



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

June 7, 2006

**SMALL ENTITY COMPLIANCE GUIDE**

Dear Limited Access Sea Scallop Permit Holder:

This letter is to notify you that regulations implementing Framework 18 to the Atlantic Sea Scallop Fishery Management Plan (FMP) (Framework 18) will be effective on **June 15, 2006**. This letter summarizes the new management measures established by Framework 18. This summary is not a substitute for the actual regulations. The full text of the regulations is available on our website: <http://www.nero.noaa.gov>, or you may request a copy by calling (978) 281-9315.

**Open area days-at-sea (DAS) allocation\***

<b>Full-Time</b>		<b>Part-Time</b>		<b>Occasional</b>	
<u>2006</u>	<u>2007</u>	<u>2006</u>	<u>2007</u>	<u>2006</u>	<u>2007</u>
52	51	21	20	4	4

\*If a vessel used more DAS between March 1, 2006, and June 15, 2006, than is allocated by Framework 18 for the 2006 fishing year, the overage will be deducted from the vessel's 2007 DAS allocation

**Sea scallop access area schedule**

	<b>2006</b>	<b>2007</b>
<b>Closed Area II (CAII)</b>	Open (06/15/06 to 01/31/07)	Closed
<b>Nantucket Lightship (NLCA)</b>	Open (06/15/06 to 01/31/07)	Open (06/15/07 to 01/31/08)
<b>Closed Area I (CAI)</b>	Closed	Open (06/15/07 to 01/31/08)
<b>Elephant Trunk (ETAA)</b>	Closed	Open* (01/01/07 to 02/29/12)
<b>Hudson Canyon (HCAA)</b>	Open**	Open**

\* ETAA: Seasonal closure from September 1 to October 31, effective through 2012

\*\* HCAA: Open only to general category vessels and limited access vessels with unused 2005 HCAA trips



## Access area trip allocation

	<u>NLCA</u>		<u>CAII</u>		<u>CAI</u>		<u>ETAA</u>	
	<u>2006</u>	<u>2007</u>	<u>2006</u>	<u>2007</u>	<u>2006</u>	<u>2007</u>	<u>2006</u>	<u>2007</u>
<b>Full-time</b>	2	1	3	0	0	1	0	5*
<b>Part-time**</b>	Up to 2	Up to 1	Up to 2	0	0	Up to 1	0	Up to 3*
<b>Occasional***</b>	Up to 1	Up to 1	Up to 1	0	0	Up to 1	0	Up to 1
<b>General Category</b>	577	394	865	0	0	216	0	1,360*

\* ETAA trips may be reduced if 2006 resource surveys identify a lower exploitable biomass

\*\* Part-time scallop vessels have the following access area trip options:

2006: 1 trip in CAII and 1 trip in NLCA; or 2 trips in NLCA; or 2 trips in CAII

2007: 1 trip in CAI, 1 trip in NLCA and 1 trip in ETAA; or 1 trip in CAI and 2 trips in ETAA; or 1 trip in NLCA and 2 trips in ETAA; or 3 trips in ETAA (unless the ETAA trip allocation is reduced to 2 trips as described below)

\*\*\* Occasional scallop vessels have the following access area trip options:

2006: 1 trip in CAII; or 1 trip in NLCA

2007: 1 trip in CAI; or 1 trip in NLCA; or 1 trip in ETAA

## Hudson Canyon Access Area trips

In 2005, the HCAA did not produce sufficient scallop catches to sustain the number of allocated trips. To address this problem, Framework 18 allows vessel owners to carry unused 2005 HCAA trips into the 2006 and/or 2007 fishing years.

Limited access vessels can take unused 2005 HCAA trips from June 15, 2006, through February 29, 2008. All other limited access vessels may not fish for, possess, or land scallops from the HCAA. Unused 2005 HCAA trips may be exchanged with other access area trips allocated in the 2006 and 2007 fishing years. A separate letter from NOAA Fisheries Service will notify vessel owners of their unused 2005 HCAA trip allocations.

General Category vessels and limited access vessels fishing outside of DAS may continue to fish in the HCAA in the 2006 and 2007 fishing years (select "open area trip" on the VMS unit).

### **Potential ETAA trip adjustment**

The number of trips that can be taken in the ETAA may be reduced from five trips to four, three, or two trips for the 2007 fishing year, if the exploitable biomass identified by 2006 resource surveys is lower than currently estimated. Full-time and Part-time vessels would be limited to the reduced number of trips. Permit holders will be notified in December 2006 if such an adjustment is made.

### **Sea scallop access area possession limits**

	<u>2006</u>	<u>2007</u>
<b>Full-time</b>	18,000 lb	18,000 lb
<b>Part-time</b>	18,000 lb	16,800 lb*
<b>Occasional</b>	7,500 lb	7,500 lb

\* The possession limit for Part-time vessels on a 2007 HCAA trip is 18,000 lb

### **Yellowtail flounder access area bycatch**

Commercial scallop vessels fishing in access areas are limited to a bycatch of yellowtail flounder that equals 9.8% of the annual yellowtail flounder TACs established in the Northeast (NE) multispecies regulations. The TACs for the NLCA and CAII for the 2006 fishing year are as follows:

<b>Yellowtail flounder bycatch TAC</b>	
	<u>2006</u>
<b>NLCA</b>	31,544 lb
<b>CAII</b>	447,230 lb

If the groundfish fleet is projected to harvest 100% of the Georges Bank U.S./Canada Management Area yellowtail flounder TAC of 2,070 mt, scallop vessels will no longer be able to retain yellowtail flounder from CAII.

Through June 30, limited access scallop vessels fishing in the NLCA may possess no more than 250 lb of yellowtail flounder per trip.

- Transfer of access area trips to open areas if the yellowtail flounder bycatch TAC is attained

If the yellowtail flounder bycatch TAC is attained in any access area, it will be closed to further scallop fishing for the remainder of the fishing year. If a vessel has an unused trip(s) into an access area closed by a yellowtail flounder TAC, it will be allocated additional open areas DAS for each unused trip as follows: NLCA - 4.9 DAS; CA II - 5.4 DAS; CA I - 5.5 DAS (in the 2007 fishing year).

Vessels allocated compensation trips that cannot be made in an access area because the yellowtail flounder TAC has been harvested will be allocated additional open area DAS based on estimated catch rates for the affected access area. The conversion rate from access area DAS to open area DAS is 0.45 for CAII and 0.41 for NLCA per open area DAS. An access area DAS is equal to 1,500 lb. For example, a vessel with a 10,000-lb compensation trip in NLCA would be allocated 2.72 open area DAS ( $0.41 * 10,000 / 1,500 = 2.72$ ).

### **Elimination of crew size restriction in access areas only**

Limited access vessels on a sea scallop access area trip are no longer subject to crew limit restrictions.

Vessels on an open-area DAS trip are still restricted by crew limits, and may have no more than five persons on board vessels issued small dredge permits, or seven persons on board other limited access scallop vessels.

### **Access area trip exchange program changes**

- Elimination of trip exchange deadline

The deadline for access area trip exchanges has been eliminated. Vessels may now exchange access area trips at any time during the fishing year.

- Inter-annual access area trip exchanges

Limited access vessels may exchange 2006 CAII and/or NLCA trips for 2007 ETAA trips. Vessel owners should note that, if 2007 ETAA trips are reduced by updated resource survey results (see above), vessels that exchanged 2006 CAII and/or NLCA trips may not be able to fish all of the ETAA trips the vessel acquired through an exchange. For example, if the number of ETAA trips are reduced from five to three, and an owner had exchanged both 2006 NLCA trips and all three 2006 CAII trips for five additional 2007 ETAA trips (for a total of 10 2007 ETAA trips), the vessel would only be allowed to take six ETAA trips total (three trips available to the vessel from its allocation, and three trips acquired through the exchange).

## **Broken trip program changes**

- Compensation trip carryover

The broken trip program allows vessels that terminate an access area trip prior to catching the full possession limit to return to the access area to catch the remaining portion of the possession limit on an authorized compensation trip. If a vessel terminates an access area trip within the final 60 days of the access area open season, that vessel will be allowed to take its compensation trip in the same access area up to 60 days after the access area opens the following fishing year. If the access area is not open the following fishing year, the vessel will not be allowed to carryover outstanding compensation. For example, since NLCA is scheduled to close January 31, 2007, and reopen June 15, 2007, a vessel that breaks a NLCA trip in December, 2006, and is unable to complete the trip prior to January 31, 2007, would be able to take the compensation trip between June 15 and August 14, 2007. Since CAII is scheduled to be closed for the 2007 fishing year, no carryover would be authorized.

- New notification requirements

NOAA Fisheries Service has revised the broken trip notification requirement. Vessels must now declare a broken trip by completing the VMS broken trip form (see broken trip forms on p. 10).

In addition, prior to the start of each compensation trip, a vessel owner or operator must submit a unique trip identification code(s) through the VMS unit by completing the new compensation trip form (see compensation trip form on p. 11). Trip identification codes will be displayed on the letter of authorization issued by the Regional Administrator.

## **Sea scallop set-aside programs**

- At-sea Observer Program

In 2006 and 2007, 1% of both the open area DAS and access area TAC allocations are set aside to help defray the cost of observer coverage.

Until further notice, vessel owners are not required to pay for the cost of carrying an observer. Therefore, open area DAS and access area TAC set-asides will not be utilized for observed trips.

- Research set-aside (RSA) Program

In 2006 and 2007, 2% of both the open area DAS and access area TAC allocations are set aside to fund sea scallop research. Additional DAS and access area pounds will be allocated to vessels participating in approved research projects. Scallop vessels participating in the RSA program are limited to a catch of yellowtail flounder that equals 0.2% of the annual yellowtail flounder TACs established in the NE multispecies regulations. Set-aside projects for the 2006 fishing year have already been considered for funding. An announcement for research proposals utilizing the 2007 research set-asides will be published in June 2006. Additional information about the RSA Program is available from the Regional Office by calling (978) 281-9315.

## New scallop rotation areas

- Elephant Trunk Access Area (ETAA)

Beginning January 1, 2007, the ETAA will be open to scallop fishing as an Access Area. Allocations of trips and possession limits are specified in the tables included in this letter. The ETAA is defined by the following coordinates:

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
ET1	38°50'	74°20'
ET2	38°10'	74°20'
ET3	38°10'	73°30'
ET4	38°50'	73°30'
ET1	38°50'	74°20'

### Seasonal closure of ETAA

The ETAA will be closed to scallop fishing from September 1 - October 31, each year. The 2-month closure is intended to provide protection for threatened and endangered sea turtles that may interact with the scallop fishery in the Mid-Atlantic and to reduce small scallop and finfish discard mortality.


- Delmarva Scallop Rotational Closed Area

From January 1, 2007, through February 28, 2010, no vessel may fish for, possess or land scallops from the Delmarva Closed Area, as defined by the following coordinates:

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
DMV1	38°10'	74°50'
DMV2	38°10'	74°00'
DMV3	37°15'	74°00'
DMV4	37°15'	74°50'
DMV1	38°10'	74°50'

Vessels in possession of scallops may transit this area after it closes, provided all gear is stowed and unavailable for use.

If you have any questions regarding this information, please contact the Sustainable Fisheries Division at (978) 281-9315.

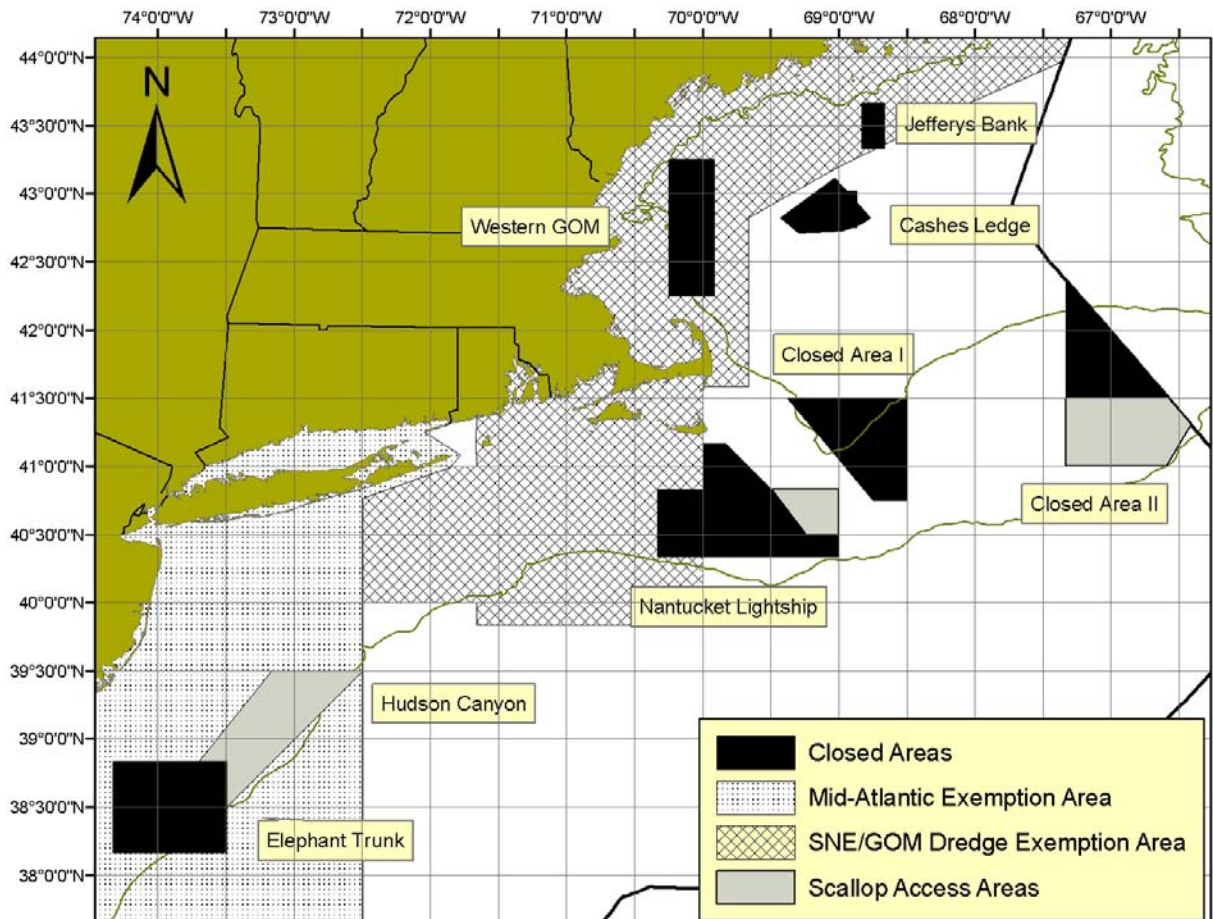
Sincerely,  
  
Patricia A. Kurkul  
Regional Administrator

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

## Sea scallop chart for the 2006 fishing year

The following chart details sea scallop access areas, closed areas and scallop exemption areas.

- Access areas open to scallop vessels.
- Closed areas: Areas closed to scallop vessels, including closed access areas and essential fish habitat closed areas.
- Mid-Atlantic Exemption Area and Southern New England (SNE) and Gulf of Maine (GOM) Dredge Exemption Areas: General category vessels that have declared an open area trip, or limited access vessels fishing outside of DAS, must fish within one of these three exemption areas.



## **EXEMPTION AREAS**

### **Gulf Of Maine (GOM)**

#### **Scallop Dredge Exemption Area**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
GOM1	41°35'	70°00'
GOM2	41°35'	69°40'
GOM3	42°49.5'	69°40'
GOM4	43°12'	69°00'
GOM5	43°41'	68°00'
GOM5	43°58'	67°22'
GOM1	41°35'	70°00'

Northward along the irregular U.S.-Canada maritime boundary to the shoreline

### **Southern New England (SNE)**

#### **Scallop Dredge Exemption Area**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
SNE1	(1)	73°00'
SNE2	40°00'	73°00'
SNE3	40°00'	71°40'
SNE4	39°50'	71°40'
SNE5	39°50'	70°00'
SNE6	(2)	70°00'
SNE7	(3)	70°00'
SNE8	(4)	70°00'
SNE9	41°00'	(5)
SNE10	41°00'	71°40'
SNE 11	(6)	71°40'

- 1) South facing shoreline of Long Island, NY
- 2) South facing shoreline of Nantucket, MA
- 3) North facing shoreline of Nantucket, MA
- 4) South facing shoreline of Cape Cod, MA
- 5) East facing shoreline of the south fork of Long Island, NY
- 6) South facing shoreline of RI

### **Mid-Atlantic Exemption Area**

The MA Exemption Area is that area bounded on the east by a line running from the Rhode Island shoreline at 41°18.2' N. lat. 71°55.5' W long. (Watch Hill, RI), southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; southeasterly to the intersection of the 3-nautical mile line east of Montauk Point; southwesterly along the 3-nautical mile line to the intersection of 72°30' W. long; and south along that line to the intersection of the outer boundary of the EEZ

## **2006 SCALLOP ACCESS AREAS**

### **Closed Area II Access Area (CAII)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CAIIA1	41°00'	67°20'
CAIIA2	41°00'	66°35.8'
CAIIA3	41°18.6'	66°24.8'
CAIIA4	41°30'	66°34.8'
CAIIA5	41°30'	67°20'
CAIIA1	41°00'	67°20'

### **Nantucket Lightship Access Area (NLCA)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
NLCA1	40°50'	69°00'
NLCA2	40°30'	69°00'
NLCA3	40°30'	69°14.5'
NLCA4	40°50'	69°29.5'
NLCA1	40°50'	69°00'

### **Hudson Canyon Access Area (HCAA)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
HCAA1	39°30'	73°10'
HCAA2	39°30'	72°30'
HCAA3	38°30'	73°30'
HCAA4	38°50'	73°30'
HCAA5	38°50'	73°42'
HCAA1	39°30'	73°10'

NOTE: HCAA open to General category vessels



## **CLOSED AREAS**

### **Cashes Ledge**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CL1	43°07'	69°02'
CL2	42°49.5'	68°46'
CL3	42°46.5'	68°50.5'
CL4	42°43.5'	68°58.5'
CL5	42°42.5'	69°17.5'
CL6	43°07'	69°02'

### **Cashes Ledge Habitat Area**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CLH1	43°01'	69°03'
CLH2	43°01'	68°52'
CLH3	42°45'	68°52'
CLH4	42°45'	69°03'
CLH1	43°01'	69°03'

### **Closed Area I**

(Includes access area)

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CAI1	41°30'	69°23'
CAI2	41°30'	68°30'
CAI3	40°45'	68°30'
CAI4	40°45'	68°45'
CAI1	41°30'	69°23'

### **Closed Area II**

(Does not include access area)

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
CAII1	42°22'	67°20' <sup>1</sup>
CAII2	41°30'	66°34.8'
CAII3	41°30'	67°20' <sup>1</sup>
CAII1	42°22'	67°20' <sup>1</sup>

<sup>1</sup> The U.S./Canada Maritime Boundary

### **Elephant Trunk Access Area (ETAA)**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
ETAA1	38°50'	74°20'
ETAA2	38°10'	74°20'
ETAA3	38°10'	73°30'
ETAA4	38°50'	73°30'
ETAA1	38°50'	74°20'

### **Jeffrey's Bank Habitat Area**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
JB1	43°40'	68°50'
JB2	43°40'	68°40'
JB3	43°20'	68°40'
JB4	43°20'	68°50'
JB1	43°40'	68°50'

### **Nantucket Lightship**

(Does not include access area)

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
NLS1	40°50'	70°20'
NLS2	40°50'	70°00'
NLS3	41°10'	70°00'
NLS4	41°10'	69°50'
NLS5	40°30'	69°14.5'
NLS6	40°30'	69°00'
NLS7	40°20'	69°00'
NLS8	40°20'	70°20'
NLS1	40°50'	70°20'

### **Western GOM Habitat Area**

<u>Point</u>	<u>N. Latitude</u>	<u>W. Longitude</u>
WGOM1	43°15'	70°15'
WGOM2	43°15'	69°55'
WGOM3	42°15'	69°55'
WGOM4	42°15'	70°15'
WGOM1	43°15'	70°15'

# VMS BROKEN TRIP NOTIFICATION FORM

## BOATRACS UNITS

Scallop Broken Trip Notification V1

Estimated Landing Month (01 - 12): \_\_

Estimated Landing Day (01 - 31): \_\_

Estimated Landing Hour (00 - 23): \_\_

Estimated Landing Minute (00 - 59): \_\_

Estimated Scallop Meats: \_\_\_\_\_ (lbs)

Reason for Termination: \_\_\_\_\_

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## SKYMATE UNITS

The screenshot shows a software interface for a 'Scallop Broken Trip Notification' form. At the top right, there is a 'Cancel' button. The title of the form is 'Scallop Broken Trip Notification.' Below the title, there is a table of input fields:

Estimated Landing Month:	Select a Month ▾
Estimated Landing Day:	Select a Day ▾
Estimated Landing Hour:	Select a Hour ▾
Estimated Landing Minute:	Select a Minute ▾
Estimated Scallop Meats:	<input type="text"/> lbs
Reason for Termination:	<input type="text"/>

At the bottom of the form, there is a message: 'You must select an Estimated Landing Month.'

## **Scallop Access Area Compensation Trip Form**

You have declared a Sea Scallop Access Area compensation trip(s). Please enter the trip identification code(s) found on your compensation letter(s) of authorization.

Vessels may only combine compensation trips for the same Access Area. A vessel may not exceed its permit category possession limit.

Compensation Trip Identification Code(s):

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_