

Framework 25 Action Plan

Council: New England Fishery Management Council

Fishery: Scallop FMP

Title of Action: Framework 25

Problem Statement/Objective of Action:

To set specifications for 2014 and default measures for 2015. Specifications include: ABC/ACLs, DAS, access area allocations for LA and LAGC, NGOM TAC based on new survey results.

The Council added one other measure not directly related to specifications that will be addressed in this action: develop accountability measures for the southern windowpane flounder sub-ACL allocated to the scallop fishery in Framework 48 to the Groundfish FMP.

The Council will also need to identify research priorities for the Scallop RSA program. This can be done outside of the framework document. Most likely the Council would approve the research priorities for 2014 and 2015 in April and submit them to NMFS by letter for a Federal Funding Opportunity notice that would come out in mid-2013.

Range of Alternatives Expected to be Considered:

Scallop Fishery Specifications:

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. All specifications and set-asides will likely be similar to levels from recent years.

Development and analysis of these specifications will require significant involvement of many members of the Scallop PDT. The SSC will need to review the ABCs and the Committee and Advisory Panel will need to provide input on the range of specifications considered.

Additional measures related to specifications:

Updated estimates of YT and southern windowpane catch for 2014-2015 for sub-ACL allocations in GF action – The scallop fishery is allocated a specific amount of YT bycatch as a sub-ACL in the GF FMP. Those allocations are based on a projection of YT catch in the scallop fishery. GF FW48 set the YT allocations for 2013, but Scallop FW25 will likely change the default scallop specifications for 2014-2015 and more information is available. This action will update the estimate of YT catch for the range of scallop allocations considered in this action using updated scallop and YT catch and biomass information. These estimates will be forwarded to the GF Committee for consideration in the next appropriate GF action for fishing years 2014 and 2015.

FW48 also proposed to allocate a sub-ACL for southern windowpane flounder to the scallop fishery. The Council recommended the allocation be 36% of the total ACL. Since this is a percentage of the total ACL, the Council will not have to make a decision about what the allocation should be in future action, but the Scallop PDT will still likely develop and estimate of projected catch for this stock to help assess the potential impacts of various specification alternatives.

Other Measures

Accountability measures for southern windowpane flounder sub-ACL – This action will explore a range of options for measures that will be implemented if the scallop fishery exceeds the sub-ACL for southern windowpane flounder. At this time the sub-ACL is a fishery wide allocation, LA and LAGC catch is combined under one sub-ACL. AMs may be the same for both fisheries, or they may be different. The PDT will likely analyze observer and fishery data to develop potential measures that would reduce the catch of windowpane flounder if an AM is triggered (i.e. seasonal closures, effort reductions, gear modifications, etc).

Fishery Management Action Team or Plan Development Team:

Below is a table with PDT member affiliations and responsibilities. There are a handful of additional NEFMC and NMFS staff listed on the following page that are identified as individuals that need to be consulted at some point during development and approval of this action, but they are not members of the PDT.

Organization	Name	Responsibility
NEFMC	Deirdre Boelke	Chair of Scallop PDT and Scallop Plan Coordinator. Primary author of all FW25 related documents and meeting materials.
NEFMC	Demet Haksever	Economic Impact Analyses and SAFE Report
NMFS NERO Sustainable Fisheries	Emily Gilbert	Identify potential policy, regulatory, and administrative issues during development and review. Support with data needs.
NMFS NERO Sustainable Fisheries	Travis Ford	Primary point of contact in NMFS for FW25. Identify potential policy, regulatory, and administrative issues during development and review. Support with data needs.
NMFS NERO APS	???	Complete data requests for the PDT. Identify potential monitoring issues during development and review.
NMFS NERO NEPA	Brian Hooper	Review document for completeness in terms of NEPA requirements during development and review.
NMFS NEFSC Population Dynamics Branch	Dvora Hart	Run SAMS model for specifications and biological projections. Consultation on development of measures and biological impact analyses.
NMFS NEFSC Social Science Branch	Julia Olsen	Complete data requests for the PDT. Social Impact Analyses and assistance with SAFE Report.
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. Lyle Kessler	Identify potential enforcement issues during development and review.
Maine Department of Marine Resources	Kevin Kelly	Provide data for NGOM TAC alternatives. Consultation on development of measures and impacts on GOM.
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 (SMASST)	???	Provide data from available scallop surveys. Consultation on development of measures and impacts on the resource and fishery.

Other individuals from NEFMC and NMFS that are not formally on the Scallop PDT but will be involved with this action:

NEFMC Council Staff: Michelle Bachman, Responsible for EFH Impact Analyses

NMFS NERO Habitat Conservation: David Stevenson, Consultation on EFH Impact Analyses

NMFS NERO FDS: TBD, if necessary

NMFS Enforcement: Pat Flanagan and Troy Audyatis; Bill Semrau (VMS measures)

GCNE: Gene Martin, Consultation on potential legal issues and questions

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

At initiation this action is expected to require an Environmental Assessment only.

Applicable laws/issues: *[Briefly identify significant issues or analyses that are expected to be required for this action, as appropriate.]*

Magnuson-Stevens Act: Typical issues and analyses expected
Administrative Procedure Act: Typical issues and analyses expected
National Environmental Policy Act: Typical issues and analyses expected
Regulatory Flexibility Act: Typical issues and analyses expected
Paperwork Reduction Act: Typical issues and analyses expected
Coastal Zone Management Act: Typical issues and analyses expected
Endangered Species Act: Typical issues and analyses expected.
Marine Mammal Protection Act: Typical issues and analyses expected
E.O. 12866 (Regulatory Planning and Review): Typical issues and analyses expected
E.O. 13132 (Federalism): Typical issues and analyses expected
Essential Fish Habitat: Typical issues and analyses expected
Information Quality Act: Typical issues and analyses expected
Other:
 E.O. 13158 Marine Protected Areas
 E.O. 12898 - Environmental Justice

Other Issues: *[Describe other issues and/or needs that must be considered in the development and implementation of this action.]*

Enforcement: TBD
Statistics: TBD
Observer Coverage: TBD
Administrative issues/costs: TBD
Regulatory clarification/simplification: TBD
[Are there aspects of this action that could be used to simplify or improve existing regulations for this fishery? Simplification should be a strong consideration in the development of alternatives.]

Timeline for Development/Review/Implementation:

The timeline details how and when this action will be completed and identifies several other issues the Scallop PDT, AP, and Committee will be working on in 2013 (**Table 2**). The precise timing of the items outside of the Scallop FMP are not known at this time, but are listed since these issues will require some level of Scallop PDT and Committee resources and could impact the overall timeline of FW25. **Table 3** is a potential summary of PDT member involvement in each topic under consideration in FW25.

If this process stays on track, FW25 could be implemented by May 2014 if FW25 is formally submitted to NMFS by December 31, 2013. Since this action will likely be implemented after

the start of the fishing year default measures would be in place until FW25 is implemented (Table 1). The OFL, ABC and associated set-aside adjust based on projected biomass levels for 2014.

- LA vessels - FY2014 default measures approved in FW24 do not include access area allocations; these areas are closed to both LA and LA vessels until opened by a subsequent action. Default measures only include open area DAS for LA vessels equivalent to 75% of the projected 31 DAS, so 23 DAS for full-time vessels.
- LAGC vessels – FY2014 default measures for LAGC vessels include:
 - 1) the same 50,000 pound TAC for vessels with a LAGC incidental catch permit;
 - 2) the same 70,000 pound hard-TAC for vessels with a NGOM permit; and
 - 3) an overall LACG IFQ of 2.8 million pounds for vessels with LAGC IFQ permits.

Table 1 – Summary of 2014 default allocations approved by the Council in FW24, compared to 2013 allocations

	2013	2014 (default)	
OFL	69,566,867	68,585,810	lb
	31,555	31,110	mt
ABC (after discards removed)	46,305,894	52,242,942	lb
	21,004	23,697	mt
incidental	50,000	50,000	lb
	22.7	22.7	mt
RSA	1,250,000	1,250,000	lb
	567	567	mt
OBS	463,059	522,429	lb
	210	237	mt
ABC/ACL (after removing set-asides and incidental)	44,542,835	50,420,513	lb
	20,204	22,870	mt
LA sub-ACL (94.5% of ACL after set asides and incidental removed)	42,092,979	47,647,385	lb
	19,093	21,612	mt
LA sub-ACT	33,783,637	34,012,918	lb
	15,324	15,428	mt
IFQ-only (5% of ACL)= sub-ACL = ACT	2,227,142	2,521,026	lb
	1,010	1,144	mt
IFQ + LA (0.5% of ACL)=sub-ACL=ACT	222,714	252,103	lb
	101	114	mt

Table 2 - Timeline for Scallop Work in 2013 and 2014 (Council action items in boldface) (Version 1)

Scallop Priorities		2013										2014				
		Feb/Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May
FW25	Council Milestones	PDT and Cmte brainstorm	Initiate FW25 Approve RSA priorities					Update Council on FW24		Final Action		Submit FW25 to NMFS	Re-submit to NMFS if necessary		Implement FW25	
1	Fishery Specs	PDT, AP, Cmte develop measures			2013 surveys conducted - Results due to PDT on August 1			Data processed SSC Review	Specs developed YT/WP catch estimates	Final analysis and select Pref. Alts.						
2	Other Spec Related Measures	Identify RSA priorities	RSA priorities approved													
3	Other Measure #1 - WP AMs	Develop and analyze alternatives														
Other 1	Performance Evaluation of LAGC IFQ Program	Develop report outline	PDT complete analyses		Report presented to Council											
2	Assist with development and analysis for EFH Omnibus Am.		Council reviews GF closed area related alternatives	Scallop PDT assist with practicability analyses	Council identifies final EFH alternatives					Council approves DEIS for public hearings				Final Action	Target Implement in Dec 2014	
3	ACL Monitoring	On or about Jan 15, the 2012 YT catch projection will occur										On or about Jan 15, the 2013 YT catch projection will occur				

Table 3 - Strawman of specific PDT member involvement in FW25 development and analyses (version 1)

	Goals of Action	Specific needs	Primary PDT Participation
FW25	Fishery Specs	Specifications (ABC, set-asides, DAS, Access area allocations, LAGC IFQ)	Dvora, Deirdre, Travis
		Specifications - NGOM TAC	Kevin
		Specifications - incidental catch target TAC	Demet and NMFS FSO
	Other Spec Related Measures	Research priorities	All members input
		Updated estimate of projected YT catch (2014-2015)	Dvora, Deirdre
	Other Measure #1 - WP AMs	Analyze observer data and fishery trends for WP bycatch and develop appropriate AM alternatives	Deirdre, Dvora, Chad, Demet
Other	Performance Evaluation of LAGC IFQ Program	Organize and summarize data about fishery and participants pre and post IFQs. Track leasing and consolidation trends. Port effects. General landings, revenue and participation information.	Demet, Evan, Deirdre, NMFS FSO, Emily, Travis
	PDT assist with EFH Omnibus Amendment	Assist with development of practicability analyses for scallop fishery. Summarize fishery data spatially.	Deirdre, Demet, Chad, Evan, Dvora

FOR DISCUSSION ONLY –
WAIT UNTIL AFTER NMFS PRESENTATION ON MANAGEMENT TIMELINES

		EFH Omnibus	Scallop FMP	Notes
2013	March		FY2013 begins (default FW22)	
	April		Council initiate FW25 (FY2014)	
	May		FW24 implemented	
	June	Council approves range of alts. for analysis		
	July			
	August			
	Sept	Council approves DEIS at Sept or Nov Council meeting	Council reviews range of FW25 allocation alternatives	FW25 alternatives will NOT include access into EFH closed areas since earliest access is not until December 2014 the earliest
	Oct			
	Nov		Council Final Action - FW25 Initiate FW26 to provide possible access in current EFH areas for late FY2014 (Jan/Feb 2015)	Decision for Council - 1) initiate new action just to provide new access/catch for end of FY2014; OR 2) wait to include new access until FY2015 in specs for FY2015 and FY2016
	Dec			
2014	Jan			
	Feb			
	March		FY2014 begins (default FW24)	
	April	Council Final Action	Council final action - FW26 Council initiate FW27 (FY2015-2016)	If Council decides NOT to initiate FW26 this action could include access into EFH areas in FY2015 (earliest access in May2015)
	May		FW25 implemented	
	June			
	July			
	August			
	Sept		Council review range of allocation alternatives for FW27 (FY2015-16)	FW27 will need to assume EFH options change as well as remain the same
	Oct			
	Nov		Council Final Action - FW27	
	Dec	Implementation	FW26 implemented	
2015	Jan			
	Feb			
	March		FY2015 begins (default FW25)	
	April			
	May		FW27 implemented	