

## Framework 28 to the Scallop Fishery Management Plan

### Draft Action Plan

**Council:** New England Fishery Management Council

**Fishery Management Plan:** Atlantic Sea Scallops

**Title of Action:** Framework 28

**Scope:** Consider measures for fishery specifications for fishing year 2017, default measures for fishing year 2018, as well as other management measures.

**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 2017 and default specifications for fishing year 2018.

Consider making possession regulations inside the VMS demarcation line north of 42° 20' N to be consistent with those currently in place south of 42° 20' N and to address concerns of Limited Access (LA) vessels circumventing days-at-sea regulations by shucking in excess of 50 bushels of scallops while off the DAS clock.

Consider modifying the process for setting scallop fishery ACLs to make fishery allocations in the Scallop FMP to base ACLs on the scallop biomass in all areas, including areas closed to the fishery.

Possibly modify the Closed Area I scallop access area, consistent with some Habitat Omnibus Amendment 2 measures depending if the Amendment is implemented in time to include these modifications in this framework action.

**Likely Range of Alternatives:**

The following table describes the likely range of alternatives in FW28:

<b>Priority</b>	<b>Measure in Action</b>
Regulatory Requirement	Scallop Fishery Specifications
Council Priority (new, April 2016)	Restrict possession of shell stock inshore of the Day-At-Sea Demarcation Line north of 42° 20' N
2016 Council Priority	Modifications to the process for setting scallop fishery ACLs
2016 Council Priority	Measures to provide access to the northern portion of CA I, currently closed to the scallop fishery

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, 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 2016, which are listed in the above table.

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. There is also a Council work priority to potentially consider measures to address bycatch of northern windowpane flounder in the scallop fishery, so this action will also estimate projected catches of that stock as well.

**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 FW28 related documents and meeting materials.
	NEFMC	Deirdre Boelke	Support with FW28 documents 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 FW28. 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	Katherine Richardson	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	Trisha Cheney	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 (SMASST)	Emily Keiley	Provide data from available scallop surveys. Consultation on development of measures and impacts on the resource and fishery.
<b>Others</b>	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:**

*Enforcement:* TBD

*Information Resource Management (IRM):* TBD

*Statistics:* TBD

*Observer Coverage:* TBD

*Administrative issues/costs:* TBD

*Regulatory clarification/simplification:* TBD

*Data Requirements:* TBD

*VMS:* TBD

*Protected Resources:* TBD

*Plan for How to Measure the Effectiveness of the Action:* TBD

*Other:* TBD

## Worksheet 1: Timeline for Framework 28

2016	
<b>JUN 16-18</b>	<b>NEFMC – Council initiates action</b>
JUL-SEP	Committee / PDT develop alternatives
<b>SEP 20 – 24</b>	<b>NEFMC – receive information on the development of specifications</b>
OCT	SSC recommends ABC for fishing year 2016 and default ABC for fishing year 2017
OCT	Committee and PDT complete documents
<b>NOV 15-17</b>	<b>NEFMC – Council takes final action</b>
DEC	Council staff submits decision draft completes pre-submission
2017	
JAN	NFMS publishes proposed rule
JAN	Council staff completes presubmission
JAN	EA reviewed by NMFS
FEB	Staff completes final submission for NMFS review and approval
April	NMFS publishes final rule
April-May	Target Implementation

**Worksheet 2: Detailed Timeline for Framework 28**

PROJECT PHASE	STARTING	ENDING	PROJECT PHASE	STARTING	ENDING
<b>COUNCIL INITIATES FRAMEWORK</b>	6.21.2016	6.22.2016	<b>DECISION DRAFT SUBMISSION</b>	12.2.2016	12.2.2016
<b>DEVELOPMENT</b>	5.1.2016	12.1.2016	<b>PROPOSED RULE SUBMITTED TO HQ AND PUBLISHED</b>	12.16.2016	1.6.2017
<b>PDT MEETINGS (4)</b>	5.1.2016	11.1.2016	<b>PROPOSED RULE COMMENT PERIOD (15 DAYS)</b>	1.6.2017	1.23.2017
<b>ADVISORY PANEL/COMMITTEE MEETINGS (4)</b>	6.7.2016	11.14.2016	<b>FORMAL EA SUBMISSION</b>	2.15.2017	2.15.2017
<b>COUNCIL TAKES FINAL ACTION</b>	11.17.2016	11.17.2016	<b>FINAL RULE PREPARED (INCL. ADDRESSING PUBLIC COMMENTS)</b>	2.15.2017	3.1.2017
<b>COUNCIL STAFF DEVELOPS DECISION DRAFT</b>	11.17.2016	12.2.2016	<b>FINAL RULE SUBMITTED TO HQ AND PUBLISHED</b>	3.1.2017	3.15.2017
<b>DECISION DRAFT SUBMITTED</b>	12.2.2016	12.2.2016	<b>ACTION EFFECTIVE</b>	3.15.2017	4.17.2017
<b>REGS TO COUNCIL FOR DEEMING</b>	12.9.2016	12.15.2016	<b>*PROVIDING RANGE IN CASE APA WAIVER NOT CLEARED AND FULL 30-DAY DELAY REQUIRED</b>		
<b>COUNCIL STAFF FINALIZES EA</b>	12.7.2016	1.4.2017			
<b>EA PRE-SUBMITTED TO NMFS</b>	1.5.2017	1.5.2017			
<b>EA REVIEWED BY NMFS</b>	1.6.2017	1.27.2017			
<b>EA COMMENTS INCORPORATED BY COUNCIL STAFF</b>	1.28.2017	2.4.2017			

**Action Plan Versions:**

<b>Version</b>	<b>Date</b>	<b>Change Description</b>
1	May 9, 2016	Initial Action Plan prepared for Scallop PDT review on May 25, 2016 for June meetings.
2	July 19, 2016	Draft Action Plan updated with decisions from June 2016 Council meeting.
3	August 4, 2016	Draft Action Plan updated after Council staff consultation with Chris Kellogg.
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