



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Northeast Fisheries Science Center
 166 Water Street
 Woods Hole, MA 02543-1026

February 24, 2012

MEMORANDUM FOR: Northeast Fisheries Observer Program Observers

FROM: Amy S. Van Atten
 Branch Chief, FSB

SUBJECT: 2012 Sea Scallop Fishing Year

Sarah Weeks
for Amy Van Atten

This memo summarizes the Framework 22 (FW22) sea scallop management measures and observer set-aside compensation rate for the 2012 sea scallop fishing year (FY). The FY 2012 Small Entity compliance guide to the Atlantic Sea Scallop Fishery from the Northeast Regional Office is attached.

The implementation of FW22 to the scallop fishery management plan was a three year framework for FY 2011-2013, resulting in the normal scheduled openings.

Days-at-sea (DAS) Allocations

Open area DAS allocations for limited access permitted vessels (excludes carryover DAS):

Full-Time	Part-Time	Occasional
34	14	3

Under FW22, the Delmarva Access Area is scheduled to open in 2012 for a half trip. Currently it is undetermined if Delmarva will actually open or if emergency measures will be enacted due to late surveys of limited biomass amounts.

Observer Pre-briefing

Prior to deployment on a scallop trip, all observers must call the Northeast Fisheries Observer Program (NEFOP) office for a pre-briefing prior to **all Access Area** trips to review sampling protocols.

During office hours, please call:
 Shannah Jaburek (508) 495-2188
 Tyler Staples (508) 495-2129
 Pete Canavin (508) 495-2388

After hours, please call:
 Scallop VCIC (508) 560-3550



Yellowtail Flounder Requirements

Regulations implemented through Framework 44 to the Northeast multispecies fishery management plan, effective May 1, 2010, require that all vessels not fishing under a Limited Access General Category (LAGC) permit land all yellowtail flounder (YTF) of legal size (13 inches). This requirement is for Limited Access full-time, part-time or occasional vessels fishing under days-at-sea (DAS) or on an Access Area trip.

Access Area Openings

Closed Area I Access Area (CAIAA), Closed Area II Access Area (CAIIAA), and Nantucket Lightship (NLAA) will be open for FY2012. The Full-Time Limited Access (FTLA) scallop vessels will receive 2 trips into the Georges Bank/Southern New England Access Areas. The entire FTLA fleet will receive 1 trip into CAIIAA while half the fleet will receive an additional trip into CAIAA and the other half receives 1 trip in NLAA. The Limited Access General Category (LAGC) scallop vessels are permitted to enter CAIAA and NLAA with allocations of 296 trips into each of the two areas.

The CAIAA, CAIIAA, NLAA **ALL** have a YTF total allowable catch (TAC) and iPAQ SAP data **ARE** required for these areas. The YTF TAC for Georges Bank Access Areas (CAIAA & CAIIAA) is 202,164 lbs. This TAC is monitored together and if it is reached, both areas will close. The YTF TAC for Southern New England Access Areas (NLAA) is 307,986 lbs. If the TAC is reached the area will close. Note: If Framework 47 to the multispecies FMP is approved in May, there will no longer be YTF TACS but SAP data will still be required.

The SAP data required for these trips are round weights for kept and discarded YTF and dressed weights for kept scallops on each observed haul. All scallop Access Area protocols should be followed to ensure proper data collection.

The Hudson Canyon Access Area (HCAA) and Delmarva Access Area (DMVAA) will open for FY2012. The FTLA fleet will receive 2 trips into the Mid-Atlantic Access Areas. The entire FTLA fleet will receive 1 trip into HCAA while half the fleet will receive an additional trip into HCAA and the other half receives 1 trip into DMVAA. For the LAGC scallop vessel fleet there are 887 trips allocated into HCAA and 296 trips allocated into DMVAA. The HCAA and DMVAA do **NOT** have a YTF TAC; therefore, iPAQ SAP data are **NOT** required for these areas. All scallop Access Area protocols should be followed to ensure proper data collection.

Access Area Possession Limits (scallop meat weight)

Limited Access permitted vessels

Full-time:	18,000 lbs. per trip
Part-time:	14,400 lbs. per trip
Occasional:	6,000 lbs. per trip

Limited Access General Category permitted vessels

IFQ: 600 lbs. per trip



Sea Turtle Measures

To minimize sea turtle interactions, full-time and part-time vessels are restricted to fishing no more than the equivalent of one Access Area trip in DMVAA or HCAA during the period of June 15, 2012 through October 31, 2012.

The HCAA, DMVAA and NLAA and portions of both CAIAA and CAIIAA are located below the 41° 09.0' N. latitude line and vessels fishing in these areas are required to use turtle chain mats on their dredges during the time period of May 1, 2012 through November 30, 2012.

Observer Set-Asides

One percent of both the open area DAS and Access Area allocations are set aside to help defray the cost of observer coverage.

NLAA TAC	CAIAA TAC	CAIIAA TAC	HCAA TAC	DMVAA TAC	Open Area DAS
36,000 lbs	36,000 lbs.	67,890 lbs.	107,980 lbs.	36,000 lbs.	136 DAS

Observer Compensation

Limited Access permitted vessels

0.08 DAS per DAS fished for open area DAS trips

150 lbs per day for CAIAA, CAIIAA, NLAA, HCAA, DMVAA

Limited Access General Category

150 lbs per trip for CAIAA, NLAA, HCAA, DMVAA

Observer Coverage Rates

- CAIAA: 18%
- CAIIAA: 15%
- NLAA: 18%
- HCAA: 15%
- DMVAA: 7.5%
- Open: 13%

OBSCON Reporting

Observed trips in the CAIAA, CAIIAA, NLAA, HCAA and the DMVAA are covered by the Industry-Funded Scallop Program. Please refer to the information listed below for proper documentation of codes on the Vessel & Trip Information Log and OBSCON reporting:

Program Code:

201	Nantucket Lightship Access Area (NLAA)
202	Closed Area I Access Area (CAIAA)
203	Closed Area II Access Area (CAIIA)
204	Hudson Canyon Access Area (HCAA)
207	Delmarva Access Area (DMVAA)

Fleet I.D. Code (ContArea on iPAQ):

046	vessels fishing Limited Access
047	vessels fishing General Category

Vendor I.D. Code:

02	A.I.S. – Industry Funded Trip
04	E.W.T.S, LLC. – Industry Funded Trip
16	Fathoms Research, LLC. – Industry Funded Trip

For more information on sampling in the scallop fishery, refer to pages 16-18 and 68-72 in the NEFOP Biological Sampling Manual and pages 108-153 in the NEFOP Fisheries Observer Program Manual.

If you have additional questions, please contact Erin Kupcha at (508) 495-2031 office, (508) 367-8256 mobile or Erin.Kupcha@noaa.gov.

Thank you.

Attachments:

FY2012 Small Entity Compliance Guide to the Atlantic Sea Scallop Fishery

The regulation information contained in this memo was summarized from FW22 regulations and should not be used as a substitute for the actual regulations.





Northeast Region Bulletin

National Marine Fisheries Service, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930

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

<http://www.nero.noaa.gov/>
Date Issued: 2/17/2012

ATLANTIC SEA SCALLOP FISHERY
Management Measures for Fishing Year 2012
Small Entity Compliance Guide
Effective Dates: March 1, 2012 – February 28, 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>.

To explain the FY 2012 sea scallop management measures, we have divided this letter into three sections:

- **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 7).
- **Attachments:** Management area coordinates and charts and observer notification requirements.

Questions You May Have

Are there other details that you have not described in this letter?

We have summarized the measures that are essential to your day-to-day fishing operations for the fishing year (FY) 2012, which will become effective March 1, 2012. In addition, we have summarized certain other measures that have been the subject of recent questions. If you want to learn more about other measures and details about recent actions, we have posted additional information on our website at: <http://www.nero.noaa.gov/sfd/sfdscallop.html>.

Who can I call if I 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 who 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 limited access general category (LAGC) scallop vessels

FY 2012 Allocation: The individual fishing quota (IFQ) allocations for LAGC vessels will be effective on March 1, 2012. The LAGC fleet allocations are specified below. We will apportion some of the allocation to each vessel to establish vessel IFQs. LAGC IFQ permit holders will receive a separate letter that specifies 2012 IFQs.

LAGC Fleet Allocations

LAGC IFQ only: **3,095,450 lb**
LAGC IFQ with LA permit: **309,550 lb**

Access Area Trips for LAGC IFQ vessels: The following table lists the number of trips the LAGC IFQ fleet can take in the individual access areas. See Section 2 for more information on access areas.

FY 2012 Access Area Trip Allocations for the LAGC IFQ Scallop Fleet

	<u>CAI</u>	<u>CAII</u>	<u>NLAA</u>	<u>HCAA</u>	<u>Delmarva</u>
Trips	296	0	296	887	296

IFQ Carryover: In April 2012, some LAGC IFQ permit holders will receive a revised allocation letter that will include an IFQ adjustment due to carry-over pounds from FY 2011. Vessel owners may carry over unused IFQ up to 15 percent of the IFQ pounds they controlled during the previous FY, which can include original allocation, temporary IFQ leases, and permanent allocation transfers.

IFQ Overage Payback (accountability measure): For any vessel that exceeded its FY 2011 IFQ allocation (including any transferred or leased IFQ), we will deduct the amount of the overage from its 2012 IFQ allocation. Please remember that it is a violation to exceed your yearly IFQ allocation, but overages within a FY can be balanced through temporary IFQ leases and/or permanent allocation transfers that have been completed before the applicable FY expires.

LAGC Northern Gulf of Maine (NGOM) Management Area Scallop Total Allowable Catch (TAC): The NGOM TAC for FY 2012 is 70,000 lb. When 70,000 lb of scallops have been harvested from the NGOM area, all scallop vessels are prohibited from fishing for, possessing, retaining, or landing scallops in or from the NGOM for the remainder of the FY. See Attachment 1 for coordinates and chart.

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 are restricted to 40 lb shucked or 5 U.S. bu in-shell scallops per trip.

LAGC Calendar Day Landing Restriction: LAGC vessels are prohibited from landing 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.

Framework 23 has proposed changing the NGOM management program to allow federally permitted NGOM vessels to be able to declare a state-only trip within the NGOM and not have those landings applied to the Federal NGOM TAC. Currently, NGOM and IFQ vessels that declare NGOM trips must have all landings applied to the Federal TAC, regardless of whether or not they were fishing in state or Federal waters of the NGOM.

Section 2: Measures for Limited Access Scallop Vessels

Limited Access Sea Scallop Access Area Schedule

(See Attachment 1 for coordinates and chart)

Area	Status
Closed Area I (CAI)	Open - 6/15/12 - 1/31/13*
Closed Area II (CAII)	Open - 6/15/12 - 1/31/13*
Nantucket Lightship (NLAA)	Open - 6/15/12 - 1/31/13*
Hudson Canyon (HCAA)	Open
Delmarva (DMAA)	Open

* See explanation of yellowtail flounder (YTF) restrictions in the "Yellowtail Flounder Access Area TACs" section below.

FY 2012 Access Area Trip Allocations for Full-Time Scallop Vessels

	CAI	CAII	NLAA	HCAA	Delmarva
2012	0.5	1	0.5	1.5	0.5

- Split-fleet trips are identified by "0.5": The "0.5" indicates that half the fleet will be allocated one full trip into the area, and the "1.5" indicates that all full-time vessels are allocated one trip into the area and half the fleet will have an additional trip into the area.

Full-time vessels are each allocated four access area trips in FY 2012, which have been individually allocated to the access areas. Each trip has a possession limit of 18,000 lb. For a list of vessels and associated trip assignments, go to the Scallop Access Area Trip Assignments

page on our website at <http://www.nero.noaa.gov/nero/nr/nrdoc/12/12ScallopAccessAreaFTTrips.pdf> or request a copy by calling (978) 281-9135.

Part-time vessels are each allocated two access area trips in FY 2012, with a possession limit of 14,400 lb/trip, which can be taken in the following ways:

If a vessel takes a trip in this area	It can also take one more trip in one of these areas
HCAA	HCAA, CAI, CAII, NLAA, or DMAA
DMAA	HCAA, CAI, CAII, or NLAA,
CAI	HCAA, CAII, DMAA, or NLAA,
CAII	HCAA, CAI, DMAA, or NLAA
NLAA	HCAA, CAI, CAII, or DMAA

Occasional vessels are each allocated one access area trip in FY 2012, with a possession limit of 6,000 lb/trip, which can be taken in any one of the access areas.

Full and part-time vessel trip exchanges

- 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

Access Area Trips Beginning Prior to March 1, 2012

- A limited access vessel's HCAA or Delmarva trip that begins prior to March 1, 2012, and ends on or after March 1, 2012, will count in its entirety against the vessel's 2011 HCAA or Delmarva trip allocation, provided it has a remaining 2011 trip to the applicable area.
- Limited access vessels without any remaining FY 2011 HCAA or Delmarva trips, and LAGC scallop vessels, may begin an NLAA, HCAA, or Delmarva trip prior to March 1, 2012, provided the vessel does not enter the access area, as applicable, prior to March 1, 2012.

HCAA and Delmarva Trips Broken after December 31, 2011

Limited access HCAA or Delmarva trips that were broken after December 31, 2011, may be completed under an authorized compensation trip that begins no later than April 29, 2012. All compensation trips from trips broken after December 31, 2011, will expire on April 30, 2012, if they have not been taken. To be eligible for a compensation trip, vessels must have followed the broken trip notification and compensation trip request requirements for the trip broken after December 31, 2011.

NE multispecies possession limits: Limited access scallop vessels, also issued a valid North East 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 New England multispecies combined, excluding yellowtail flounder. Additional restrictions for Atlantic cod, haddock, and yellowtail flounder are listed below:

- **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 and cannot be not sold, traded, or bartered.
- **Haddock** - Vessels may possess and land haddock up to the overall possession limit of all NE multispecies combined, except that vessels are prohibited from possessing or landing haddock from January 1 through June 30.
- **Yellowtail flounder** - Vessels must retain all yellowtail flounder that meet the minimum size restrictions.

Mid-Atlantic Access Area Limit on Trips to Protect Endangered and Threatened Sea Turtles

Vessels may land no more than one full trip from the HCAA and DMAA between June 15, 2012, and October 31, 2012.

A full trip is 18,000 lb for a full-time vessel and 14,400 lb for a part-time vessel.

Scallop landings from a HCAA and DMAA access area trip that starts before June 15, 2012, and ends after June 15, 2012, or starts before October 31, 2012, and ends after October 31, 2012, will count toward the one-trip limit.

If a full-time vessel owner has exchanged trips with another vessel(s) so his/her vessel has an allocation of four combined trips into the DMAA and HCAA, that vessel may land two full trips (combined total of 36,000 lb of scallops) from the DMAA and HCAA combined. No single trip may exceed 18,000 lb.

If the vessel has an observer onboard, it may exceed the applicable possession limit as specified in “Section 4: Industry-Funded Observer Program”

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
34	14	3

Allocations exclude carryover DAS

Limited Access Accountability Measure (AM) -- DAS reductions

- In July, we will evaluate the limited access fishery’s landings relative to its 58,503,960 lb Annual Catch Limit (ACL) for FY 2011. If the fleet has exceeded its ACL, then we will reduce the DAS for each limited access vessel for the remainder of FY 2012 unless the “Limited Access AM Exception” (see below) applies.

- If DAS are reduced, we will calculate the DAS reduction for each full-time vessel using the total overage, landings per DAS equal to 2,662 lb per DAS, and a total of 313 full-time permitted vessels.
- For example, assuming a 300,000-lb overage of the ACL in 2011, each full-time vessel's DAS would be reduced by 0.36 DAS (300,000 lb/2,662 lb per DAS = 113 lb per DAS/313 vessels = 0.36 DAS per vessel).
- Deductions in DAS for part-time and occasional scallop vessels would be 40 percent and 8.33 percent of the full-time DAS deduction, respectively.

Limited Access AM Exception

Prior to reducing the DAS, the New England Fishery Management Council's Scallop Plan Development Team (PDT) will review the overage and determine the fishing mortality rate associated with total landings by the limited access fleet. If the PDT determines that the fishing mortality rate is less than 0.28, the DAS reduction described above will not take effect.

Timing and Implications on DAS Use before Implementation

We expect to make the decision to implement the AM or not before September 30, 2012, and we realize that many vessels have used most, if not all of their DAS by about that time of year.

If the DAS reduction AM is implemented and a vessel has exceeded its 2012 DAS allocation, as adjusted by the DAS reduction, the DAS used in excess of the adjusted DAS will be deducted from the vessel's 2013 DAS allocation effective March 1, 2013.

Shell Stock Restriction: Vessels on DAS trips may possess no more than 50 bu of in-shell scallops shoreward of the Vessel Monitoring System (VMS) demarcation line. Only scallop meats may be landed from areas that are closed due to paralytic shellfish poisoning (PSP).

Yellowtail flounder measures

2012 Yellowtail flounder (YT) sub-ACLs

- Georges Bank stock: **677,922 lb**
- Southern New England/Mid-Atlantic stock: **279,987 lb**

Possible changes to the YT measures

We may be changing the restrictions on yellowtail catch in CAI, CAII, and NLAA through an adjustment to the Northeast Multispecies Fishery Management Plan (FMP). If approved, the measures are scheduled to be effective May 1, 2012, and we will provide updated information when the action is finalized.

Section 3: Measure for Limited Access and LAGC scallop vessels

Industry-Funded Observer Program

Observer Set-Aside Compensation Rate

The compensation rates in effect for open area DAS, CAI, CAII, HCAA, NLAA, and DMAA for scallop vessels that carry an observer on scallop trips are provided below. We will continue to monitor the condition of the fishery in open areas and access areas to determine whether the compensation rate needs adjustment.

Compensation Rate for LA Vessels

- 0.08 DAS per DAS fished for open area DAS trips (i.e., vessels will be charged 0.92 DAS per DAS fished with an observer onboard).
- 150 lb per day, or part of a day, for CAI, CAII, HCAA, NLAA, and DMAA trips.

Compensation Rate for LAGC IFQ Vessels

- 150 lb per trip for CAI, HCAA, NLAA, and DMAA trips.

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>

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.

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 limited access scallop vessel or LAGC 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 access area trips.

Attachment 1 – Area Coordinates

Hudson Canyon Access Area (HCAA) (DMAA)

Point	Latitude	Longitude
H1	39°30' N.	73°10' W.
H2	39°30' N.	72°30' W.
H3	38°30' N.	73°30' W.
H4	38°50' N.	73°30' W.
H5	38°50' N.	73°42' W.
H1	39°30' N.	73°10' W.

Nantucket Lightship Sea Scallop Access Area (NLAA)

Point	Latitude	Longitude
NLAA1	40°50' N.	69°30' W.
NLAA2	40°50' N.	69°00' W.
NLAA3	40°20' N.	69°00' W.
NLAA4	40°20' N.	69°30' W.
NLAA1	40°50' N.	69°30' W.

Closed Area II Sea Scallop Access Area (CAII)

Point	Latitude	Longitude
CA2A1	41°00' N.	67°20' W.
CA2A2	41°00' N.	66°35.8' W.
CA2A3	41°18.6' N.	66°24.8' W.
CA2A4	41°30' N.	66°34.8' W.
CA2A5	41°30' N.	67°20' W.
CA2A1	41°00' N.	67°20' W.

NGOM Scallop Management Area

Point	Latitude	Longitude
NGOM1	42°20' N.	Massachusetts Shoreline
NGOM2	42°20' N.	69°40' W.
NGOM3	42°49.5' N.	69°40' W.
NGOM4	43°12' N.	69°00' W.
NGOM5	43°41' N.	68°00' W.
G2	43°58' N.	67°22' W.
G1	(¹)	(¹)

¹Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

Delmarva Sea Scallop Access Area

Point	Latitude	Longitude
DMV1	38°10' N.	74°50' W.
DMV2	38°10' N.	74°00' W.
DMV3	37°15' N.	74°00' W.
DMV4	37°15' N.	74°50' W.
DMV1	38°10' N.	74°50' W.

Closed Area I Sea Scallop Access Area (CAI)

Point	Latitude	Longitude
CAIA1	41°26' N.	68°30' W.
CAIA2	40°58' N.	68°30' W.
CAIA3	40°55' N.	68°53' W.
CAIA4	41°04.5' N.	69°01' W.
CAIA1	41°26' N.	68°30' W.

Chart of Scallop Management Areas

