



Fishing Year 2017

(March 1, 2017 – March 31, 2018)

Sea Scallop Access Area Allocation Exchange Application

SUBMIT TO:

APSD - Sea Scallop Access Area Exchange
NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930
Fax: (978) 281-9110

Instructions: This form must be used to request a Sea Scallop Access Area allocation exchange between two vessels. Allocations may be exchanged on a one-for-one basis provided you have the full 18,000 pounds for full-time vessels or 14,400 pounds for part-time vessels to exchange. One form must be used for each exchange. Vessel operators may not start the Access Area trip requested below until vessel owners receive written notice that the request has been approved. Written approval or disapproval of the request will be provided within 15 days of receipt of this form. Please read the 'Scallop Access Area Allocation Exchange Program Requirements and Restrictions' included with this form for more information.

<p>Vessel A's Permit Information</p> <p>Name: _____</p> <p>Business Name: _____</p> <p>F/V: _____</p> <p>Permit Number: _____</p>	<p>Vessel B's Permit Information</p> <p>Name: _____</p> <p>Business Name: _____</p> <p>F/V: _____</p> <p>Permit Number: _____</p>
<p>Vessel A will give one access area allocation below to Vessel B (Check Only One)</p> <p><input type="checkbox"/> MAA Only</p> <p><input type="checkbox"/> CAII</p> <p><input type="checkbox"/> NLAA</p> <p><input type="checkbox"/> MAA/ET Flex</p> <p><input type="checkbox"/> AA Other (Part-Time Cat Only)</p>	<p>Vessel B will give one access area allocation listed below to Vessel A (Check Only One)</p> <p><input type="checkbox"/> MAA Only</p> <p><input type="checkbox"/> CA II</p> <p><input type="checkbox"/> NLAA</p> <p><input type="checkbox"/> MAA/ET Flex</p> <p><input type="checkbox"/> AA Other (Part-Time Cat Only)</p>

Access Area Codes: **MAA Only** = Mid-Atlantic Area Only; **CAII** = Closed Area II; **MAA/ET Flex** = Mid-Atlantic/Elephant Flex Area; **NLAA** = Nantucket Lightship Access Area; **AA Other** = Any of the closed areas that the part-time vessels are eligible to choose to take one of their trips in which would consists of CAII, NLAA, MA/ET Flex Area, MAA-Only.

<p>Signed: _____ (Vessel Owner A)</p> <p>Dated: _____</p>	<p>Signed: _____ (Vessel Owner B)</p> <p>Dated: _____</p>
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Signature of this form certifies that the information provided on this form is true, complete and correct to the best of the vessel owner's 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 5 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, 55 Great Republic Drive, Gloucester, MA 01930; and to OMB, Paperwork Reduction Project, Washington, DC 20509. OMB Approval No. 0648-0491; Expires 7/31/2020

Scallop Access Area Allocation Exchange Program Requirements and Restrictions

This summary is not intended to be a substitute for the regulations. The regulations regarding the Scallop Access Area Allocation Exchange Program are located at 50 CFR 648.59(b)(3)(ii).

Access area allocation exchange restrictions.

- Access area exchanges may only be exchanged between vessels with the same permit category.
 - That is a full-time vessel may not exchange allocation with a part-time vessel, and vice versa.
- Access area allocation may only be exchanged in the amount of a full trip limit.
 - That is full-time limited access permitted vessel can only exchange no more or no less than 18,000 pounds of un-harvested scallops, from one access area for another 18,000 pounds of un-harvested scallops allocated to another vessel from another access area.
 - Part-time vessels can only exchange no more or no less than 14,400 pounds of un-harvested scallop from one access area for another 14,400 pounds of un-harvested scallop from another access area trip.
- Limited Access scallop permits that are in confirmation of permit history (CPH) or history retention status are not eligible for access area allocation exchanges.
- Vessel owners must request exchanges by submitting a complete access area allocation exchange at least 15 day before the date on which the applicant desires the exchange to be effective.
- The Regional Administrator has final approval authority for all access area allocation exchange requests.

What does the Flex (**MAA/ET Flex**) Area Exchange mean?

The MAA/ET Flex or Elephant Trunk Flex Area means you can fish in either the Elephant Trunk Flex Access Area or the Mid-Atlantic Access Area.

A flex allocation may be exchanged in full only for another access area allocation, but only the flex allocation may be landed from the elephant trunk flex access area.

For example, if Vessel A exchanges 18,000 pounds of flex allocation (MAA-ET Flex) with Vessel B, Vessel A would no longer be allowed to land allocation from the elephant trunk flex access area.

What does the Mid-Atlantic Area Only (**MAA Only**) Area means?

MAA Only or Mid-Atlantic Access Area only means you can only fish in the Mid-Atlantic Access Area. You cannot fish in the Elephant Trunk Flex Area.

What does the Access Are Other (**AA Other**) mean on the Access Area Allocation Exchange Form?

The 'AA Other' check box is for the limited access part-time vessel permit category holders only. The part-time category vessels have been allocated 28,000 pounds in the Access Areas, 14,400 pounds of which must be fished in the Mid-Atlantic Access Area. The remaining 14,400 pounds can be fished in any of the Access Areas that will be open this year. These areas are Closed Area II, Nantucket Light Ship, Mid-Atlantic Access or the Elephant Trunk Flex Access Areas. The part-time category permit holders are allowed to exchange their Mid-Atlantic Access Area Only trip with another vessel's trip in to one of

these 'Other' Access Areas and they do not have to determine which area that will be on the Access Area Trip Exchange form.

Therefore, the 'AA Other' allows a part-time vessel the ability to fish 14,400 pounds in one of these other areas (CAII, NLAA, MAET-Flex, MAA-Only).

If a part-time vessel permit holder exchanges Mid-Atlantic Access area allocation and checks the CAII, NLAA, or MAA/ET Flex area on the form, we will process the exchange request as an 'AA other'.

If a part-time vessel category vessel chooses to fish from the elephant trunk flex access area and does not land up to the full allocation on a trip, it may only land the remaining pounds either from the elephant trunk flex access area or the Mid-Atlantic access area.

Application requirements.

- The application must be signed by both parties involved in the access area allocation exchange request or an authorized agent.
- Applications may be submitted at any time during the scallop fishing year.
- Applications must be submitted at least 15 days before the date on which the applicants desire to have the allocation exchange effective.

Application information. Information obtained from the access area allocation exchange application is subject to the confidentiality requirements of the Magnuson-Stevens Act.

Approval of access area allocation exchange applications.

- Unless an application is denied for reasons below, the Regional Administrator shall issue confirmation of application approval to both parties involved in the exchange within 15 days of receipt of an application.

Denial of access area allocation exchange application. An application to exchange access area allocation may be rejected for, but not limited to, the following reasons:

- The application is incomplete.
- One or both of the vessels are not issued a valid full-time or part-time scallop DAS permit.
- One or both of the applicants have been sanctioned, pursuant to an enforcement proceeding.
- One or both of the vessels do not have a full access area allocation (18,000 lb or 14,400 lb) available to enact the exchange.
- The transferor or transferee has failed to submit past due Vessel Trip Reports or comply with vessel trip reporting requirements.

Upon denial of an application to exchange access area allocation the Regional Administrator will send a letter to the applicants describing the reason(s) for the rejection. The decision by the Regional Administrator is the final agency decision and there is no opportunity to appeal the Regional Administrator's decision. Deficiencies in applications must be corrected with a new application for an IFQ transfer.

Scallop access area allocation exchange request submission

- Access area allocation exchange request forms may be submitted by mail to

NOAA's National Marine Fisheries Service
Attn: Permits
55 Great Republic Drive
Gloucester, MA 01930

- You may also submit the form to our scallop email nmfs.gar.scallop@noaa.gov; or
- By fax (978) 281-9110
- Emailed applications must be submitted with signatures and date in PDF format.