



# Greater Atlantic Region Bulletin

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<http://www.nero.noaa.gov/>  
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## Atlantic Sea Scallop Fishery

### Management Measures for Fishing Year 2015 Small Entity Compliance Guide

*Effective Date: March 1, 2015*

The following information is important for planning your scallop fishing operations for the upcoming fishing year. Please read through each section carefully, and distribute this letter to your vessel operators. This summary is not a substitute for the actual regulations, and we encourage you to review the full text of the regulations, available at <http://www.greateratlantic.fisheries.noaa.gov/>.

**IMPORTANT:** You need to be aware of upcoming measures that we expect to implement in May 2015. The New England Fishery Management Council voted on final Framework Adjustment 26 measures on November 20, 2015, and, if we approve the action, we will likely implement the measures May. There are several important changes proposed in Framework 26 that, if approved and implemented, will directly affect the management measures in fishing year 2015. We have noted the Framework 26 measures that we urge you to consider when planning your fishing activity between March 1 and the implementation of Framework 26.

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If you have a question about any of the measures, please call our Sustainable Fisheries Division staff at (978) 281-9315. They will answer your questions or direct you to other Greater Atlantic Regional Fisheries Office staff who can help you.

*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, Greater Atlantic Region.*

## Section 1: Measures for LAGC scallop vessels

Fishing Year 2015 Allocation: The table below includes the LAGC fleet allocations for individual fishing quota (IFQ) vessels that become effective March 1, 2015, along with the allocations proposed under Framework 26 that would replace, if adopted, the March 1, 2015, measures. We will send you a separate letter that specifies your vessel's 2015 IFQ, which we set based on the following allocations. Your IFQ allocation letter will explain the details of setting your IFQ.

### LAGC Fleet Allocations

	March 1, 2015	Proposed Framework 26 (if approved)
LAGC IFQ only	<b>2,552,105 lb</b>	<b>2,700,663 lb</b>
LAGC IFQ with LA permit	<b>255,210 lb</b>	<b>271,169 lb</b>

**Important IFQ Transfer Information:** Beginning March 1, 2015, we will begin processing temporary and permanent transfers of 2015 IFQ.

- **Temporary Transfers:** You will not be able to temporarily transfer any of your Framework 26 IFQ that exceeds your March 1, 2015, allocation until Framework 26 is approved and adopted.
- **Permanent Transfers:** If you submit a request for a permanent transfer before we implement Framework 26 and your IFQ is increased, both parties will receive increases proportional to the amount of IFQ permanently transferred. For example:

**Boat A allocation:**

Before FW 26: 1,000 lb

After FW 26: 1,060 lb

If Boat A permanently transfers 500 lb to Boat B prior to FW 26 then 50% of the Boat A's allocation percentage will be transferred to Boat B as of the date of transfer. If Framework 26 is implemented, both Boat A and Boat B would each automatically receive an additional 30 lb without any further action by either boat owner. For more details, see your vessel's 2015 IFQ letter from February 19, 2015 for details.

IFQ Overage Payback (accountability measure): Please remember that it is a violation to exceed your yearly IFQ allocation, but you can balance an overage within a fishing year (submitted on or before February 28) through temporary IFQ leases and/or permanent allocation transfers completed before the applicable fishing year ends. If you exceed your yearly IFQ allocation, in addition to this being a violation, we will deduct any overages that remain at the end of the fishing year from the following year's IFQ allocation on a pound-for-pound basis.

IFQ Carryover: After the start of fishing year 2015, we will be mailing revised allocation letters to those LAGC IFQ permit holders receiving an IFQ adjustment due to carry-over pounds or overage deductions from fishing year 2014. Vessel owners may carry over unused IFQ up to 15 percent of the vessel's fishing year 2014 IFQ, including the original allocation and IFQ transferred from another vessel (leases or permanent allocation transfers). We typically mail the adjustment letters in May or June.

Fishing Year 2015 Access Area Trip Allocations for the LAGC IFQ Scallop Fleet:

At the start of fishing year 2015, there will be no access area trips allocated to LAGC IFQ vessels. Framework 26 proposes access into the Mid-Atlantic Access Area (a combination of all of the Mid-Atlantic Access Areas with area closures) for LAGC IFQ vessels (2,065 trips). Vessels must wait for Framework 26's approval and implementation to enter into a scallop access area in fishing year 2015.

LAGC Northern Gulf of Maine (NGOM) Management Area Scallop Total Allowable Catch (TAC): Vessels issued an LAGC NGOM scallop permit are restricted to 200 lb shucked or 25 U.S. bu in-shell scallops per trip. The NGOM TAC for fishing year 2015 is 70,000 lb. When the NGOM fleet harvests 70,000 lb of scallops from the NGOM area, we must close the NGOM to all scallop vessels for the remainder of the fishing year. Framework 26, if adopted and implemented, would allow state fishery agencies to request an exemption to allow vessels to continue fishing in state waters after closure of the NGOM to Federal scallop permit holders. Even under final Framework 26 measures, this exemption would not be automatic and requires our review and approval. We expect to work closely with the states on this issue.

LAGC Incidental Scallop Target TAC: The incidental scallop target TAC for fishing year 2015 is 50,000 lb. Vessels issued an LAGC Incidental Catch scallop permit may land up to 40 lb shucked or 5 U.S. bu in-shell scallops per trip.

## **Section 2: Measures for Limited Access Scallop Vessels**

### **Fishing Year 2015 Limited Access Sea Scallop Access Area Schedule and Carry-over fishing year 2014 Compensation Trips**

There are no Limited Access vessels access area trips allocated at the start of the fishing year (March 1, 2015). Framework 26, if approved and implemented, will allocate fishing year 2015 access area trips. However, vessels will be able to fish their eligible fishing year 2014 compensation trips in the first 60 days of fishing year 2015. Compensation trips for the Delmarva access area broken after July 14, 2014 and Nantucket Lightship and Closed Area 2 access areas broken after December 30, 2013, must begin no later than April 29, 2015. All compensation trips from trips broken after December 30, 2014, if not taken, will expire on April 30, 2015. To be eligible for a compensation trip, you must have followed the broken trip notification and compensation trip request requirements for the trip broken.

Note that Framework 26 proposes an increase in access area possession limits. Once we implement Framework 26, if approved, the access area possession limit would be 17,000 lb. However, until that time, the possession limit for fishing year 2014 compensation trips taken in the first 60 days of fishing year 2015 is 12,000 lb.

### Limited Access Vessel DAS Measures

#### Limited Access Open Area Days at Sea (DAS) Allocations

#### DAS allocation for Limited Access Vessels

	Full-Time	Part-Time	Occasional
March 1, 2015	17	7	1
Proposed Framework 26 (if approved)	30.86	12.94	2.58

\*Allocations exclude carryover DAS

**Note:** You cannot exceed the March 1, 2015, DAS allocations unless and until we approve and implement Framework 26.

#### Shell Stock Restrictions:

- Vessels fishing in or transiting the area south of 42°20' N. lat. at any time during a trip cannot possess more than 50 bu of in-shell scallops shoreward of the Vessel Monitoring System (VMS) demarcation line.
- A vessel declared into the Sea Scallop Area Access Program may not possess more than 50 bu of in-shell scallops outside of the access area.

### Section 3: Measure for Limited Access and LAGC scallop vessels

#### Measures to Protect Endangered and Threatened Sea Turtles

##### **Turtle Deflector Dredge (TDD) Requirements**

All scallop vessels, except LAGC vessels using a dredge less than 10 feet 6 inches wide, must use a TDD in the Mid-Atlantic.

#### Effective Season and Area Required:

- The TDD season is from May 1 through October 31 each year west of 71° W. long.

##### **Turtle Chain Mat Requirements**

#### Effective Season and Area Required:

- The turtle chain mat is required from May 1 through November 30 each year south of 41°09.0' N. lat.

**Note:** Framework 26 proposes to align the season and area for the TDD and the Turtle Chain Mat Requirements, but Framework 26, if approved, is not likely to be in place prior to May 1.

### **Industry-Funded Observer Program**

#### Observer Set-Aside Compensation

The industry-funded observer program covers Limited Access vessels and LAGC IFQ vessels fishing in both open areas and in access areas. We will provide the observer compensation rates for each of these at a later date. The 2014 observer compensation rates apply until further notice.

We monitor the compensation rates and the observer set-aside use in each area very closely throughout the year. If information suggests that a different rate is necessary to account for unexpected fishery conditions, we will change the compensation rate as appropriate and necessary.

For details on how we've calculated these compensation rates in the past, and our expectation of how it will impact compensation and observer coverage rates, please go to:

<http://www.greateratlantic.fisheries.noaa.gov/nr/2014/February/14scalobsercompratephl.pdf>

You can track the observer set-aside for each scallop management area and its use on our website at: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/scal.htm> (see links to "Observer Set-Asides" by area)

#### Observer notification procedures

The owner or agent of a scallop vessel must comply with observer notification procedures detailed in the attachment. All vessels must provide notification prior to all open area and access area trips.

Attachment

# Industry-Funded Scallop Observer Program Call-In Guide

**Limited Access (LA) Vessels:** Call for **BOTH** Open Area and Access Area trips. 72 hours notice before the intended sail date is required and notice should be no more than 10 days prior to sail date.

**LA General Category Vessels:** Call for **BOTH** Open and Access Area trips. Notify weekly by Thursday if you intend to make any trips from Sunday through Saturday of the following week.

## **STEP I – CALL (508) 495-2100**

1. **Press 1** to report a trip and follow the telephone message prompts.

2. **Gear type:**

1	Scallop Dredge	2	Scallop Trawl
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3. **Permit type:**

1	Limited Access	2	General Category
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4. **Fishing Area:**

1	Nantucket Lightship Access Area	5	Georges Bank Open Area
2	Closed Area II Access Area	8	Delmarva
4	Mid-Atlantic Open Area		

5. **Phone Number:** enter your 10 digit phone number (DO NOT use '1' before the area code)

6. **Permit number:** enter your 6 digit permit number

7. **Name:** please speak clearly, first and last name, then press # key

8. **Port sailing from:** please speak clearly the port name, including city and state, then press # key

9. **Date of sailing:** please speak clearly the month, day, and year, then press # key; for General Category, use the date for Sunday starting that week.

You will receive a **trip confirmation number** for each call (trip calls for limited access trips, and weekly calls for general category trips). An email transmission from the National Marine Fisheries Service (NMFS) will be sent to your email address(s) within 24 hours and will either issue a 'waiver' or notify you that an observer must be hired for the trip. If you are issued a waiver, you may begin your trip(s). If you receive an observer notice, please follow the instructions in Step II. **If you do not receive VMS notification within 24 hours, contact the NMFS Vessel Call-in Coordinator at (508) 495 – 2188 or (508) 560 – 3550 (cell) as soon as possible.**

## **STEP II - OBSERVER PROVIDER 48-HOURS PRIOR TO TRIP**

**If selected for observer coverage you MUST provide 48 hours notice to observer providers. The 48 hour notice is required for each provider when contacting them to hire an observer for your trip.** The observer provider may take up to 18 hours to notify you on observer availability. General Category vessels that are selected for coverage are required to carry an observer and may be selected for up to 2 trips during the week per NMFS discretion.

**It is required to call all observer providers before requesting a waiver from NMFS.**

Current Industry Funded Scallop Observer providers are:

**A.I.S. Inc. (774) 200-1688**

**East West Technical Services Inc. (860) 910-4957**

**Fathom Research LLC. (508) 990 - 0997**

**Please call the NMFS Vessel Call-in Coordinator at (508) 495-2188 or (508) 560-3550 (cell) if:**

1. There are no observers available from any of the providers and you would like to request a waiver.
2. You are cancelling your trip or your trip has been delayed more than 48 hours beyond the intended sail date.
3. Any other extenuating circumstances.

*This summary is not a substitute for the actual regulations. The full text of the regulations is available at <http://www.nero.noaa.gov> or call the Northeast Regional Office at (978) 281-9315.*