



Atlantic Surfclam and Ocean Quahog (SCOQ)

Species Separation Requirements
Amendment



December 2022 Council Meeting



Today

- Review history of the draft amendment and its contents
- Review public comments
- Review recommendations of the SCOQ Committee and staff
- Consider final action



Purpose and Need for Action

- Purpose is to modify the species separation requirements in SCOQ fisheries
- Regulations will be modified to allow for mixed catches onboard vessels that presently are declared/targeting either surfclam or ocean quahog

Purpose and Need for Action

- Action is needed because of:
 - Increased frequency of mixed catches in these fisheries (distribution shifts)
 - To maintain data collection and monitoring of SCOQ catches
 - To be consistent with the ITQ system which requires cage tags and allocation for each species to be landed

History of Action

Date	Action/Meeting
November 17, 2020	FMAT initially met to discuss development of white paper
October 13, 2021	SCOQ Advisory Panel (AP) Meeting
October 15, 2021	SCOQ Committee Meeting
November 16, 2021	FMAT Meeting
December 6, 2021	Joint SCOQ Committee/AP Meeting
December 15, 2021	Council initiated Amendment
April 26, 2022	FMAT met to kick off Amendment work

History of Action

Date	Action/Meeting
October 4, 2022	Council approved draft for public hearings
October 6, 2022	Comment period opened with press release
November 29, 2022	Comment period closed
December 2, 2022	SCOQ Committee Meeting; developed recommendations to Council
Today	Council considers final action

Council Motion (Dec. 2021)

- Move to initiate an Amendment that considers **short-term** solutions to species separation including white paper option 3 [onboard sorting]
- Also request that the staff/NEFSC explore the feasibility of **longer-term solutions** for monitoring (such as electronic monitoring (EM) testing on the clam survey)

The Draft Amendment

- Environmental Assessment under National Environmental Policy Act (NEPA)
- 4 alternatives within the amendment - the no action, plus 3 action alternatives
- Drawn from the 9 options initially considered and evaluated in the white paper

**SPECIES SEPARATION REQUIREMENTS
AMENDMENT
AMENDMENT XX TO THE ATLANTIC SURFCLAM
AND OCEAN QUAHOG
FISHERY MANAGEMENT PLAN**

(Includes Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis)

September 2022

Mid-Atlantic Fishery Management Council
in cooperation with
the National Marine Fisheries Service (NMFS)

Draft adopted by MAFMC: MM-DD-YYYY
Final adopted by MAFMC: MM-DD-YYYY
Draft submitted to NOAA: MM-DD-YYYY
Final approved by NOAA: MM-DD-YYYY

<u>Council Address</u>	<u>NMFS Address</u>
Mid-Atlantic Fishery Management Council 800 North State Street, Suite 201 Dover, DE 19901	Greater Atlantic Regional Fisheries Office 55 Great Republic Drive Gloucester, MA 01930



Alternatives

- **Alt. 1 (No Action/Status Quo):** No changes made to current regulations for SCOQ
- **Alt. 2:** Allow combined trip declaration and require onboard sorting; no mixing of two species in cages
- **Alt. 3:** Allow combined trip declaration and mixing of clam species within cages (on a declared Combined Trip), and require manual port monitoring
- **Alt. 4:** Allow combined trip declaration and mixing of clam species within cages (on a declared Combined Trip), and require EM

Alternatives Impacts

Alt.	SCOQ/ Non- target Species	Habitat	Protected Resources	Human Environment
1 (no action)	None expected	sl-	None expected	sl- (present) to – long- term
2 (sort)				sl- to sl+
3 (port samp)				- to sl+
4 (EM)				sl- to sl+

Summary of Public Comments

- Comment period from Oct. 6 to Nov. 29, 2022 (5pm EST); extended from Nov. 23
- Written comments: 8 in total
- Public hearings: 2 held (1 cancelled)
- Hearing attendance: 16 persons cumulatively (14 unique) at the 2 hearings (excluding hearing officers and Council Staff); 8 sets of oral comments given

High Level Themes

- Requirements that clam cages contain single species (surfclam or quahog) should be suspended - there should be some tolerance for mixing of both clam species in cages
- Issue not about sustainability, but enforcement; no risk to stock sustainability by suspending requirements to allow for mixing in cages
- Suspending enforcement in short-term would allow time for development of other industry driven solutions (to id and/or sort clams)

High Level Themes

- Comments generally not supportive of action alts. 2 and 3
- Some in support of alt. 4, while others did not support 4 because EM not guaranteed to work
- Some also indicated not supportive of alt. 1 because doing nothing is not a viable solution
- Some suggested mixing in cages should be allowed and estimates of clams caught/discarded could be provided (e.g., such as on Vessel Trip Reports (VTRs))

High Level Themes

- Industry did not have an opportunity to provide input in the development of the alternatives
- Noted that some alternatives (e.g., alts. 2 and 3) as described will lead to an increase in industry and/or government costs. However, these costs are not known with certainty
- One comment was received in support of alt. 2 and one comment was received in support of alt. 3 (as onboard sorting will be difficult for vessels)

Committee Recommendations

Move to delay final action on the Surfclam and Ocean Quahog Species Separation Requirements Amendment and task the FMAT with defining a percentage of mixing tolerance/allowance for both species in cages for an upcoming 2023 Council meeting. This action should be considered for inclusion on the 2023 Council Implementation Plan

Gwin/Cimino

Passed by unanimous consent of SCOQ Committee

Committee Recommendations

- Felt tolerance issue for mixing of species in clam cages was area to focus on
- Understood concerns of industry; but also expressed concern about enforcement and accounting for the species catch
- If putting off vote for final action – need next steps (time-certain)

Committee Recommendations

- Council should know what level of underreporting would create a sustainability issue
- Committee needs to provide additional guidance to FMAT
- Considered whether to recommend removal of alts. 2 and 3 (but did not)
- Also discussed Exempted Fishing Permit approaches



Staff Recommendations Memo

- Staff recommend that the Council select alt. 2
- SCOQ not overfished; no overfishing
- Problem is an unknown amount of non-target clams being caught and mixed in cages onboard (not reported)
- System to monitor catch and enforce quotas is strongly linked to the ITQ cage tags
- Analyses suggest this mixed bed issue is extensive

Staff Recommendations Memo

- Alt. 2 addresses these issues
- Vessels develop their own onboard operations and make choices about where they fish, and how they sort clams into cages
- Industry has indicated vessels and processors have different needs
- Each operator can develop their own onboard practices (manual, use sorting technologies, etc.)
- Alt. 4 may provide long-term solutions

Additional Staff Comments

- This is a complicated issue
- During development, FMAT discussed how solutions need to address catch monitoring, ITQ allocation use tracking, and enforcement
- Staff/FMAT will need additional guidance on intent of the committee motion - “defining a percentage of mixing tolerance/allowance for both species in cages”

Additional Staff Comments

- There is limited data available on mixing in catch, or what mixing rates would be if vessels did not avoid mixed beds (no baseline data)
- Are there other measures to consider along with this tolerance?
- Is this a mixing tolerance in the absence of any monitoring? Without monitoring what's in cages, how do you know if the tolerance level is met?
- What about enforcement of these mixing tolerances?

Questions?

