

**Draft Action Plan to Develop an Amendment to address
Species Separation Requirements in the Atlantic Surfclam and Ocean Quahog FMP
(Updated as of 23 January 2023)**

Council: Mid-Atlantic.

Type of Action: “Species Separation Requirement Amendment” to the Atlantic Surfclam and Ocean Quahog FMP.

Applicable Fisheries: Atlantic Surfclam and Ocean Quahog.

Purpose and Need: The purpose of this action is to modify the species separation requirements in the Atlantic surfclam and ocean quahog fisheries. Regulations will be modified to allow for mixed catches onboard vessels that presently are declared/targeting either surfclam or quahog. Regulations may be modified at various levels to address vessel trip declaration, onboard operations (e.g., sorting), cage tagging, and other regulations as needed. This action to update fishery regulations is needed because of the increased frequency of mixed catches in these fisheries, an issue raised to the Council by the clam fishing industry. In addition, these regulatory changes are needed to improve data collection and monitoring of the surfclam and ocean quahog catches given the current incorrect assumption at present that 100 percent of the catch on a targeted trip is the targeted clam species. This is also inconsistent with the ITQ system which requires tags and allocation for each species to be landed. No enforcement or monitoring of these mixed catches is occurring, but industry and survey data indicate that the overlap of these species distributions is increasing.

Additional Expertise Sought: The Fisheries Management Action Team (FMAT) for this action will be composed of staff from the Council, Greater Atlantic Regional Fisheries Office (GARFO), and the Northeast Fisheries Science Center (NEFSC). The FMAT will serve as the primary team for amendment development and analysis.

Fishery Management Action Team (FMAT)		
Agency	Role	Person
MAFMC	FMAT Chair	Jessica Coakley
MAFMC	Other Staff Technical Support	José Montañez
NMFS GARFO	Sustainable Fisheries - GARFO liaison	Douglas Potts
NMFS GARFO	GARFO - NEPA	Sharon Benjamin
NMFS GARFO	NEFSC - Population Dynamics Branch	Dan Hennen
NMFS NEFSC	NEFSC - Social Sciences Branch	John Walden

Types of Measures to be Considered:

The Council is considering measures to modify the species separation requirements in these fisheries.

Type of NEPA Analysis Expected: Document expected to be an EA.

Acronym	NEPA Analysis	Requirements
EA	Environmental Assessment	NEPA applies, no scoping required, public hearings required under MSA*
EIS	Environmental Impact Statement	NEPA applies, scoping required, public hearings required

* If significant impacts are identified the action will be elevated to an EIS.

Applicable Laws/Issues:

Magnuson-Stevens Act	Yes
Administrative Procedures Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Unlikely, depends upon the actions taken
Coastal Zone Management Act	Unlikely; depends upon effects of the action on the resources of coastal states in the management unit
Endangered Species Act	Unlikely; level of consultation, if necessary, depends upon the actions taken
Marine Mammal Protection Act	Unlikely; level of consultation, if necessary, depends upon the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Unlikely; legal review will confirm
E.O. 13132 (Federalism)	Unlikely; legal review will confirm
Essential Fish Habitat	Unlikely; level of consultation, if necessary, depends upon the actions taken
Information Quality Act	Yes

Other Issues: No additional Amendment development issues have been identified.

Amendment Timeline (Development/Review/Implementation; as of 23 January 2023):

Note: *Italics/gray = complete.*

<i>December 2021</i>	<i>Council initiated work (FMAT, Advisory Panel (AP) and Committee meetings in 2021)</i>
<i>February 2022</i>	<i>FMAT reformed by Council</i>
<i>April 2022</i>	<i>FMAT meets, approves action plan, discusses potential range of alternatives, and begins document development</i>
<i>October/November 2022</i>	<i>Council meeting - Adopts public hearing draft and hold public hearings w/ advisors</i>
<i>December 2022</i>	<i>Committee meets to develop recommendations</i>
<i>December 2022</i>	<i>Council meeting – Remands work back to Committee and FMAT for further development</i>

January 2023	FMAT meets with AP. FMAT approves draft action plan, and receives additional input on solutions to explore from AP
February 2023	Council update on Action Plan and AP Input
March/April 2023	FMAT meeting to discuss possible solutions with additional experts on regulations, data, enforcement, etc. (e.g., APSD, OLE, SFD, etc.)
April 2023	AP meeting – discuss FMAT meeting outputs during AP Fishery Performance Report meeting
May – September 2023	FMAT develops possible alternatives; any additional FMAT, AP, or Committee meetings scheduled as needed
September 2023	Committee meets to develop recommendations on additional alternatives for inclusion in EA
October 2023	Council meeting – review and approve any additional alternatives
October 2023/January 2024	FMAT completes drafting public hearing document (may include an additional AP and Committee meeting to review document)
February 2024	Council approves public hearing draft
April/May 2024	Public hearings and comment period; Committee meeting to review public comment provided and develop recommendations to the Council
June 2024	Council Final Action