



Northeast Region Bulletin

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<http://www.nero.noaa.gov/>
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ATLANTIC SEA SCALLOP FISHERY Management Measures for Fishing Year 2013 Small Entity Compliance Guide *Effective Date: March 1, 2013*

This information helps to guide vessel owners' and operators' fishing plans and activities 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.nero.noaa.gov>.

IMPORTANT: You need to be aware of upcoming measures that we expect to implement in May 2013. There are several important changes proposed in Framework Adjustment 24 (Framework 24) that will directly affect the management measures in fishing year 2013. We have noted the Framework 24 measures that we urge you to consider when planning your fishing activity between March 1 and the implementation of Framework 24.

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If you would like to learn more about these and other measures, or details about recent actions, we have posted additional information on our website at:
<http://www.nero.noaa.gov/sfd/sfdscallop.html>.

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

Section 1: Measures for LAGC scallop vessels

FY 2013 Allocation: The table below includes the LAGC fleet individual fishing quota (IFQ) allocations effective March 1, 2013, along with the allocations proposed under Framework 24. We will send you a separate letter that specifies your vessel's 2013 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, 2013	Framework 24
LAGC IFQ only	3,067,000 lb	2,227,142 lb
LAGC IFQ with LA permit	306,700 lb	222,714 lb

Important IFQ leasing information: We will accept and process leases and permanent transfers of 2013 IFQ, but in particular, we urge those of you planning to lease or transfer IFQ from another IFQ vessel owner to use caution. If the lower IFQ allocations under Framework 24 are approved, vessels that lease or permanently transfer in IFQ allocation prior to Framework 24's implementation, that is more than is ultimately allocated, will be subject to a penalty.

As detailed in the individual LAGC IFQ allocation letters, if a permit holder exceeds his/her potentially lower Framework 24 allocation through a lease or permanent transfer, the vessel that **received** the pounds causing the overage will be responsible for the pound-for-pound pay-back, not the original permit holder. This measure was included in Framework 24 to encourage IFQ holders to lease or transfer IFQ based on the potentially lower Framework 24 allocations.

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 FY through temporary IFQ leases and/or permanent allocation transfers completed before the applicable FY ends. We will deduct any overages that remain at the end of the FY from the following year's IFQ allocation on a pound-for-pound basis.

IFQ Carryover and Payback: After the start of FY 2013, 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 FY 2012. Vessel owners may carry over unused IFQ up to 15 percent of the vessel's FY 2012 IFQ, including the original allocation and IFQ transferred from another vessel (leases or permanent allocation transfers).

FY 2013 Access Area Trip Allocations for the LAGC IFQ Scallop Fleet

Access Areas	HCAA	DMAA	CAI	CAII	NLAA	Total
March 1, 2013	893	0	0	0	595	1488
Framework 24	317	0	212	0	206	735

We will close an access area to LAGC vessels when we project that the fleet will take the specified number of trips.

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 FY 2013 is 70,000 lb. When the NGOM fleet harvests 70,000 lb of scallops from the NGOM area, we will close the NGOM to all scallop vessels for the remainder of the FY.

LAGC Incidental Scallop Target TAC (TTAC): The incidental scallop TTAC for FY 2012 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.

LAGC Calendar Day Landing Restriction: LAGC vessels may not land scallops more than once per calendar day. For example, an LAGC vessel that lands scallops on Monday may depart on a second trip on the same day it landed scallops (Monday), but cannot land scallops again until Tuesday or later.

Section 2: Measures for Limited Access Scallop Vessels

Limited Access Sea Scallop Access Area Schedule

(See Attachment 1 for coordinates and chart)

Area	Status March 1, 2013	Status Framework 24
Closed Area I (CAI)	Closed	Open *
Closed Area II (CAII)	Open - 6/15/12 - 1/31/13	Open *
Nantucket Lightship (NLAA)	Open - 6/15/12 - 1/31/13	Open *
Hudson Canyon (HCAA)	Open	Open
Delmarva (DMAA)	Closed	Closed
Elephant Trunk (ETAA)	Closed	Closed

* When Framework 24 becomes effective, if approved. We will provide further details on seasonal restrictions in our announcement of Framework 24 approved measures.

FY 2013 Access Area Trip Allocations for Full-Time Scallop Vessels

The FY 2013 access area trip list for full-time LA vessels can be found on our website at this address: (go to <http://www.nero.noaa.gov/nr/2013/February/13scalftsplittripphl.pdf>). We assigned each vessel trips into designated access areas based on a random allocation assignment. However, the number of trips and possession limits effective March 1 are higher than the proposed limits under Framework 24, and areas to which vessels have access are different as well. If your vessel has CAII and NLAA trips allocated at the start of the fishing year, please keep in mind that those areas will not be open until after Framework 24 is in place, if approved.

All full-time LA vessels will be allocated trips into HCAA at the start of the FY. We strongly encourage you to reference the proposed Framework 24 trip list to determine if your vessel has a HCAA trip (see website link above). If Framework 24 is approved and you have exceeded your Framework 24 allocation, you will be subject to payback measures (described below), which were developed to protect the scallops in HCAA for future FY allocations.

Full-time vessel allocation and trip limits: At the start of FY 2013, half the fleet has one trip into HCAA and the other half has two trips into HCAA, with a possession limit of 18,000 lb. However, under Framework 24, only 210 full-time vessels would receive a trip into HCAA at 13,000 lb/trip (see Framework 24 trip list link above). If your vessel has a HCAA trip on the Framework 24 trip list, you will not be penalized if you take a HCAA trip up to 13,000 lb at the start of FY 2013. If you do not have a HCAA trip allocated to you under Framework 24 and you land scallops from that area, or if you land more than 13,000 lb from HCAA on an allocated trip, you will forfeit all your remaining FY 2013 access area trips and lose 12 DAS under Framework 24. These penalties do not apply FY 2012 HCAA compensation trips taken in the first 60 days of FY 2013.

Part-time vessels: At the start of FY 2013, you have two trips at 14,400 lb, and you can use these trips in any open access area. Because the Northern access areas will not be open until after Framework 24's implementation, it's possible that a part-time vessel could take both trips in HCAA. However, under Framework 24, you will only have one trip at 10,400 lb (in any open access area). If a part-time vessel chooses to take a 10,400-lb HCAA trip at the start of FY 2013 (i.e., before Framework 24's implementation), it would not receive a penalty. However, if a part-time vessel chooses to fish more than one 10,400-lb trip in HCAA at the start of FY 2013, it would forfeit five DAS with the implementation of Framework 24.

Full and part-time vessel trip exchanges

- **Important:** While FY 2013 trip exchanges are allowed on March 1, 2013, we encourage vessel owners to avoid trip exchanges until after the Framework 24 trip allocations become effective. Due to the significant changes in trip allocations, trip exchanges made prior to Framework 24 implementation could leave vessels with trips they are unable to use.
- Full and part-time vessels may exchange access area trips within their permit category. This means that full-time vessels may only exchange with other full-time vessels, and part-time vessels may only exchange with other part-time vessels.

HCAA Trips Broken after December 30, 2012

Compensation trips for HCAA trips broken after December 30, 2012, must begin no later than April 29, 2013. All compensation trips from trips broken after December 30, 2012, if not taken, will expire on April 30, 2013. To be eligible for a compensation trip, you must have followed the broken trip notification and compensation trip request requirements for the trip broken after December 30, 2012.

Access Area Trips Broken after December 2, 2012

Compensation trips into CAI, CAII, and NLAA, will be available in 2013, but only after the access areas open. Once open, compensation trips must begin no later than 60 days from the date the area opened. All compensation trips in CAI, CAII, and NLAA from trips broken after December 2, 2011, if not taken, will expire 60 days from the date the area opened. To be eligible for a compensation trip, you must have followed the broken trip notification and compensation trip request requirements for the trip broken after December 2, 2011.

Northeast (NE) multispecies access area possession limits: Limited access scallop vessels, also issued a valid NE multispecies permit, that have declared into a trip and fishing within the Sea Scallop Access Areas may possess and land, per trip, up to a maximum of 1,000 lb of all NE multispecies combined, excluding yellowtail flounder. Additionally, the restrictions for Atlantic cod, haddock, and yellowtail flounder are:

- ***Atlantic cod*** - Vessels may possess up to 100 lb (45.4 kg) of Atlantic cod per trip, provided such fish is intended for personal use only (you cannot sell, trade, or barter cod caught in access areas).
- ***Haddock*** - Vessels may possess and land haddock up to the overall possession limit of all NE multispecies combined, except that vessels cannot possess or land haddock from January 1 through June 30.
- ***Yellowtail flounder*** - Vessels must retain all yellowtail flounder that meet the minimum size restrictions.

Northeast (NE) multispecies DAS possession limits: Limited access scallop vessels also issued a valid NE multispecies permit that have declared into the scallop DAS program may possess and land, per trip:

- ***NE multispecies*** - A maximum of 300 lb of all NE multispecies combined, excluding yellowtail flounder.
- ***Yellowtail flounder*** - Vessels must retain all yellowtail flounder that meet the minimum size restrictions.

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, 2013	26	10	2
Framework 24	33	13	3

*Allocations exclude carryover DAS

Limited Access Accountability Measure (AM) -- DAS reductions

If the LA fleet exceeds its ACL and jeopardizes overfishing levels, we will reduce the DAS for each limited access vessel for the remainder of FY 2013. We expect to make the decision to implement the AM or not before September 30, 2013, and we realize that many vessels have used most, if not all of their DAS by about that time of year. If these DAS reduction AM are implemented, and a vessel has exceeded its new 2013 DAS allocation, the DAS used in excess of the adjusted DAS will be deducted from the vessel's 2014 DAS allocation effective March 1, 2014.

Shell Stock Restrictions:

- Vessels fishing in areas that are closed due to paralytic shellfish poisoning (PSP).
- Vessels fishing in or transiting the area south of 42°20'N. lat. at any time during a trip may possess no more than 50 bu of in-shell scallops shoreward of the Vessel Monitoring System (VMS) demarcation line, unless fishing under the state waters exemption.
- 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

Mid-Atlantic Access Area Measures to Protect Endangered and Threatened Sea Turtles

Turtle Deflector Dredge (TDD) Requirements

Beginning May 1, 2013, all scallop vessels, except LAGC vessels that use a dredge less than 10 ft 6 in -wide, must use a TDD for part of the scallop fishing year in the Mid-Atlantic. When using the TDD, sea turtles that come in contact with a scallop dredge on the sea floor are deflected over the dredge frame and dredge bag rather than getting caught on the frame.

Effective Date, Season, and Area Required:

- TDDs are required beginning May 1, 2013.
- The TDD season is from May 1 through October 31 each year, starting in 2013.
- Vessels fishing in the TDD Area west of 71° W. Long. must use TDDs during the entire TDD season.

Turtle Chain Mat Requirements

Effective Season and Area Required:

- The turtle chain mat season is from May 1 through November 30 each year.
- Vessels fishing south of 41°09.0' N. latitude must have a chain mat on each dredge during the turtle chain mat season.

Industry-Funded Observer Program

Observer Set-Aside Compensation

The industry-funded observer program covers Limited Access vessels in CAI, CAII, HCAA, and NLAA; vessels using open area DAS; and LAGC IFQ vessels fishing in access areas. We will provide the observer compensation rates for each of these at a later date.

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. Further, Framework 24 would increase flexibility by proposing that NMFS can shift available observer set-aside from one area to another in the event that one area is using set-aside quickly and another is well below expected use rates.

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

<http://www.nero.noaa.gov/nero/regs/infodocs/FY11ObsCompRateCalculationSum.pdf>

The observer set-aside for each scallop management area is available on our website, and its use can be tracked at: <http://www.nero.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 (details in Attachment 2), as follows:

- Limited Access Vessels: Notification prior to all open area and access area trips.
- LAGC vessels: Weekly notification for all open area and access area trips.

Attachment 1 – Updates to Area Coordinates

Elephant Trunk Closed Area (ETCA)

The ETCA was closed on December 12, 2012, and is proposed to remain closed in Framework 24

Point	Latitude	Longitude
ETA1	39°30' N.	73°10' W.
ETA2	39°30' N.	72°30' W.
ETA3	38°30' N.	73°30' W.
ETA4	38°50' N.	73°30' W.
ETA1	38°50' N.	73°42' W.

Closed Area I Sea Scallop Access Area (CAI)

Updated coordinates in **bold**.

Point	Latitude	Longitude
CAIA1	41°26' N.	68°30' W.
CAIA2	40°58' N.	68°30' W.
CAIA3	40°54.95' N.	68°53.40' W.
CAIA4	41°04.30' N.	69°01.29' W.
CAIA1	41°26' N.	68°30' W.

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 Access Area trips only. Notify weekly and call by Thursday if you expect to make any trips in an Access Area 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	4	Mid-Atlantic Open Area
2	Closed Area II Access Area	5	Georges Bank Open Area
3	Hudson Canyon Access Area	7	Closed Area I Access 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 (508) 495 – 2188 or (508) 560 – 3550 (cell)**

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 get back to you on observer availability. General Category vessels that are selected for coverage are required to carry an observer on up to 2 trips during the week.

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

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.

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