

**Scallop Framework 27
Sample Management Action
NEFMC Program Review**

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I. Rationale for selecting this action for the Review Panel

Annual scallop frameworks are a good example of using recent scientific data, developed in cooperation with the industry, and with a PDT/AP/Committee that work closely together. While Framework 27 (FW 27) is less complicated than most specifications, it is more controversial due to Limited Access General Category access to Nantucket Lightship Access Area, and other issues.

This was also the first use of expedited process on scallop specifications that allowed for earlier publication of the Proposed Rule.

II. Summary of Framework 27 to the Atlantic Scallop Fishery Management Plan

FW 27 sets specifications for the scallop fishery for fishing year (FY) 2016, including days-at-sea allocations, individual fishing quotas, and sea scallop access area trip allocations; creates a new rotational closed area south of Closed Area 2 to protect small scallops; opens the northern portion of the Nantucket Lightship Access Area to the Limited Access General Category (LAGC) fleet; transfers 19 percent of the LAGC access area trips from the Mid-Atlantic Access Area to the northern portion of the Nantucket Lightship Access Area; and implements an accountability measure to the FY 2016 Northern Gulf of Maine Total Allowable Catch (TAC) as a result of a FY 2015 catch overage.

III. Purpose and Need, and Preferred Alternatives

The primary purpose of this action was to set scallop fishery specifications for FY 2016, as well as default measures for FY 2017. This action was needed to achieve the objectives of the Atlantic Sea Scallop Fishery Management Plan (FMP), which is to prevent overfishing and improve yield-per-recruit from the fishery. In addition to the No Action Alternative, the Council considered various other alternatives to address the purpose and need of this action.

Table 1 in the [Final Environmental Assessment \(EA\)](#) for FW 27 includes all alternatives considered, and bolds the preferred alternatives that were selected by the Council during their December 2015 meeting. Section V of the Final EA discusses the process by which the committees and Council arrived at these decisions.

IV. Brief summary of pertinent information on the process, including timing, scoping/public comments, Committee/PDT/AP meetings, and Council meetings.

The draft Action Plan for FW 27 (May 8, 2015) outlines the scope, objective, range of alternatives, type of NEPA analysis, applicable laws, PDT members, Council staff, NMFS Implementation Team, and a timeline:

http://s3.amazonaws.com/nefmc.org/Doc6_FW27-action-plan.GARFO-review.pdf.

The table below lists all opportunities for public comment on FW 27. The remainder of this section details the focus of all these meetings, including when recommendations and decisions were finalized.

Meeting	Location	Date
Scallop Advisory Panel	Radisson Hotel, Warwick, RI	5/14/2016
Scallop Committee	Fairfield Inn, New Bedford, MA	5/28/2015
NEFMC Council Meeting	Hotel Viking, Newport, RI	6/18/2015
Scallop PDT	New England EPA, Boston, MA	7/15/2015
Scallop PDT	Coonamesett Inn, Falmouth, MA	8/25-26/2015
Scallop PDT Conference Call		9/9/2015
Scallop PDT Conference Call		9/11/2015
Scallop Advisory Panel	Hilton Garden Inn, Boston, MA	9/16/2015
Scallop Committee	Hilton Garden Inn, Boston, MA	9/17/2015
NEFMC Council Meeting	Radisson Hotel, Plymouth, MA	10/1/2015
Scallop PDT	Hilton Garden Inn, Boston, MA	10/7/2015
Scallop PDT Conference Call		10/14/2015
Scallop PDT Conference Call		10/28/2015
Scallop PDT Conference Call		11/9/2015
Scallop Advisory Panel	Radisson Hotel, Warwick, RI	11/18/2015
Scallop Committee	Radisson Hotel, Warwick, RI	11/19/2015
Scallop PDT Conference Call		12/1/2015
NEFMC Council Meeting	Holiday Inn by the Bay, Portland, ME	12/3/2015

- SSC
 - October 13-14, 2015 – SSC reviewed the work of the Scallop PDT on updated projections for the scallop resource and provided the Council with Overfishing Limit (OFL) and Acceptable Biological Catch (ABC) recommendations for FY 2016 and 2017 (default).
- Scallop Committee
 - 5/28/15- Committee reviewed a draft Action Plan for FW 27 for fishery specifications in 2016 and default measures for 2017;

- discussed scallop fishing in near shore areas and issues of differential catch rates for LAGC and Limited Access (LA) vessels; reviewed and made recommendations related to A19, and discussed research priority recommendations for the 2016 Scallop Research Set-Aside (RSA) announcement.
- 9/17/15 – Committee reviewed and discussed 2015 scallop survey results; reviewed and discussed initial PDT recommendations for potential specification alternatives for FW 27; reviewed AP recommendations from the 9/16/15 meeting; and prioritized scallop work priorities for 2016.
 - 11/19/15 – Committee reviewed and selected preferred alternatives. They also passed two motions requesting that the PDT analyze two additional alternatives.
- Scallop Plan Development Team (PDT)
 - 7/15/15 – PDT discussed various agenda items related to 2015 work priorities, including initial planning for FW 27 analysis.
 - August 25-26, 2015 – PDT initiated development of FW 27: reviewed preliminary scallop survey results from all 2015 surveys; discussed possible alternatives for FY 2016 fishery allocations; reviewed updated price model for FW 27; and drafted recommendations to the Scallop Committee for 2016 priorities, amongst other agenda items.
 - 9/9/15 – PDT reviewed combined estimates of biomass from available 2015 surveys; discussed potential specification alternatives; and decided what the preliminary projection run should be for FY 2016.
 - 9/11/15 - PDT reviewed preliminary projections for FY 2016 and continued discussions of potential specification alternatives for FW27.
 - 10/7/15 – PDT reviewed estimates of OFL and ABC for FW 27; discussed updated analyses for FW 27 projections; and discussed potential alternatives for FW 27 specifications.
 - 10/14/15 - PDT finalized the range of alternatives for consideration in FW 27.
 - 10/28/15 - PDT reviewed alternatives developed for FW 27 and reviewed updated analyses. Specifically, the PDT reviewed several additional specification runs that have been completed and provided preferred alternative recommendations for the Committee to consider.
 - 11/9/15 - PDT reviewed alternatives and analyses developed for FW 27 and potentially selected preferred alternatives.
 - 12/1/15 – PDT reviewed additional alternatives and analyses recently recommended by the Committee for possible inclusion in FW 27 and potentially selected preferred alternatives.

- 12/1/15 – PDT provided updated analyses (in a Decision Document/Memo to the Committee).
- Scallop Advisory Panel
 - 5/14/15 – AP reviewed draft Action Plan for FW 27, as well as A19, Scallop RSA, and analysis of near shore fishing patterns.
 - 9/16/15 – AP reviewed preliminary 2015 scallop survey results and discussed initial recommendations from the Scallop PDT for FY 2016 and FY 2017 (default) fishery specifications (FW 27); provided input on potential Council work priorities in 2016 for the Scallop FMP; etc.
 - 11/18/15 – AP reviewed FW 27 alternatives and analyses and made final recommendations.
- Council
 - 6/18/15 - Council initiates development of FW 27
 - 10/1/15 - Council reviews Action Plan, survey results and specification alternatives for FW 27, though no Council action is required.
 - 12/3/15 - Council members selected final preferred alternatives and approved FW 27 for submission to NMFS.

For more information:

- Final EA: http://s3.amazonaws.com/nefmc.org/0.1_USE.Final_submission-of-FW27.March14.pdf
- Final Rule: <http://s3.amazonaws.com/nefmc.org/Atlantic-Sea-Scallop-Fishery-Framework-Adjustment-27-Final-Rule.pdf>

V. Key analysis/data used to inform decisions

- Data through 2015 scallop surveys, including: SMAST video survey, Arnie’s Habcam video survey, VIMS dredge survey, and the federal NEFSC scallop survey (both dredge and Habcam video).
- SSC recommendations on the OFL and ABC.
- Projections based on Scallop Area Management Simulator (SAMS Model) that projects biomass, landings, fishing mortality, LPUE, DAS used, and area swept.
- Estimates of fishing effort (VMS analysis), projected scallop shell heights by area, and projected bycatch (yellowtail and windowpane).
- Economic model that estimated prices, costs, profits, and national benefits.
- Economic trend data including: landings, revenues, prices and foreign trade through 2014.

VI. Final Timeline and Key Regulatory Documents

This section provides a summary table of the regulatory timeline and describes the process and key documents below.

1.Council approval	2.Preliminary EA submission	3.Formal EA submission	4.Proposed Rule Pub	5.Final Rule Pub	6.Reg effective	Days from* #1-6
12/3/15	12/22/15 & 1/27/16	3/14/16	2/24/16	5/4/16	5/4/16	153

- Council approval: Council members voted to approve the entire FW, which was then submitted as a draft EA to NMFS on 12/22/15 including Council recommended measures, rationale, and impacts. *This is the expedited review process first utilized in this action.*
- Preliminary submission: The Council submitted the revised preliminary EA to NMFS for review on 1/27/16.
- Formal submission: The Council submitted the final EA to NMFS for approval.
- Proposed Rule: NMFS published the Proposed Rule in the *Federal Register (FR)* and started the 30-day comment period. This included information on how to obtain the framework and the draft final EA.
- Final Rule: NMFS published the Final Rule in the *FR* with the same effective date.
- Days: The amount of time from the final Council approval to the effective date was 153 days.

VII. What worked well and what could be improved throughout this process? Please include information on any significant setbacks and how/if they were resolved. *These will be elaborated on during the presentation on TOR 3.*

What worked well:

1. Reasonable number of specification alternatives (started out < 5).
2. Additional analyses prepared to describe/quantify uncertainty in projections (possible increased mortality from density dependence as well as increased mortality from “highgrading” fishing behavior – discarding smaller scallops and targeting only larger scallops).

What could be improved:

1. Survey results were unavailable at August meeting.
2. New alternatives added very late in the process.
3. Somewhat substantial allocative decisions included in an action that is supposed to be more routine, and was not identified when initiated.
4. Timing issues with other scallop actions (Amendment 19 and work on Essential Fish Habitat Omnibus Amendment).

The following tables provide context for other scallop framework adjustments.

Action	Council Vote	Prelim sub	Formal Sub	Effective	Total days
FW28	11/17/16	12/21/16 2/2/17	3/8/17	3/23/17	128
FW27	12/3/15	12/22/15 1/27/16	3/14/16	5/4/16	153
FW26	11/20/14	1/22/15	2/17/15	5/1/15	164
FW25	1/30/14	3/13/14	4/17/14	6/16/14	137
FW24	11/15/12	1/18/13	2/15/13	5/20/13	186

From Amendment 19:

Table 3 - Submission, Final Rule, and Effective Dates for annual (and biennial) adjustments since fishing year 2000

Specifications-Setting Action	Fishing Years*	Date of Council Submission	Date Final Rule Published in Federal Register	Effective Date
Framework 27 (EA)	2016	3/14/16	5/4/2016	5/4/2016
Framework 26 (EA)	2015	2/17/2015	4/21/2015	5/1/2015
Framework 25 (EA)	2014	3/13/2014	6/16/2014	6/16/2014
Frameworks 24/49 (EA)	2013	1/22/2013	5/9/2013	5/20/2013
Framework 22 (EA)	2011-2012	3/22/2011	7/21/2011	8/1/2011
Framework 21 (EA)	2010	3/19/2010	6/28/2010	6/28/2010
Framework 19 (EA)	2008-2009	12/19/2007	5/29/2008	6/1/2008
Framework 18 (EA)	2006-2007	12/16/2005	6/8/2006	6/15/2006
Framework 16 (EA)	2004 (mid-year adjustment) – 2005	7/2/2004	11/2/2004	11/2/2004
Framework 15 (EA)	2003	12/12/2002	2/28/2003	3/1/2003
Framework 14 (EIS)	2001-2002	2/28/2001	5/11/2001	6/15/2001
Framework 12 (EA)	2000	12/9/1999	3/3/2000	3/1/2000

* When a framework set allocations for two fishing years, the second year's allocations were always effective March 1 of that fishing year.