



# Northeast Region Bulletin

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<http://www.nero.noaa.gov/>  
Date Issued: 5/8/2013

## **ATLANTIC SEA SCALLOP FISHERY:** **LIMITED ACCESS GENERAL CATEGORY (LAGC) VESSELS**

New Framework 24 Management Measures for the LAGC Fishery and Updated  
Allocations for the Remainder of the 2013 Fishing Year

*Effective Date: May 20, 2013*

This is a summary of new measures implemented through Framework 24 and a guide to how they may affect your fishing plans and activities for the remainder of the 2013 fishing year (FY). 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>.

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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.*

## Mid-Year Allocation Adjustments and Payback Measures

Updated FY 2013 Fleet Allocations: The table below includes the LAGC fleet individual fishing quota (IFQ) allocations effective May 20, 2013, through the remainder of FY 2013. We will send you a separate letter that specifies your vessel's updated 2013 IFQ, which we set based on the following allocations.

### LAGC Fleet Allocations

|   |              |
|---|--------------|
| LAGC IFQ only                               | 2,227,142 lb |
| LAGC IFQ with limited access scallop permit | 222,714 lb   |

Important IFQ leasing information: Any IFQ allocation permanently transferred or leased to you, after March 1, 2013, but prior to the implementation of Framework 24, will be subject to a pound-for-pound payback reduction to the extent that the amount of such IFQ allocation exceeds the Framework 24 IFQ allocation of the vessel transferring the IFQ. This provision is described in more detail in letters we sent you at the start of FY 2013. These adjustments will be made as soon as possible following Framework 24's May 20, 2013, implementation.

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.

### Access Area Trip Allocations

Framework 24 sets the following fleet-wide access area trips for LAGC IFQ vessels:

|                     | LAGC IFQ Trips |
|---------------------|----------------|
| Hudson Canyon       | 317            |
| Delmarva            | 0              |
| Elephant Trunk      | 0              |
| Closed Area 1       | 212            |
| Closed Area 2       | 0              |
| Nantucket Lightship | 206            |

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

Update Seasonal Closures of Georges Bank Access Areas: Beginning this year, Closed Area 1 and Nantucket Lightship Access Areas are open year-round, and Closed Area 2 will close annually from August 15 – November 15.

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. If 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 2013 is 50,000 lb. Vessels issued an LAGC Incidental Catch scallop permit may land up to 40 lb shucked or 5 U.S. bu of 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.

### **New LAGC Yellowtail Flounder (YTF) Accountability Measures (AMs)**

- YTF AMs are now part of the LAGC fishery's management program for the Southern New England/Mid-Atlantic (SNE/MA) area.
- There are separate AMs for LAGC IFQ vessels using dredge gear and for LAGC IFQ vessels using trawl gear.
- These AMs are seasonal closures that would be implemented either the year following a SNE/MA sub-annual catch limit (sub-ACL) overage, or 2 years following such an overage, depending on availability of reliable data.
- The YTF AM closure areas for LAGC vessels using dredges are statistical areas 537, 539, and 613, and the YTF AM closure areas for LAGC vessels using trawls are statistical areas 612 and 613.
- The length of any potential YTF AM closure depends on the extent of a YTF SNE/MA sub-ACL overage.
- The FY 2013 yellowtail flounder sub-ACLs are as follows:
  - Georges Bank: 83.4 mt (183,866 lb)
  - Southern New England/Mid-Atlantic: 61 mt (134,482 lb)
- For a full explanation of YTF AMs in the scallop fishery, go to <http://www.nero.noaa.gov/regs/info.html>

### **SNE/MA Windowpane Flounder sub-ACLs in the Scallop Fishery**

- Framework Adjustment 50 to the Northeast Multispecies Fishery Management Plan (effective May 1, 2013) allocates the scallop fishery a new sub-ACL for SNE/MA windowpane flounder.
- For FY 2013, the scallop fishery's sub-ACL of SNE/MA windowpane flounder is 183 mt (403,446 lb).
- The New England Fishery Management Council is developing AMs for the scallop fishery related to this sub-ACL in an upcoming management action, which may apply retroactively to FY 2013 if an overage occurs.

## **Adjustments to the IFQ Transfer Program**

Beginning on **May 20, 2013**, IFQ permit holders that do not also have limited access scallop permits will now be able to:

- Transfer IFQ, permanently or temporarily, to another vessel after you have already landed part of your IFQ allocation in a given FY.

For example, if a vessel has a base allocation of 1,000 lb and lands 600 lb of scallops, it can permanently transfer or lease its remaining 400 lb of scallops to another IFQ vessel.

- Permanently transfer in IFQ and then temporarily transfer (i.e., lease out) that same IFQ to another vessel(s) within the same fishing year.

For example, if a vessel has a base allocation of 1,000 lb and permanently transfers its allocation to another vessel, that vessel can lease out 1,000 lb of its recently transferred in IFQ to another vessel(s).

Beginning on **March 1, 2014**, IFQ permit holders that do not also have limited access scallop permits will also be able to:

- Re-transfer IFQ, both permanently and temporarily, that they obtained through a permanent or temporary transfer in the same fishing year. At this point, there will be no limit on the number of times an IFQ may re-transferred in a given FY.

For example, if a vessel has a base allocation of 1,000 lb, and leases in an additional 1,000 lb, it may lease out up to 2,000 lb of its IFQ.

For questions on these adjustments, call the Industry Support Line at (978) 282-8483.

## **Modifications to the Observer Set-Aside Program**

Framework 24 expands the observer set-aside program to include LAGC vessels in open areas in order to increase the amount of coverage of that fleet compared to current levels.

LAGC IFQ vessels will now have to call in to NMFS's Northeast Fisheries Observer Program (see Attachment 2 for call-in instructions) for all open area trips, identical to how they call in to access area trips: All LAGC vessels are required to call weekly with their expected trip usage. Vessel operators must call by Thursday if they expect to make any open area (or access area) trips from Sunday through Saturday of the following week. In addition, observer providers should charge LAGC IFQ vessels on open area trips in the same way that they charge LAGC access area trips: Providers should charge dock-to-dock, where a "day" is considered a 24-hr period, and portions of other days should be pro-rated at an hourly charge.

For the remainder of FY 2013, if NMFS selects an IFQ vessel for an open area or access area observed trip, that vessel will receive observer compensation credit of 150 lb per trip, so long as the observer set-aside has not been fully harvested. Those additional pounds can be fished on the observed IFQ trip above the regular possession limit, or can be fished on a subsequent trip that

FY (but must be harvested within the current possession limit requirements if fished on a future trip).

NMFS monitors 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, NMFS will change the compensation rate as appropriate and necessary. Further, Framework 24 now allows us to 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.

### Updated Access Area Coordinates

#### Closed Area 2 Sea Scallop Access Area

Updated coordinates in **bold**.

| Point  | Latitude    | Longitude        |
|--------|-------------|------------------|
| CAIIA1 | 41°00' N.   | 67°20' W.        |
| CAIIA2 | 41°00' N.   | 66°35.8' W.      |
| CAIIA3 | 41°18.6' N. | <b>( 1 ) (2)</b> |
| CAIIA4 | 41°30' N.   | <b>(3)</b>       |
| CAIIA5 | 41°30' N.   | 67°20' W.        |
| CAIIA1 | 41°00' N.   | 67°20' W.        |

**(1) The intersection of 41°18.6 N. lat. and the U.S.-Canada maritime boundary**

**(2) From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada maritime boundary**

**(3) The intersection of 41°30 N. lat. and the U.S.-Canada maritime boundary**

# 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 |
|---|----------------|---|---------------|

3. **Permit type:**

|   |                |   |                  |
|---|----------------|---|------------------|
| 1 | Limited Access | 2 | General Category |
|---|----------------|---|------------------|

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 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.*