 1 through October 31. Similar to the ETAA seasonal closure, no vessel issued a scallop permit may fish for, possess, or land scallops in or from DMV during this period. This seasonal closure applies to all vessels with limited access scallop permits, including IFQ vessels.

Access Area Trip Restriction for Full-Time DAS Vessels Fishing in DMV and the ETAA (June 15, 2010 – August 31, 2010)

- A full-time vessel is 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, 2010, through August 31, 2010 (“the trip restriction window”).
- Because a vessel operator does not always land the full 18,000 lb possession limit on a single trip and may be authorized to take a compensation trip for a previously terminated trip *, this restriction on two “full trips” is implemented in terms of pounds (i.e., 36,000 lb equates to 2 full-trips) in order to account for these broken trips.
- A vessel can only harvest up to 36,000 lb (in total) from trips taken during the trip restriction window in these two access areas, either by fishing two full access area trips (i.e., landing the full 18,000 lb possession limit on two trips), by fishing up to the 36,000-lb limit on a combination of authorized compensation trips, or a combination of both compensation trips and a single trip not terminated early (i.e., where the full 18,000 lb is landed on a single trip).
- Once that vessel has reached its 36,000-lb limit during the trip restriction window, it must wait to declare any remaining compensation trips and/or full access area trips into the ETAA and DMV until November 1, 2010 (i.e., after the trip restriction window ends and the ETAA and DMV seasonal closures end).
- If a vessel has taken an access area trip in the ETAA or DMV at any point during the trip restriction window (i.e., started a trip on June 13, 2010, and ended the trip on June 15, 2010 or later), scallop landings from that trip will count towards the vessel’s 36,000 lb limit.
- A vessel that has gained an additional ETAA or DMV trip through a trip exchange with another vessel is still subject to the 36,000-lb limit (i.e., that additional trip has to be taken outside of the trip restriction window if the vessel already intends land 36,000 lb from its original access area trip allocation.)
- The additional pounds allocated to vessels for compensation of on-board observers during trips taken within this time period will not count towards this 36,000-lb limit.

* Summary of Current Broken Trip Provisions: If a full-time vessel declares a trip into an access area and the trip is terminated early before the fully-allowed possession limit has been caught (i.e., the vessel only catches 7,000 lb of its allocated 18,000 lb), that vessel may be authorized to take an additional compensatory trip into that access area at a later date to land the remainder of its trip possession limit (i.e., 11,000 lb). In order to be authorized to take a compensation trip due to early termination of an access area trip, the vessel operator must report the termination of the trip prior to leaving the access area by VMS email messaging and must

submit a broken trip adjustment form, including a dealer receipt if scallops were landed from the terminated trip, to NMFS within 30 days of the vessel's return to port from that terminated trip.

Access Area Trip Allocations and Possession Limits

Framework 21 implements the following access area trip allocations and possession limits for FY 2010, subject to the conditions and provisions noted below the table:

	lb/trip	Total Trips	ETAA (Closed September through October)	DMV (Closed September through October)	NLAA
Full-time	18,000	4	2†	1†	1
Part-time*	14,400	2	Up to 2	Up to 1	Up to 1
Occasional**	6,000	1	Up to 1	Up to 1	Up to 1
LAGC	400	N/A	1,377	714	714

* Part-time scallop vessels have the following access area trip options: 1 trip in ETAA and 1 trip in NLAA; 1 trip in ETAA and 1 trip in DMV; 1 trip in NLAA and 1 trip in DMV; or 2 trips in ETAA.

** Occasional scallop vessels have the following access area trip options: 1 trip in ETAA; 1 trip in DMV; or 1 trip in NLAA.

† Operators of full-time vessels are restricted to taking two of their three Mid-Atlantic access area trips from June 15 through August 31.

- Note that Framework 21 replaces the previous trip allocations and possession limits that were implemented on March 1, 2010. These trips are not additive: If a full-time, part-time, or occasional vessel has already taken its allocated access area trips in a particular area and has landed the equivalent or more than the Framework 21 possession limit, it can't take any further trips in that access area.
- Note that the access area possession limits for part-time and occasional DAS vessels implemented on March 1, 2010, in lieu of Framework 21 measures, were higher: Part-time, 18,000 lb/trip and Occasional, 7,500 lb/trip. Full-time vessels were allocated a total of 3 trips into the ETAA on March 1, 2010. Overages that may have incurred during the interim between the March 1 start of FY 2010 and final Framework 21 measures will be deducted from a vessel's FY 2011 allocation if vessel owners are not able to account for the overage during the remainder of FY 2010, as follows:
- If a part-time vessel landed more per-trip between March 1, 2010, and June 28, 2010, than is allocated under Framework 21 for FY 2010, and still has one trip remaining (or has a compensation trip available), that vessel may avoid having an overage applied in FY 2011 by accounting for the difference in a future FY 2010 trip. For example, if a part-time vessel landed 18,000 lb on a trip taken prior to Framework 21's implementation, that vessel may choose to take its second access area trip and land 10,800 lb, rather than 14,400 lb. By doing so, the vessel would be accounting for the 3,600-lb difference between the March 1 possession limit and the Framework 21 possession limit (i.e., 18,000 lb – 14,400 lb) and no overage would be applied towards the vessel in FY 2011. However, if the vessel has no other access area trips or compensation

trips remaining from which to reduce the overage, the overage will be deducted from the vessel's FY 2011 access area possession limits. NMFS will review overages on a case-by-case level and will provide additional information to those who have exceeded their Framework 21 allocations at the end of FY 2010.

- For full-time vessels, if a vessel has taken more than the 2 full trips allocated in the ETAA under Framework 21 between March 1, 2010, and June 28, 2010, the vessel may not take any further trips into this area and the resulting overage will be applied to its FY 2011 access area allocation. If the ETAA is open in FY 2011, the deduction would be taken from next year's ETAA allocation. If the ETAA is not open in FY 2011, a vessel owner will be given the opportunity to select the access area in FY 2011 from which the overage would be deducted, with NMFS determining the area if the vessel owner fails to respond.

Yellowtail Flounder (YTF) Access Area Bycatch

Scallop vessels fishing in the NLAA are limited to a bycatch of YTF that equals 9.8 percent of the annual YTF TAC established in the Northeast (NE) multispecies regulations. The YTF TAC allocated to scallop vessels fishing in the NLAA for FY 2010 is 101,547 lb. If the TAC is reached, the NLAA will close to all scallop vessels fishing for scallops for the remainder of the scallop FY. You will be notified if the TAC is reached through an announcement in the Federal Register and by permit holder letter, as well as other means of communication such as radio announcements and vessel monitoring system (VMS) announcements. Updates on the status of the FY 2010 scallop fishery YTF TAC can be found at: www.nero.noaa.gov/ro/fso/scal.html.

Full Retention of Legal-sized YTF

New regulations implemented through Framework 44 to the NE multispecies FMP require that a scallop DAS vessel with a valid NE multispecies permit on a declared scallop trip may not discard any YTF that meet the minimum mesh size restrictions (13 inches).

Open Area DAS Adjustment if Access Area YTF TAC is Attained

- If a DAS vessel has unutilized trip(s) in NLAA if it is closed due to the attainment of the scallop fishery YTF TAC, Framework 21 authorizes the allocation of additional open area DAS, as specified below, in a manner that maintains the fishing mortality objectives of the FMP. This trip/DAS conversion only applied to full-time vessels, and to occasional or part-time vessels that have no other available access areas in which to take their access area trip(s).

FY 2010 Open Area DAS Adjustment

Full-Time	Part-Time	Occasional
5.8	4.6	1.9

- Unused access area trip(s) will be converted to open area DAS (see above) so that the scallop fishing mortality that would have resulted from the access area trip(s) is equivalent to the scallop fishing mortality resulting from the open area DAS allocation.
- Consequently, if the NLAA is closed in FY 2010, a vessel with unutilized trip(s) will be allocated the above amount of additional open area DAS for each unutilized trip according to its permit category, as noted above.

- If a vessel has unused broken trip compensation trip(s) when an access area closes due to reaching a YTF TAC, it will be issued additional DAS in proportion to the un-harvested possession limit. For example, if a full-time vessel had an unused 9,000-lb NLAA compensation trip (half of the full possession limit) at the time of a NLAA YTF TAC closure, the vessel would be allocated 2.9 DAS (half of the 5.8 DAS that would be allocated for a full NLAA trip).

MEASURES SPECIFIC TO THE LAGC FISHERY

Adjustments to the LAGC IFQ Temporary Transfer Program

- An owner of an IFQ vessel or IFQ confirmation of permit history (CPH) may now temporarily transfer through a lease some or all of an IFQ allocation.
- IFQ must be leased in amounts of at least 100 lb. However, if a vessel owner has previously leased a portion of the vessel's IFQ, and the remaining allocation is less than 100 lb, the remaining IFQ may be transferred in full to another IFQ vessel.
- This adjustment only applies to leases, and not to permanent transfers, which still require a vessel's entire IFQ allocation to be transferred permanently.
- All other leasing requirements still apply (e.g., an IFQ vessel that has already landed any portion of its IFQ may not lease the remainder of its IFQ to another IFQ vessel for the remainder of the FY).

LAGC Northern Gulf of Maine Management Area Scallop Quota

Framework 21 maintains the 70,000-lb NGOM TAC for FY 2010. Once this TAC is reached, the area will close to all scallop fishing for the remainder of the FY. You will be notified if the NGOM TAC is reached through an announcement in the Federal Register and by permit holder letter, as well as other means of communication such as radio announcements and VMS announcements. Please note that IFQ-permitted vessels declared into the NGOM fishery must adhere to the smaller NGOM possession limit (see below). Landings by IFQ-permitted vessels declared into the NGOM will be counted against both the NGOM TAC, as well as the vessel's IFQ.

LAGC Scallop Incidental Catch Target TAC (TTAC)

Framework 21 maintains the 50,000-lb incidental catch TTAC for FY 2010. Vessels issued an LAGC Incidental Catch scallop permit are restricted to 40 lb (shucked) or 5 U.S. bushels (in shell) of scallops per trip. Landings are compared to the TTAC after FY 2010 is completed, and future management measures may be adjusted if the TTAC is exceeded.

LAGC Scallop Pre-landing Catch Reports *(See Attachment 3)*

(previously referred to as "LAGC Scallop Pre-landing Notification Forms")

- Scallop Pre-Landing Catch Reports must be completed and submitted by IFQ and NGOM-permitted scallop vessels on all trips declared as an LAGC scallop trip and on all trips that are not declared as an LAGC scallop trip on which scallops are kept.
- This form is not required for limited access scallop vessels that are fishing under scallop days-at-sea or on the vessel's allocated access area trips.
- This completed form must be sent at least 6 hours prior to landing, and before crossing the VMS demarcation line. If the scallop harvest ends less than 6 hours before landing, then this completed form must be sent immediately upon leaving the fishing grounds.

- Please note that landings should be indicated in both meats (lb) and bushels (bu) only if the vessel is landing both shucked and in-shell scallops.
- This catch report is not the same as the YTF catch reports that are required to be submitted daily through VMS for all declared scallop trips into the Access Area Program.
- IFQ-permitted vessels fishing in an access area must submit both a YTF catch report and an LAGC scallop pre-landing catch report.

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 [†]	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.

IFQ Cost Recovery Program

- The Magnuson-Stevens Fishery Conservation and Management Act requires IFQ programs to include a cost recovery program, whereby NMFS will collect up to 3% of ex-vessel value of landed product to cover NMFS’s actual costs directly related to the management, data collection, and enforcement of an IFQ program.
- The owner of a vessel issued an IFQ scallop permit is responsible for paying this fee for every landing of IFQ scallops.
- Note that vessels that have leased IFQ from other vessels are responsible for the cost recovery fee of that IFQ.

- Cost recovery payments must be made before IFQ permits are issued for the next FY, so for FY 2010, the cost recovery fee will be calculated from Federal dealer reports of scallops landed between March 1, 2010, and September 30, 2010 for the initial year of the IFQ scallop program, and from October 1 through September 30 of each year thereafter.
- On or about October 31, NMFS will mail a cost recovery bill to each IFQ scallop permit holder that has landed scallops.
- Each permit holder who has incurred a fee must pay the incurred fee to NMFS by January 1 of each year. If the cost recovery fee for FY 2010 is not paid in full by January 1, 2011, the FY 2011 IFQ scallop permit will not be issued until full payment is made.
- Cost recovery fees due by January 1, 2012, will be calculated from Federal dealer reports of IFQ scallops landed between October 1, 2010, and September 30, 2011. They will reflect NMFS's costs associated with the program for the same period.

INDUSTRY-FUNDED OBSERVER PROGRAM

The owner, operator or vessel manager 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.

Observer Set-Aside Compensation Rate

In FY 2010, 1 percent of both the open area DAS and access area TAC allocations are set aside to help defray the cost of observer coverage. Framework 21 will continue the FY 2010 compensation rates applied to scallop vessels that carry an observer on scallop trips, announced in the March 3, 2010, scallop permit holder letter. The compensation rate for NLAA is now included and specified below. These compensation rates were based on an evaluation of the compensation rates using anticipated fishery conditions for FY 2010. These fishery conditions are included in the New England Fishery Management Council's Framework Adjustment 21 document. NMFS will re-evaluate the compensation rates should new information regarding monitoring and coverage levels indicate the need for adjustment. Note that Framework 21 adjusts the way access area compensation will be allocated to LAGC IFQ vessels on declared access area trips (see below).

Compensation Rate for Scallop DAS Vessels

- 0.10 DAS per DAS fished for open area DAS trips (i.e., vessels will be charged 0.90 DAS per DAS fished with an observer onboard).
- 180 lb per day, or part of a day, for NLAA, ETAA, and Delmarva trips.

Compensation Rate for Scallop LAGC IFQ Vessels

- 180 lb per trip for NLAA, ETAA, and Delmarva trips.

*** Framework 21 changes the way that LAGC vessels are compensated for observed trips in access areas: An LAGC IFQ vessel on an observed access area trip can land up to 580 lb, the sum of its regular possession limit of 400 lb plus the additional observer compensation poundage (currently 180 lb), during an access area trip, regardless of trip length. This value may change if the observer compensation rates are re-evaluated.***

Adjustments to Observer Provider Charges for Access Area Trips

Framework 21 adjusts the way in which service providers must charge vessels owners when fishing on observed access area trips, depending on whether or not the observer set-aside for that particular access area is available.

- If the set-aside for a particular access area has not been fully utilized, observer service providers must continue to charge a vessel owner from the time an observer boards a vessel until the vessel disembarks (dock to dock).
- In this scenario, “day” is defined as a 24-hr period, regardless of the calendar day.
- For example, if a vessel with an observer departs on July 1 at 10 pm to take a trip into the Elephant Trunk Access Area and lands on July 3 at 1 am, the time at sea equals 27 hours, which equates to 2 “full” days.
- For observed access area trips declared after NMFS announces that the annual observer set-aside for a given access area has been fully exhausted, observer service providers must prorate their fees on an hourly basis when observing a trip in that access area, similar to how observer fees are charged for vessels fishing on open area scallop trips.
- In this scenario, “day” is defined as a 24-hour period, and portions of the other days would be pro-rated at an hourly charge (i.e., taking the daily rate and divided by 24).
- For example, if a vessel with an observer departs on July 1 at 10 pm and leaves on July 3 at 1 am, the time spent at sea equals 27 hours, so the provider must charge 1 day and 3 hours.

Please note that NMFS intends to administer the observer set-aside program in a way that prevents the set-aside from being exhausted. However, this adjustment will allow for more flexibility for vessel owners, should the set-aside not last the entire FY.

Observer Set-Asides

Framework 21 implements the following observer access area TACs for FY 2010:

NLAA TAC	ETAA TAC	Delmarva Area TAC	Open Area DAS
58,910 lb	113,530 lb*	58,850 lb*	135 DAS*

* Note that Framework 21 replaces the set-aside allocations that took effect on March 1, 2010. For comparison, these values were as follows: NLAA – N/A; ETAA – 162,000 lb; Delmarva – 60,000 lb; Open Area DAS – 141 DAS. Observer set-aside harvested in the interim period between March 1, 2010, and the implementation of Framework 21 will be deducted from the applicable set-aside values above.

RESEARCH SET-ASIDE (RSA) PROGRAM

In FY 2010, 2 percent of both the open area DAS and access area TAC allocations are set aside to fund sea scallop research. Additional DAS and access area TAC will be allocated to vessels participating in approved research projects. Scallop vessels participating in the RSA program are limited to a catch of YTF that equals 0.2 percent of the annual YTF TACs established in the NE

multispecies regulations. Set-aside projects for FY 2010 are currently under the final stages of consideration for funding and awards should be announced after Framework 21 is effective.

2010 Research Set-Asides TACs

NLAA*	ETAA	Delmarva	Open Area DAS
117,820 lb	227,060 lb	117,700 lb	269 DAS

* The YTF set-aside in NLAA is 2,072 lb.

OTHER PROVISIONS AND REMINDERS

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 4 for coordinates and charts.

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/nr04.htm.

Information Sheets Available on NMFS Website

NMFS has provided a number of information sheets on its website that summarize the scallop regulations. These information sheets can also be mailed to you upon request.

For information summarizing scallop regulations applicable to all permit holders, as well as and regulations for DAS vessels, go to www.nero.noaa.gov/sfd/sfdscallop.html

For information specific to the LAGC fishery and the IFQ Program, go to www.nero.noaa.gov/sfd/sfdscallopifq.html

Attachment 1 – Area Coordinates

Hudson Canyon Closed Area (HCCA)

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.

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.

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.
NLAA1	40°50' N.	69°00' W.

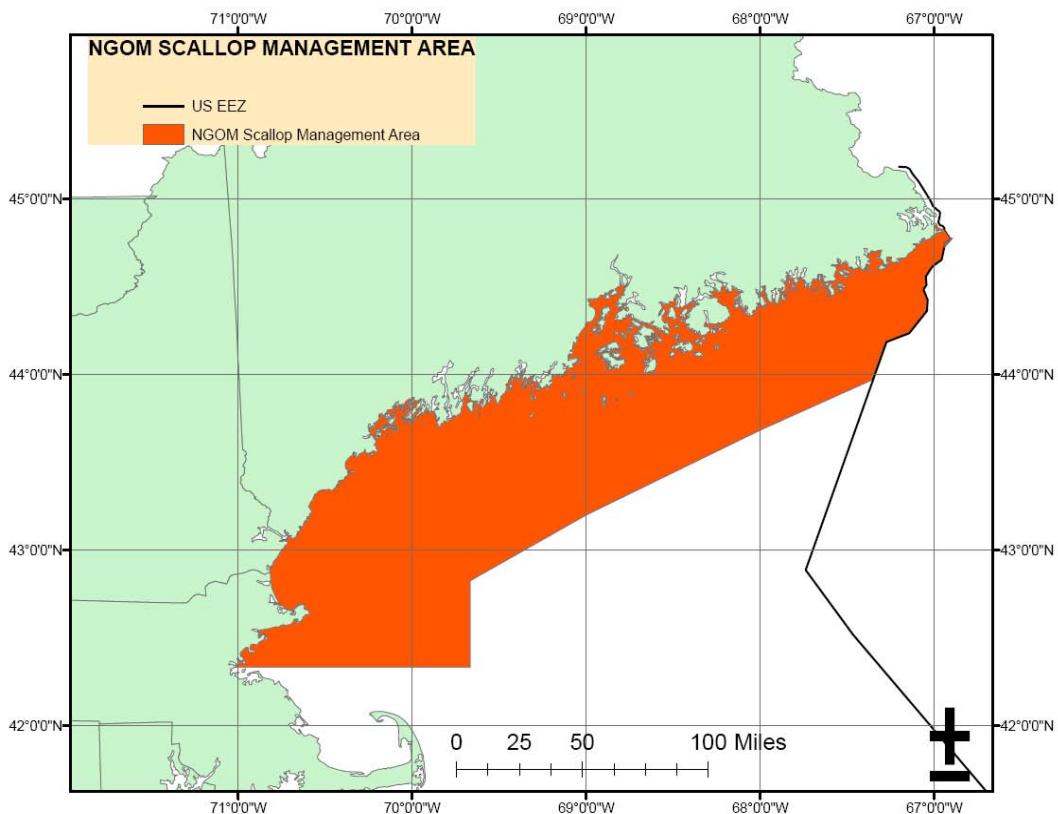
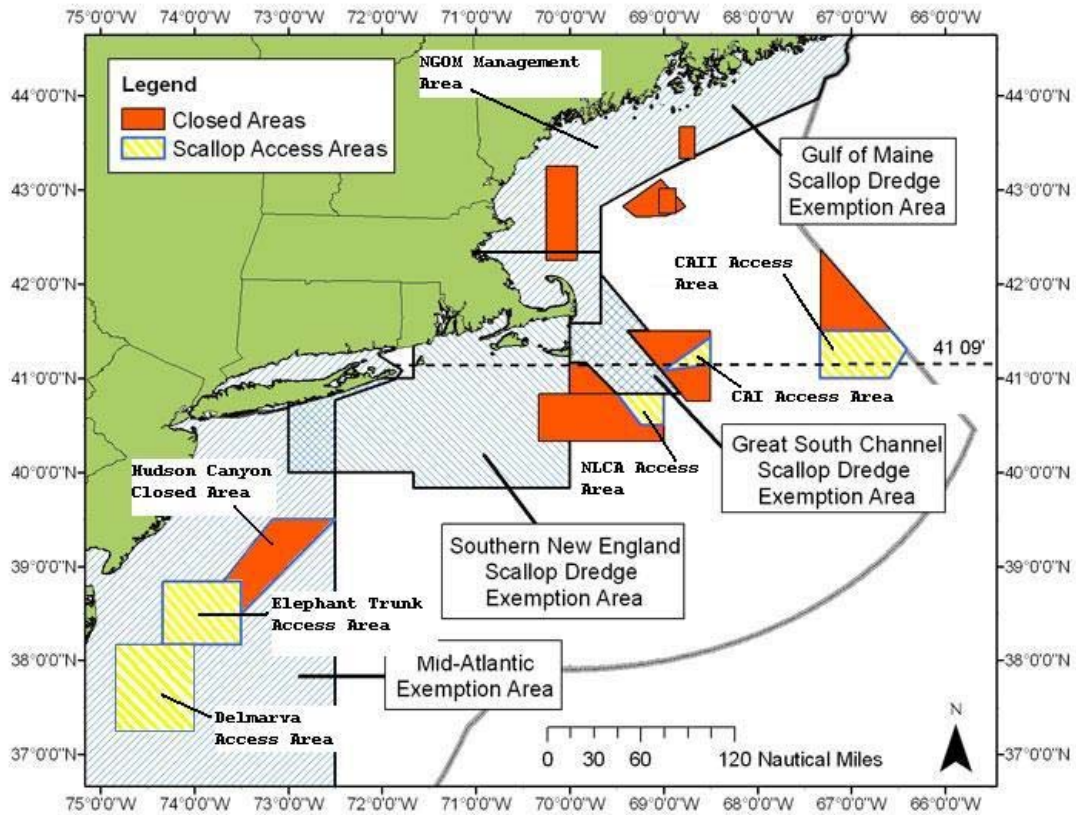
Elephant Trunk Sea Scallop Access Area (ETAA)

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.

Northern Gulf of Maine Scallop Management Area (NGOM)

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	(¹)	(¹)

¹Northward along the irregular U.S.-Canada maritime boundary to the shoreline.



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 – Scallop Pre-Landing Catch Report

Note: This form is for reference only. It must be completed and submitted through VMS.

GENERAL CATEGORY SCALLOP PRE-LANDING CATCH REPORT

Instructions: This form must be completed and submitted by IFQ and NGOM-permitted general category scallop vessels on all trips declared as a scallop trip and on all trips that are not declared as a scallop trip on which scallops are kept. This completed form must be sent at least 6 hours prior to landing, and before crossing the VMS demarcation line. If the scallop harvest ends less than 6 hours before landing, then this completed form must be sent immediately upon leaving the fishing grounds. This form is not required for limited access scallop vessels that are fishing under scallop days-at-sea or on the vessel's allocated access area trips.

Vessel Captain/Operator's Name: _____

Correction of a prior report (Y/N): _____

If yes, Date of prior report (MM/DD/YY): _____

If yes, all information provided below, including blank fields, will replace the data submitted in the prior report.

VTR Serial Number (Logbook Page): _____

Scallops Retained/Landed? (Y/N): _____

If NO, send form.

If YES, complete remaining blocks then send form.

Any scallops caught in NGOM Area? (Y/N): _____

Estimated Scallops onboard (choose one):

Meats (lbs): _____

or, Bushels in-shell: _____

Estimated Landing Date (MM/DD/YY): _____

Estimated Landing Hour (00 - 23): _____

Estimated Landing Minute (00 - 59): _____

Landing Port State (Abbreviated): _____

Landing Port City: _____

Attachment 4 – PSP Closure Areas

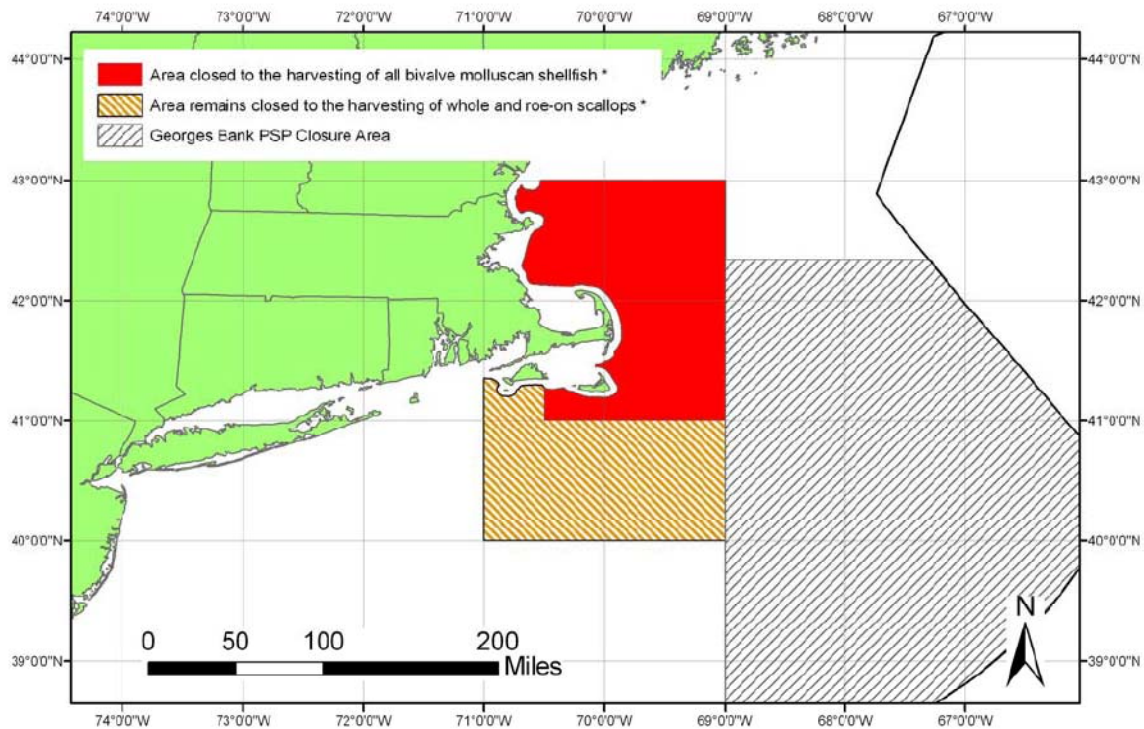
Table 1. Revised Northern Temporary PSP Closure Area Coordinates

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