



# Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment *Scoping Guide*

<http://www.mafmc.org/actions/scoq-excessive-shares-amendment>

July 2017

*Prepared by the*

Mid-Atlantic Fishery Management Council (MAFMC or Council)



## WHAT IS SCOPING?

**Scoping** is the process of identifying issues, potential impacts, and reasonable alternatives associated with the issue at hand. It provides the first and best opportunity for the public to make suggestions or to raise issues and concerns as development of an amendment begins.

This is the public's opportunity to inform the Council about changes observed in the Atlantic Surfclam and Ocean Quahog fisheries, actions that the public believes should or should not be taken in terms of management and regulation, or any other concerns the public has about these fisheries.

Your comments early in the amendment development process will help us identify management issues and develop effective alternatives that address issues of public concern in a thorough and appropriate manner.

No management measures have yet been analyzed for their effectiveness or impacts. Please comment on which kinds of management measures may or may not be useful or practical, and explain your rationale. Please also comment on any other issues you believe should be addressed in the amendment. The list of relevant issues may be expanded as suggestions are offered during the scoping process.

# INTRODUCTION

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The Mid-Atlantic Fishery Management Council is seeking public input for the development of an “Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment” to the Atlantic Surfclam and Ocean Quahog (SCOQ) Fishery Management Plan (FMP). This amendment will consider two issues: 1) excessive shares and 2) FMP goals and objectives. As such, options to ensure that no individual, corporation, or other entity acquires an excessive share of the SCOQ Individual Transferable Quota (ITQ) privileges will be considered. In addition, in this action, the goals and objectives for the SCOQ FMP will be reviewed and the Council may consider revisions to those goals and objectives.

This excessive share action was identified as a priority in the Council’s 2017 Implementation Plan to ensure the FMP is consistent with National Standard Guidelines under the MSA,<sup>1</sup> and the Council is now seeking public input to inform development of an amendment (<http://www.mafmc.org/strategic-plan>). The purpose of revisiting the goals and objectives in the SCOQ FMP is to support the Council’s 2014-2018 Strategic Plan and 2017 Implementation Plan (<http://www.mafmc.org/strategic-plan>).

The Council would like your comments on the range of issues and information that should be considered, including comments related to the excessive shares issue in the SCOQ ITQ fisheries and goals and objectives of the FMP, as well as any other issues that might be of concern to you regarding management of the SCOQ fisheries.

## **WHY IS THIS ACTION BEING PROPOSED?**

### *Excessive Shares*

National Standard 4 (NS4) states that “... *If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*”<sup>1</sup>

In 1990, Amendment 8 to the SCOQ FMP implemented an ITQ management program that did not include a specific cap or measures which limit the maximum amount of shares (e.g., percentage) that could be owned by a single entity. The Council is required to develop measures which specifically define what constitutes an excessive share in the SCOQ ITQ program to be consistent with NS4. This could be expressed as a percent cap or other measure.

### *Goals and Objectives*

The Council is undergoing a process to review and possibly revise goals and objectives for all their managed fisheries and FMPs. The Council initiated a process to consider revised goals and objectives for the SCOQ FMP in support of the 2014-2018 Strategic Plan and 2017 Implementation Plan (<http://www.mafmc.org/strategic-plan>). This initiative will allow the Council to revisit and possibly “refresh” FMP goals and objectives to ensure that they are consistent with today’s fishery and management issues. Feedback from scoping meetings will provide additional focus and a starting point for the Council’s discussion of revised goals and objectives at the October Council meeting. This

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<sup>1</sup> [http://www.fisheries.noaa.gov/sfa/laws\\_policies/national\\_standards/](http://www.fisheries.noaa.gov/sfa/laws_policies/national_standards/).

discussion is separate from the Excessive Shares Amendment discussion. The issue was included in the Excessive Shares Amendment to take advantage of efficiencies in timing and other resources.

### *Current FMP objectives*

The current SCOQ FMP objectives were adopted in 1988 through Amendment 8 to the SCOQ FMP, which established an ITQ system for the SCOQ fisheries.

1. Conserve and rebuild Atlantic surf clam and ocean quahog resources by stabilizing annual harvest rates throughout the management unit in a way that minimizes short term economic dislocations.
2. Simplify to the maximum extent the regulatory requirements of clam and quahog management to minimize the government and private cost of administering and complying with regulatory, reporting, enforcement, and research requirements of clam and quahog management.
3. Provide the opportunity for industry to operate efficiently, consistent with the conservation of clam and quahog resources, which will bring harvesting capacity in balance with processing and biological capacity and allow industry participants to achieve economic efficiency including efficient utilization of capital resources by the industry.
4. Provide a management regime and regulatory framework which is flexible and adaptive to unanticipated short term events or circumstances and consistent with overall plan objectives and long term industry planning and investment needs.

### **WHAT APPROACHES MAY BE CONSIDERED?**

The amendment is likely to consider a variety of approaches to ensure that no individual, corporation, or other entity acquires an excessive share of the SCOQ ITQ privileges.

These could include, *but would not be limited to*:

- A specific percent (%) cap on the amount of ITQ shares an individual, corporation, or other entity could acquire.
- Other approaches that could be used to provide a measurable definition of what constitutes an excessive share.

The amendment may also consider revisions to some or all of the current management objectives for the FMP (described above). Questions to consider when providing comments on the FMP Goals and Objectives are:

- Are the existing objectives appropriate for managing the surfclam and ocean quahog fisheries?
- Are there any objectives that appear outdated or do not reflect the way these fisheries are managed today? If so, how could they be updated?
- Is the intent of each objective clear? If not, how could they be reworded or clarified?
- Should any new goals and/or objectives be added?
- What else should the Council consider during the process of reviewing the objectives for the SCOQ FMP?

A draft Environmental Assessment will be developed for public comment and used by the Council to evaluate any proposed measures. The Council will consider the biological and socio-economic impacts of any management measure before making a final decision.

#### STAKEHOLDER INPUT

The Council would like your input on the range of issues and information that should be considered during development of this amendment, including the specific issues identified in this document, as well as any other issues that might be of concern to you regarding the SCOQ fisheries.

#### ***LEARN MORE***

Find additional information and background documents about the amendment at:

<http://www.mafmc.org/actions/scoq-excessive-shares-amendment>.

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# GET INVOLVED

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## **ATTEND A SCOPING HEARING**

Public scoping hearings will be held on the following dates:

<b>Date and Time</b>	<b>Location</b>
Monday <b>July 10</b> , 2017, <b>6:30</b> p.m.	<b>Hilton Garden Inn Providence Airport</b> 1 Thurber Street, Warwick, RI 02886. Telephone: (401) 734-9600.
Tuesday <b>July 11</b> , 2017, <b>6:30</b> p.m.	<b>Webinar</b> This meeting will be conducted via webinar accessible via the internet from the Council's website, <a href="http://www.mafmc.org">http://www.mafmc.org</a> . Members of the public may also attend in-person at the Council office address (see below) for this webinar meeting, if they contact the Council by July 7, 2017.
Wednesday <b>July 12</b> , 2017, <b>6:30</b> p.m.	<b>The Grand Hotel</b> 1045 Beach Avenue, Cape May, NJ 08204. Telephone: (609) 884-5611.
Monday <b>July 17</b> , 2017, <b>6:00</b> p.m.	<b>Ocean Pines Branch Library</b> 11107 Cathell Road, Berlin, MD 21811. Telephone: (410) 208-4014.

## **SUBMIT WRITTEN COMMENTS:**

In addition to providing comments at any of the scoping hearings, you may submit written comments by **11:59 PM, Eastern Standard Time, on July 21, 2017**. Written comments may be sent by any of the following methods:

1. **ONLINE** at <http://www.mafmc.org/comments/scoq-excessive-shares-amendment-scoping>
2. **EMAIL** to [jmontanez@mafmc.org](mailto:jmontanez@mafmc.org)
3. **MAIL** to Dr. Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, Delaware 19901
4. **FAX** to (302) 674-5399

*Please include "SQOQ Excessive Shares Amendment Scoping Comments" in the subject line if using email or fax or on the outside of the envelope if submitting written comments.*

All comments, regardless of submission method, will be compiled into a single document for review and consideration by the Council.

## WHAT HAPPENS NEXT?

After the initial phase of information gathering and public comment, the Council will evaluate potential management alternatives for inclusion in the amendment.

The Council will then develop a draft amendment, incorporating the identified management alternatives, for public review. The Council will also prepare draft environmental analyses as required by the National Environmental Policy Act (NEPA) and subject those analyses to review and comment by the public as appropriate.

Finally, the Council will choose preferred management measures for submission with the appropriate environmental analyses to the Secretary of Commerce for publishing of a proposed and then final rule, both of which have additional comment periods. While there are many opportunities for public comment in the process, this scoping comment opportunity is particularly important for assisting the Council in establishing the overall focus and direction of the Amendment.

Current phase of development       Council       NMFS

