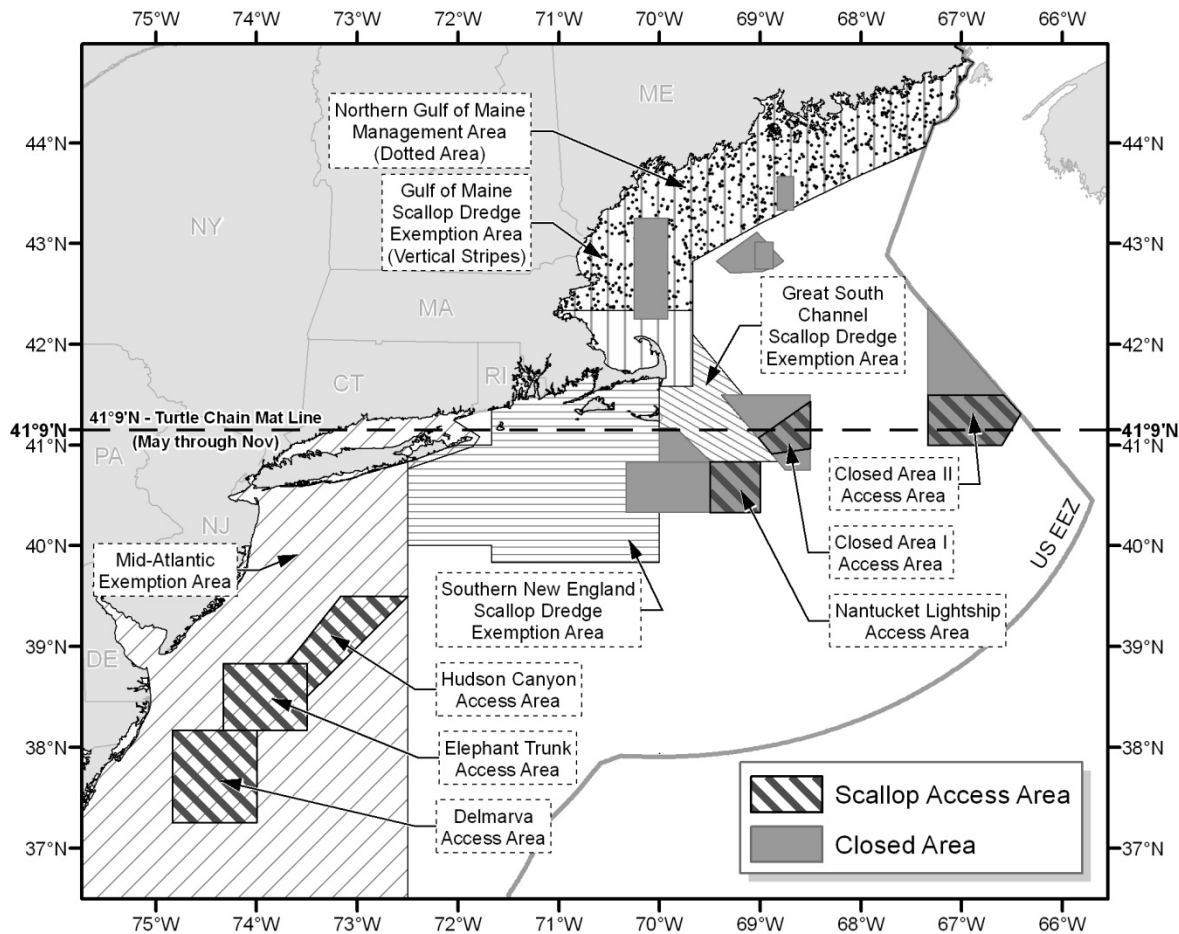


## Regulations that Impact of Fluke and Limited Access General Category (LAGC) Scallop Fishery Interactions



**Q1.** Can a vessel on a declared IFQ access area trip fish in a scallop access area and land fluke?

**A1.** Not in the GB access areas, but yes in the Mid-Atlantic Access Areas. The multispecies regulations at § 648.60 (g)(4)(ii) state “Unless issued an LAGC scallop permit and fishing under an approved NE multispecies SAP under NE multispecies DAS, an LAGC IFQ vessel fishing in the Access Areas specified in § 648.59 (b) through (d) [*referring to Closed Area I Access Area, Closed Area 2 Access Area, and Nantucket Lightship*] is prohibited from possessing any species of fish other than scallops and monkfish, as specified in § 648.94(c)(8).

**Q2.** Can a vessel fish for fluke in a Mid-Atlantic access area and land scallops when not on a scallop access area declaration?

**A2.** Yes, if the vessel just wants to land up to 40 lb (incidental limit) of scallops. However, an IFQ vessel must be on a scallop access area declaration to land up to 600 lb, and once on that declaration, fluke can also be landed. You cannot change your VMS declaration once you’ve crossed the demarcation

line. In addition, no scallops can be landed from the access areas once an area closes to IFQ vessels. This provision includes scallops caught incidentally. If a given Mid-Atlantic access area closes, a vessel can still fish for fluke but no scallops can be landed incidentally or otherwise. To land the incidental limit, the IFQ vessel would be declared out of the scallop fishery (DOF), but would still have to submit a scallop pre-land notification form.

**Q3:** Can you declare an IFQ trip with a trawl and fish in the Mid-Atlantic and then fish in Southern New England (SNE) using same gear all in one trip? Could you land fluke on these trips?

**A3:** No and no. You cannot fish for scallops in SNE with trawl gear without a Northeast (NE) multispecies declaration (i.e., using a DAS). Without a NE multispecies declaration, IFQ vessels in SNE must fish within the SNE Dredge Exemption Area boundaries, are required to only use dredges, and can only fish for scallops and monkfish. A vessel could declare an IFQ trip and fish with a dredge in both the Mid-Atlantic exemption area and the SNE dredge exemption area, but it could not land any fluke (because of the requirement that you cannot land anything but scallops and monkfish in the SNE dredge exemption area).

**Q4:** Is there a way to fish for scallops in the Mid-Atlantic and also fish for fluke in SNE (outside of the dredge exemption area) all in one trip?

**A4:** Yes, however you could only land up to 40 lb of scallops on such a trip and would have to fish for fluke in SNE first before entering the Mid-Atlantic to fish for scallops. The vessel would be declared out of the scallop fishery (DOF) but would still be required to submit a scallop pre-land notification form to account for any landed scallops. You can fish for fluke in both areas, but the scallop regulations are the most restrictive in this instance.

**Q5:** Can I switch gears from dredge to trawl on the same trip and land scallops under the provisions of my IFQ permit?

**A5:** Not in SNE, GB, or GSC because you must use dredges in those scallop dredge exemption areas when on an IFQ trip (if not, must use DAS). In the Mid-Atlantic, you can fish for scallops with trawls or dredges so it doesn't matter if you switch gear. The dredge exemption area regulations are located in the NE multispecies regulations and are implemented under the NE multispecies FMP.

**Q6:** Can a vessel be declared out of the fishery (DOF) and fish for fluke and still land up to 600 lb?

**A6:** No, the vessel would have to declare an IFQ trip to land up to 600 lb. Under DOF, it could land up to 40 lb. A vessel could land up to 600 lb of scallops if the vessel is using its VMS for another fishery's code (e.g., NE Multispecies, surfclam, or ocean quahog trip (not fishing in an access area)) or if the vessel is fishing in the state waters exemption program (currently, only the State of Maine participates in that program). Even under DOF, the IFQ vessel would have to submit a scallop pre-land notification form.