§ 648.60 Sea scallop access area program requirements.

(a) A limited access scallop vessel may only fish in the Sea Scallop Access Areas specified in §648.59, subject to the seasonal restrictions specified in §648.59, provided the vessel complies with the requirements specified in paragraphs (a)(1) through (a)(9), and (b) through (f) of this section. An LAGC scallop vessel may fish in the Sea Scallop Access Areas specified in §648.59, subject to the seasonal restrictions specified in §648.59, provided the vessel complies with the requirements specified in paragraph (g) of this section.

(1) VMS. Each vessel participating in the Sea Scallop Access Area Program must have installed on board an operational VMS unit that meets the minimum performance criteria specified in §§648.9 and 648.10, and paragraph (e) of this section.

(2) Vessels participating in the Sea Scallop Access Area Program must comply with the trip declaration requirements specified in §648.10(f) and vessel notification requirements specified in §648.11(g) for observer deployment.

(3) Number of Sea Scallop Access Area trips—(1) Limited access vessel trips. (A) Except as provided in paragraph (c) of this section, paragraphs (a)(3)(i)(B) through (E) of this section specify the total number of trips that a limited access scallop vessel may take into Sea Scallop Access Areas during applicable seasons specified in §648.59. The number of trips per vessel in any one Sea Scallop Access Area may not exceed the maximum number of trips allocated for such Sea Scallop Access Area, unless the vessel owner has exchanged a trip with another vessel owner for an additional Sea Scallop Access Area trip, as specified in paragraph (a)(3)(ii) of this section, or has been allocated a compensation trip pursuant to paragraph (e) of this section. No access area trips are allocated for fishing year 2015.

(B) Full-time scallop vessels. In fishing year 2014, each full-time vessel shall have a total of two access area trips, including one trip in the Delmarva Access Area and one trip in either Closed Area II Access Area or the Nantucket

§ 648.60 Sea scallop access area program requirements.

(a) A limited access scallop vessel may only fish in the Sea Scallop Access Areas specified in §648.59, subject to the seasonal restrictions specified in §648.59, provided the vessel complies with the requirements specified in paragraphs (a)(1) through (a)(9), and (b) through (f) of this section. An LAGC scallop vessel may fish in the Sea Scallop Access Areas specified in §648.59, subject to the seasonal restrictions specified in §648.59, provided the vessel complies with the requirements specified in paragraph (g) of this section.

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(B) Full-time scallop vessels. In fishing year 2014, each full-time vessel shall have a total of two access area trips, including one trip in the Delmarva Access Area and one trip in either Closed Area II Access Area or the Nantucket

§ 648.60 Sea scallop access area program requirements.

(a) A limited access scallop vessel may only fish in the Sea Scallop Access Areas specified in §648.59, subject to the seasonal restrictions specified in §648.59, provided the vessel complies with the requirements specified in paragraphs (a)(1) through (a)(9), and (b) through (f) of this section. An LAGC scallop vessel may fish in the Sea Scallop Access Areas specified in §648.59, subject to the seasonal restrictions specified in §648.59, provided the vessel complies with the requirements specified in paragraph (g) of this section.

(1) VMS. Each vessel participating in the Sea Scallop Access Area Program must have installed on board an operational VMS unit that meets the minimum performance criteria specified in §§648.9 and 648.10, and paragraph (e) of this section.

(2) Vessels participating in the Sea Scallop Access Area Program must comply with the trip declaration requirements specified in §648.10(f) and vessel notification requirements specified in §648.11(g) for observer deployment.

(3) Number of Sea Scallop Access Area trips—(1) Limited access vessel trips. (A) Except as provided in paragraph (c) of this section, paragraphs (a)(3)(i)(B) through (E) of this section specify the total number of trips that a limited access scallop vessel may take into Sea Scallop Access Areas during applicable seasons specified in §648.59. The number of trips per vessel in any one Sea Scallop Access Area may not exceed the maximum number of trips allocated for such Sea Scallop Access Area, unless the vessel owner has exchanged a trip with another vessel owner for an additional Sea Scallop Access Area trip, as specified in paragraph (a)(3)(ii) of this section, or has been allocated a compensation trip pursuant to paragraph (e) of this section. No access area trips are allocated for fishing year 2015.

(B) Full-time scallop vessels. In fishing year 2014, each full-time vessel shall have a total of two access area trips, including one trip in the Delmarva Access Area and one trip in either Closed Area II Access Area or the Nantucket
Fishery Conservation and Management

§ 648.60

Lightship Access Area. These allocations shall be determined by the Regional Administrator through a random assignment and shall be made publicly available on the NMFS Northeast Region Web site prior to the start of the 2014 fishing year.

(C) Part-time scallop vessels. (1) For the 2014 fishing year, a part-time scallop may take one trip in the Closed Area II Access Area, or one trip in the Nantucket Lightship Access Area, or one trip in the Delmarva Access Area.

(2) For the 2015 fishing year, part-time scallop vessels shall not receive access area trip allocations.

(D) Occasional scallop vessels. For the 2014 fishing year, an occasional scallop vessel may take one trip in the Closed Area II Access Area, or one trip in the Nantucket Lightship Access Area, or one trip in the Delmarva Access Area.

(ii) One-for-one area access trip exchanges. If the total number of trips allocated to a vessel into all Sea Scallop Access Areas combined is more than one, the owner of a vessel issued a limited access scallop permit may exchange, on a one-for-one basis, unutilized trips into one access area for another vessel’s unutilized trips into another Sea Scallop Access Area. One-for-one exchanges may be made only between vessels with the same permit category. For example, a full-time vessel may not exchange trips with a part-time vessel, and vice versa. Vessel owners must request the exchange of trips by submitting a completed Trip Exchange Form at least 15 days before the date on which the applicant desires the exchange to be effective. Trip exchange forms are available from the Regional Administrator upon request. Each vessel owner involved in an exchange is required to submit a completed Trip Exchange Form. The Regional Administrator shall review the records for each vessel to confirm that each vessel has unutilized trips remaining to exchange. The exchange is not effective until the vessel owner(s) receive a confirmation in writing from the Regional Administrator that the trip exchange has been made effective. A vessel owner may exchange trips between two or more vessels under his/her ownership. A vessel owner holding a Confirmation of Permit History is not eligible to exchange trips between another vessel and the vessel for which a Confirmation of Permit History has been issued.

(A)–(B) [Reserved]

(iii) Delmarva Access Area Trip Exchange for open area DAS. From March 1, 2014, to February 28, 2015, (i.e., fishing year 2014) Full-Time Limited Access Scallop vessels may exchange a single Delmarva Access Area trip for 5 additional open area DAS, as specified in §648.53(b)(4)(i). A vessel may not exchange more than one Delmarva Access Area trip for five DAS. For example, a vessel’s initially issued 31 DAS and 2 Scallop Access Area trips, one in the Delmarva Access Area and one in the Nantucket Lightship Access Area, that exchanges its Nantucket Lightship Access Area trip for another Delmarva Access Area trip may only exchange one Delmarva Access Area trip for an additional five DAS.

(4) Area fished. While on a Sea Scallop Access Area trip, a vessel may not fish for, possess, or land scallops in or from areas outside the Sea Scallop Access Area in which the vessel operator has declared the vessel will fish during that trip, and may not enter or exit the specific declared Sea Scallop Access Area more than once per trip. A vessel on a Sea Scallop Access Area trip may not enter or be in another Sea Scallop Access Area on the same trip except such vessel may transit another Sea Scallop Access Area provided its gear is stowed and not available for immediate use as defined in §648.2.

(i)–(ii) [Reserved]

(5) Possession and landing limits—(i) Scallop possession limits. Unless authorized by the Regional Administrator, as specified in paragraphs (c) and (d) of this section, after declaring a trip into a Sea Scallop Access Area, a vessel owner or operator of a limited access scallop vessel may fish for, possess, and land per trip, scallops, up to the maximum amounts specified in the table in this paragraph (a)(5). No vessel declared into the Access Areas as described in §648.59(a) through (e) may possess more than 50 bu (17.62 hL) of in-shell scallops outside of the Access Areas described in §648.59(a) through (e).
<table>
<thead>
<tr>
<th>Fishing year</th>
<th>Permit category possession limit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Full-time</td>
</tr>
<tr>
<td>2014</td>
<td>12,000 lb (5,443 kg)</td>
</tr>
</tbody>
</table>

(ii) NE multispecies possession limits and yellowtail flounder TACs. A limited access vessel that is declared into a trip and fishing within the Sea Scallop Access Areas described in §648.59(b) through (d), and issued a valid NE multispecies permit as specified in §648.4(a)(1), may fish for, possess, and land, per trip, up to a maximum of 1,000 lb (453.6 kg) of all NE multispecies combined, excluding yellowtail flounder, subject to the minimum commercial fish size restrictions specified in §648.63(a)(1), and the additional restrictions for Atlantic cod, haddock, and yellowtail flounder specified in paragraphs (a)(5)(ii)(A) through (C) of this section. Such vessel is subject to the seasonal restriction established under the Sea Scallop Area Access Program and specified in §648.59(b)(4), (c)(4), and (d)(4).

(A) Atlantic cod. Such vessel may bring onboard and possess only 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.

(B) Haddock. Such vessels may possess and land haddock up to the overall possession limit of all NE multispecies combined, as specified in paragraph (a)(5)(ii) of this section, except that such vessels are prohibited from possessing or landing haddock from January 1 through June 30.

(C) Yellowtail flounder. Such vessel is prohibited from fishing for, possessing, or landing yellowtail flounder.

(iii)–(iv) [Reserved]

(6) Gear restrictions. (i) The minimum ring size for dredge gear used by a vessel fishing on a Sea Scallop Access Area trip is 4 inches (10.2 cm) in diameter. Dredge or trawl gear used by a vessel fishing on a Sea Scallop Access Area trip must be in accordance with the restrictions specified in §648.51(a) and (b).

(ii) Vessels fishing in the Closed Area I, Closed Area II, and Nantucket Lightship Closed Area Sea Scallop Access Areas described in §648.59(b) through (d) are prohibited from fishing with trawl gear as specified in §648.51(f)(1).

(7) Transiting. While outside a Sea Scallop Access Area on a Sea Scallop Access Area trip, the vessel must have all fishing gear stowed and not available for immediate use as defined in §648.2, unless there is a compelling safety reason to be transiting the area without gear stowed.

(8) Off-loading restrictions. The vessel may not offload its catch from a Sea Scallop Access Area trip at more than one location per trip.

(9) Reporting. The owner or operator must submit reports through the VMS, as specified in §648.10(f)(4)(i).

(b) [Reserved]

(c) Compensation for Sea Scallop Access Area trips terminated early. If a Sea Scallop Access Area trip is terminated before catching the allowed possession limit, the vessel may be authorized to fish an additional trip in the same Sea Scallop Access Area based on the following conditions and requirements.

(1) The vessel owner/operator has determined that the Sea Scallop Access Area trip should be terminated early for reasons deemed appropriate by the operator of the vessel.

(2) The amount of scallops landed by the vessel for the trip must be less than the maximum possession limit specified in paragraph (a)(5) of this section;

(3) The vessel owner/operator must report the termination of the trip prior to entering the access area if the trip is terminated while transiting to the area, or prior to leaving the Sea Scallop Access Area if the trip is terminated after entering the access area, by VMS e-mail messaging, with the following information: Vessel name, vessel owner, vessel operator, time of trip termination, reason for terminating the trip (for NMFS recordkeeping purposes), expected date and time of return to port, and amount of scallops on board in pounds;
(4) The vessel owners/operator must request that the Regional Administrator authorize an additional trip as compensation for the terminated trip by submitting a written request to the Regional Administrator within 30 days of the vessel’s return to port from the terminated trip; and

(5) The Regional Administrator shall authorize the vessel to take an additional trip and shall specify the amount of scallops that the vessel may land on such trip pursuant to the calculation specified in paragraph (c)(5)(i) of this section. Such authorization shall be made within 10 days of receipt of the formal written request for compensation.

(i) The amount of scallops that can be landed on an authorized additional compensation Sea Scallop Access Area trip shall equal the possession limit specified in paragraph (a)(5) of this section minus the amount of scallops landed on the terminated trip. For example, if the possession limit for a full-time vessel is 18,000 lb (8,165 kg) per trip, and the vessel lands 6,500 lb (2,948.4 kg) of scallops and requests compensation for the terminated trip, the possession limit for the additional trip is 11,500 lb (5,216.3 kg) or 18,000 lb (8,165 kg) minus 6,500 lb (2,948.4 kg).

(ii) If a vessel is authorized more than one additional compensation trip into any Sea Scallop Access Area as the result of more than one terminated trip in the same Access Area, the possession limits for the authorized trips may be combined, provided the total possession limit on a combined additional compensation trip does not exceed the possession limit for a trip as specified in paragraph (a)(5) of this section. For example, if the possession limit for a full-time vessel is 18,000 lb (8,165 kg) per trip, a full-time vessel that has two broken trips with corresponding additional compensation trip authorizations of 10,000 lb (4,536 kg) and 8,000 lb (3,629 kg) may combine the authorizations to allow one compensation trip with a possession limit of 18,000 lb (8,165 kg).

(iii) A vessel operator must comply with all notification requirements prior to taking an additional compensation trip, and for each such trip, must enter a trip identification number by entering the number in the VMS for each such trip. The trip identification number will be included in the Regional Administrator’s authorization for each additional compensation trip. If a vessel operator is combining additional compensation trips, the trip identification numbers from each authorization must be entered into VMS.

(iv) [Reserved]

(v) Additional compensation trip carryover. Unless otherwise specified in §648.59, if an Access Area trip conducted during the last 60 days of the open period or season for the Access Area is terminated before catching the allowed possession limit, and the requirements of paragraph (c) of this section are met, the vessel operator shall be authorized to fish an additional trip as compensation for the terminated trip in the following fishing year. The vessel owner/operator must take such additional compensation trips, complying with the trip notification procedures specified in paragraph (a)(2)(iii) of this section, within the first 60 days of that fishing year the Access Area first opens in the subsequent fishing year. For example, a vessel that terminates an Delmarva Access Area trip on December 29, 2011, must declare that it is beginning its additional compensation trip on March 1, 2012, through April 29, 2012. If an Access Area is not open in the subsequent fishing year, then the additional compensation trip authorization would expire at the end of the Access Area Season in which the trip was broken. For example, a vessel that terminates a Closed Area I trip on December 10, 2012, may not carry its additional compensation trip into the 2013 fishing year because Closed Area I is not open during the 2013 fishing year, and must complete any compensation trip by January 31, 2013.

(d) Increase in possession limit to defray costs of observers—The Regional Administrator may increase the sea scallop possession limit specified in paragraph (a)(5) of this section to defray costs of at-sea observers deployed on area access trips subject to the limits specified §648.53(g). An owner of a scallop vessel shall be notified of the increase
in the possession limit through a permit
holder letter issued by the Re-
gional Administrator. If the observer
set-aside is fully utilized prior to the
end of the fishing year, the Regional
Administrator shall notify owners of
scallops vessels that, effective on a
specified date, the increase in the pos-
session limit is no longer available to
offset the cost of observers. Unless oth-
erwise notified by the Regional Admin-
istrator, vessel owners shall be respon-
sible for paying the cost of the ob-
server, regardless of whether the vessel
lands or sells sea scallops on that trip,
and regardless of the availability of
set-aside for an increased possession
limit.

(e) Sea Scallop Research Set-Aside Har-
vest in Access Areas—(1) Access Areas
available for harvest of research set-aside
(RSA). Unless otherwise specified, RSA
may be harvested in any access area
that is open in a given fishing year, as
specified through a framework adjust-
ment and pursuant to § 648.56. The
amount of pounds that can be har-
vested in each access area by vessels
participating in approved RSA projects
shall be determined through the RSA
application review and approval pro-
cess. The access areas open for RSA har-
vest for fishing years 2014 and 2015 are:

<table>
<thead>
<tr>
<th>Access area</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hudson Canyon</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Delmarva</td>
<td>516</td>
<td>0</td>
</tr>
<tr>
<td>Elephant Trunk</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Closed Area 1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Closed Area 2</td>
<td>241</td>
<td>0</td>
</tr>
<tr>
<td>Nanucket Lightship</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

(ii) Scallops landed by each LAGC
IFQ vessel on an access area trip shall
count against the vessel’s IFQ.

(iii) Upon a determination from the
Regional Administrator that the total
number of LAGC IFQ trips in a speci-
fied Access Area have been or are pro-
jected to be taken, the Regional Ad-
ministrator shall publish notification
of this determination in the FEDERAL
VerDate Sep<11>2014 16:08 Jan 26, 2015 Jkt 232239 PO 00000 Frm 00646 Fmt 8010 Sfmt 8010 Q:\50\50V12.TXT 31
Fishery Conservation and Management

§648.61 EFH closed areas.

(a) No vessel fishing for scallops, or person on a vessel fishing for scallops, may enter, fish in, or be in the EFH Closure Areas described in paragraphs (a)(1) through (6) of this section, unless otherwise specified. A chart depicting these areas is available from the Regional Administrator upon request.

1 Western GOM Habitat Closure Area.

The restrictions specified in this paragraph (a) apply to the Western GOM Habitat Closure Area, which is the area bounded by straight lines connecting the following points in the order stated:

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>WGM1</td>
<td>43°15' N.</td>
<td>70°15' W.</td>
</tr>
<tr>
<td>WGM2</td>
<td>42°15' N.</td>
<td>70°15' W.</td>
</tr>
<tr>
<td>WGM3</td>
<td>42°15' N.</td>
<td>70°00' W.</td>
</tr>
<tr>
<td>WGM4</td>
<td>43°15' N.</td>
<td>70°00' W.</td>
</tr>
<tr>
<td>WGM5</td>
<td>43°15' N.</td>
<td>70°15' W.</td>
</tr>
</tbody>
</table>

(2) Cashes Ledge Habitat Closure Area.

The restrictions specified in paragraph (a) of this section apply to the Cashes Ledge Habitat Closure Area, which is the area bounded by straight lines connecting the following points in the order stated:

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLH1</td>
<td>42°01' N.</td>
<td>69°03' W.</td>
</tr>
<tr>
<td>CLH2</td>
<td>42°01' N.</td>
<td>68°52' W.</td>
</tr>
<tr>
<td>CLH3</td>
<td>42°45' N.</td>
<td>68°52' W.</td>
</tr>
<tr>
<td>CLH4</td>
<td>42°45' N.</td>
<td>69°03' W.</td>
</tr>
<tr>
<td>CLH1</td>
<td>43°01' N.</td>
<td>69°03' W.</td>
</tr>
</tbody>
</table>

(3) Jeffrey's Bank Habitat Closure Area.

The restrictions specified in paragraph (a) of this section apply to the Jeffrey's Bank Habitat Closure Area, which is the area bounded by straight lines connecting the following points in the order stated:

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>JB1</td>
<td>43°40' N.</td>
<td>68°50' W.</td>
</tr>
<tr>
<td>JB2</td>
<td>43°40' N.</td>
<td>69°40' W.</td>
</tr>
<tr>
<td>JB3</td>
<td>43°20' N.</td>
<td>68°40' W.</td>
</tr>
<tr>
<td>JB4</td>
<td>43°20' N.</td>
<td>68°50' W.</td>
</tr>
<tr>
<td>JB1</td>
<td>43°40' N.</td>
<td>69°50' W.</td>
</tr>
</tbody>
</table>

(4) Closed Area I Habitat Closure Areas.

The restrictions specified in paragraph (a) of this section apply to the Closed Area I Habitat Closure Areas, Closed Area I-North and Closed Area I-South, which are the areas bounded by straight lines connecting the following points in the order stated, and so that the line connecting points CI1 CIH2 and CI2 and CIH3 is the same as the portion of the western boundary line of Closed Area I, defined in paragraph (a)(1) of this section, that lies between those points:

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>CI1</td>
<td>41°30' N.</td>
<td>69°23' W.</td>
</tr>
</tbody>
</table>