

Amendment 19 to Scallop Fishery Management Plan

Draft Action Plan

Council: New England Fishery Management Council

Fishery: Atlantic Sea Scallop Fishery Management Plan (FMP)

Title of Action: Measures to Address Timing of Scallop Fishery Specifications

Scope: Consider measures to address late implementation of scallop fishery specifications given other constraints such as survey timing and required review

Problem Statement/Objective of Action:

Fishery specifications are adjusted by framework action every two years in the Scallop FMP. The specifications include ACLs, DAS, access area trip allocations, IFQ allocations, hard TAC for NGOM management area, target TAC for incidental permits, and other measures related to specifications that vary from year to year ranging from seasonal restrictions, area closures, gear restrictions, etc.. Frameworks should be in place before March 1 the start of the scallop fishing year, but in most recent years they have not been implemented until May or June, or even later. In addition, for the last few years the Council has developed annual specifications rather than biennial frameworks, which has exacerbated the frequency that specifications are not in place by the start of the fishing year.

Due to these delays there are more complicated management measures developed with in season changes to allocations, complicated payback measures, and occasionally emergency actions. This causes confusion and uncertainty for the fleet, and potential impacts on the resource and fishery if specifications are implemented in season. Under area rotation it is important to use updated survey information to set fishing specifications and those surveys are typically conducted in the late spring and summer each year. It takes several months to finalize these results and allow time for the PDT, Advisory Panel and Committee to develop appropriate specifications. Therefore, it is not feasible to have final action in September, the meeting that would enable measures to be in place for March 1. This action will consider measures to address this timing issue to hopefully implement fishery specifications closer to the start of the scallop fishing year.

Likely Range of Alternatives:

The measures that could address this issue include:

- No Action – Default measures until subsequent action in place after the start of a fishing year (reduced DAS and initial allocations in access areas with unquestionably sufficient biomass to support some level of access).
- Move final Council meeting earlier to reduce the length of time new specifications are not in place (October).
- Move the scallop survey season earlier so updated results are ready sooner (Spring).
- Establish a process that would allow proposed rule to be published based on preliminary Council action in September and final rule after final Council action in November.

- Identify a range of allocations that would be analyzed upfront in an amendment (EIS required?) and Council develops subsequent frameworks with allocations within the range of previously analyzed allocations only.
- Move the start of the scallop fishing year (i.e. April 1 or May 1) to reduce the amount of time measures are not in place at the start of the fishing year.

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

This action is expected to require an Environmental Assessment (EA). A formal determination will be made once the range of alternatives is identified and analyzed.

Type of ESA Consultation Expected (Informal/Formal):

This action is expected to have an informal ESA consultation.

Applicable Laws/Issues:

<i>Magnuson-Stevens Fishery Conservation and Management Act:</i>	Typical issues and analyses expected at this time
<i>Administrative Procedure Act:</i>	Typical issues and analyses expected at this time
<i>National Environmental Policy Act:</i>	Typical issues and analyses expected at this time
<i>Regulatory Flexibility Act:</i>	Typical issues and analyses expected at this time
<i>Paperwork Reduction Act:</i>	Typical issues and analyses expected at this time
<i>Coastal Zone Management Act:</i>	Typical issues and analyses expected at this time
<i>Endangered Species Act:</i>	Typical issues and analyses expected at this time
<i>Marine Mammal Protection Act:</i>	Typical issues and analyses expected at this time
<i>E.O. 12866 (Regulatory Planning and Review)</i>	Typical issues and analyses expected at this time
<i>E.O. 13132 (Federalism):</i>	Typical issues and analyses expected at this time

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

PDT Chair/ NEFMC Project Manager: Deirdre Boelke **GARFO Project Manager:** Emily Gilbert

Organization	PDT Members	Responsibility
NEFMC	Deirdre Boelke	Chair of Scallop PDT and Scallop Plan Coordinator. Primary author of all A19 related documents and meeting materials.
NEFMC	Demet Haksever	Economic Impact Analyses
NMFS GARFO Sustainable Fisheries	Emily Gilbert	Chair of Implementation Team, primary point of contact at GARFO for A19. Identify potential policy, regulatory, and administrative issues during development and review. Support with data needs and development of document.
NMFS GARFO Sustainable Fisheries	Travis Ford	Identify potential policy, regulatory, and administrative issues during development and review. Support with data needs.
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 Branch	Dvora Hart	Technical work associated with scallop resource. Consultation on development of measures and biological impact analyses.
NMFS NEFSC Social Science Branch	Min-Yang Lee	Complete data requests for the PDT. Support with Economic analyses
NMFS NEFSC Social Science Branch	???	Complete data requests for the PDT. Social Impact Analyses.
NMFS NEFSC Protected Species Branch	Kimberly Murray	Consultation on development of measures and impacts on protected resources.
NMFS NEFSC Fisheries Sampling Branch	Chad Keith	Complete observer program data requests for the PDT. Identify potential monitoring/observer program issues during development and review.
US Coast Guard	Lt. Josh O'Boyle	Identify potential enforcement issues during development and review.
MA Division of Marine Resources	Matthew Camisa	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.
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)	William DuPaul	Consultation on development of measures and impacts on the resource and fishery.
Virginia Institute of Marine Science (VIMS)	David Rudders	Provide data from available scallop surveys. Consultation on development of measures and impacts on the resource and fishery.
UMASS Dartmouth (SMAST)	Emily Keiley	Provide data from available scallop surveys. Consultation on development of measures and impacts on the resource and fishery.

NMFS Implementation Team Membership:

Implementation Team Chair: Emily Gilbert, GARFO Staff

Organization	Name	Responsibility
NMFS GARFO SFD	Emily Gilbert	Implementation Team Chair; primary GARFO contact
TBD		
TBD		
TBD		

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 Amendment 19

PROJECT PHASE	STARTING	ENDING	PROJECT PHASE	STARTING	ENDING
COUNCIL INITIATES AMENDMENT (OPTIONAL)	4.21.2015	4.23.2015	AMENDMENT NOA SUBMITTED TO HQ AND PUBLISHED (1 WEEK)	1.11.2016	1.15.2016
DEVELOPMENT	2.16.2015	9.29.2015	NOA COMMENT PERIOD (60 DAYS)	1.15.2016	3.15.2016
PDT MEETINGS (3)	3.4.2015	9.9.2015	PROPOSED RULE SUBMITTED TO HQ AND PUBLISHED	1.15.2016	2.5.2016
ADVISORY PANEL/COMMITTEE MEETINGS (3)	4.8.2015	9.23.2015	PROPOSED RULE COMMENT PERIOD (45 DAYS)	2.5.2016	3.21.2016
COUNCIL TAKES FINAL ACTION	9.29.2015	10.1.2015	FINAL RULE PREPARED (INCL. ADDRESSING PUBLIC COMMENTS)	3.21.2016	4.20.2016
COUNCIL STAFF FINALIZES EA	10.2.2015	12.1.2015	AMENDMENT DECISION (90 DAYS AFTER MSA NOA PUBLISHED)	4.20.2016	4.20.2016
EA PRE-SUBMITTED TO NMFS	12.1.2015	12.1.2015	FINAL RULE SUBMITTED TO HQ AND PUBLISHED	4.27.2016	5.18.2016
EA REVIEWED BY NMFS	12.1.2015	12.22.2015	ACTION EFFECTIVE (AFTER 30-DAY DELAY)	5.18.2016	6.15.2016
EA COMMENTS INCORPORATED BY COUNCIL STAFF	12.23.2015	1.8.2016			
FORMAL SUBMISSION (NOA TRANSMITTAL DATE)	1.11.2016	1.11.2016			

Worksheet 2: Timeline with milestones for all 2015 Scallop Work Items and estimated implementation dates in 2016

	2015												2016											
Action	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Amendment 19				Council Initiate Action					Final Council Meeting									Target Implementation						
Framework 27						Council Initiate Action					Council Final Action							Target Implementation						
Discussion/workshop on ways to stabilize inshore catches			PDT develop white paper	AP/Cmte Discuss Issue	Workshop	Report to Council																		
NEFSC Survey Methods Peer Review			Meeting March 17-19																					
Support with EFH Final Action		PDT provide input		Council Final Action									Target Implementation											
Approve RSA Priorities and Participate in RSA Management Review Panel						Council approve RSA priorities for 2016					Review 2015 proposals	Mangt Review Meeting for 2015 Awards												

If actions expand or the workload of these concurrent items is too much for current staff resources the schedule for Amendment 19 may slide back, and/or the workshop on inshore areas may be held later in the year. Timing for Framework 27 takes precedence.

Action Plan Versions:

Version	Date	Author	Change Description
1	March 3, 2015	Deirdre Boelke	Initial Action Plan following Scallop PDT (3/3/2015), prepared for Scallop Advisory Panel/Committee discussion (3/31/2015 and 4/1/2015)
2			
3			
4			
5			