



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

August 26, 2005

SMALL ENTITY COMPLIANCE GUIDE

Dear Sea Scallop Vessel Permit Holder:

The National Marine Fisheries Service (NMFS) has implemented new regulations as the result of the approval of Framework 17 to the Atlantic Sea Scallop Fishery Management Plan. Read this letter carefully, as it provides important information about the new management measures. This letter summarizes the new measures, but is not a substitute for the regulatory text, which may be requested by calling 978-281-9315, or obtained on our website (<http://www.nero.noaa.gov>).

1. NEW GENERAL CATEGORY PERMIT REQUIREMENTS

(Effective October 21, 2005)

a. There are now two new General Category vessel permit categories. As the owner of a vessel issued a 2005 General Category scallop permit, you should decide which of these two permits should be issued to your vessel:

Category 1A; Scallop General Category non-VMS: This permit authorizes vessels to fish for, possess, or land no more than 40 lb of shucked, or 5 bu of in-shell scallops per trip. Vessel owners who want to be issued this permit do not need to submit a new permit application—such vessels will automatically be issued a new Category 1A permit to be effective on October 21, 2005.

Category 1B; Scallop General Category VMS: This permit authorizes vessels to fish for, possess, or land in excess of 40 lb of shucked or 5 bu of in-shell scallops, up to 400 lb of shucked or 50 bu of in-shell scallops per trip. If you fish for, possess, or land; or intend to fish for, possess, or land; more than 40 lb shucked, or 5 bu in-shell scallops per trip at any time, you must apply for the Category 1B permit, and must install a Vessel Monitoring System (VMS) on your vessel. The VMS must be obtained from one of the NMFS-approved vendors identified below. To ensure that your vessel is issued this permit by the effective date, you must complete and return the enclosed vessel permit application by September 21, 2005. The application must be accompanied by a copy of a VMS vendor installation receipt from one of the NMFS-approved VMS vendors named below and the VMS must be operational prior to permit issuance.

b. Vessels that are currently issued a scallop General Category permit, and that are not issued a General Category 1B permit by October 21, 2005, will be automatically issued a Category 1A permit at that time. After the issuance of your new General Category 1A permit, you will have 45 days from the effective date to apply to change your permit category; after that date you cannot change permit categories until May 1, 2006. An application for the initial issuance of a General Category permit to a vessel not currently issued such a permit can be made at any time.



c. If you intend to enroll in the General Category 1B VMS category, you should contact one of the vendors below:

SkyMate 14000 Willard Rd
Chantilly, VA 20151
Tel 703-636-4220
Fax 703-814-8585
Attn: Chris Irwin

Boatracs 9155 Brown Deer Rd, Suite 8
San Diego, CA 92121
Tel 858-458-8100
Fax 858-458-8116
Attn: Laurie Paul

2. FRAMEWORK 17 VMS CHANGES

(Effective October 21, 2005; however, VMS systems will reflect these changes on or about September 1, 2005).

The following VMS entry instructions apply to General Category 1B vessels and vessels issued Limited Access scallop permits when they are not fishing under Scallop Days-at-Sea or within a Special Access Area, and are fishing for no more than 400 lb shucked or 50 bu of in-shell scallops.

a. The Sea Scallop Declaration screen on your VMS display includes the ability to elect a “General Category Trip (SES-SCG).”

b. Under the “General Category Trip (SES-SCG)” declaration, you must elect to fish in one of four areas: NLCA (Nantucket Lightship Closed Area; VMS activity code is SES-SCG-4), CA 1 (Closed Area I; VMS activity code is SES-SCG-1), CA 2 (Closed Area II; VMS activity code is SES-SCG-2) and OPEN (any area other than NLCA, CA 1 or CA 2); VMS activity code is SES-SCG-(blank)).

c. Power Down option for General Category 1B vessels only: The Sea Scallop Declaration screen also now includes the ability for some vessels to elect a “General Category Power Down (SES-PWD)”. If the vessel is issued other fishing permits that require the VMS unit to be “on” at all times (for instance, a Limited Access Scallop permit), you may not select the power down option.

Prior to turning off the VMS unit, the vessel operator must: (1) Offload all scallop product, (2) tie the vessel to a permanent dock or mooring, and (3) notify NMFS by selecting the power down option on the VMS display. You are advised to receive a VMS confirmation of your power down from your VMS vendor prior to turning the unit off. Also, while the VMS unit is off, the vessel may not be moved from the mooring or dock for any purpose. Upon leaving the mooring or dock for any purpose, the vessel operator must turn the VMS unit on and enter the appropriate code into the VMS unit. A vessel that is transiting within a port, or from port to port, or a vessel that will be fishing in a fishery for which VMS is not required (for instance, the lobster or summer flounder fishery) should enter the code “Declare Out of Fishery (DOF).”

d. For vessels using Boatracs VMS only: The VMS display for Boatracs units has been modified. The display is no longer a single page, but is now multiple pages by fishery to accommodate the additional declaration and keep operations user-friendly. Simply scroll to the appropriate page that corresponds to the type of fishing trip you plan to take.

e. Additional instructions about VMS operations will be provided by the vendor at the time of installation.

If you participate in other fisheries, you will note that other VMS changes have also been made. Within the Multispecies and Monkfish declaration screens, several U.S./Canada fishing area codes have been removed because the fishery associated with these areas is closed for the remainder of the 2005 fishing year (VMS codes 1, 3, 7, 8). Of the remaining VMS codes (2, 4, 5, 6), due to recent fishery closures, the only code that remains available for selection through April 30, 2006, is code 4, unless otherwise notified.

3. ELIMINATION OF PENALTY FOR LIMITED ACCESS VESSELS THAT DECLARE BROKEN TRIPS IN THE ACCESS AREA PROGRAM

(Effective August 22, 2005)

This action eliminates the automatic days-at-sea (DAS) charge and possession limit reduction for limited access scallop vessels that terminate a scallop trip in the Area Access Program before fully harvesting the possession allowance (the “broken trip” provision). The procedure for requesting compensation for a broken trip remains the same, but a vessel now has the opportunity to fully harvest the remainder of the possession limit without penalty on an authorized compensation trip. For example, if a vessel is fishing under the 18,000-lb possession limit, declares a broken trip, and lands 10,000 lb, the compensation trip authorization would specify a possession limit of 8,000 lb, providing an opportunity to fully harvest the 18,000-lb possession limit.

As a reminder, the procedure for declaring a broken trip is explained below. To enhance the enforceability of the access area possession limits, a vessel will be granted broken trip compensation ONLY if the vessel owner/operator complies with the procedure below:

a. Before leaving the access area, the vessel owner/operator must notify NMFS via VMS by emailing nmfs.ole.ne@noaa.gov. Please state “broken trip” in the e-mail subject line. The email must contain the following information: Vessel name, permit number, vessel owner, vessel operator, time of trip termination, reason for trip termination, expected date and time of return to port, and amount of scallops on board in pounds.

b. If the vessel is unable to email, the vessel owner/operator should call (978) 281-9274 and leave the information detailed above.

c. Upon returning to port, the vessel owner/operator must submit a completed “broken trip” form, which can be downloaded from:
<http://www.nero.noaa.gov/amend10/ScallopBrokenTripAdjustmentSheet.pdf>

d. The vessel owner/operator must submit a copy of the landing slip from the dealer showing the poundage of scallops landed, along with the broken trip form, via mail or by faxing to: 978-281-9135.

e. Upon receipt, NMFS will verify the information and issue a compensation trip. Compensation trips may not be started until the vessel owner has received confirmation from NMFS, which may take up to 10 days.

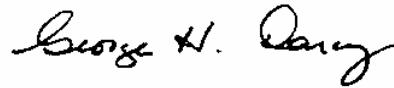
f. Restored Poundage for Broken Trips Declared Earlier this Fishing Year: For trips made during this fishing year (since March 1, 2005), Framework 17 specifies that all scallop poundage deducted due to the broken trip penalty provision this fishing year will automatically be restored to the vessel. Letters were mailed on August 23, 2005, to the owners of all limited access

scallop vessels that were issued compensation trip authorizations that reflected the penalty. The restored poundage can only be used in the access area where the original broken trip occurred. A vessel that is allocated restored poundage for more than one broken trip to the same Access Area may combine that poundage with other trip authorizations, provided that no trip lands more than the 18,000-lb possession limit. All rebated and compensation trips must be completed prior to the end of the Access Area Program for the respective area (January 31, 2006, for the Closed Area I and Closed Area II Access Areas; February 28, 2006, for the Hudson Canyon Access Area).

4. Because there are several aspects to these new requirements, questions should be directed as follows:

Permit application questions:	NE Permit Operations	978-281-9370
VMS system questions:	Office for Law Enforcement	978-281-9213
Regulatory questions:	Sustainable Fisheries Division	978-281-9315
Broken trip questions:	Sustainable Fisheries Division	978-281-9221

Sincerely,



for

Patricia A. Kurkul
Regional Administrator

Attachments

This Small Entity Compliance Guide
complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.

U.S. Department of Commerce
 NOAA/National Marine Fisheries Service
 Fisheries Statistics Office / Permit Operations
 One Blackburn Drive
 Gloucester, MA 01930-2298
 Tel: (978) 281-9370

**Initial Application for
 Federal General Scallop
 Vessel Monitoring System (VMS)
 Permit Only**
 August 22, 2005

Please see reverse side for application instructions

Section 1 - Owner and Vessel Information

Vessel Name _____ Owner Name _____ Address _____ _____	Northeast Federal Vessel Permit Number _____ USCG Documentation or State Registration # _____
---	--

Section 2 - Fishery Information

Fishery:	Category:	Gear Codes: Enter primary and other gears used for catching sea scallops (see reverse).
Atlantic Sea Scallop General Category VMS Vessel (copy of VMS vendor installation receipt must accompany this application)	1B	

Section 3- Owner's Signature

I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in Section 1 above. I affirm, subject to the penalties provided in 18 USC 1001, that all information that I have given in obtaining this permit is true and correct.

Print Name: _____

Signature: _____ Date: _____

OMB# 0648-0529 EXPIRES [08/22/08]



Instructions - Northeast Federal Fisheries
Initial Application for Federal General Scallop VMS Permit

Return completed applications to

U.S. Department of Commerce
NOAA/National Marine Fisheries Service
Fisheries Statistics Office / Permit Operations
One Blackburn Drive
Gloucester, MA 01930-2298

Any information submitted by any person to obtain a permit is not confidential,
and may be disclosed upon request.

SECTION 2: FISHERY INFORMATION INSTRUCTIONS

Category 1A – Non-VMS: A vessel issued this permit may not fish for, possess, or land more than 40 lb of shucked or 5 U.S. bushels of in-shell scallops on any trip. If this is the scallop general category permit you wish to have issued to your vessel, the permit will automatically be reissued to your vessel in October and no application is necessary.

Category 1B – VMS: A vessel issued this permit may fish for, possess, and land any amount of scallops up to 400 lb of shucked, or 50 U.S. bushels of in-shell scallops, provided the vessel has an installed and operational VMS. A copy of the vendor installation receipt from a NMFS-approved VMS vendor must be submitted along with this application, and the VMS must be operable prior to permit issuance.

Gear Codes:

Purse Seines 120
Beach Seines 210
Boat Seines 220
Bottom Trawls 310
Mid-water Trawls 320
Diving Gear 1400

Other Trawls 330
Dredge 410
Gill/Entangling Nets 700
Pots and Traps 800
Hand Lines 911

Rod and Reel 912
Tub Trawl 913
Longlines or Setlines 920
Harpoons 1010
Other Gears 1200

SECTION 3: OWNER'S SIGNATURE AND INSTRUCTIONS

Applications must be signed. Unsigned or incomplete applications will be returned. Your signature is an affirmation under penalty of perjury, that all the information provided in obtaining this permit is true [18 USC 1001].

This form is required under 50 CFR 648.4 to ensure essential administration and enforcement of VMS requirements of general category scallop vessels. Signature of this form certifies that the information provided on this form is true, complete and correct to the best of your knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to NMFS, One Blackburn Drive, Gloucester MA 01930; and to OMB, Paperwork Reduction Project, Washington, DC 20509.