



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

August 25, 2006

SMALL ENTITY COMPLIANCE GUIDE

Dear Scallop Permit Holder:

This letter is to inform you of a new General Category Atlantic sea scallop dredge exemption implemented through a final rule published by NOAA Fisheries Service. This rule creates the Great South Channel Scallop Dredge Exemption Area (GSC Area), and adds it to the existing Gulf of Maine (GOM) and Southern New England (SNE) Scallop Dredge Exemption Areas (Figure 1). This new exemption area includes waters previously prohibited for vessels with General Category scallop permits, and allows them to fish for scallops in a manner that has been found to be consistent with the Northeast (NE) Multispecies regulations. The purpose of this action is to provide General Category scallop vessels access to scallop grounds in the Great South Channel.

In order for a fishery to be exempted from NE Multispecies regulations, it must be shown that bycatch of regulated multispecies is, or can be reduced to less than 5 percent of the total catch, and that such fishery will not jeopardize any of the fishing mortality objectives of the NE Multispecies Fishery Management Plan (FMP). In October 2005, representatives from the General Category scallop fleet submitted a request to NOAA Fisheries Service to add the Great South Channel area to the list of exempted fisheries, describing the area's historical importance to the scallop fleet, and the low bycatch of groundfish that they observe. Analyses conducted by the Northeast Regional Office and the Northeast Fisheries Science Center found, using the best available data, that bycatch rates of regulated groundfish in scallop dredges were less than 5 percent in a discrete area around the Great South Channel. This clearly-defined area (defined below) comprises the GSC Area.

SCALLOP DREDGE EXEMPTION AREA REQUIREMENTS

To participate in this exempted fishery, vessels must be fishing with a valid General Category scallop permit. Limited access scallop vessels may also participate when not fishing under a day-at-sea (DAS) allocation. Vessels can only use small dredges with a combined width not greater than 10.5 ft (3.2 m). Vessels fishing in this exemption that wish to land more than 40 lb of shucked (5 bu unshucked) scallop meats are required to have a Category 1B General Category Scallop permit, an operational vessel monitoring system (VMS), and are allowed to land a maximum of 400 lb of shucked (50 bu unshucked) scallop meats per trip. Vessels with limited access scallop permits are limited to the Category 1B General Category scallop permit regulations when not fishing under a scallop DAS. Vessels may not fish for, possess on board, or land any species other than Atlantic sea scallops. These requirements are consistent with the regulations of the existing scallop dredge exemption areas.



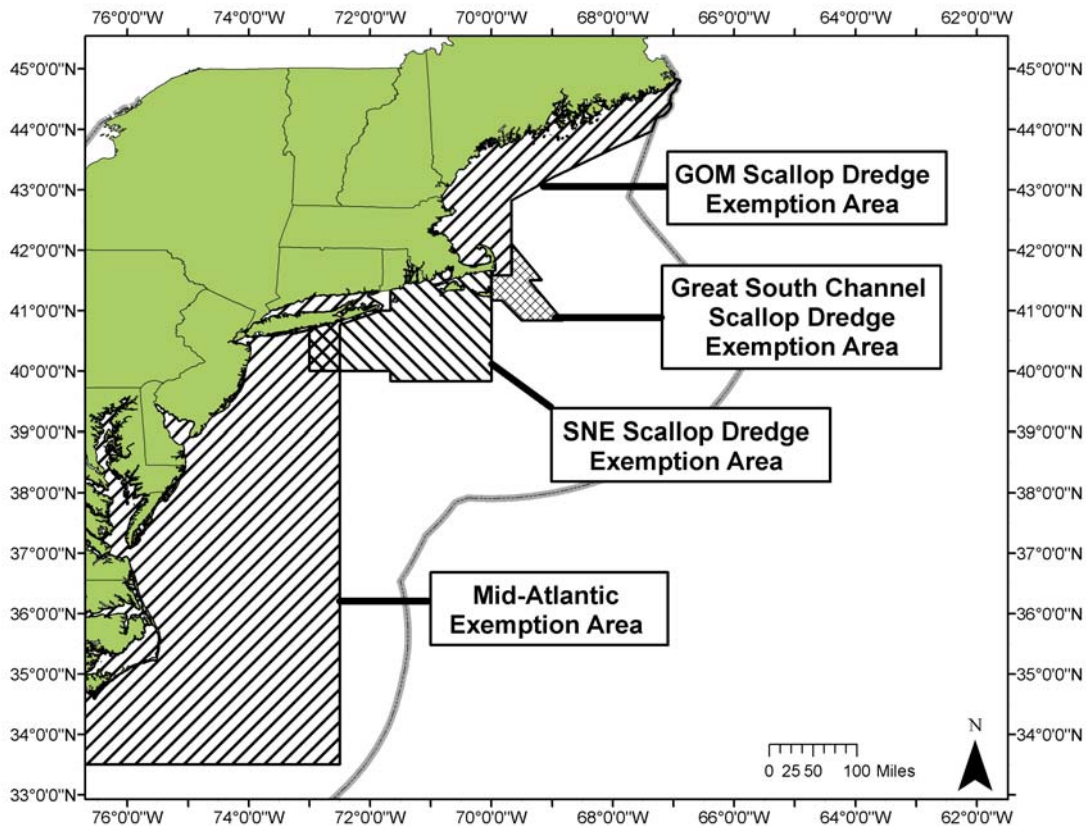
Great South Channel Scallop Dredge Exemption Area Definition

The GSC Area will be officially open on August 30, 2006 at 0001 hrs.

The GSC Area is defined by the straight lines connecting the following coordinates in the order stated (also see Figure 2):

Point	N. lat.	W. long.
GSC 1.....	42° 06'	69° 40'
GSC 2.....	41° 30'	69° 10'
GSC 3.....	41° 30'	69° 23'
GSC 4.....	40° 50'	68° 49.2'
GSC 5.....	40° 50'	69° 29.46'
GSC 6.....	41° 10'	69° 50'
GSC 7.....	41° 10'	70° 00'
GSC 8.....	41° 35'	70° 00'
GSC 9.....	41° 35'	69° 40'

Figure 1. Exemption Areas where General Category scallop dredge vessels are permitted to fish for scallops.



Seasonal Closures

Portions of the GSC Area will be seasonally closed to protect SNE, Georges Bank (GB), and Cape Cod (CC)/GOM yellowtail flounder during their peak spawning periods. The portion of the GSC Area that lies within statistical areas 526 and 525 (the SNE and GB stock areas) will be closed from April 1 through June 30. The portion of the GSC Area that lies within statistical area 521 (the CC/GOM stock area) will be closed from June 1 through June 30 (Figure 2). The exemption does not allow access to Closed Area I, the Nantucket Lightship Closed Area, or their respective Essential Fish Habitat Closed Areas.

GSC SNE/GB Yellowtail Flounder Spawning Closure (April 1 – June 30)

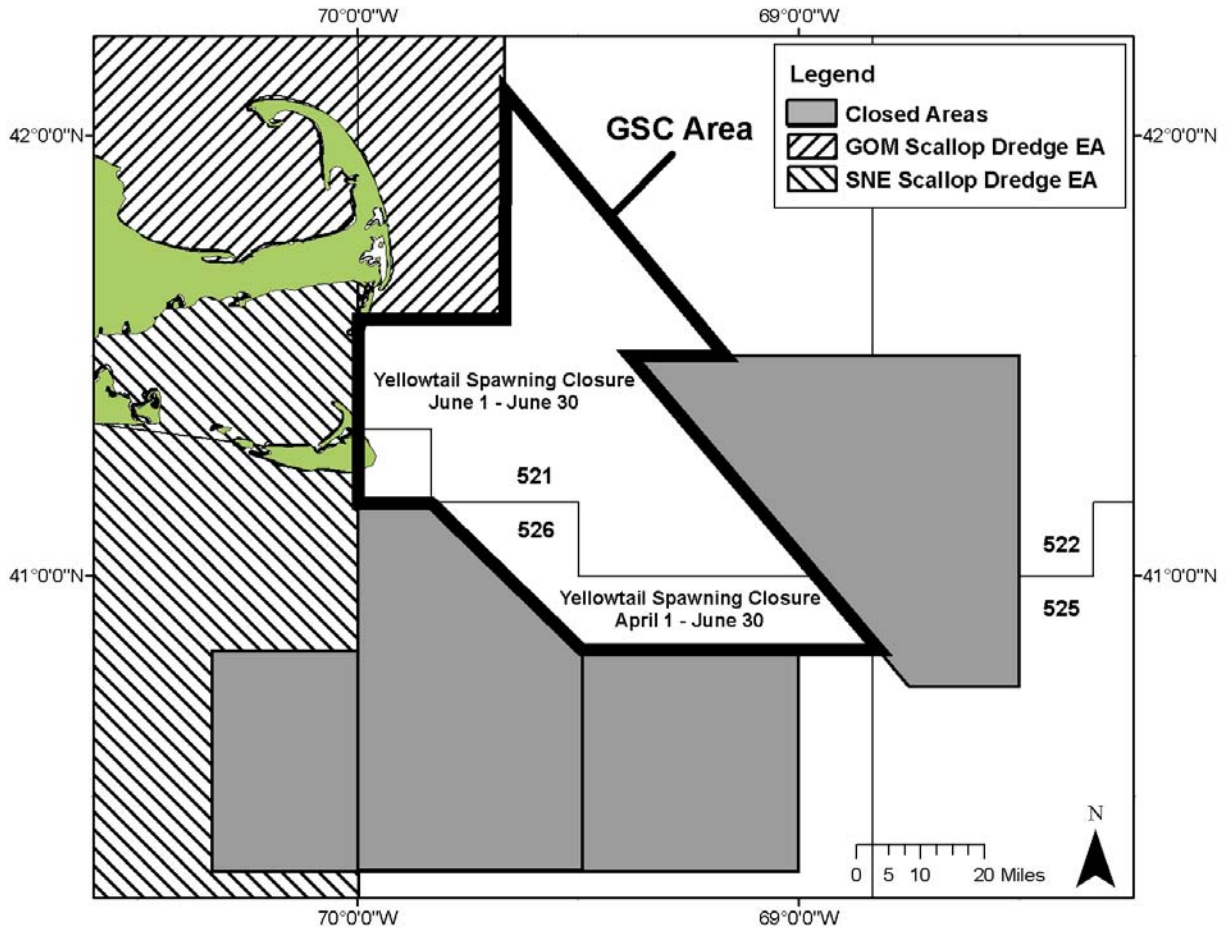
Point	N. lat.	W. long.
YTA 1.....	41° 20'	70° 00'
YTA 2.....	41° 20'	69° 50'
YTA 3.....	41° 10'	69° 50'
YTA 4.....	41° 10'	69° 30'
YTA 5.....	41° 00'	69° 30'
YTA 6.....	41° 00'	68° 57.58'
YTA 7.....	40° 50'	68° 49.20'
YTA 8.....	40° 50'	69° 29.46'
YTA 9.....	41° 10'	69° 50'
YTA 10.....	41° 10'	70° 00'
YTA 11.....	\(1)\	70° 00'

\(1)\ Intersection of south-facing coastline of Nantucket, MA, and 70° 00' W. Long.

GSC CC/GOM Yellowtail Flounder Spawning Closure (June 1 – June 30)

Point	N. lat.	W. long.
YTB 1.....	41° 33.05'	70° 00'
YTB 2.....	41° 20'	70° 00'
YTB 3.....	41° 20'	69° 50'
YTB 4.....	41° 10'	69° 50'
YTB 5.....	41° 10'	69° 30'
YTB 6.....	41° 00'	69° 30'
YTB 7.....	41° 00'	68° 57.58'
YTB 8.....	41° 30'	69° 23'
YTB 9.....	41° 30'	69° 10'
YTB 10.....	42° 06'	69° 40'
YTB 11.....	41° 35'	69° 40'
YTB 12.....	41° 35'	70° 00'

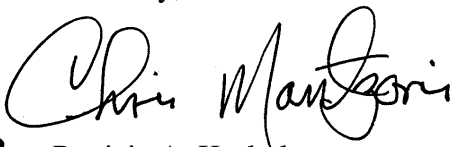
Figure 2. The Great South Channel Scallop Dredge Exemption Area (GSC Area), including the yellowtail flounder peak spawning closure areas.



This letter summarizes the regulations for this exemption, but it is not a substitute for the regulatory text, which governs these matters and may be requested by calling 978-281-9315, or obtained on our website (<http://www.nero.noaa.gov>).

If you have any questions, contact the Sustainable Fisheries Division at 978-281-9315.

Sincerely,

for 
Patricia A. Kurkul
Regional Administrator

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