



Greater Atlantic Region Bulletin

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Atlantic Sea Scallop Fishery

Default Management Measures for Fishing Year 2018 Small Entity Compliance Guide

Effective Date: April 1, 2018

The following information is important for planning your scallop fishing operations 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 [Greater Atlantic Regional Fisheries Office Website](#).

IMPORTANT: The New England Fishery Management Council voted on final 2018 allocations in Framework Adjustment 29 on December 7, 2017, and, if we approve the action, we will likely adjust scallop allocations in April 2018. We have noted these Framework 29 proposed allocations throughout this letter so you can consider these adjustments when planning your fishing activity between April 1 and the implementation of Framework 29.

We separated out the Northern Gulf of Maine Measures from Framework 29 to ensure that they were in place before April 1, 2018. We are on track to have those measures effective by April 1, 2018, and we will be sending a separate bulletin describing those measures once we publish the final rule.

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

Section 1: Measures for LAGC Scallop Vessels

Fishing Year 2018 Allocations: The table below includes the default LAGC fleet allocations for individual fishing quota (IFQ) vessels that become effective April 1, 2018, along with the allocations proposed under Framework 29 that, if adopted, would replace the April 1, 2018, measures. We will send you a separate letter that specifies your vessel's 2018 IFQ, which we set based on the allocations listed below. Your IFQ allocation letter will explain the details of setting your IFQ.

LAGC Fleet Allocations

	April 1, 2018	Proposed Framework 29 (if approved)
LAGC IFQ only	1,695,355 lb	2,806,485 lb
LAGC IFQ with Limited Access permit	169,756 lb	279,987 lb

Important IFQ Transfer Information: Beginning April 1, 2018, we will begin processing temporary and permanent transfers of 2018 IFQ.

- **Temporary Transfers:** You will not be able to temporarily transfer any of your Framework 29 IFQ that exceeds your April 1, 2018, allocation until Framework 29 is approved and adopted.
- **Permanent Transfers:** If you submit a request for a permanent transfer before we implement Framework 29 and your IFQ is increased, both parties will receive increases proportional to the amount of IFQ permanently transferred. For example:

Boat A allocation:

Before Framework 29: 1,000 lb

After Framework 29: 1,655 lb

If Boat A permanently transfers 500 lb to Boat B prior to Framework 29 then 50 percent of the Boat A's allocation percentage will be transferred to Boat B as of the date of transfer. If Framework 29 is implemented, both Boat A and Boat B would each automatically receive an additional 328 lb without any further action by either boat owner. For more details, see your vessel's 2018 IFQ letter for details.

IFQ Overage Payback (accountability measure): Please remember that you are prohibited from exceeding your IFQ allocation at any time during the fishing year. If you have exceeded your IFQ, you can balance an overage through temporary IFQ leases and/or permanent allocation transfers, and must do so prior to any additional fishing activity. However, even if you balance an IFQ overage, it does not negate any violation related to exceeding your IFQ. If you exceed

your yearly IFQ allocation, in addition to this being a violation, we will deduct any unresolved overages that remain at the end of the fishing year from the following year's IFQ allocation on a pound-for-pound basis.

IFQ Carryover: After the start of fishing year 2018, 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 fishing year 2018. Vessel owners may carry over unused IFQ up to 15 percent of the vessel's fishing year 2017 IFQ, including the original allocation and IFQ transferred from another vessel (leases or permanent allocation transfers). We typically mail the adjustment letters in May or June.

Fishing Year 2018 Access Area Trip Allocations for the LAGC IFQ Scallop Fleet:

At the start of fishing year 2018, there will be 558 Mid-Atlantic Access Area (MAAA) trips allocated to LAGC IFQ vessels.

Framework 29 proposes a total of 3,426 fleet-wide trips into four rotational access areas (Mid-Atlantic, Nantucket Lightship-West, Nantucket Lightship-South, and Closed Area I). We will describe the new boundaries for these areas when we announce Framework 29 measures, if approved. Vessels must wait for Framework 29's approval and implementation to utilize these additional trips.

LAGC Incidental Scallop Target TAC: The incidental scallop target TAC for fishing year 2018 is 50,000 lb. Vessels issued an LAGC Incidental Catch scallop permit may land up to 40 lb shucked or 5 bu in-shell scallops per trip.

Section 2: Measures for Limited Access Scallop Vessels

Fishing Year 2018 Limited Access Scallop Access Area Allocations

- Beginning April 1, 2018, and through the first 60 days of the fishing year, limited access vessels may fish their remaining unharvested 2017 access area scallop allocation in any of the 2017 areas (i.e., Closed Area 2, Nantucket Lightship, MAAA). These trips must **begin** no later than May 30, 2018. After that date, any unused 2017 access area allocation expires.
- Scallop possession limits are unchanged: 18,000 lb for full-time vessels and 14,400 lb for part-time vessels.
- Access area crew limits remain in place: Eight individuals per limited access vessel, or six individuals for vessels participating in the small dredge program.
- In addition, beginning April 1, 2018, limited access vessels will be allocated a reduced amount of scallop allocation that can be harvested from the MAAA while waiting for final Framework 29 allocations. Full-time vessels will receive 18,000 lb pounds and part-time vessels will receive 14,400 lb, equivalent to one trip into the MAAA.
- On April 1, 2018, the boundaries of the MAAA will remain unchanged. However, Framework 29, if approved, would change the current boundary of the MAAA by

removing the DelMarVa area and incorporating the Elephant Trunk Flex Area into the MAAA (see Figure 1). With the exception of 2017 carryover, any scallops landed while under initial 2018 allocations will be applied against the final 2018 allocations.

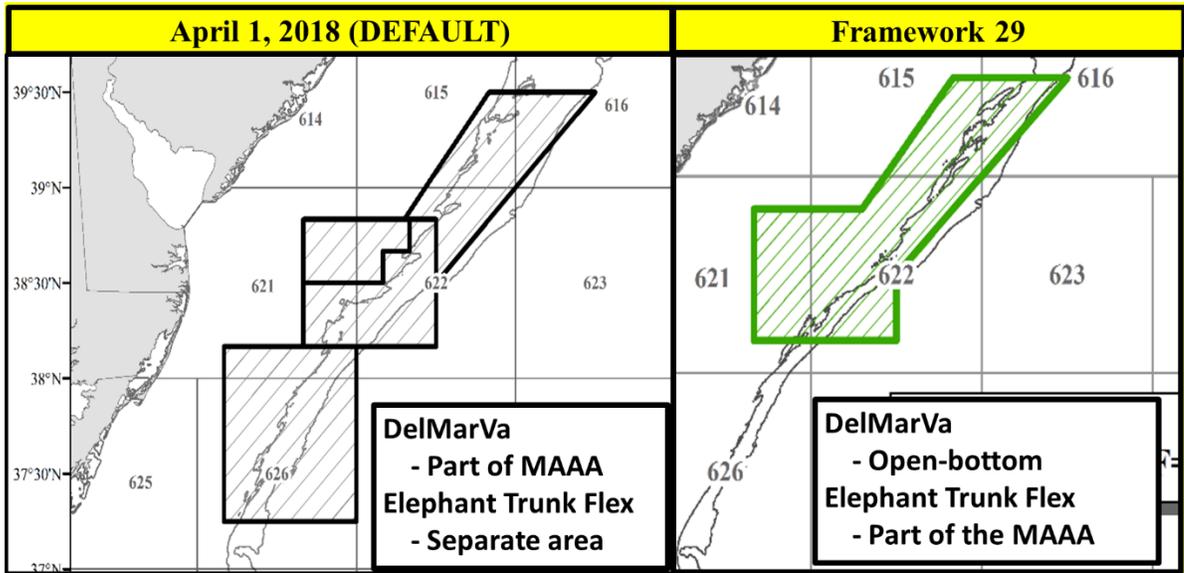


Figure 1. Mid-Atlantic Access Area and Elephant Trunk Flex Area on April 1, 2018 (default) and proposed Framework 29 changes.

Limited Access Open Area Days at Sea (DAS) Allocations

	Full-Time	Part-Time	Occasional
April 1, 2018	21.75	8.69	1.91
Proposed Framework 29 (if approved)	24.0	9.6	2.0

*Allocations exclude carryover DAS

Note: You cannot exceed the April 1, 2018, DAS allocations unless and until we approve and implement Framework 29.

Shell Stock Restrictions:

- Vessels cannot possess more than 50 bu of in-shell scallops shoreward of the Vessel Monitoring System demarcation line.
- A vessel declared into the Scallop Access Area 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

Turtle Deflector Dredge (TDD) and Turtle Chain Mat Requirements

All scallop vessels, except LAGC vessels using a dredge less than 10 feet 6 inches wide, must use a TDD in the Mid-Atlantic. In addition, all scallop vessels must use turtle chain mats. The season and area for both of these requirements is from May 1 through November 30 each year west of 71° W. long.

Industry-Funded 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. The 2017 observer compensation rates apply until further notice.

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 the [Observer Compensation Rate Summary](#).

You can track the observer set-aside for each scallop management area and its use on our [Monitoring Website](#) (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.

Attachment