



## Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | www.mafmc.org  
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

# MEMORANDUM

**Date:** July 29, 2013  
**To:** Chris Moore, Executive Director  
**From:** Jessica Coakley and José Montañez, Staff  
**Subject:** Reference Point Updates and Optimum Yield (OY) for Surfclams and Ocean Quahog

The following two issues were raised during the Surfclam and Ocean Quahog Committee discussions at the June 2013 Council Meeting.

### Streamlined Mechanism to Update Biological Reference Points

Industry members have noted that the overfishing definition for ocean quahog that was revised at the Stock Assessment Workshop (SAW) 48 in 2009 was never incorporated into the Surfclam and Ocean Quahog Fishery Management Plan (FMP) through an Amendment. This reference point has not been updated in five years, which is clearly not timely. Amendments are not the most efficient means for updating biological reference points, and other Council FMPs are using more efficient methods.

The lack of a timely and efficient process to update biological reference points (also called stock status determination criteria) for the Summer Flounder, Scup, and Black Sea Bass FMP and Dogfish FMP resulted in the development of Frameworks 7 and 2 to the FMPs, respectively. These categorically excluded frameworks broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass and Dogfish FMPs to allow for greater flexibility in those definitions, and identified acceptable categories of peer-review for stock status determination criteria (consistent with National Standards (NS) 1 and 2). When these specific peer-review metrics are met, the new or revised criteria may be incorporated by the Council directly into the specifications process for each species, without the need for any additional action on the part of Council or NMFS. Essentially, this is an administrative mechanism that ensures that if the specific revised definitions meet both the broadened criteria and have gone through rigorous review, they can be used immediately. This action is purely administrative, and reduces the burden on staff resources by eliminating the need to update these measures through an Amendment.

Because the Surfclam and Ocean Quahog FMP list of Framework items are not as flexible as other plans, this action is not frameworkable for this FMP. However, it could be addressed through an Amendment that is categorically excluded under National Environment Policy Act (NEPA).

## OY Ranges

Ranges for surfclam and ocean quahog optimum yield (OY) were developed and established in the FMP in the 1980's. This was well before both the 1996 and 2007 Magnuson Reauthorization's and the Individual Fishing Quota (IFQ) system was implemented for these fisheries in 1990. These FMP ranges limit the Council flexibility to set catch and landings outside of this range (either higher or lower). However, under the current process the Scientific and Statistical Committee (SSC) is not constrained to set acceptable biological catches (ABCs) within these ranges, and the Council cannot exceed the SSC recommendations for ABC. In the NS1 Guidelines, it states that, "NMFS believes that fisheries managers cannot consistently meet the requirements of the MSA to prevent overfishing and achieve, on a continuing basis, OY unless they address scientific and management uncertainty." The SSC can set ABC above or below the OY range, the Council cannot. In addition, the OY range created confusion as to what the Council could or could not recommend, given the OY range is in landings, yet the ABC, ACL, and ACT are all catch based.

The staff recommend the Council consider the utility of this range under the current system of catch limits and the SSC role, which appears to set the upper bound on how OY can be specified each year. The Council could consider modifying the process for specifying OY to better align with the current system of catch limits, consider eliminating the ranges within the FMP, or other options.

The OY range is in the list of Framework items, so it could be completed as a Framework. However depending on the extent of expected impacts, this action could be categorically excluded or an environmental assessment under NEPA.

## Staff Recommendations for Action

The Council voted to update the 2009 SAW 48 overfishing definition for ocean quahog, along with essential fish habitat (EFH) updates, in the Cost Recovery Amendment. This Cost Recovery Amendment has been under development for 5 years. The Amendment is approaching the point at which NEPA typically recommends rescoping the issues that will be included in the amendment. In addition, because of other actions, including those related to developing the Data Collection Protocol Document, the Cost Recovery FMAT has not met in about 3 years. Therefore, many of the initially appointed FMAT members may now have other work commitments/priorities. It should also be noted that other actions have taken up FMP Amendment numbers; the revised Standardized Bycatch Reporting Methodology will become Amendment 15, and the Omnibus ACL/AM Amendment is already Amendment 16. Therefore, this Cost Recovery Amendment will be numbered Amendment 17 and the Excessive Shares Amendment would likely be 18.

On this basis, staff recommend the Council consider:

- 1) Including alternatives for the streamlined mechanism to update BRPs and the OY Range in the Cost Recovery Amendment (Amendment 17).
- 2) Request a new FMAT be formed for the development of this Amendment.
- 3) Rescope this Amendment, to include the newly proposed issues, and to reacquaint the public with the intent of the action and proposed timeline.

References

Framework 2 to the Dogfish FMP: <http://www.mafmc.org/dogfish/>

Framework 7 to the Summer Flounder, Scup, and Black Sea Bass FMP: <http://www.mafmc.org/sf-s-bsb/>