



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

November 3, 2006

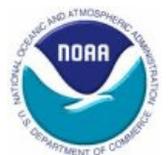
Dear Limited Access Scallop Permit Holder:

The scallop broken trip program allows limited access scallop vessels that terminate a scallop access area trip prior to catching the allowable scallop possession limit to return to the access area to catch the remaining portion of the possession limit on an authorized compensation trip.

**This letter announces the decision to waive the requirement to provide VMS notification prior to leaving the access area, and the requirement to submit broken trip requests within 30 days of landing ONLY FOR THE OWNERS OF LIMITED ACCESS SCALLOP VESSELS THAT TERMINATED A 2005 HUDSON CANYON ACCESS AREA (HCAA) TRIP EARLY, but did not submit a broken trip adjustment sheet. Applications requesting authorization of a compensation trip must be received by [60 DAYS OF TIME STAMP]. If eligible, vessels will be issued a compensation trip authorization, which must be used prior to the end of the 2007 scallop fishing year (February 29, 2008).**

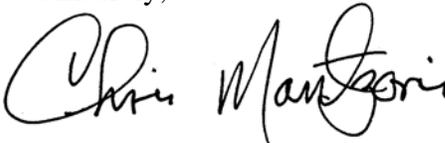
In 2005, the HCAA was initially established for one year. Framework 18 to the Atlantic Sea Scallop Fishery Management Plan established a measure to allow vessel owners to carryover unused 2005 HCAA trips into the 2006 and 2007 fishing years, including vessels that had been issued compensation trip authorizations. However, the Framework 18 proposed rule was not published for public comment until after the end of the 2005 fishing year (February 28, 2006), and the final measures did not become effective until June 15, 2006.

The Northeast Regional Office has been contacted by vessel owners who did not provide broken trip notification or submit broken trip adjustment sheets for 2005 HCAA trips within the required 30 days of landing. It has become apparent that some vessel owners, had they known they would be allowed to carry compensation trips forward into the 2006 and 2007 fishing years, would have requested a compensation trip authorization. Because of the delay in publication of the final rule implementing Framework 18, an unintended inequity among scallop vessel owners was created due to an administrative deadline. Therefore, to address this inequity, the requirement for notification prior to leaving the area and the initial 30-day deadline for submission of a broken trip adjustment sheet are waived for 2005 HCAA trips only. Vessel owners may request a compensation trip authorization for a 2005 HCAA trip that was terminated before the possession limit was retained.



Note that the notification requirement and the 30-day deadline are waived only for this specific circumstance (i.e., only HCAA trips made in 2005). For all other access area trips, vessel owners are reminded that they must comply with the requirements outlined in this letter. If you have any questions regarding this announcement, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

  
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.*

### **SCALLOP BROKEN TRIP PROGRAM REQUIREMENTS**

To participate in the scallop broken trip program, the following requirements, as detailed at § 648.60(c), must be met:

1. Vessel operator must submit a VMS Broken Trip Notification Form while at sea, prior to leaving the access area.
2. Vessel owner or operator must submit a Broken trip Adjustment Sheet with an attached landing receipt within 30 days of returning to port.
3. Prior to the start of each compensation trip, the vessel owner or operator must declare the proper VMS declaration code and submit a VMS Compensation Trip Declaration Form with the unique trip identification code(s) found on the compensation trip authorization letter issued by the Regional Administrator.

The above requirements must be met in order for a vessel to be eligible to receive a compensation trip authorization letter, or to fish under a compensation trip authorization letter.