



Northeast Region Bulletin

National Marine Fisheries Service, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281 – 9315

<http://www.nero.noaa.gov/>
Date Issued: 4/5/2012

ATLANTIC SEA SCALLOP FISHERY

New Measures under Framework Adjustment 23 (Framework 23) to the
Atlantic Sea Scallop Fishery Management Plan
Effective Date: May 7, 2012

To explain what the new Scallop Framework 23 measures mean to you, we have divided this letter into four sections:

- **Section 1:** Turtle Deflector Dredge Requirements (Page 2)
- **Section 2:** New Vessel Monitoring System (VMS) Declarations Provision (Page 4)
- **Section 3:** Adjustments to the Northern Gulf of Maine Management Program (Page 4)
- **Section 4:** Changes to the Yellowtail Flounder Accountability Measures (Page 5)

This summary is not a substitute for the actual regulations. We encourage you to read the full text of the regulations, available at <http://www.nero.noaa.gov>.

Questions You May Have

When are the measures in this letter effective?

These measures are effective on May 7, 2012.

Who can I call if I have a question about any of the measures?

Please call our Sustainable Fisheries Division staff at (978) 281-9315. They can answer your questions or direct you to other Northeast Regional Office staff who can.

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region.

Framework 23 Scallop Management Measures

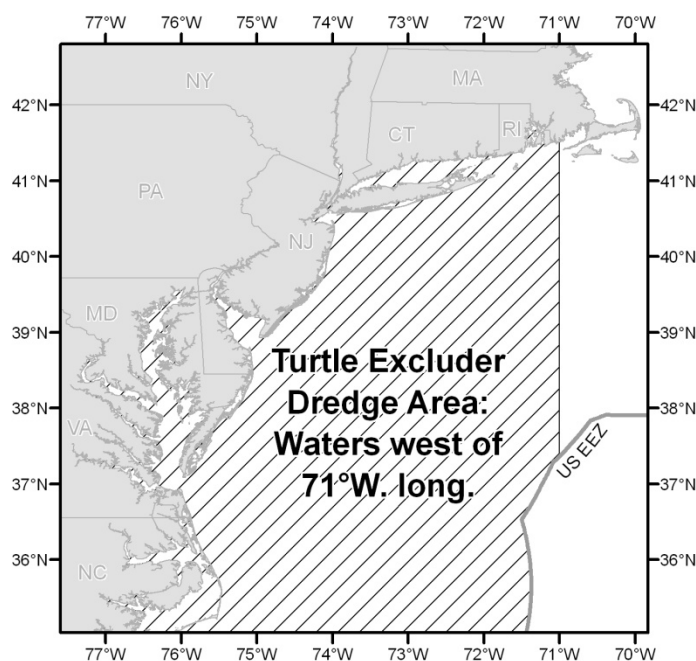
Section 1: Turtle Deflector Dredge (TDD) Requirements

Beginning May 1, 2013, all scallop vessels (except those specified in the exception below) will have to use a TDD for part of the scallop fishing year in the Mid-Atlantic. When using the TDD, sea turtles that come in contact with a scallop dredge on the sea floor are more easily deflected over the dredge frame and dredge bag rather than getting caught on the frame.

Effective Date, Season, and Area Required:

- TDDs must be used beginning May 1, 2013.
- The TDD season is from May 1 through October 31 each year, starting in 2013.
- Vessels fishing in Turtle Excluder Dredge Area (TDD Area) west of 71° W. Long. must use TDDs during the entire TDD season.

Chart of turtle excluder dredge area



Which Vessels Have to Use the TDD?

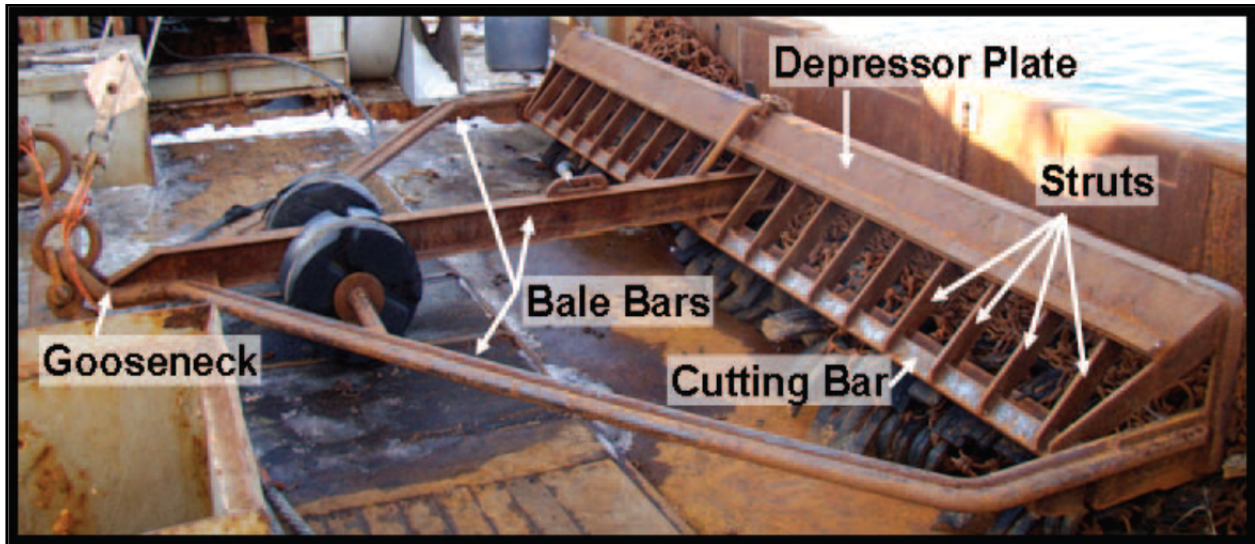
All scallop vessels fishing in the TDD area during the TDD season described above with the exception of Limited Access General Category (LAGC) vessels that use a dredge less than 10' 6" in width. Specific examples are listed below.

<u>Vessels with an LAGC permit and fishing with:</u>	<u>Is a TDD required?</u>
• One dredge with a width greater than or equal to 10' 6"	YES
• One dredge with a width less than 10' 6"	NO
• Two dredges, each with a width less than 10' 6"	NO
<u>Vessels with a Limited Access permit and fishing with:</u>	<u>Is a TDD required?</u>
• One dredge with a width greater than or equal to 10' 6"	YES
• One dredge with a width less than 10' 6"	YES – but no bump out (see TDD design below)
• Two dredges, each with a width less than 10' 6"	YES – but no bump out (see TDD design below)

What are the Requirements of the TDD Design?

- (1) The cutting bar must be located in front of the depressor plate.
- (2) The angle between the front edge of the cutting bar and the top of the dredge frame must be less than or equal to 45 degrees.
- (3) All bale bars must be removed, except the outer bale (single or double) bars and the center support beam, leaving an otherwise unobstructed space between the cutting bar and forward bale wheels, if present. The center support beam must be less than 6" wide. For the purpose of flaring and safe handling of the dredge, a minor appendage, not to exceed 12" in length, may be attached to the outer bale bar.
- (4) Struts must be spaced no more than 12" apart from each other.
- (5) For all dredges with widths of 10' 6" or greater, the TDD must include a straight extension ("bump out") connecting the outer bale bars to the dredge frame. This "bump out" must exceed 12" in length.

Example of a turtle excluder dredge frame



Section 2: New Scallop Vessel Monitoring System (VMS) Declaration Provision

Beginning May 7, 2012, scallop vessels will be able to make their scallop fishing trip declaration shoreward of the VMS Demarcation Line following a steam from a distant port, rather than being required to enter a designated port to make their trip declaration.

Previously, scallop vessels sailing from distant ports had to declare out of their fishery (DOF) through the VMS system in order to steam closer to scallop fishing grounds without burning days-at-sea. Once closer to their fishing grounds, vessels had to enter a designated port before declaring a scallop trip and heading out to fish.

These requirements led to scallop vessels entering unfamiliar ports that could be unsafe, especially in uncertain weather conditions. This change has been put in place to minimize safety issues for the scallop fishery.

Please note that vessels must still make an initial declaration of “DOF” prior to leaving their initial port of departure.

While this measure has been put in place for scallop vessels only, the New England Fishery Management Council may choose to address this issue in other VMS fisheries in future actions for those Fishery Management Plans.

Section 3: Adjustments to the Northern Gulf of Maine (NGOM) Management Program

Beginning May 7, 2012, federally permitted NGOM permitted vessels may declare a state-waters only trip and not have those landings applied to the yearly Federal NGOM allocation. This measure provides federally permitted NGOM vessels more flexibility to fish in state and Federal

waters. Once the Federal allocation has been fully harvested, all federally permitted scallop vessels (i.e., Limited Access, Individual Fishing Quota, and NGOM) would be prohibited from fishing in any part of the NGOM, including state waters, until the next fishing year.

NGOM vessels declaring into the NGOM state waters only fishery may not fish any part of their trips in Federal waters, or those landings would be counted against the Federal NGOM allocation. At this time, VMS declaration codes have not been updated so that vessels can make a NGOM state waters only declaration. Because of this, vessels wishing to declare into the state waters only fishery must use the “State Waters Exemption” declaration (see below) until we are able to adjust the VMS codes. To declare into the state waters only fishery, NGOM vessels should select the following trip declaration options on their VMS unit:

- 1) GENERAL CATEGORY (LAGC) PERMIT [SES-SCG], then select
- 2) STATE WATERS EXEMPTION PROGRAM

IFQ vessels fishing in the NGOM will continue to have their landings applied to the NGOM allocation, as well as their IFQ allocations, regardless of whether they were fishing exclusively in state waters.

Section 4: Changes to the Yellowtail Flounder Accountability Measures (AM)

Framework 23 revises the closure schedules to better target months with the highest yellowtail flounder catch rates. Industry will be informed of any closure through a Northeast Region Bulletin, a VMS message, and U.S. Coast Guard and NOAA Weather radio announcements. The new AM schedules are detailed in the tables below.

Table 1. New Framework 23 Southern New England/Mid-Atlantic AM closure schedule

Overage	LA Closure
2% or less	Mar-Apr
2.1-3%	Mar-Apr, and Feb
3.1-7%	Mar-May, and Feb
7.1-9%	Mar-May, and Jan-Feb
9.1-12%	Mar-May, and Dec-Feb
12.1-15%	Mar-June, and Dec-Feb
15.1-16%	Mar-June, and Nov-Feb
16.1-18%	Mar-July, and Nov-Feb
18.1-19%	Mar-Aug, and Oct-Feb
19.1% or more	Mar-Feb

Table 2. New Framework 23 Georges Bank AM closure schedule for years when the Closed Area II access area is open

Overage	LA Closure
3% or less	Oct-Nov
3.1-14%	Sept-Nov
14.1-16%	Sept-Jan
16.1-39%	Aug-Jan
39.1-56%	Jul-Jan
Greater than 56%	Mar-Feb

Table 3. New Framework 23 Georges Bank AM closure schedule for years when the Closed Area II access area is closed

Overage	LA Closure
1.9% or less	Sept-Nov
2.0 -2.9%	Aug-Jan
3.0 -3.9%	Mar, and Aug-Feb
4.0 - 4.9%	Mar, and Jul-Feb
5.0 -5.9%	Mar-May, and Jul-Feb
6.0% or greater	Mar-Feb

The length of the closure(s) is based on a projection that is completed prior to the end of the fishing year, and therefore is done without complete catch and observer data for the fishing year. Under Framework 23, the Regional Administrator now has the authority to re-evaluate the length of the closure based on catch and observer data for the full fishing year and either lengthen, shorten, or eliminate the closure. We expect the re-evaluation to happen no sooner than June, since audited observer data are available approximately 3 months after the end of the observed trip. Prior to Framework 23, no such re-estimate was authorized. Any potential changes to an AM closure would be published for comment in the Federal Register.