



Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281 – 9315

<http://www.nero.noaa.gov/>
Date Issued: 2/12/2014

Atlantic Sea Scallop Fishery

Management Measures for Fishing Year 2014 Small Entity Compliance Guide

Effective Date: March 1, 2014

The following information may be important for planning your scallop fishing operations for the upcoming 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>.

IMPORTANT: You need to be aware of upcoming measures that we expect to implement in June 2014. Note that the New England Fishery Management Council just voted on final Framework Adjustment 25 (Framework 25) measures on January 29, 2014, and we have not yet published a proposed rule for this action. We anticipate that we will likely publish the proposed rule for Framework 25 in March 2014, and the final rule in June. There are several important changes proposed in Framework 25 that will directly affect the management measures in FY 2014. We have noted the Framework 25 measures that we urge you to consider when planning your fishing activity between March 1 and the implementation of Framework 25.

TABLE of CONTENTS

- **Section 1:** Measures for Limited Access General Category (LAGC) scallop vessels (Page 2).
- **Section 2:** Measures for Limited Access scallop vessels (Page 3).
- **Section 3:** Measures for Limited Access and LAGC scallop vessels (Page 5).
- **Attachment:** Observer notification requirements.

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 Greater Atlantic Regional Fisheries Office (formerly the 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, Greater Atlantic Region.

Section 1: Measures for LAGC scallop vessels

FY 2014 Allocation: The table below includes the LAGC fleet individual fishing quota (IFQ) allocations effective March 1, 2014, along with the allocations proposed under Framework 25. We will send you a separate letter that specifies your vessel's 2014 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, 2014 | Framework 25 |
|-------------------------|---------------------|---------------------|
| LAGC IFQ only | 2,521,026 lb | 2,202,859 lb |
| LAGC IFQ with LA permit | 252,103 lb | 220,286 lb |

Important IFQ leasing information: We will accept and process leases and permanent transfers of 2014 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 25 are approved, vessels that lease or permanently transfer in IFQ allocation prior to Framework 25'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 25 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 25 to encourage IFQ holders to lease or transfer IFQ based on the potentially lower Framework 25 allocations, and is the identical process that we took at the start of last year (FY 2013) to account for lower proposed allocations that would be implemented mid-year.

Sub-leasing:

Sub-leasing of scallops IFQ pounds becomes effective March 1, 2014. This means that as long as you have pounds available, you may lease those pounds even if they are pounds that you had previously leased or transferred in. For example, if you have been allocated 1,000 lb and you leased in 1,000 lb, then you may lease up to 2,000 lb of scallops, provided they have not been harvested.

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: After the start of FY 2014, 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 2013. Vessel owners may carry over unused IFQ up to 15 percent of the

vessel's FY 2013 IFQ, including the original allocation and IFQ transferred from another vessel (leases or permanent allocation transfers).

FY 2014 Access Area Trip Allocations for the LAGC IFQ Scallop Fleet:

At the start of FY 2014, there will be no access area trips allocated to LAGC IFQ vessels. Vessels must wait for Framework 25's implementation to enter into a scallop access area in FY 2014. Framework 25 proposes access into Delmarva and Nantucket Lightship access areas for LAGC IFQ vessels (241 and 516 trips, respectfully).

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 2014 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. Framework 25 does not propose to change this TAC.

LAGC Incidental Scallop Target TAC (TTAC): The incidental scallop TTAC for FY 2014 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. Framework 25 does not propose to change this TTAC.

Section 2: Measures for Limited Access Scallop Vessels

FY 2014 Limited Access Sea Scallop Access Area Schedule and Carry-over FY 2013 Compensation Trips

Limited Access vessels are not allocated any access area trips at the start of the year and must wait until Framework 25 is approved and implemented to acquire FY 2014 trips. However, vessels will be able to fish their FY 2013 compensation trips in the first 60 days of FY 2014. Compensation trips for the Hudson Canyon, Nantucket Lightship, Closed Area 1, and Closed Area 2 access areas broken after December 30, 2013, must begin no later than April 29, 2014. All compensation trips from trips broken after December 30, 2013, if not taken, will expire on April 30, 2014. 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, 2013.

Note that Framework 25 proposes a reduction in access area possession limits. Once the Framework is implemented, if approved, the access area possession limit would be **12,000 lb**. However, until that time, the possession limit for FY 2013 compensation trips taken in the first 60 days of FY 2014 will remain at 13,000 lb.

Questions about Unharvested CAI Scallops:

Framework 25 proposes to allow full-time vessels to catch unharvested CAI scallops out of that access area in a future FY. When and if that measure is finalized, we will alert fishermen so that they can receive appropriate credit for any unharvested CAI FY 2013 catch. These vessels do not have to break a trip at the end of FY 2013 to receive this credit.

Framework 25 also proposes to allow full-time vessels to catch unharvested FY 2012 CAI scallops out of that area in a future FY. This measure, if approved, would only apply to vessels that had broken their CAI trip within the last 60 days of FY 2012, submitted a broken trip adjustment form, and did not fully fish these compensation trips in FY 2013.

We will update you soon with more information on Framework 25 proposed measures. As mentioned at the start of this bulletin, the Council voted on final Framework 25 measures at the end of January and we expect to publish a proposed rule in late March 2014 that will explain the full suite of Framework 25 measures for FY 2014. In the meantime, you can call us for more information regarding these measures.

Northeast (NE) multispecies possession limits

Yellowtail flounder possession - For all trips (access area and DAS), vessels must retain all yellowtail flounder that meet the minimum size restrictions (insert minimum size). This requirement may change under the Northeast Multispecies Fishery Management Plan's Framework 51, which is proposing a zero retention requirement for yellowtail flounder. If this prohibition is approved, NMFS will inform you of the change.

NE multispecies access area possession limits: Unless otherwise prohibited, 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.

Northeast (NE) multispecies DAS possession limits: Unless otherwise prohibited, 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, a maximum of 300 lb of all NE multispecies combined, excluding yellowtail flounder.

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, 2014 | 23 | 9 | 2 |
| Framework 25 | 31 | 12 | 3 |

*Allocations exclude carryover DAS

Note that you cannot legally exceed the March 1, 2014, DAS allocations until Framework 25 is approved and implemented.

Shell Stock Restrictions:

- Vessels fishing in areas that are closed due to paralytic shellfish poisoning (PSP) may not possess in-shell scallops.
- 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

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 FY 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:

- The TDD season is from May 1 through October 31 each year.
- 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 and LAGC IFQ vessels fishing in both open areas and 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.

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

<http://www.nero.noaa.gov/nr/2013/March/fy13obscomratecalsum.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 detailed in the attachment. All vessels must provide notification prior to all open area and access area trips.

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.