



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930-2298

December 19, 2006

******* IMPORTANT NOTICE *******

**NATIONAL MARINE FISHERIES SERVICE HAS
IMPLEMENTED REVISED MANAGEMENT MEASURES FOR
THE ELEPHANT TRUNK ACCESS AREA**

Dear Scallop Vessel Owner:

The National Marine Fisheries Service has implemented an interim rule that:

- Delays the opening of the ETAA until March 1, 2007
- Reduces the Elephant Trunk Access Area (ETAA) trip allocations; and
- Prohibits deckloading for vessels fishing in the ETAA.

This rule is effective December 22, 2006, through June 20, 2007, and may be extended until December 17, 2007. The interim rule has been implemented to reduce overfishing in the 2007 fishing year, consistent with New England Fishery Management Council and scallop fishing industry recommendations.

ETAA Opening Delayed

The ETAA remains closed to scallop fishing through February 28, 2007. On March 1, 2007, the ETAA will open to scallop fishing with a restriction on the number of trips as described below.

Trip Allocations

Full-time vessels: Full-time scallop vessels are allocated 3 trips in the ETAA. The possession limit for full-time vessels is 18,000 lb (unless the trip is a compensation trip from a prior broken trip).

Part-time vessels: Part-time scallop vessels are allocated up to 2 trips in the ETAA. These trips may be taken in one of the following ways:

- One trip in the Closed Area I (CAI) Access Area, and one trip in the Nantucket Lightship Closed Area (NLCA) Access Area; or
- One trip in the CAI and one trip in the ETAA; or
- One trip in the NLCA and one trip in the ETAA; or
- Two trips in the ETAA.

The possession limit for part-time vessels is 18,000 lb on Access Area trips (unless the trip is a compensation trip from a prior broken trip).

Occasional vessels: Occasional scallop vessels are allocated one trip that can be taken in any of the Access Areas.

The possession limit for occasional scallop vessels is 7,500 lb (unless the trip is a compensation trip from a prior broken trip).

General Category vessels: The general category scallop fleet trip allocation is 865 trips in the ETAA

Trip Exchanges

ETAA trips acquired through a trip exchange for 2006 NLCA and/or Closed Area II Access Area trips are also subject to the ETAA trip reduction. For full-time vessels, the total number of trips that can be taken by both vessels involved in the exchange, combined, cannot exceed 6 ETAA trips. For part-time vessels, the total number of trips that can be taken by both vessels involved in the exchange, combined, cannot exceed 4 ETAA trips. The last page of this letter demonstrates how the reductions in ETAA trips will be applied to vessels involved in a trip exchange that involved ETAA trip(s).

Deckloading Prohibited on ETAA Trips

Scallop vessels declared into an ETAA trip are prohibited from leaving the ETAA Area with more than 50 bushels of in-shell scallops. This prohibition applies to all ETAA trips.

- A vessel that breaks an ETAA trip may not possess more than 50 bushels of in-shell scallops outside of the ETAA.
- A general category vessel with an observer onboard for an ETAA trip that are also authorized to possess more than 400 lb of shucked or 50 U.S. bu of in-shell scallops to compensate for the observer, may not possess more than 50 U.S. bu of in-shell scallops outside the boundaries of the ETAA.

This letter summarizes the new management measures established by the interim rule, and is not a substitute for the actual regulations. The full text of the regulations is available on our website: www.nero.noaa.gov, or you may request a copy by calling (978) 281-9315. A letter explaining the 2007 fishing year measures effective March 1, 2007, will be mailed at a later date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Mantzari". The signature is written in a cursive style with a large initial "C".

For 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.

Trip Exchange Examples

Full-time vessels: The following table demonstrates how trip allocations and trip reductions for the ETAA will be applied for full-time scallop vessels that completed a trip exchange with another vessel involving an ETAA trip or trips.

Number of Trips Exchanged From Vessel A to Vessel B	Vessel A ETAA Trips Remaining Before Interim Rule	Vessel A ETAA Trips Reduced Under Interim	Vessel A ETAA Allocation Under Interim (Column 2 minus Column 3)	Vessel B ETAA Trips Remaining Before Interim Rule	Vessel B Trips Reduced Under Interim	Vessel B ETAA Allocation Under Interim (Column 5 minus Column 6)	Total Trips Allocated in ETAA for Vessel A plus Vessel B
5	0	0	0	10	4	6	6
4	1	1	0	9	3	6	6
3	2	2	0	8	2	6	6
2	3	2	1	7	2	5	6
1	4	2	2	6	2	4	6
0	5	2	3	5	2	3	6

Part-time vessels: The maximum total number of ETAA trips for two part-time vessels that exchanged trips in 2006 is four trips in the ETAA. For example:

- A part-time vessel that gave up one trip to the ETAA will have one trip available in the ETAA in the 2007 fishing year. A part-time vessel that received one trip in the ETAA will have up to three trips in the ETAA. The total number of ETAA trips for the vessels combined is four. The vessel receiving the ETAA trip cannot take more than one trip in the CAI Access Area and one trip in the NLCA Access Area.
- A part-time vessel that gave up two trips in the ETAA will have no trips available in the ETAA in the 2007 fishing year. A part-time vessel that received two trips in the ETAA will have up to four trips in the ETAA. The total number of ETAA trips for the vessels combined is four. The vessel receiving the ETAA trips cannot take more than one trip in the CAI Access Area and one trip in the NLCA Access Area.