



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

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## **SMALL ENTITY COMPLIANCE GUIDE**

Dear General Category Scallop Permit Holder:

Recently, the National Marine Fisheries Service (NOAA Fisheries Service) has received numerous questions from vessel owners holding both Northeast (NE) multispecies and General Category Atlantic Sea Scallop permits. This letter is intended to clarify the interactions between NE multispecies and scallop regulations that affect vessels issued both of these permits. Also included is a fact sheet describing the General Category Atlantic Sea Scallop regulations and related exemption restrictions for the 2005 fishing year. Owners of vessels issued limited access scallop permits are reminded that all restrictions on general category vessels apply to their vessel while fishing for scallops outside of scallop Days-At-Sea (DAS).

This letter summarizes some of the regulations for these fisheries, 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>).

### **Frequently Asked Questions:**

#### **Q. Why is scallop fishing affected by NE multispecies regulations?**

A. NE multispecies regulations apply to all fisheries and gears that are capable of catching multispecies. In some cases, fisheries and gears are exempted from the NE multispecies regulations because they have been determined to have little or no bycatch of multispecies.

#### **Q. Are there scallop dredge exemptions from the NE multispecies regulations?**

A. Yes. If you have a General Category scallop permit, and would like to use a scallop dredge, you may do so outside of a NE multispecies DAS, provided that the vessel's scallop dredge is 10.5 ft or less, and that you fish exclusively in the Gulf of Maine or Southern New England Scallop Dredge Exemption Areas\* and comply with the associated restrictions. Vessels can also fish for scallops with dredge gear in the Mid-Atlantic Exemption Area\*, provided the gear complies with scallop regulations (state, ring, mesh, dredge size, etc.).

#### **Q. If I have a General Category scallop permit, can I fish for scallops under a NE multispecies DAS?**

A. Yes. However, because you would not be fishing under either a scallop DAS, or in one of the Scallop Dredge Exemption Area fisheries, you would be required to comply with the NE multispecies gear restrictions, which means you could not use a scallop dredge.

#### **Q. Can I use trawl gear to catch scallops? And if so, where?**



A. A vessel issued a General Category scallop permit may use trawl gear to catch scallops without using a multispecies DAS, but only within the Mid-Atlantic Exemption Area (west of 72° 30' W. longitude). The use of trawl nets is prohibited in the Southern New England and Gulf of Maine Scallop Dredge Exemption Areas\*, unless you are under a multispecies DAS. Use of trawl gear for catching scallops while not under a multispecies DAS, however, is allowed within the region of overlap between the Mid-Atlantic Exemption Area and the Southern New England Scallop Dredge Exemption Area\*. You may also catch and land scallops using trawl gear when fishing under a NE multispecies DAS, up to 400 lb shucked or 50 bu unshucked per trip.

**Q. If I am on a NE multispecies DAS using trawl gear with a sweep greater than 144 ft, can I land scallops?**

A. Yes, but scallop trawls are limited by the scallop regulations to a maximum sweep of 144 ft. If you are using a trawl with a sweep of more than 144 ft, you may only land up to 40 lb shucked or 5 bu unshucked scallops per trip.

**Q. If I have a General Category Scallop permit, can I fish with a scallop dredge in Great South Channel?**

A. Fishing for scallops with a dredge is prohibited in those areas of the Great South Channel not included in any of the Scallop Dredge Exemption Areas\*. The NE multispecies regulations limit the use of scallop dredges to only the Scallop Dredge Exemption Areas, with the exception of Sea Scallop Access Areas\* within Closed Area I, Closed Area II, and the Nantucket Lightship Closed Area that are open to General Category scallop fishing (though there are additional requirements to fish in these areas\*). Only vessels fishing under a NE multispecies DAS and complying with NE multispecies gear restrictions (i.e., all NE multispecies gear, which excludes scallop dredge gear) may land scallops from outside of the Scallop Dredge Exemption Areas, subject to the applicable scallop possession limit\*.

***\*Refer to the area definitions, fishery descriptions, and charts in the attached fact sheet.***

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

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

*This notice is authorized by the Administrator of the National Marine Fisheries Service, Northeast Region.*

# **Atlantic Sea Scallop Regulations General Category Fishery Fact Sheet 1**

## **Permit Restrictions, VMS Requirements, Possession Limits, and Gear Requirements**

Unless otherwise noted, the following requirements apply to vessels issued general category sea scallop permits and vessels issued limited access scallop permits fishing outside of the scallop days-at-sea (DAS) program:

### **PERMITS AND POSSESSION LIMITS**

#### **Category 1A Non-VMS Scallop General Category Permit**

Category 1A Scallop General Category non-VMS vessels are not required to install VMS units. Such vessels are prohibited from fishing for or landing per trip, or possessing at any time, in excess of 40 lb (18.1 kg) of shucked, or 5 U.S. bu (176.2 L) in-shell scallops in any calendar day.

Vessels issued a limited access scallop permit in the Occasional category that do not use VMS are subject to the restrictions associated with the Category 1A Scallop General Category while fishing outside of the scallop DAS program.

#### **Category 1B VMS Scallop General Category Permit**

Category 1B Scallop General Category VMS vessels are required to have operational VMS units. Such vessels are prohibited from fishing for or landing per trip, or possessing at any time, in excess of 400 lb (181.4 kg) of shucked, or 50 U.S. bu (17.6 hl) in-shell scallops in any calendar day.

#### **Limited Access Scallop Vessels Fishing Outside of Scallop DAS**

Limited access scallop vessels that have declared out of the DAS program, or that have used their DAS allocations may also fish under regulations for the 1B Scallop General Category.

#### **VMS Position Signal Frequency (Polling Frequency)**

All scallop vessels that are required to use a VMS (Category 1B VMS and limited access scallop vessels) are required to transmit a VMS signal indicating the vessel's position once every 30 minutes, regardless of VMS requirements for other fisheries. For example, a vessel with a multispecies permit required to use VMS, and a Category 1B general scallop permit will be polled once every 30 minutes. Polling is automatic; vessel operators do not need to take any action other than ensuring the VMS is activated and operational at all times (except during allowed power down, described below).

## VMS Power Down Allowance

Vessels issued a Category 1B General Scallop permit may turn off their VMS unit when they are tied to a fixed dock or mooring, provided the vessel is not required by any other fishery to keep the VMS unit on (e.g., Limited Access Scallop or NE multispecies). Declaring a Power Down allows you to turn the power off to your VMS which is beneficial for those vessels that do not have continuous power available at their mooring. Such vessels must enter the power down activity code (SES-PWD) upon trying up to the dock or mooring. Any time the vessel leaves the dock or mooring, for any reason, the VMS unit must be re-powered, and an appropriate activity code must be entered. The Power Down declaration may only be used by those holding only a General Category 1B permit, or those holding a General Category 1B permit and another permit(s) that does not require the use of a VMS. The vessel owner/operator must offload the vessel's product first and then send a power down declaration on its VMS before being allowed to turn off the power to the VMS.

NERO strongly recommends you await a confirmation e-mail from your vendor of your power down activity code before turning the power off to your VMS. The owner/operator prior to sailing again must have the VMS turned on and operating properly by sending a position signal, and declaring an activity code before moving the vessel. The 'DOF' (declare out of fishery) activity code is appropriate when moving the vessel during times when no fishing activity will occur or when fishing for species that have no VMS requirement. Otherwise, select and send the appropriate fishery declaration code.

## VMS REQUIREMENTS FOR CATEGORY 1B

1. Make a declaration of your activity on your VMS immediately upon initial installation.
2. You must also make an appropriate declaration prior to moving your vessel. It is in your best interest to await a confirmation e-mail of your activity code from your vendor before leaving the dock or mooring. It is also in your best interest to make this declaration each time prior to moving the vessel, regardless if your activity will be the same activity as your last trip.
3. You can expect to receive an automated e-mail from NERO within 3 hours of your trip start. This automated e-mail will remind you of the VMS activity code you transmitted and direct you to return inside the VMS demarcation line only if the activity code is incorrect for the trip you plan to take.
4. You may not change your declared activity code during your return trip to port following a fishing trip.

## Scallop Gear Requirements

### Gulf of Maine (GOM) and Southern New England (SNE) Scallop Dredge Exemption Areas

(See General Category Fact Sheet 2 for area definitions)

Dredge Restrictions: The combined dredge width for all scallop vessels fishing under the general category scallop permit in the GOM and SNE scallop dredge exemption area is no more than 10.5 ft (3.2 m), measured at the widest point in the bail.

Minimum Mesh Size: The mesh size of a net, net material or any other material on the top of a scallop dredge (twine-top) possessed or used by vessels fishing with scallop gear shall not be

smaller than 10-inch (25.4-cm) square or diamond mesh.

Minimum Ring Size: The ring size used in a scallop dredge, possessed or used by scallop vessels shall not be smaller than 4 inches (10.2-cm).

Link restrictions: No more than double links between rings shall be used in or on all parts of the dredge bag, except the dredge bottom. No more than triple linking shall be used in or on the dredge bottom portion and the diamonds. Damaged links that are connected to only one ring, *i.e.*, “hangers,” are allowed, unless they occur between two links that both couple the same two rings. Dredge rings may not be attached via links to more than four adjacent rings. Thus, dredge rings must be rigged in a configuration such that, when a series of adjacent rings are held horizontally, the neighboring rings form a pattern of horizontal rows and vertical columns.

Dredge or net obstructions: No material, device, net, dredge, ring, or link configuration or design shall be used if it results in obstructing the release of scallops that would have passed through a legal sized and configured net and dredge, as described in this part, that did not have in use any such material, device, net, dredge, ring link configuration or design. No chafing gear or cookies shall be used on the top of the dredge

Limited access multispecies vessels fishing under a multispecies DAS and possessing a Category 1B scallop general category permit and using a trawl sweep no greater than 144 ft (43.9 m) may catch up to the 400 lb of shucked or 50 bu in-shell scallops. Trawl vessels with trawl sweeps greater than 144 ft (43.9 m) cannot possess more than 40 lb of shucked or 5 bu in-shell scallops.

## Mid-Atlantic (MA) Exemption Areas

(See General Category Fact Sheet 2 for area definitions)

Vessels fishing in the MA exemption area are subject to all of the gear restriction stated above except scallop dredge total width may be up to 31 ft (9.4 m). Further, scallop general category vessels may use trawl gear to harvest scallops. The sweep of the net cannot exceed 144 ft (43.9 m) unless in possession of less than 40 lb shucked or 5 bu in-shell scallops.

## Scallop General Category Control Date

A control date of November 1, 2004 has been established for the scallop general category, and may be used in the future to establish eligibility criteria for determining levels of future access to the general category scallop fishery subject to Federal authority.

# **Atlantic Sea Scallop Regulations**

## **General Category Fishery Fact Sheet 2**

### **Fishing Area Restrictions**

Both the scallop and Northeast (NE) multispecies fishery regulations affect when and where vessels can fish for scallops, and what gear can be used. In some areas, scallop fishing activity is restricted by the scallop regulations as part of the rotational area management program. In other areas, scallop fishing activity is restricted by NE multispecies regulations because these regulations apply to all fisheries and gears that are capable of catching multispecies. Scallop fishing is also prohibited in specific areas where bottom tending mobile gear is prohibited to protect Essential Fish Habitat (EFH).

### **Elephant Trunk Closed Area (ETCA)**

No vessel may fish for scallops, or possess scallops while fishing for any species, in the ETCA. A vessel that has declared through the VMS unit that it is on a scallop trip may not enter the Elephant Trunk Closed Area, with or without scallops, unless it is transiting the area with fishing gear stowed (see gear stowage requirements below).

### **AREAS OPEN TO FISHING BY GENERAL CATEGORY VESSELS**

Unless fishing in a State Waters Exemption Program (see below), vessels issued a General Category Scallop permit and Limited Access Scallop vessels that have declared out of DAS program, or have used up their DAS allocations, may only fish in the following three exemption areas:

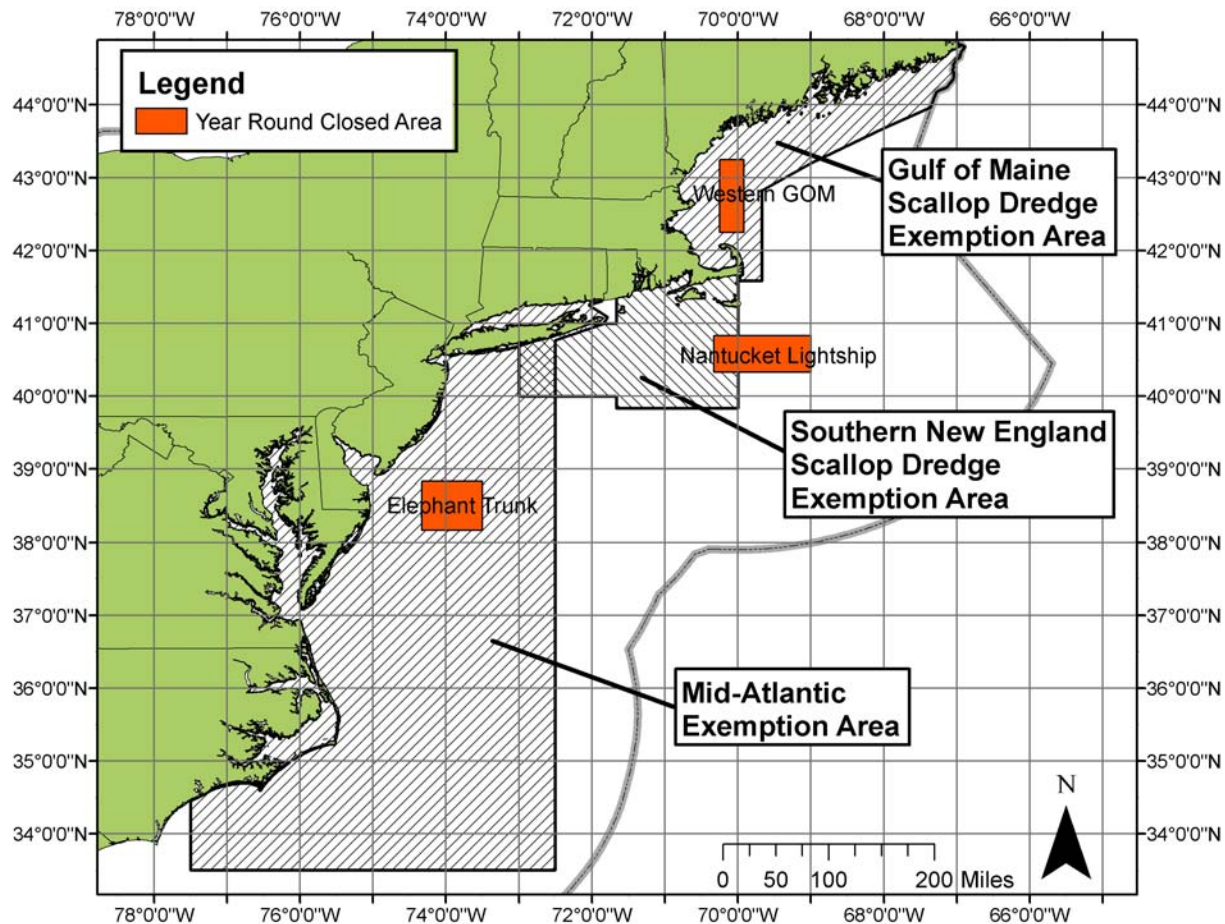
1. Gulf of Maine (GOM) Scallop Dredge Exemption Area, with the exception of the Western Gulf of Maine (WGOM) Closed Area
2. Southern New England (SNE) Scallop Dredge Exemption Area, with the exception of Nantucket Lightship Closed Area (NLCA)
3. Mid-Atlantic (MA) Exemption Area, with the exception of the Elephant Trunk Closed Area (ETCA) described above.
4. Scallop Access Areas (See General Category Fact Sheet 3)

### **State Water Exemptions**

General Category scallop vessels may fish in Maine, New Hampshire and Massachusetts State waters under this exemption program. Vessels must be declared into the State Waters Exemption Program by calling 1-800-260-8204. There is a 7-day minimum enrollment program.

Vessels fishing in a state waters exemption program area are exempt from federal scallop possession limit and gear restrictions, but state restrictions apply. Vessels fishing under such exemptions are not exempt from the requirement to operate VMS. Questions about scallop fishing in state waters can be addressed to:

Maine Department of Marine Resources (207-624-6550)  
 New Hampshire Fish and Game Marine Fisheries Division (603-868-1095)  
 Massachusetts Fish and Game, Department of Marine Fisheries (617-626-1520)



### Scallop Exemption Areas

#### GULF OF MAINE (GOM) SCALLOP DREDGE EXEMPTION AREA

Point	N. Latitude	W. Longitude
GOM1	41°35'	70°00'
GOM2	41°35'	69°40'
GOM3	42°49.5'	69°40'
GOM4	43°12'	69°00'
GOM5	43°41'	68°00'
G2	43°58'	67°22'
G1	(1)	(1)

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

**WESTERN GULF OF MAINE (WGOM) CLOSURE AREA**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
WGOM1	42° 15'	70° 15'
WGOM2	42° 15'	69° 55'
WGOM3	43° 15'	69° 55'
WGOM4	43° 15'	70° 15'
WGOM1	42° 15'	70° 15'

General Category requirements when fishing in the GOM Scallop Dredge Fishery Exemption Area

- Vessels fishing for scallops under General Category or limited access vessels that have declared out of the DAS program, or used their DAS allocation may not fish for, possess on board, or land any species of fish other than sea scallops.
- The combined scallop dredge width in use or on board vessels fishing in the exemption area may not be greater than 10.5 ft (3.2 m), measured at the widest point in the bail of the dredge.
- Vessels fishing under the General Category in the exemption area cannot use trawl gear.
- Vessels may not fish for scallops in WGOM, but may transit with gear properly stowed (see gear stowage requirements below).

**SNE SCALLOP DREDGE EXEMPTION AREA**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
SNE1	(1)	73°00'
SNE2	40°00'	73°00'
SNE3	40°00'	71°40'
SNE4	39°50'	71°40'
SNE5	39°50'	70°00'
SNE6	(2)	70°00'
SNE7	(3)	70°00'
SNE8	(4)	70°00'
SNE9	41°00'	(5)
SNE10	41°00'	71°40'
SNE 11	(6)	71°40'

- 1) South facing shoreline of Long Island, NY  
 2) South facing shoreline of Nantucket, MA  
 3) North facing shoreline of Nantucket, MA  
 4) South facing shoreline of Cape Cod, MA  
 5) East facing shoreline of the south fork of Long Island, NY  
 6) South facing shoreline of RI

**NANTUCKET LIGHT SHIP CLOSED AREA (NLCA)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
NLCA1	40°50'	69°00'
NLCA2	40°20'	69°00'



NLCA3	40°20'	70°20'
NLCA4	40°50'	70°20'
NLCA1	40°50'	69°00'

General Category requirements when fishing in the SNE Scallop Dredge Fishery Exemption Area

- Vessels fishing for scallops in the Exemption Area under General Category or limited access vessels that have declared out of the DAS program, or used their DAS allocation may not fish for, possess on board, or land any species of fish other than Atlantic sea scallops
- The combined scallop dredge width in use or on board vessels fishing in the Exemption Area may not be greater than 10.5 ft (3.2 m), measured at the widest point in the bail of the dredge.
- With the exception of vessels fishing in the SNE Scallop Dredge Exemption area west of 72°30' W. long., the use of trawl gear is prohibited.
- May not fish in NLCA except as allowed under restrictions of Scallop Access Area Program (see General Category Fact Sheet 3). Vessels may transit with gear stowed (see gear stowage requirements below).
- Vessels may not fish for scallops in NLCA, but may transit with gear properly stowed (see gear stowage requirements below).

**MA EXEMPTION AREA**

The MA Exemption Area is that area bounded on the east by a line running from the Rhode Island shoreline at 41°18.2' N. lat. 71°55.5' W long. (Watch Hill, RI), southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; southeasterly to the intersection of the 3-nautical mile line east of Montauk Point; southwesterly along the 3-nautical mile line to the intersection of 72°30' W. long; and south along that line to the intersection of the outer boundary of the EEZ

**Elephant Trunk Closed Area (ETCA)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
ET1	38°50'	74°20'
ET2	38°10'	74°20'
ET3	38°10'	73°30'
ET4	38°50'	73°30'
ET1	38°50'	74°20'

General Category requirements for vessels fishing in the MA Scallop Exemption Area

- Vessels may possess on board, and land scallops and any other species, provided the vessel is issued the required Federal fisheries permits, and complies with all requirements applicable to each species, such as possession limits and minimum fish size.
- Combined scallop dredge width in use or on board vessels fishing in the MA Exemption Area may not be greater than 31 ft (9.4 m), measured at the widest point in the bail of the dredge.
- Vessels fishing for scallops in the MA Exemption Area under General Category or limited access vessels that have declared out of the DAS program, or used their DAS allocation may use trawl gear to harvest scallops. The sweep of the trawl net cannot exceed 144 ft (43.9 m). The sweep is measured by the length of the footrope that is directly attached to the webbing. The minimum mesh size for any scallop trawl gear is 5.5 inches (13.97 cm).
- As noted above no vessel may fish for scallop, or possess scallops while fishing for any species, in

the ETCA.

- Vessels may not fish for scallops in ETCA, but may transit with gear properly stowed (see gear stowage requirements below).

## GEAR STOWAGE REQUIREMENTS

To legally stow gear, a vessel must meet one or more of the following requirements:

### Scallop Dredges:

- The towing wire is detached from the scallop dredge, the towing wire is reeled up onto the winch, and the dredge is secured and covered so that it is rendered unusable for fishing.
- or**
- The towing wire is detached from the dredge and attached to a bright-colored poly ball no less than 24 inches (60.9 cm) in diameter, with the towing wire left in its normal operating position (through the various blocks) and either is wound back to the first block (in the gallows) or is suspended at the end of the lifting block where its retrieval does not present a hazard to the crew and where it is readily visible from above

### Trawl Gear:

- ***A net stowed below deck provided:*** It is located below the main working deck from which the net is deployed and retrieved; the towing wires, including the leg wires, are detached from the net; and it is fan-folded (flaked) and bound around its circumference.
- or**
- ***A net stowed and lashed down on deck, provided:*** It is fan-folded (flaked) and bound around its circumference; it is securely fastened to the deck or rail of the vessel; and the towing wires, including the leg wires, are detached from the net.
- or**
- ***On-reel stowage for vessels transiting the GOM Rolling Closure Areas and the GB Seasonal Closure Area*** - A net that is on a reel and is covered and secured, provided: the entire surface of the net is covered with canvas or other similar opaque material that is securely bound; the towing wires are detached from the doors; and no containment rope, codend tripping device, or other mechanism to close off the codend is attached to the codend.
- or**
- ***On-reel stowage for vessels transiting the Western GOM Closure Area, Cashes Ledge Closure Area, Closed Area I, Closed Area II, and the Nantucket Lightship Closed Area*** - A net that is on a reel and is covered and secured, provided: the entire surface of the net is covered with canvas or other similar opaque material that is securely bound; the towing wires are detached from the net; and the codend is removed and stored below deck.
- or**
- ***Nets that are secured in a manner authorized in writing by the Regional Administrator.***

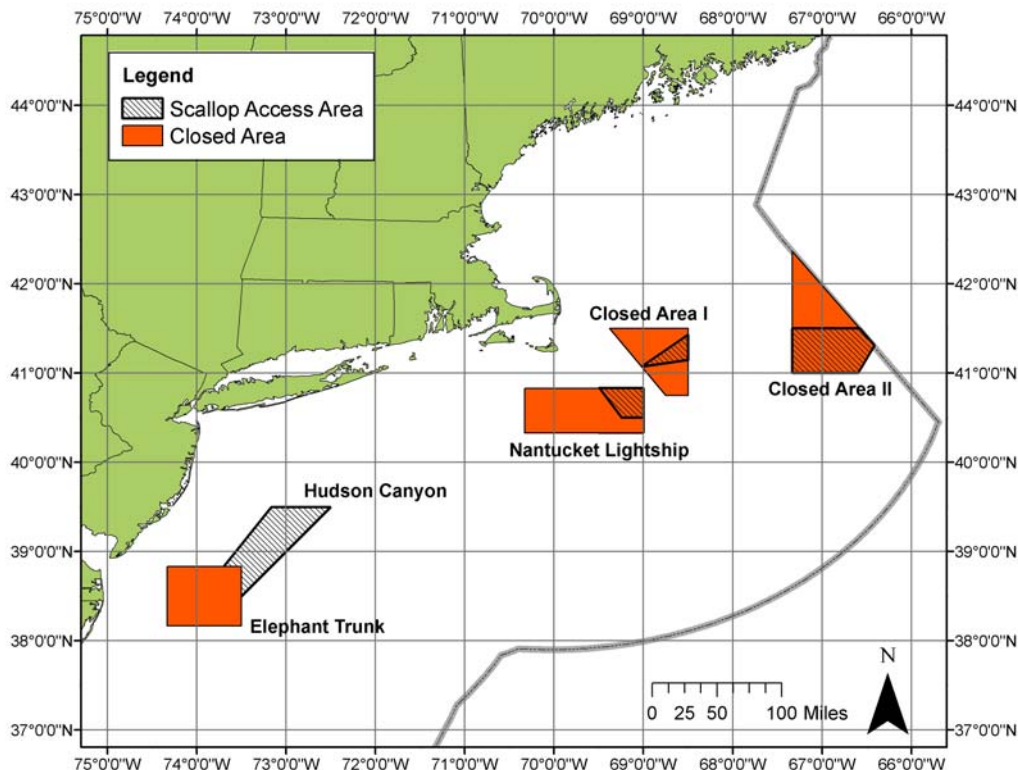
# Atlantic Sea Scallop Regulations

## General Category Fishery Fact Sheet 3

### Scallop Access Area Program Requirements

The Scallop Access Area Program established specific management controls over defined geographic areas. The Hudson Canyon Access Area (see chart below) program does not include any area specific restrictions on general category scallop fishing. However, there are area specific restrictions for the three year-round NE Multispecies Closed Areas: Closed Area I (CAI), Closed Area II (CAII), and the Nantucket Lightship Closed Area (NLCA). The Scallop Access Areas are not necessarily open to fishing simultaneously, and are generally not open for the full fishing year. There is a cap on the number of trips that can be taken into each Scallop Access Area by general category vessels, and when that cap is attained, general category vessels may no longer fish within the area.

At this time, the CAII Scallop Access Area is the only Access Area where general category fishing is allowed, and there is a cap on the number of general category trips allowed in the area. General category fishing within the Access Area is prohibited when the trip cap is attained, or at the end of the Access Area season (June 15, 2005 - January 31, 2006), whichever occurs first. General category scallop restrictions apply to vessels issued general category scallop permits as well as limited access vessels fishing outside of scallop days-at-sea (DAS).



**Closed Area I Access Area (CA I)  
(Currently Closed)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CAIA1	41°26'	68°30'
CAIA2	41°09'	68°30'
CAIA3	41°4.54'	69°0.9'
CAIA1	41°26'	68°30'

**Closed Area II Access Area (CA II)  
(Currently Open)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CA2A1	41°00'	67°20'
CA2A2	41°00'	66°35.8'
CA2A3	41°18.6'	66°24.8'
CA2A4	41°30'	66°34.8'
CA2A5	41°30'	67°20'
CA2A1	41°00'	67°20'

**Nantucket Lightship Access Area (NLSA)  
(Opens June 15, 2006)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
NLSA1	40°50'	69°00'
NLSA2	40°30'	69°00'
NLSA3	40°30'	69°14.5'
NLSA4	40°50'	69°29.5'
NLSA1	40°50'	69°00'

Scallop Access Area Season

- Scallop fishing is authorized during an open season of June 15 through January 31.

Gear Restrictions

- When fishing for scallops in the Access Areas vessels can use only scallop dredge gear.
- Maximum combined dredge width is 10.5 ft.
- The minimum size of the metal rings used to construct the chain bag in scallop dredge gear is **4.0 inches** in diameter.
- The net material on the top of the dredge (twine top) must be at least 10 inches, square or diamond mesh, inside measurements.

### Possession Limits & TAC

- The possession limit for general category scallop vessels remains 400 lb (181.4kg) of shucked, or 50 U.S. bushels (17.6 hL) of in-shell scallops per trip. Vessels may possess shucked and in-shell scallops, provided the combination of shucked and in-shell scallops does not exceed 400 lb total of shucked scallop meats. For example, a vessel may possess 200 lb of shucked scallops and 25 U.S. bushels (8.8 hL) of in-shell scallops per trip. This measure applies to all general category vessels, whether fishing an Area Access trip or not.
- Zero possession of any species other than scallops
- A TAC for general category vessels is specified, equal to 2 percent of the overall scallop TAC for each Scallop Access Area. The general category set-aside TACs for 2005, are as follows; 64,860 lb (29 mt) in CAI and 153,971 lb (70 mt) in CAII.

### Number of Trips

- General category vessels will not be allowed to continue fishing in the specific scallop Access Area once the total number of allowed trips is reached.
- The limits on the number of total trips general category vessels may take for 2005 are 162 trips in CAI and 385 trips in CAII. If the general category TAC and/or trip cap are attained, NERO will notify vessel owners that the Area Access program is closed to general category vessels. **The CAI cap was attained on September 8, 2005, and that area is closed.**

### Sea Scallop Access Trip Notification Requirements

All participating vessels must have installed on board an operational VMS unit. Vessel owners can contact the following vendors for VMS purchase information:

**Boatracs**  
9155 Brown Deer Road  
Suite 8  
San Diego, CA 92121  
Tel 858-458-8100  
Fax 858-458-8116

**Skymate**  
14000 Willard Road  
Chantilly, VA 20151  
Tel 703-636-4220  
Fax 703-814-8585

Vessels must comply with all of the following notification requirements to fish in the Sea Scallop Access Area Program.

- Vessel owners or operators whose vessel has been issued a general category scallop permit and who plan to fish in the Access Area Program, must submit a report through the VMS **e-mail** messaging system ([usca@aisobservers.com](mailto:usca@aisobservers.com)) of its intention to fish in any Sea Scallop

Access Area prior to the 25th of the month before the month in which the anticipated trip(s) are to be taken. The report must include the following information:

1. Vessel name
  2. Federal vessel permit number
  3. Owner and operator's names
  4. Contact phone number
  5. Number of trips the vessel intends to fish
- In addition to the above advance notice for accessing the Sea Scallop Access Areas, for the purpose of randomly selecting vessels to carry an observer, a vessel owner or operator must also contact the NOAA Fisheries observer contractor **by phone** (508-990-9057) at least 72 hours prior to the date they intend to depart on each trip into an Access Area. The following information must be included:
    1. Vessel name
    2. Contact phone number
    3. Federal permit number
    4. Date, time and port of departure
    5. Documentation number
    6. Boatracs or Skymate address
  - On the day that the vessel leaves port to fish under the Access Area Program, the vessel owner or operator must declare the vessel into the Access Area Program through the VMS by entering the appropriate access area sailing code prior to leaving port.

### Observer coverage

NOAA Fisheries Observers will be randomly assigned to a portion of the scallop fleet fishing in the Scallop Access Areas. Observers will collect information on scallop catch, yellowtail catch, and other bycatch to provide additional data on Scallop Access Area trips in order to monitor catch and bycatch.

### New Vessel Safety Inspection Requirements

As of May 1, 2006, all vessels required to carry an observer must meet United States Coast Guard (USCG) safety requirements and display a current Commercial Fishing Vessel Safety Examination Decal (Decal) (issued within the previous two years). Vessels that do not have a current safety Decal are deemed unsafe for purposes of carrying an observer. Vessels that are required to carry an observer, but are inadequate or unsafe for purposes of carrying an observer, are prohibited from fishing. Enforcement action may result when a vessel that is required to take an observer does not meet the safety requirements and embarks on a fishing trip.

In addition to the requirements to display a current Decal, the vessel's owner or operator must allow an observer, to visually inspect any safety or accommodation requirement if requested. Observers are **required** to complete a pre-trip safety check of the emergency equipment and are encouraged to review emergency instructions and drills with the operator prior to vessel departing port. The vessel must correct noted safety deficiencies before departing to fish with the observer.

### Cost to Vessels Carrying an Observer

Because scallop vessels are currently not responsible for paying for the cost of observers, they are **NOT** authorized to collect and utilize the additional pounds of scallop meats in Access Areas.

The Atlantic Scallop Fishery Management Plan dictates that scallop vessels are responsible for paying for the cost of observers in Sea Scallop Access Areas. One percent of the scallop target TAC for each Access Area is allocated to help scallop vessels pay for the cost of observers. However, due to contracting issues, scallop vessels are currently **NOT** responsible for paying for the cost of observers in Access Areas or Open Areas.

You will receive further notification when these issues have been resolved and you are required to pay for the cost of carrying an observer on your vessel.

### Catch Reporting

The owner or operator of a general category scallop vessel fishing in the Scallop Access Areas is required to report catch of both scallops and yellowtail to allow for monitoring of the yellowtail TAC. The operator of a vessel must submit reports through the VMS for each day fished when declared in the Sea Scallop Area Access Program, including trips accompanied by a NOAA Fisheries-approved observer. The reports must be submitted in 24-hour intervals, for each day beginning at 0000 hours and ending at 2400 hours. The reports must be submitted by 0900 hours of the following day and must include the following information:

1. Total pounds/kilograms of scallop meats, or bushels of in-shell scallops kept;
2. Total pounds/kilograms of yellowtail flounder kept;
3. Total pounds/kilograms of yellowtail flounder discarded;
4. Total number of tows and;
5. Fishing Vessel Trip Report log page number.

### Vessels Fishing Under Multispecies Days-at-Sea

Special Access Programs (SAPs) authorized under the Northeast Multispecies Plan, at times authorize fishing by vessels using multispecies DAS within Scallop Access Areas. When the access programs overlap, a vessel using multispecies DAS to fish under the SAP:

1. May possess up to 400 lb of shucked scallops, or 50 bu in-shell if within the SAP area even if it is **CLOSED** to scallop fishing without having to comply with the notification and observer requirements stated above.
2. May possess up to 400 lb of shucked scallops, or 50 bu in-shell if in an Access Area that is **OPEN** as both a Multispecies SAP and Scallop Access Area only if they comply with all of the requirements listed above. Such vessels are subject to closure of the general category fishery if the general category trip cap or TAC is reached and may no longer harvest scallops during a multispecies SAP trip.