



**Summary of the  
Atlantic Surfclam and Ocean Quahog (SCOQ)  
Committee Meeting – December 2, 2019  
on the  
SCOQ Excessive Shares Amendment**

The Mid-Atlantic Fishery Management Council's (Council or MAFMC) SCOQ Committee held a meeting on Monday, December 2, 2019 to review the SCOQ Excessive Shares Amendment prior to formal action by the Council. In addition, the Committee recommended preferred alternatives for the Council to consider. The input from the Committee on this topic will be provided to the Council at its December 2019 Council meeting, when the Council discusses the final action/approval of the Excessive Shares Amendment.

Committee Members: Peter deFur, Peter Hughes, Ellen Bolen, Joe Cimino, Maureen Davidson, Sonny Gwin, Stew Michels, Mike Ruccio, Mike Luisi. Staff: José Montañez, Jessica Coakley.

Others: Guy Simmons, Peter Himchak, Sam Martin, David Wallace, Doug Potts, Daniel LaVecchia, Joe Mayers, Lee Anderson, Thomas Alspach, Drew Minkiewicz, Barry Cohen, Tom Dameron, Sal Lamonica.

José Montañez presented to the SCOQ Committee on the Excessive Shares Amendment document and staff recommendations.

Questions were asked by the public about what is meant by coordination with the New England Fishery Management Council (NEFMC) or with state regulations [Objective 2.2 under Goal 2: Promote coordination with the New England Fishery Management Council]. It was clarified that the intention is to collaborate or coordinate on issues or the potential for streamlining regulations. It does not imply that the NEFMC will be making management decisions or ceding authority for species managed by the MAFMC or vice versa.

A question from the public was asked about what is meant by the family level (affiliation level), that if there are 4 related uncles each with 5%, if those would all be considered as part of the same unit. The response was yes, they would. This is the same way family level is handled under the golden tilefish IFQ ownership cap.

Questions and comments on the alternatives. A Committee member asked for clarification on what could be changed via the framework adjustment process. He expressed concerns about if there are negative impacts, whether this should be done via a framework. Staff response: Under the framework adjustment process you could only change the cap value up or down if it does not result in divestment. Changes to the overall structure of the excessive shares cap system (e.g., from a two cap to a single cap) would need an amendment process.

Mike Luisi, asked if staff could please clarify the history of the development of sub-alternative 4.4? Staff responded: In the early period of the development of the excessive shares amendment, the industry indicated that the preferred action was no action or the 95% cap alterative because the current FMP antitrust provisions are sufficient. As the process moved forward through public hearings, industry members met and came forward with a modified alternative that they believed was a compromise. They indicated this compromise was made in order to achieve results everyone can live with, that would accomplish what the MAFMC/NMFS maintains is necessary under National Standard (NS) 4. This compromise alternative contains cap values that are a slight modification from the values presented under an alternative already included in the document for consideration. There were a few individuals that noted other they may have preferred other options.

A question from the public was asked about how does changing the cap value via framework effect how the quota is changed. Staff response, the cap value would not change when the quota is increased or decreased. For example, say the cap is set at 49% by the Council, this value would not change if the quota is increased/decreased. The cap is independent.

A question from the public was asked about how Framework adjustment documents are developed, what initiates them, what is the public input into the process, and how long it takes to develop. Staff provided detail on the framework adjustment process and what that involves. The Council would need to initiate a framework action to address or modify any management measure(s). A motion needs to be passed by the Council to initiate the development of the action with at least two additional subsequent Council meetings with decision making at the last meeting. Council staff coordinates with NMFS (plan coordinators, NEPA staff, etc.) to delineate analysis needed for framework development under the various laws.

The following comment was made by a member of the public. On business related issues, the FMAT would benefit from working more hand in hand with the AP in terms of obtaining input.

A committee member indicated that his only concern regarding making modifications to the cap level via frameworkable actions is that we are going down a road that is not taking biological implications into consideration. Changing the cap would only be based on markets/economics.

A member of the public made an additional comment regarding the evolution of sub-alternative 4.4. This truly is a significant compromise. There are other alternatives that would be more beneficial to some of us; but industry looked at something that we can live with and accomplish the objectives of the Council/NMFS.

## Motions Discussion

### *Excessive Shares Review Alternatives*

Move to recommend as a preferred alternative, Sub-Alternative 4.4: Two-part cap - Quota share ownership cap and a second, annual allocation cap based on the possession of cage tags

(Surfclams: 35/65%, Ocean quahogs: 40/70%), with the selection of the family affiliate level and the cumulative 100% model for tracking of ownership.

Cimino/Hughes motion passes by unanimous consent

Discussion: What staff has laid out is a great justification. It is a compromise alternative, and being able to track it properly and efficiently.

#### *Goals and Objectives*

Move that the Committee recommend that the Council support the staff recommendations on goals and objectives.

Hughes/Bolen motion passes by unanimous consent

Discussion: As discussed in the staff memo, the Committee recommended they be revised based on the FMAT drafted Goals and Objectives.

A member of the public indicated that they asked the Council to try to protect small boats from Nantucket Shoals closures and the Council did nothing. If Objective 2.2 [Promote coordination with the New England Fishery Management Council] was deleted from the goals and objectives, it would make it a more acceptable document to the industry. A committee member indicated that this is just a consultative partnership. This is found in other FMP's goals and objectives [coordination].

#### *Excessive Shares Review Alternatives*

Move to recommend the staff recommendation as the preferred alternative, and include the periodic review of the excessive shares measures at least every 10 years or as needed.

Hughes/Ruccio motion passes by unanimous consent

Discussion: The staff memo justifications are sufficient. Catch share review occur every 7 years as per the guidelines, this does not preclude the Council to do a review in less than 10 years if needed.

#### *Multi-year Management Measures Alternatives*

Recommend as the preferred Alternative 2, where specifications will be set for maximum number of years consistent with the Northeast Regional Coordinating Council (NRCC)-approved stock assessment schedule.

Ruccio/Hughes motion passes by unanimous consent

### *Framework Adjustment Process Alternatives*

A member of the public and a Committee member asked: When adjusting the cap via the framework, is it just a small change that would be applicable? This is not indicated in the alternative. Could we have qualifiers to refine alternative?

A member of the public indicated that this is very controversial, if the Council is to reduce the quota, and someone is getting close to it, it could block that person from further participating.

A Committee member indicated that he was not prepared to make a motion, I think that there is a bit of a mischaracterization that a framework is quick. There is nothing that precludes the Council from taking longer deliberations. This is new program [excessive shares cap], so if something controversial comes up in the near future, we can address it via a framework with a longer development timeframe.

A Committee member indicated that he appreciated the prior comments and staff recommendations. However, there could be problems associated with the framework adjustment process, say one company indicates that they want a higher cap, taking action via a framework process could be a problem [if not vetted properly].

The committee did not make a recommendation for a preferred alternative.