

Framework 29 to the Scallop Fishery Management Plan Action Plan

Council: New England Fishery Management Council

Fishery Management Plan: Atlantic Sea Scallops

Title of Action: Framework 29

Scope: Consider measures for: 1) fishery specifications for fishing year 2018, default measures for fishing year 2019; 2) Northern Gulf of Maine management area; 3) Flatfish accountability measures (Northern windowpane flounder, GB and SNE/MA yellowtail flounder), 4) Modify access areas consistent with OHA2 final rule, 5) allocated Limited Access Closed Area I carryover pounds.

Objective(s) of Action:

Set specifications including ABC/ACLs, DAS, access area allocations for LA and LAGC, hard-TAC for NGOM management area, target-TAC for LAGC incidental catch and set-asides for the observer and research programs for fishing year 2018 and default specifications for fishing year 2019. Allocating Limited Access Closed Area I carryover pounds may be considered under some scenarios in this action.

Consider measures that would modify the management of the Northern Gulf of Maine management area. The framework may include measures that would limit removals from the area for all permit categories. This action may also consider tools that would aid in accounting for removals from the NGOM management area.

Develop accountability measures for Northern windowpane flounder, and consider measures that would modify the existing accountability measures for Georges Bank and Southern/New England Mid-Atlantic yellowtail flounder.

Modify or create access areas to be consistent with Habitat Omnibus Amendment 2 measures depending if the OHA2 Amendment is implemented in time to include these modifications in this framework action. This action may also create a new access area in the Nantucket Lightship-West area.

Likely Range of Alternatives:

The likely range of alternatives does not include all 2017 priorities identified by the Council such as completion of the LAGC IFQ 5-year review, annual support of the Scallop RSA process, and follow-up to the scallop survey peer review. The following table describes the likely range of alternatives in FW29:

Priority	Measure in Action
Regulatory Requirement	Scallop Fishery Specifications (4 Scenarios)
2017 Council Priority	Modifications to the management of the Northern Gulf of Maine Management Area
2017 Council Priority	Develop flatfish accountability measures for Northern windowpane flounder, Georges Bank yellowtail flounder, and Southern New England yellowtail flounder.
2017 Council Priority	Modify access areas to be consistent with OHA2. Measures to provide access to the northern portion of CA I, currently closed to the scallop fishery, as well as NLS-West where high densities of exploitable scallops have been observed.

Range of measures will likely include: an overall ABC, set-asides for observer and research programs, estimate of catch from incidental scallop permits, DAS allocations, and access area trip allocations, overall quotas for the LAGC IFQ fishery and a hard TAC for the NGOM management program. The Council identified several additional measures for development in 2017, which are listed in the above table.

On October 6, 2017 the National Marine Fisheries Service (NMFS) published a Notice of Availability of the Council's Omnibus Habitat Amendment 2 (OHA2). A final decision on the Omnibus Habitat Amendment is anticipated on or before January 4, 2018, after the Council takes final action on Framework 29. NMFS may approve or disapprove the Council's preferred measures in the OHA2. For example, NMFS may fully approve all measures, or partially approve the action (and disapprove some proposed measures). There are four possible specification scenarios considered through Framework 29: 1) Status quo - No change to current habitat and groundfish closures; 2) Approval and implementation of both Georges Bank measures (Alternative 10 in 2.3.4 of OHA2) and Great South Channel and Southern New England (Alternative 4 in Section 2.3.5 of OHA2); 3) Approval and implementation of only Great South Channel and Southern New England measures; and 4) Approval and implementation of only Georges Bank measures (**Error! Reference source not found.**). In this action, the Council is only considering recommending access to and the harvest of scallops currently in 1) Closed Area I North Habitat Management Area, which is part of Georges Bank habitat measures, and 2) the Nantucket Lightship Habitat Management Area which is part of the Great South Channel and Southern New England measures. While OHA2 may lift closures of other areas that hold scallops, the Council has not developed measures in this action to facilitate access beyond Closed Area I and the Nantucket Lightship HMAs

Development and analysis of these specifications will require significant involvement of many members of the Scallop PDT. Analyses will include estimates of projected catch for several bycatch species, and some involvement of the Groundfish PDT may be necessary to consider the potential impacts of scallop fishery specifications on non-target species.

Type of NEPA Analysis Expected (CE/EA/EIS):

This action is expected to require an Environmental Assessment. Any changes that would require the Council to prepare an EIS would have to be put in a separate action.

Endangered Species Act/Marine Mammal Protection Act:

Type of ESA Consultation Expected (Informal/Formal): This action is expected to have informal ESA consultation.

Other Applicable laws/issues: Typical issues and analyses expected at this time

Plan Development Team Membership and Other Individuals: *(All assignments are TBD pending approval by supervisors)*

	Organization	Member	Responsibility
Plan Development Team	NEFMC	Jonathon Peros	Chair of Scallop PDT and Plan Coordinator. Primary author of all FW29 related documents and meeting materials.
	NEFMC	Sam Asci	Support with FW29 analyses and meeting materials.
	NEFMC	Dr. Demet Haksever	Economic Impact Analyses
	NMFS GARFO Sustainable Fisheries	Travis Ford	Chair of Implementation Team, primary point of contact at GARFO for FW29. Identify potential policy, regulatory, and administrative issues during development and review. Support with data needs and development of document.
	NMFS GARFO APS	Benjamin Galuardi	Complete data requests for the PDT. Identify potential monitoring issues during development and review.
	NMFS GARFO NEPA	Tim Cardiasmenos	Review document for completeness in terms of NEPA requirements during development and review.
	NMFS GARFO Protected Resources	Danielle Palmer	Consultation on development of measures and impacts on protected resources.

	NMFS NEFSC Population Dynamics	Dr. Dvora Hart	Technical work associated with scallop resource. Consultation on development of measures and biological impact analyses.
	NMFS NEFSC Social Science Branch	???	Complete data requests for the PDT. Social Impact Analyses.
	NMFS NEFSC Fisheries Sampling	Chad Keith	Complete observer program data requests for the PDT. Identify potential monitoring/observer program issues during development and review.
	MA Division of Marine Resources	Dr. Cate O'Keefe	Provide state fishery and survey information. Consultation on development of measures and impacts on the resource and fishery.
	Maine Department of Marine Resources	Kevin Kelly	Consultation on development of measures and impacts on GOM. Provide state and NGOM survey data.
	Maine Department of Marine Resources	Carl Wilson	Provide state fishery and survey information. Consultation on development of measures and impacts on NGOM vessels.
	Virginia Institute of Marine Science (VIMS) (retired)	Dr. William DuPaul	Consultation on development of measures and impacts on the resource and fishery.
	Virginia Institute of Marine Science (VIMS)	Dr. David Rudders	Provide data from available scallop surveys. Consultation on development of measures and impacts on the resource and fishery.
	UMASS Dartmouth (SMAST)	Dr. David Bethoney	Provide data from available scallop surveys. Consultation on development of measures and impacts on the resource and fishery.
Others	NONE		

NMFS Implementation Team Membership:

Implementation Team Chair: Travis Ford, GARFO Staff

Organization	Name	Responsibility
NMFS GARFO SFD	Travis Ford	Implementation Team Chair; primary GARFO contact
NMFS GARFO SFD	Shannah Jaburek	GARFO contact, website updates
NMFS GARFO APSD	Ben Galuardi	Update monitoring procedures
NMFS GARFO APSD	Anna Macan	Send out IFQ letters for March 1 default and FW 28 allocations. Update any changes to the transfer program
NMFS GARFO IRM	Ken Ortiz	Update databases with appropriate allocations
NMFS GARFO SHA	Greg Power	Update port agents on new regulations
NMFS OLE	Don Frei	OLE Outreach
NMFS GARFO SFD	Linda Giamanco	Send out bulletin
NMFS GARFO Comms	Allison Ferreira	Prepare email for public
NMFS GARFO IRM	Steve Cohen	Prepare address list for bulletins

Implementation Team Issues:

<i>Enforcement:</i>	TBD
<i>Information Resource Management (IRM):</i>	TBD
<i>Statistics:</i>	TBD
<i>Observer Coverage:</i>	TBD
<i>Administrative issues/costs:</i>	TBD
<i>Regulatory clarification/simplification:</i>	TBD
<i>Data Requirements:</i>	TBD
<i>VMS:</i>	TBD
<i>Protected Resources:</i>	TBD
<i>Plan for How to Measure the Effectiveness of the Action:</i>	TBD
<i>Other:</i>	TBD

Worksheet 1: Timeline for Framework 29

2017	Framework 29: Specifications Action and Management Measures
APR 18	NEFMC – Council initiates action
MAY	PDT work on 2017 priorities
JUN	Committee / PDT develop alternatives
JUN 20-22	NEFMC – receives information on development of management measures
JUL-SEP	Committee / PDT develop alternatives
SEP 26-28	NEFMC – receives information on the development of specifications
OCT	SSC recommends ABC for FY17 and FY18
OCT-NOV	Committee and PDT complete documents
DEC 5-7	NEFMC – Council takes final action
DEC-JAN	Council staff submits decision draft completes pre-submission
2018	
JAN	NMFS publishes proposed rule
JAN	EA reviewed by NMFS
FEB	Staff completes final submission for NMFS review and approval
March	NMFS publishes final rule
APR 1	Target Implementation

Worksheet 2: Detailed Timeline for Framework 29

PROJECT PHASE	STARTING	ENDING	PROJECT PHASE	STARTING	ENDING
COUNCIL INITIATES FRAMEWORK	4.18.2017	4.18.2017	DECISION DRAFT SUBMISSION	12.20.2017	12.20.2017
DEVELOPMENT	5.1.2017	12.4.2017	PROPOSED RULE SUBMITTED TO HQ AND PUBLISHED	12.16.2017	1.6.2018
PDT MEETINGS (4)	5.1.2017	12.1.2017	PROPOSED RULE COMMENT PERIOD (15 DAYS)	1.6.2018	1.23.2018
ADVISORY PANEL/COMMITTEE MEETINGS (4)	5.4.2017	11.14.2017	FORMAL EA SUBMISSION	2.15.2018	2.15.2018
COUNCIL TAKES FINAL ACTION	12.6.2017	12.6.2017	FINAL RULE PREPARED (INCL. ADDRESSING PUBLIC COMMENTS)	2.15.2018	3.1.2018
COUNCIL STAFF DEVELOPS DECISION DRAFT	11.7.2017	12.2.2017	FINAL RULE SUBMITTED TO HQ AND PUBLISHED	3.1.2018	3.15.2018
DECISION DRAFT SUBMITTED	12.20.2017	12.20.2017	ACTION EFFECTIVE *PROVIDING RANGE IN CASE APA WAIVER NOT CLEARED AND FULL 30-DAY DELAY REQUIRED	4.1.2018	4.1.2018
REGS TO COUNCIL FOR DEEMING	12.15.2017	12.20.2017			
COUNCIL STAFF FINALIZES EA	12.7.2017	1.4.2018			
EA PRE-SUBMITTED TO NMFS	1.5.2018	1.5.2018			
EA REVIEWED BY NMFS	1.6.2018	1.27.2018			
EA COMMENTS INCORPORATED BY COUNCIL STAFF	1.28.2018	2.4.2018			

Action Plan Versions:

Version	Date	Change Description
1	April, 2017	Initial Action Plan prepared for Scallop PDT review.
2	October 2017	Update to PDT membership and scope of action to include NLS-West access area.
3	November 2017	Update to include the expanded scope of FW 29 specifications, specifically 4 possible specification scenarios through OHA2 approval. Update to include the potential to allocate Limited Access Closed Area I Access Area pounds under some specification scenarios.