



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

February 25, 2002

Small Entity Compliance Guide

Dear Limited Access Scallop Permit Holder:

This letter serves as a reminder of changes that are scheduled for the 2002 Hudson Canyon and Virginia Beach Sea Scallop Area Access Program (Area Access Program). The 2002 Area Access Program will take effect on March 1, 2002. Changes for the 2002 Area Access Program include changes to the total allowable catches (TAC) for each area and the possession and landing limit for both areas. In addition, due to the low average cost of scallops over the last year, this letter also announces an increase in the amount of scallop meats that can be landed to help defray the cost of observers.

POSSESSION AND LANDING LIMIT

For the 2002 Area Access Program, the possession and landing limit for scallop meats for vessels fishing in the Hudson Canyon or Virginia Beach Access Area is **18,000 lb per trip**, with a maximum of 400 lb of the possession and landing limit originating from 50 bu of in-shell scallops.

TOTAL ALLOWABLE CATCH

The fishery TAC and the TAC set-aside to help defray the cost of observers ("Observer TAC") for the Hudson Canyon and the Virginia Beach Access Areas are as follows:

Hudson Canyon Access Area - 6,287 mt
Virginia Beach Access Area - 268 mt
Hudson Canyon Access Area "Observer" TAC - 128 mt
Virginia Beach Access Area "Observer" TAC - 5 mt

When any of the TACs noted above, including the "Observer" TAC, for any area is harvested the fishery for the respective area will close.

INCREASE IN THE POSSESSION AND LANDING LIMIT TO HELP DEFRAY THE COST OF OBSERVERS

A portion of the overall TAC for the areas is set aside to help defray the cost of observers for vessels that are assigned an observer. Therefore, to account for expected lower ex-vessel price for scallops, I am authorizing a higher overall possession and landing limit for vessels carrying an observer based on the actual days-at-sea (DAS) fished with an observer multiplied by 300 lb. For example, if a participating vessel fishes for 5 actual DAS in the Area Access Program with an observer on board, it will be allowed to land 18,000 lb of scallop meats plus an additional 1,500 lb (300 lb X 5 DAS) to help defray the cost of the observer.

Because observer coverage is a requirement of the Area Access Program, vessel owners are urged to take the costs associated with carrying the observer into consideration prior to determining whether they are going to participate in the program or not. Vessel owners are required to pay for observers if one is deployed on a vessel, regardless of whether or not the vessel lands any scallops on that trip. Failure to pay for observers constitutes a violation of the Area Access Program, subjecting vessel owners to exclusion from the Area Access Program and/or additional penalties.

REMINDERS

< Full-time and part-time scallop vessels are restricted to a



total of three trips to any of the Sea Scallop Access Areas, unless otherwise authorized. A trip to either the Hudson Canyon or Virginia Beach Sea Scallop Access Areas counts as one of the three allowed trips. **Vessels participating in the Area Access Program are allowed to start only one of their three allocated trips before May 1, 2002, and no more than two of their three allocated trips before June 1, 2002.**

Based on vessel participation through August 31 each fishing year, and if the TAC is not exceeded, additional trips may be authorized by the Regional Administrator after September 30 of each year. At least one of the three allocated trips must be started before September 1 to be eligible to fish any additional trips.

Vessels permitted in the Occasional scallop permit category are allocated only one trip, which may be fished in the area of their choice.

< A scallop vessel that has declared a fishing trip into the Area Access Program will have a minimum of 10 DAS deducted from its DAS allocation, regardless of whether the actual number of DAS used during the trip is less than 10. Trips that exceed 10 DAS will be deducted equal to the actual time fished.

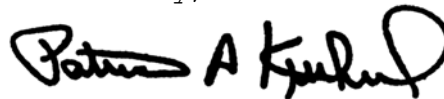
I have attached a chart and the coordinates of the Access Areas, instructions for the possession limit increase and observer protocol, and for the declaration and VMS notification requirements.

This letter is a summary of the major regulatory measures in the Federal regulations and is not considered a substitute of the actual regulations.

You are encouraged to obtain further information or a copy of the regulations by calling 978-281-9315. In addition, the Northeast Regional Office has established two automated systems to provide faster notice to the fishing industry of management actions. You may receive permit holder letters, including closure notices, by requesting to be notified through one of the following systems: (1) You may request e-mail notices by clicking on "What's New" on our website at <http://www.nero.nmfs.gov/ro/doc/nero.html>, or (2) you may be notified via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135. If you choose to receive notification of management actions through one of the above automated systems, you will continue to receive notices through the mail.

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

Sincerely,



Patricia A. Kurkul
Regional Administrator

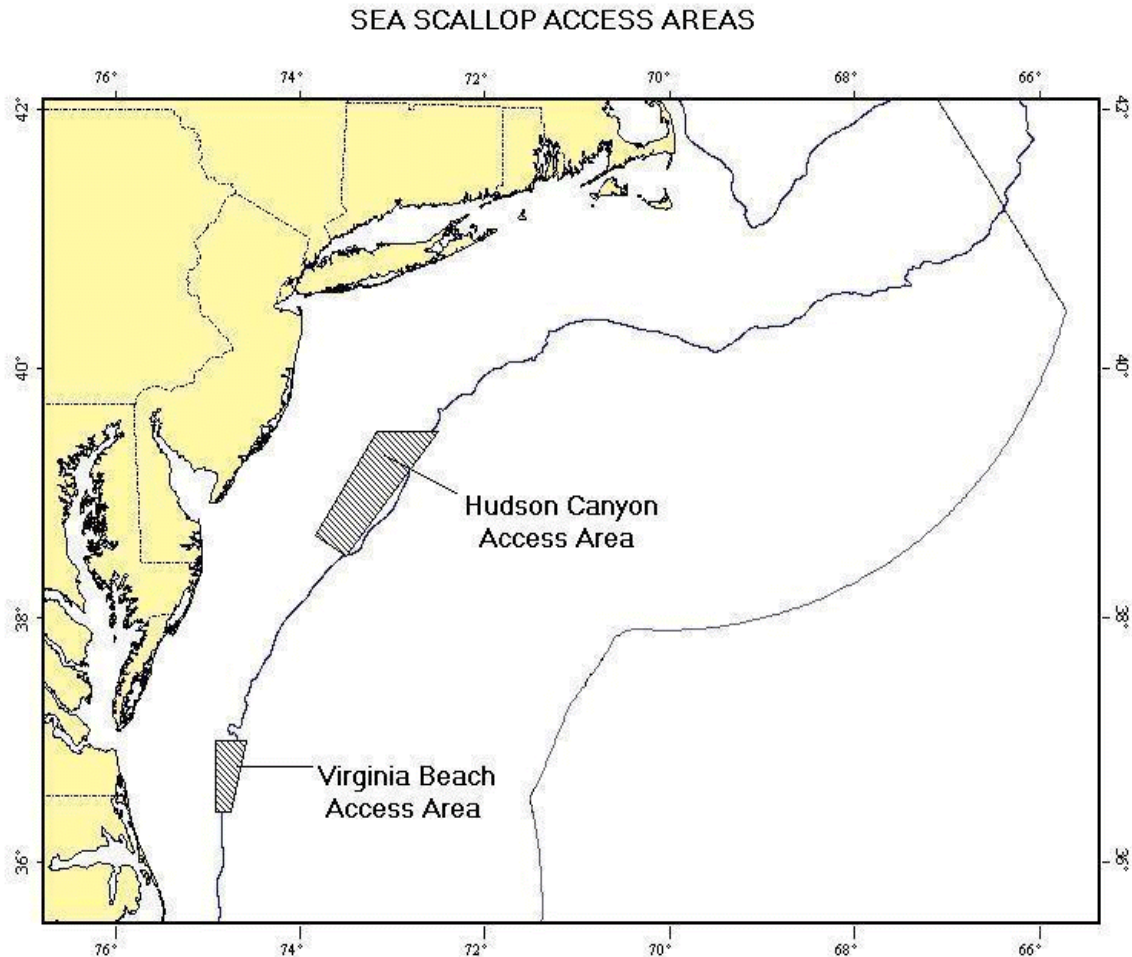
Sea Scallop Access Areas - The Hudson Canyon and Virginia Beach Sea Scallop Access Areas are defined by straight lines connecting the following points in the order stated:

Hudson Canyon Sea Scallop Access Area

Point	Latitude	Longitude
H1.....	39°30' N.	73°10' W.
H2.....	39°30' N.	72°30' W.
H3.....	38°30' N.	73°30' W.
H4.....	38°40' N.	73°50' W.

Virginia Beach Sea Scallop Access Area

Point	Latitude	Longitude
V1.....	37°00' N.	74°55' W.
V2.....	37°00' N.	74°35' W.
V3.....	36°25' N.	74°45' W.
V4.....	36°25' N.	74°55' W.



DECLARATION INTO THE AREA ACCESS PROGRAM

Failure to comply with all of the following declaration procedures will prohibit vessels from participating in the Area Access Program. Please thoroughly read the following requirements:

- < A vessel issued a valid limited access scallop permit and planning to fish in the Area Access Program must submit a report through the VMS e-mail messaging system (**NEC.Observers@noaa.gov**) of its intention to fish in one or both of the Sea Scallop Access Areas 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: Vessel name and permit number; owner and operator's names; owner and operator's phone numbers; and number of trips anticipated for each Sea Scallop Access Area in which 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 must also submit a report through the VMS e-mail messaging system (**NEC.Observers@noaa.gov**) of its intention to fish in the Area Access Program at least 5 **working** days (Saturday, Sunday, and Federal holidays are not considered working days) prior to the date it intends to depart on each trip into a Sea Scallop Access Area. For each of these reports, vessels must submit the following information: Vessel name and permit number; owner and operator's names; owner and operator's phone numbers; date and time of departure; port of departure; and the specific Sea Scallop Access Area to be fished.
- < **A vessel chosen to carry an observer must have a valid Coast Guard Inspection Sticker. Any such vessel that does not have an inspection sticker will be prohibited from participating in the Area Access Program until the vessel is inspected by the Coast Guard and receives its inspection sticker.**
- < On the day that the vessel leaves port to fish under the Area Access Program, the vessel owner or operator must declare the vessel into the Area Access Program through the VMS prior to leaving port. Please see the attached instructions, titled "Sending in the 'Vessel Activity' Macro", on how to declare into this program through VMS.

**2002 SEA SCALLOP AREA ACCESS PROGRAM
POSSESSION LIMIT INCREASE AND OBSERVER PROTOCOL**

The following outlines the sea scallop possession limit increase and protocol for observer payment for vessels declared and accepted into the Sea Scallop Area Access Program (Area Access Program) and carrying a NMFS approved observer on board.

POSSESSION LIMIT INCREASE:

Vessels selected to carry an observer while participating in the Area Access Program are authorized to possess and to land an additional 300 lb of scallop meats for each day the vessel is gone from port for 6 or more hours. This extra poundage, above and beyond the 18,000-lb scallop possession limit for fishing year 2002 allowed for all non-observed Area Access Program trips, is to be used to reimburse the cost of the observer program, as well as to compensate the vessel and its crew. For example, a vessel that has declared and been accepted into the Area Access Program during the 2002 fishing year and selected to carry an observer for that trip, and which is gone from port for 5 days, starting from the time the vessel left port, would be authorized to possess and land up to 19,500 lb of scallop meats for that trip (18,000-lb trip limit + 1,500 lb for the 5 observer days). If this same vessel were gone from port for 5 days and 6 hours (5¼ days), it would be allowed to possess and land up to 19,800 lb of scallop meats.

PAY DISTRIBUTION:

Vessels selected to carry an observer while participating in the Area Access Program are required to pay **\$590.00** per day for the observer coverage. Using the 5¼ day Area Access Program trip example from above and an average scallop price of \$3.00 per pound, 300 lb x 6 days (or 1,800 lb), would yield a total of \$5,400.00 (1,800 lb x \$3.00 per lb). A vessel that declared into the Area Access Program for 5¼ days while carrying an observer on board would be allowed to possess up to 19,800 lb of scallop meats, and would be required to compensate the observer \$3,540.00 (\$590.00 x 6 days). The remaining money, in this case \$1,860.00 (1,200 lb x \$3.00 = \$5,400 - \$3,540.00), would belong to the vessel and crew.

OBSERVER PAYMENT:

Bank or cashier checks for the cost of the observer must be made out to A.I.S., Incorporated, and must be received within 1 week of the date the scallops are landed, unless the vessel receives other instructions in writing from NMFS. Please mail your check, along with a note containing the following information: "Sea Scallop Observer Fund," vessel name, permit number, owner or operator name, time and date of departure, and time and date of return, to:

**A.I.S., Incorporated
Attn: Arvidas Poshkus
P.O. Box 2093
New Bedford, MA 02741-2093**