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MEMORANDUM

Date: September 26, 2017

To: Chris Moore, Executive Director

From: José Montañez and Jessica Coakley, Staff

Subject: FMAT Recommendations for Atlantic Surfclam and Ocean Quahog Goals and Objectives

The Fishery Management Action Team (FMAT) for the Excessive Shares Amendment met with the Fisheries Leadership and Sustainability Forum (Fisheries Forum) via webinar on Wednesday, September 21, from 10:00 am – 3:30 pm. The objective of the webinar was to discuss feedback on the Fishery Management Plan (FMP) goals and objectives compiled by the Fisheries Forum. Based on this feedback, the FMAT developed recommendations to the Council regarding potential revisions to the existing FMP goals and objectives. The FMAT recommendations on this topic can be found within the synthesis document prepared by the Fisheries Forum for the October briefing book.



Synthesis Document for

**Review of Goals and Objectives for the
Atlantic Surfclam and Ocean Quahog Fishery Management Plan**

October 2017

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1 Context for revising goals and objectives

1.1 Project overview

The Council is reviewing and potentially revising goals and objectives for the Surfclam and Ocean Quahog (SCOQ) Fishery Management Plan (FMP) in support of the Council's 2014-2018 Strategic Plan and 2017 Implementation Plan, which identified reviewing and updating FMP goals and objectives as a priority. This initiative allows the Council to revisit and "refresh" FMP goals and objectives to ensure that they provide meaningful guidance and are consistent with today's fisheries and management context. The Council will follow a similar process to update goals and objectives for all FMPs.

The Council contracted with the Fisheries Leadership & Sustainability Forum (Fisheries Forum) to support this work by developing a process to support the Council's discussion. Between April and July 2017, Fisheries Forum staff conducted planning conversations with members of the Council's SCOQ Committee, SCOQ Advisory Panel (AP), and additional state agency representatives from states engaged in the fisheries. The Fisheries Forum also reviewed comments provided by the public during scoping hearings held in July 2017.

The Fisheries Forum synthesized this feedback to identify the major ideas and themes of discussion. The Council's Surfclam and Ocean Quahog Fishery Management Action Team (FMAT) reviewed this information and provided recommendations to help guide the Council's discussion. This document combines the Fisheries Forum's synthesis of feedback and the FMAT's recommendations. This information is intended to help frame and focus the Council's review of goals and objectives, and is not intended to be comprehensive of all ideas and perspectives.

The Council will discuss SCOQ FMP goals and objectives at the October 2017 Council meeting (October 10-12, 2017 in Riverhead, New York). At this time, the Council may adopt revisions to SCOQ FMP goals and objectives for inclusion in a public hearing document. The Council and public will have additional opportunities to provide input on this issue.

1.2 Original FMP objectives

The current FMP objectives were adopted in 1988 through Amendment 8 to the SCOQ FMP.

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 requirement 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.

1.3 Terms: Goals, objectives, and strategies

As part of the Council's discussion and review of goals and objectives, it will be important to consider the appropriate terminology.

- Goals are broad, big picture, and aspirational. They can help communicate high-level values and priorities for SCOQ management.
- Objectives are more specific and actionable. They can help describe important steps toward accomplishing goals.
- Strategies refer to specific processes, decision points, and actions the Council may take to achieve objectives and support goals.

Goals and objectives are appropriate for the Council's discussion; however, specific management strategies would be appropriate to discuss in the context of other Council actions and will not be part of this discussion. Appendix 2 includes additional examples to help demonstrate the difference between goals, objectives, and strategies.

The four current SCOQ FMP objectives are described in Amendment 8 as objectives and not goals. Other Council FMPs include a combination of goals and objectives. Appendix 3 includes goals and objectives from all Mid-Atlantic FMPs. The Council could choose to consider structuring guidance for the SCOQ FMP in terms of goals, objectives, or both. The FMAT's recommendation includes a set of five goal statements with optional objectives for the Council's consideration.

1.4 MAFMC Strategic Plan

The Council's review of SCOQ FMP goals and objectives supports the Council's Strategic Plan and the 2017 Implementation Plan. The Council's 2014-2018 Strategic Plan identifies reviewing and updating FMP goals and objectives as a priority:

Management Goal: Develop fishery management strategies that provide for productive, sustainable fisheries.

Objective 11: Evaluate the Council's fishery management plans

Strategy 11.2: Review and update FMP objectives as appropriate to ensure that they remain specific, relevant, and measurable.

The Council's 2017 Implementation Plan has a list of proposed deliverables including "Review and revise FMP goals and objectives" for the SCOQ FMP.

1.5 Scoping questions

The following questions were included in the Council's July 2017 Scoping Guide for the Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment to elicit feedback on SCOQ FMP goals and objectives. (The Excessive Shares Amendment will consider excessive shares and FMP goals and objectives as two separate issues.)

- 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?

2 Feedback on goals and objectives

This section provides an overview of ideas and feedback to help inform the Council's review of SCOQ FMP goals and objectives. Contributors include members of the Council's SCOQ Committee and AP, additional state representatives from states engaged in the fisheries, and stakeholders who provided comments during the Council's July 2017 scoping hearings. Contributors commented briefly on the use of goals and objectives. Additional feedback focused on three themes: 1) relevance of the current objectives, 2) opportunities for revisions, and 3) other issues that may be pertinent to goals and objectives, including Council priorities and unique aspects of the surfclam and ocean quahog fisheries.

2.1 Use of goals and objectives

Managers and advisors who contributed to this project shared the following ideas related to the use of FMP goals and objectives. Most managers and advisors do not refer back to goals and objectives on a regular basis, if at all, but felt they have an important role in the FMP.

Purpose: Goals and objectives provide high level guidance or the "ground rules" for a fishery to ensure it is managed sustainably. Managers and advisors described goals and objectives as foundational to the FMP (e.g., the "blueprint", the "benchmark", the National Standards of the FMP) and the Council's message to the public and industry about how it intends to manage the SCOQ fisheries. Goals and objectives need to be long term and flexible to accommodate changing conditions.

Time horizon: Goals are meant to be long term; objectives are shorter term and a measure of the effectiveness of the set goals. Managers and advisors felt that goals and objectives need to be set for the long term to provide stability and allow the industry to make business decisions. Goals and objectives should also provide managers and the industry with short-term flexibility to address challenges and changing conditions. The appropriate time horizon for goals and objectives can also depend on the circumstances of a fishery and what is needed.

Audience: The intended audience for goals and objectives is a large group that includes the Council, NOAA Fisheries, industry, interested stakeholders, state agencies, non-governmental organizations, and consumers.

2.2 Relevance of the current objectives

Many contributors felt that the current FMP objectives continue to remain relevant and provide meaningful guidance despite significant changes in the surfclam and ocean quahog fisheries.

Contributors shared the following reasons why they felt that the current objectives are relevant and appropriate in their current form.

Flexibility: Contributors felt that the objectives have remained relevant through significant biological changes to the SCOQ resources and regulatory changes to the fisheries. They described seeing changes including a shift in the center of biomass to the north, a decrease in fishing activity in the southern end of the range, encountering surfclams among ocean quahogs in deeper water, fleet consolidation after implementation of the Individual Transferable Quota (ITQ) system, and improvements to the science and research supporting management of the SCOQ resources. Contributors felt that the current objectives are sufficiently flexible to accommodate future changes.

Process and intent: Some contributors described their high regard for the wording and intent of the current set of objectives and the process that was originally followed to develop them, as well as their respect for the people who participated.

Performance: Contributors feel that management is working well, that the current objectives are being achieved, and that these objectives define one of the most successfully managed fisheries in the U.S. The objectives reflect the current social and economic circumstances of the fisheries and have minimized government and industry costs. In particular contributors noted that the stock is rebuilt, harvest rates are stable, management uncertainty is low, short-term economic dislocations have been minimized, and regulatory requirements are simplified. Some contributors also noted that safety has been improved.

Stability and consistency: Contributors feel that the current objectives and adoption of the ITQ program have allowed the industry to make efficient planning and business decisions.

Relationships and process: Contributors feel that the current objectives support an efficient and cooperative relationship between the Council, NOAA Fisheries, and industry.

Overall, contributors felt the fisheries are managed well and these original FMP objectives are still relevant. Some felt no changes or updates are necessary to the current objectives, while others felt a refresh and/or some minor wording updates could be helpful to modernize them.

2.3 Opportunities for revisions

Although contributors generally felt that the current SCOQ FMP objectives are still relevant, many suggested opportunities for revisions to ensure that objectives provide meaningful guidance, are clearly worded, and are consistent with the way the fisheries and the Council currently operate. These opportunities include minor wording adjustments as well as more comprehensive structural and content-related revisions.

2.3.1 Minor revisions

The following section describes opportunities identified by contributors for the Council to adjust, update, or clarify specific terms within each objective while preserving its intent. Contributors felt that objectives should be clearly worded to ensure that their intent is clear to managers, stakeholders, and enforcement.

Objective 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.

- Update the objective: The Council could update this objective to reflect the need to maintain rather than “rebuild” the surfclam and ocean quahog resources, which are not overfished or undergoing overfishing. Many contributors felt “rebuild” is an outdated term and that refreshing this objective would acknowledge the progress made and that the SCOQ resources are sustainably managed.
- Clarify specific terms: Some felt it could be helpful to clarify some of the terms in this objective including “stabilizing” and “economic dislocations”. For example, harvest rates are stable and

the quota has been the same for years, so “stabilizing” may be a term that is more reflective of the fisheries in previous years.

- Other considerations: Some felt this objective could take the longevity of the species into consideration.

Objective 2

Simplify to the maximum extent the regulatory requirement 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.

- Wording: This objective could acknowledge other relevant aspects of managing the fisheries, such as monitoring.
- Update the objective: Many felt management of the SCOQ fisheries is straightforward and simple, and that this objective might reflect a time when management was more complicated. The Council could update this objective, for example, to focus on maintaining current regulatory requirements.

Objective 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.

- Update the objective: The current objective refers to “bringing harvest capacity into balance”, however, contributors felt that harvesting capacity is in alignment with processing and biological capacity in the sustainable SCOQ fisheries. This portion of the objective could be updated to reflect the current fisheries and status of the resources.
- Clarify specific terms: Some weren’t clear on the meaning of “economic efficiency” in this objective.

Objective 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.

- Clarify specific terms: Some contributors weren’t sure what is meant by “unanticipated short term events” because there are not a lot of sudden changes in these fisheries and they are not aware of disruptions or destabilizing events that could occur in today’s fisheries. However, some thought that changing environmental conditions could be considered an unanticipated event that could be reflected in this objective.

2.3.2 Structural and content revisions

In addition to the minor revisions above, some contributors felt that there are opportunities for the Council to make more significant structural and/or content-related revisions, ranging from minor to comprehensive changes to the existing objectives. (There may not be a clear delineation between “minor” and “significant” revisions, given that multiple minor revisions to one objective could result in substantial changes).

Order: The objectives could be ordered in terms of importance or priority.

Structure: Objectives could be combined or reorganized. For example, contributors noted that current objectives 3 and 4 both address industry operations.

Comprehensive revisions: The objectives could be completely revised. One example of a complete new set of goals and objectives was provided during the Council’s July scoping hearings and is included as appendix to this document (Appendix 4: Example of revised goals and objectives provided by Bumble Bee Seafoods).

2.4 Other issues

The Council could consider how goals and objectives intersect with other Council priorities and unique aspects of the SCOQ resources and fisheries. Contributors identified several topics that are relevant to the SCOQ fisheries and could be relevant to a review of goals and objectives.

Ecosystem and habitat considerations: Implementation of the Council’s Ecosystem Approach to Fisheries Management (EAFM) and effective use of the Essential Fish Habitat (EFH) authorities are Council priorities.

Climate and ecosystem changes: Some contributors are concerned about the impacts of ocean acidification to the long-lived, sessile surfclam and ocean quahog resources and feel that the fisheries need to remain adaptable to changing environmental conditions.

Scientific advances: Supporting advances in fishery-independent data collection and modeling that reflect the unique biology of surfclams and ocean quahogs helps to enhance the effective management of the SCOQ resources.

Changes to the fisheries: Contributors commented about the fisheries (both the biomass and fishing activity) shifting north into the geographical bounds of the New England Fishery Management Council and issues with accessible areas in New England due to the Omnibus Habitat Amendment.

Contributors noted other attributes of the fisheries that could be reflected in revised goals and objectives, including surfclams and ocean quahogs being a safe, high quality product. The longevity of the species is another unique attribute. Some also noted the importance of continuing to improve understanding of the resources, fisheries, and dependent communities, and the shared role of managers, industry, and science in the sustainable management of the SCOQ fisheries.

3 FMAT recommendation development

3.1 Context for FMAT recommendations

3.1.1 Outcomes from FMAT discussion

The Surfclam and Ocean Quahog FMAT convened via webinar on September 20, 2017, to consider the feedback obtained from planning conversations and scoping hearings, and to provide recommendations to help guide the Council's review of FMP goals and objectives. The FMAT recognizes that the Council will consider a range of possible options including:

- Making no changes to the current objectives
- Making minor changes or wording adjustments to the current objectives
- Making significant changes to the current objectives
- Developing a new set of revised objectives

The FMAT's discussion resulted in two outcomes to help support the Council's consideration of these options. The FMAT recommends that the Council discuss these two outcomes and determine how to proceed.

Outcome 1: Discussion questions

The FMAT developed a set of discussion questions (Section 3.2.1) to help guide the Council's discussion of SCOQ FMP goals and objectives and consideration of the options above.

Outcome 2: Revised goals and objectives

The FMAT recommended a set of goal statements and objectives (Section 3.2.2) for the Council's consideration of revised goals and/or objectives.

3.1.2 Rationale for FMAT recommendations

The FMAT developed Outcomes 1 and 2 after considering the guidance provided by the Council's 2014-2018 Strategic Plan (Section 1.4), the discussion questions used to elicit feedback from the public during the July 2017 scoping hearings (Section 1.5), and the feedback obtained from planning conversations and public comment (Section 2). The FMAT concluded that while the current SCOQ FMP objectives were carefully considered at the time they were developed, they should be revised to provide more useful guidance to the Council for the following reasons.

Acknowledge achievement and success. The current SCOQ FMP objectives reflect the intended and desired outcomes of Amendment 8. Aspects of these objectives have already been achieved. Revising FMP goals and objectives would acknowledge the improvements that have been made to the management of the SCOQ fisheries, recognize what is working well, and focus on maintaining and sustaining these improvements.

Clarify intent. Goals and objectives are an important public statement about what an FMP is trying to accomplish, and should be clear to stakeholders of all backgrounds. The current objectives and specific terms may not be clear to those who were not involved in the management process at the time

Amendment 8 was developed. Terms may also be confusing because they are not defined or have multiple definitions (e.g., economic efficiency). In addition, the current objectives are complicated and combine topics (e.g., Objective 1 addresses biology and economics). Revising goals and objectives would simplify and focus this guidance to clarify the Council's intent while still acknowledging the need to balance different objectives.

Provide flexible long-term guidance. The current SCOQ FMP objectives are short-term and focus on implementation of the ITQ program. Revising goals and objectives is an opportunity for the Council to develop broad, high-level guidance that describes the Council's longer-term intent for the fisheries, and is flexible to remain relevant over time and through changes to the fisheries.

Clearly identify FMP-level guidance. In addition to setting FMP goals and objectives, the Council may identify goals and/or objectives for specific amendments. For example, the Council identified objectives for Amendment 10 to the SCOQ FMP in 1998 (see Question 6 below). Furthermore, fisheries and FMPs evolve over time, and this can lead to a disconnect between the stated goals and/or objectives for an FMP and the way a fishery currently operates. Through the process of reviewing and revising FMP goals and objectives, the Council should clearly identify FMP-level guidance that is intended to carry forward through future Council actions, and ensure that this guidance reflects the current state of a fishery.

3.2 FMAT recommendations

3.2.1 Outcome 1: Discussion questions

The FMAT identified several discussion questions that may help inform the Council's consideration of goals and objectives for the SCOQ FMP.

Question 1: How does the Council want to structure guidance for the SCOQ FMP?

The Council could choose to structure guidance for the SCOQ FMP in the form of goals, objectives, or both. The FMAT feels that goals would provide valuable long-term guidance, but notes that this is an important structural consideration for the Council to discuss. The FMAT's recommendations include both goals and objectives but the FMAT could provide these in a different format.

Question 2: What does the Council view as the time frame for goals and objectives?

Time frame is an important consideration related to Question 1. Goals and objectives for biological sustainability may be essentially permanent, but other guidance may need to be adjusted over time. The FMAT suggests the Council consider the time frame for long-term guidance, how frequently the Council is likely to revisit FMP goals and objectives, and whether reviews are likely to occur as needed or on a set schedule. The FMAT considered how frequently the Council might revisit goals and objectives (for example, every 10 years, with every other iteration of the Council's Strategic Plan, or in conjunction with ITQ reviews) though did not endorse or recommend a time frame for review.

Question 3: What is the Council's intent for reviewing and potentially revising goals and objectives?

The FMAT suggests the Council consider whether goals and objectives are meant to maintain the current state of the fisheries or look ahead to the future. The FMAT's recommendations for revised goals and objectives (Section 3.2.2) reflect the current fisheries; the development of

forward-looking goals and/or objectives that imply change to the fisheries would be the purview of the Council.

Question 4: How could the Council's review of FMP goals and objectives acknowledge what is working well in the SCOQ fisheries?

Feedback from planning conversations and public comments emphasized that the current objectives are still viewed as relevant and that the fisheries are performing well, though opinions differed on whether the current objectives should be revised. The FMAT felt that revising goals and objectives would refocus FMP guidance and acknowledge improvements to the fisheries that should be maintained. The Council should consider how FMP goals and objectives can most effectively acknowledge what is working well in the SCOQ fisheries.

Question 5: How does the Council want to address measuring the performance of FMP goals and objectives?

The Council's 2014-2018 Strategic Plan states: *Review and update FMP objectives as appropriate to ensure that they remain specific, relevant, and measurable.* The FMAT suggests that the Council discuss this issue. In the future, the Council could request that FMATs give further consideration to measuring the performance of goals and objectives. Some FMAT members indicated that the goals recommended in Section 3.2.2 could be measured using quantitative and/or qualitative metrics.

Question 6: Does the Council want to acknowledge the Maine mahogany quahog fishery in FMP goals and objectives?

Amendment 10 to the SCOQ FMP in 1998 recognizes and provides for the continuation of a small fishery for ocean quahogs in federal waters off the state of Maine. Amendment 10 recognizes the overall objectives of the SCOQ FMP established by Amendment 8 and specifies an additional set of objectives¹. The FMAT suggests that the Council consider whether this fishery should be acknowledged in overall FMP objectives. The FMAT also notes that the existence of amendment-specific objectives reinforces the need to clearly identify overall FMP objectives as guidance that should be carried forward into future actions.

Question 7: If the Council chooses to consider the draft goals and objectives proposed by the FMAT (Outcome 2), is the wording appropriate?

The FMAT and members of the public noted that the wording of goals and objectives is very important. The FMAT suggests the Council carefully consider the wording of each proposed goal and objective, possible interpretations and consequences, and the balance among goals and objectives as a whole.

¹ The additional objectives specifically for Amendment 10 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) are:

1. Protect the public health and safety by the continuation of the State of Maine's PSP (Paralytic Shellfish Poisoning) monitoring program for ocean quahogs harvested from the historical eastern Maine fishery.
2. Conserve the historical eastern Maine portion of the ocean quahog resource.
3. Provide a framework that will allow the continuation of the eastern Maine artisanal fishery for ocean quahogs.
4. Provide a mechanism and process by which industry participants can work cooperatively with Federal and State management agencies to determine the future of the historical eastern Maine fishery.

3.2.2 Outcome 2: Revised goals and objectives

The FMAT developed the following goal statements, optional objectives, and questions for the Council's consideration. These goals are derived from the existing SCOQ FMP objectives, statutory requirements of the Magnuson-Stevens Act (MSA), and feedback from planning conversations and public comment; and are reframed as overarching long-term aspirations. The FMAT notes that several long-term goals are embedded within the current SCOQ FMP objectives. The proposed goals and objectives are an effort to distinguish between longer-term goals and shorter-term objectives, simplify and clarify the wording and intent of the current objectives, and provide meaningful long-term guidance. The FMAT believes that the proposed goals are longer-term and would not need to be revised frequently. The objectives, though shorter-term, describe ongoing practices to maintain rather than action items to be completed.

This section includes a summary of the five goals and supporting objectives recommended by the FMAT, followed by a discussion of the FMAT's rationale for each proposed objective and an explanation of how the proposed goal and/or objectives relate to the current FMP objectives (e.g., an update, reorganization, or new content).

Summary of revised goals and objectives

Goal 1: Ensure the biological sustainability of the surfclam and ocean quahog stocks to maintain sustainable fisheries.

Goal 2: Maintain a simple and efficient management regime.

Objective 2.1: Promote compatible regulations between state and federal entities.

Objective 2.2: Promote coordination with the New England Fishery Management Council.

Objective 2.3: Promote a regulatory framework that minimizes government and industry costs associated with administering and complying with regulatory requirements.

Goal 3: Manage for stability in the fisheries.

Objective 3.1: Provide a regulatory framework that supports long-term stability for surfclam and ocean quahog fisheries and fishing communities.

Goal 4: Provide a management regime that is flexible and adaptive to changes in the fisheries and the ecosystem.

Objective 4.1: Advocate for the fisheries in ocean planning and ocean use discussions.

Objective 4.2: Maintain the ability to respond to short and long-term changes in the environment.

Goal 5: Support science, monitoring, and data collection that enhance effective management of the resources.

Objective 5.1: Continue to promote opportunities for government and industry collaboration on research.

Goal 1: Biological sustainability

Goal 1: Ensure the biological sustainability of the surfclam and ocean quahog stocks to maintain sustainable fisheries.

FMAT Discussion

Goal 1 is an update and simplification of the “conserve and rebuild” language from current Objective 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.*) This revision reflects the current status of the stocks, which are not overfished, undergoing overfishing, or undergoing rebuilding; and is versatile to provide guidance under all resource scenarios. This goal and the two objectives are consistent with the requirements of the MSA and are worded in a way that is more straightforward and understandable to the public.

The Council’s recent review of summer flounder FMP goals and objectives may provide useful context for this proposed goal. The Council and the Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Board (Board) considered a similarly worded goal for biological sustainability during their December 2015 review of summer flounder FMP goals and objectives, as part of the Comprehensive Summer Flounder Amendment. The FMAT for this amendment initially recommended a goal (“Ensure the biological sustainability of the summer flounder resource in order to maintain a sustainable summer flounder fishery”) paired with two objectives (“Achieve and maintain a sustainable spawning stock biomass” and “Achieve and maintain a sustainable rate of fishing mortality.”) The Council and Board recommended merging the two proposed objectives into a single objective that draws on the language of National Standard 1 to specifically address the topics of yield and avoiding overfishing, as follows: “Prevent overfishing, and achieve and maintain sustainable spawning stock biomass levels that promote optimum yield in the fishery.” This proposed wording also builds on one of the original objectives for the FMP (Objective 3: Improve the yield from the fishery.) The Comprehensive Summer Flounder Amendment is ongoing and goals and objectives for this FMP have not yet been finalized.

Questions

- Does the Council want to develop one or more objectives related to this goal? For example, objectives could include “Maintain a sustainable biomass” and “Maintain a sustainable rate of fishing mortality.” The FMAT notes that these objectives could reinforce and make explicit what is required by the MSA, though the FMAT feels adding objectives is not necessary.
- The Maine mahogany quahog fishery was developed after the current objectives were established. Does the Council want to explicitly acknowledge the Maine mahogany quahog fishery in goals and objectives? If so, where is the appropriate place to do so? An optional objective could read: Maintain the Maine mahogany quahog fishery.

Goal 2: Simplicity and efficiency

Goal 2: Maintain a simple and efficient management regime.

Objective 2.1: Promote compatible regulations between state and federal entities.

Objective 2.2: Promote coordination with the New England Fishery Management Council.

Objective 2.3: Promote a regulatory framework that minimizes government and industry costs associated with administering and complying with regulatory requirements.

FMAT Discussion

Goal 2 is a simplification and reorganization of the language in current Objective 2 (*Simplify to the maximum extent the regulatory requirement 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.*) The words “maintain” and “promote” recognize that these aspects of managing the fisheries have been improved over time.

Objectives 2.1 and 2.2 are new ideas. The FMAT felt that promoting compatibility between state and federal regulations (Objective 2.1) is important “common sense” guidance for supporting simple and efficient management. Objective 2.2 was added in response to planning conversations and public comments and refers to the Council’s interest in coordinating and having a presence when the New England Council develops management measures that may impact the SCOQ fisheries.

Questions

Current Objective 2 recognizes specific aspects of the management process for which managers should minimize the government and private cost of administering and complying with requirements. These include regulatory, reporting, enforcement, and research requirements.

- Does the Council want to continue to recognize these specific requirements, for example by adding them to Objective 2.3?

Goal 3: Stability

Goal 3: Manage for stability in the fisheries.

Objective 3.1: Provide a regulatory framework that supports long-term stability for surfclam and ocean quahog fisheries and fishing communities.

FMAT Discussion

This goal is a simplification and reorganization that focuses on the overarching value of stability by drawing on the language of two current objectives, Objective 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*) and Objective 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.*) Specifically, this overarching goal of stability addresses

the language of Objectives 3 and 4 referring to balancing harvesting, processing, and biological capacity; efficient utilization of capital resources, and long-term industry planning and investment needs.

The FMAT discussed the most appropriate terminology to describe stakeholders in the management of the surfclam and ocean quahog resources. FMAT members noted that the current objectives use the terms “industry” and “industry participants” and refer to both the harvesting and processing sectors. The FMAT also discussed whether the term “industry” explicitly includes the processing sector, and the relationship of the Council’s management decisions to the processing sector. The FMAT suggested the phrase “surfclam and ocean quahog fisheries and fishing communities” as a simple and more encompassing term that includes all components of the SCOQ fishery.

Goal 4: Flexibility

Goal 4: Provide a management regime that is flexible and adaptive to changes in the fisheries and the ecosystem.

Objective 4.1: Advocate for the fisheries in ocean planning and ocean use discussions.

Objective 4.2: Maintain the ability to respond to short and long-term changes in the environment.

FMAT Discussion

Goal 4 is an update and revision of Objective 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*) and focuses on the values of flexibility and adaptability. Goal 4 and Objectives 4.1 and 4.2 also acknowledge issues identified during planning conversations, including concerns about changing environmental conditions and the Council’s implementation of an ecosystem approach to fisheries management.

Objective 4.1 is a new idea recommended by the FMAT. The Council is able to comment on proposed plans (e.g., wind energy development) that may impact fish habitat. The Mid-Atlantic Council also has a representative to the Mid-Atlantic Regional Planning Body. The FMAT recommended Objective 4.1 to recognize the opportunity for the Council to engage more proactively in ocean planning processes to consider and communicate the SCOQ fisheries’ interests. The FMAT also recommended including the reference to long-term changes in Objective 4.2 to recognize the need to respond to both short and long-term changes, as current Objective 4 refers only to short term events.

Goal 5: Information

Goal 5: Support science, monitoring, and data collection that enhance effective management of the resources.

Objective 5.1: Continue to promote opportunities for government and industry collaboration on research.

FMAT Discussion

Goal 5 and Objective 5.1 are new and are not based on any of the current SCOQ FMP objectives. This goal and objective are based on feedback from planning conversations and scoping comments. The FMAT and public participants in the FMAT’s webinar discussed the use of the words “support” and “promote” in Goal 5. Public participants noted that the SCOQ industry has been proactive in supporting

and investing in research, and preferred the word “support” for Goal 5. The FMAT agreed that the use of the word “support” in Goal 5 is consistent with the Council’s role and responsibilities relative to science, monitoring, and data collection. The use of “promote” in Objective 5.1 recognizes that the Council can encourage and provide guidance to partners and other entities to focus research that will benefit management.

4.1 Appendix 1: Contributors

The Fisheries Forum requested input from members of the Council's SCOQ Committee and AP and additional state agency representatives in order to develop this document and to inform the FMAT's recommendations. Contributors shared feedback on fishery management plan goals and objectives for SCOQ management to help focus and frame the Council's discussion of this issue.

Fisheries Forum staff conducted 18 informal planning calls with Committee and AP members and state representatives involved in surfclam and ocean quahog management. In addition, Council staff collected public comments on this issue during scoping hearings held in July 2017.

The following individuals contributed to the development of this document through short planning calls.

Surfclam and Ocean Quahog Committee members

- Peter deFur, Appointee (VA)
- Peter Hughes, Appointee (NJ)
- Roger Mann, Appointee (VA)
- Stew Michels, Delaware Division of Fish & Wildlife
- Steve Heins, New York Department of Environmental Conservation
- Howard King, Appointee (MD)
- Wes Townsend, Appointee (DE)
- Patricia Bennett, U.S. Coast Guard
- Mike Ruccio, NOAA Fisheries
- Doug Potts, NOAA Fisheries

Surfclam and Ocean Quahog AP members

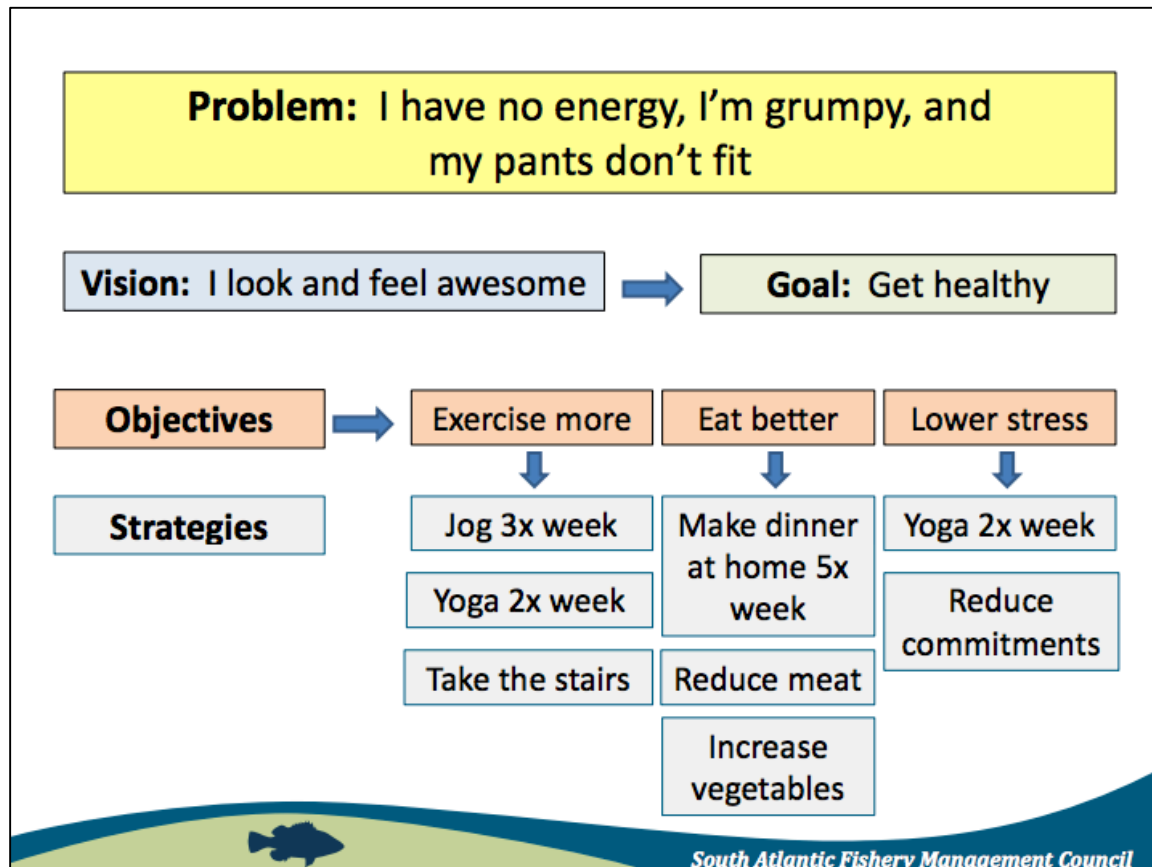
- Thomas Alspach (MD)
- Thomas Dameron (PA)
- Peter Himchak (NJ)
- Sam Martin (NJ)
- Joseph Myers (NJ) with Jeff Pike and Mike Kraft
- David Wallace (MD)

State agency representatives

- Tom Baum and Jeff Normant, New Jersey Division of Fish & Wildlife
- Terry Stockwell, Maine Department of Marine Resources

4.2 Appendix 2: South Atlantic Council example: Goals, objectives, and strategies

This diagram includes examples of goals, objectives, and strategies, and is excerpted from a staff presentation on strategic planning from the South Atlantic Fishery Management Council's March 2013 Council Visioning Workshop.



The full presentation is available online:

http://cdn1.safmc.net/wp-content/uploads/2016/11/28101424/2BB_Attach2b_StrategicPlanningPres-1.pdf

Additional information about the Council's Snapper-Grouper Visioning Process, and resources from past meetings, are available on the council's website.

<http://www.safmc.net/resource-library/council-visioning-project>

4.3 Appendix 3: Mid-Atlantic Fishery Management Council FMP goals and objectives

Summer Flounder, Scup, Black Sea Bass

1. Reduce fishing mortality in the summer flounder, scup, and black sea bass fisheries to assure that overfishing does not occur.
2. Reduce fishing mortality on immature summer flounder, scup, and black seabass to increase spawning stock biomass.
3. Improve the yield from the fishery.
4. Promote compatible management regulations between state and Federal jurisdictions.
5. Promote uniform and effective enforcement of regulations.
6. Minimize regulations to achieve the management objectives stated above.

Bluefish

1. Increase understanding of the stock and of the fishery.
2. Provide the highest availability of bluefish to U.S. fishermen while maintaining, within limits, traditional uses of bluefish.
3. Provide for cooperation among the coastal states, the various regional marine fishery management councils, and federal agencies involved along the coast to enhance the management of bluefish throughout its range.
4. Prevent recruitment overfishing.
5. Reduce the waste in both the commercial and recreational fisheries.

Spiny dogfish

1. Reduce fishing mortality to ensure that overfishing does not occur.
2. Promote compatible management regulations between state and Council jurisdictions and the US and Canada.
3. Promote uniform and effective enforcement of regulations.
4. Minimize regulations while achieving the management objectives stated above.
5. Manage the spiny dogfish fishery so as to minimize the impact of the regulations on the prosecution of other fisheries, to the extent practicable.
6. Contribute to the protection of biodiversity and ecosystem structure and function.

Squid, Mackerel, Butterfish

1. Enhance the probability of successful (i.e., the historical average) recruitment to the fisheries.
2. Promote the growth of the U.S. commercial fishery, including the fishery for export.
3. Provide the greatest degree of freedom and flexibility to all harvesters of these resources consistent with the attainment of the other objectives of this FMP.
4. Provide marine recreational fishing opportunities, recognizing the contribution of recreational fishing to the national economy.
5. Increase understanding of the conditions of the stocks and fisheries.
6. Minimize harvesting conflicts among U.S. commercial, U.S. recreational, and foreign fishermen.

Surfclam and Ocean Quahog

1. Conserve and rebuild Atlantic surfclam 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 requirement of surfclam and ocean quahog management to minimize the government and private cost of administering and complying with

regulatory, reporting, enforcement, and research requirements of surfclam and ocean quahog management.

3. Provide the opportunity for industry to operate efficiently, consistent with the conservation of surfclam and ocean 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.

Tilefish

The overall goal of this FMP is to rebuild tilefish so that the optimum yield can be obtained from this resource. To meet the overall goal, the following objectives are adopted:

1. Prevent overfishing and rebuild the resource to the biomass that would support MSY.
2. Prevent overcapitalization and limit new entrants.
3. Identify and describe essential tilefish habitat.
4. Collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch in all fisheries.

4.4 Appendix 4: Example of revised goals and objectives provided by Bumble Bee Seafoods

The following is an excerpt from scoping comments provide in a letter from Bumble Bee Seafoods to the Mid-Atlantic Fishery Management Council, July 12, 2017. These comments are the only example of a new full set of goals and objectives suggested by contributors to this project, and are included in this document for reference.

Bumble Bea Seafood supports the Council's effort to revise the goals and objectives for the OQSC FMP as they are not consistent with today's fishery and management issues. Provided below is a list of revised/rewritten goals and objectives which we believe more accurately reflect today's fishery:

1. Conserve and sustainably manage the Atlantic surf clam and ocean quahog resources throughout the management unit to prevent overfishing and ensure that the resource is not overfished while achieving optimum yield from the resource.
2. Promote opportunities for government and industry scientific research, especially into the effects of warming ocean temperatures and changing ocean conditions on the OQSC resources, and research necessary for sound management decisions.
3. Provide a simplified management regime and regulatory framework that minimize government and industry cost while allowing participants to achieve economic efficiency including efficient utilization of capital resources by industry.
4. Promote compatible management regulations between state and Councils jurisdiction.
5. Strengthen coordination between the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council so that actions by one Council do not negatively impact the ability of industry to achieve optimum yield.

Coakley, Jessica

From: dhwallace@aol.com
Sent: Wednesday, September 27, 2017 4:01 PM
To: Moore, Christopher; Montanez, Jose; Coakley, Jessica; Potts, Douglas
Subject: Comments Regarding SCOQ Objectives and How They Are Measurable
Attachments: 20`17 GA Amendment 8 Objectives and how effective and are the G O measurable revised.docx

Hi Chris, Jose, and Jessica,

I was on the FMAT webinar regarding the SCOQ goals and objectives last week. One of the FMAT members made the comments that the current objectives of the FMP are not measurable. This person did say that they were not involved in the process when the objectives were written, almost thirty years ago. After thinking about that statement it became clear that most council members, council staff, and federal employees have no idea why the objectives are written the way that they are. Once it was understood, in the 1980s, that a group of clear objectives was needed to serve all parties involved for the long-term future of the clam fishery the objectives were created. Therefore, an outline of the history of the clam fishery management would be helpful for members and staff to understand why the objectives were created and why the industry is what it is today. The very wise folks that wrote the current objectives wanted them to last forever, and with great study and understanding they came up the current objectives. The industry that operates today is just what the SCOQ FMP intended to accomplish. The FMP's objectives can be the guiding concepts for another 100 years because all of the possible problems that could happen are dealt with in the objectives.

The attached outline was done quickly once it became clear that this needed to be done and the deadline was short, which gave very little time to rush through creating the document. It could be much longer, and it is longer than it should be but every concept in the objectives was a response to how the original FPM was put together. In the 1980s the changes were quick and the management could not keep up. So, the solution to dealing with the future changed in an efficient and cost-effective way was to develop a system that allowed the industry to adjust as needed. That is what currently exists and it is hoped that concept will continue and not get the council and NMFS into attempting to micromanage a fishery that changing all of the time.

Best,

Dave,

David H. Wallace
Wallace & Associates
1142 Hudson Road
Cambridge, MD 21623 3234
P 410 376 3200

Management Plan Prior to ITQs

The SCOQ FMP fixed very a difficult management situation that had evolved over time (1977 to 1990) and then Amendment 8 resolved these issues almost 30 years ago. They were:

- 1) In 1977 when the SCOQ FMP was implemented, the surfclams were overfished and the ocean quahogs were not yet fished and at virgin biomass.
- 2) The price of surfclams was \$12.00 per bushel
- 3) Rebuilding the surfclam fishery was the main objective.
- 4) There were fixed quotas for both species from day one of the SCOQ FMP.
- 5) Limited entry on new entrants at first having more than 200 surfclam fishing permits.
- 6) The industry had a quarterly landing system where the landings were approximated by effort.
- 7) A time allocation system was put in place to assure that the clam fishery operated year round because since all clams are processed in factories a closure of the fishery would put the factory workers out of work and they would be hard to get back if laid off.
- 8) There were many permits for surfclams without boats, and the solution was to have a “use it or lose it” provision which required permits without boats to be associated with a boat and land about 100 bushels a year to keep the permit.
- 9) Surfclam vessels started out with 5 trips week and fishing was allowed for 12 hours per trip.
- 10) The quahog vessels were allowed to fish as much as they liked because there were only a few plants that could process and market that product.
- 11) There were enforcement problems because the surfclam vessels could not fill the boats in the time allotted, so there were many violations of fishing more than their allotted time.
- 12) Each surfclam vessel had to be authorized by NMFS to fish on the given days once the days per week allowed to fish were cut to less than five.
- 13) In the beginning the fishing was Sunday to Thursday so the plants had surfclams from Monday to Friday weather permitting.
- 14) Once the days were less than five per week losing a trip because of bad weather became an issue, so a bad weather day was added which made it more confusing and harder to enforce.
- 15) In the late 1970s and early 1980s there were large sets of surfclams from northern NJ to VA. This was partly attributed to the large anoxic event off of New Jersey in 1976 where nearly all the predators were killed.
- 16) Boats started fishing on the small clams for the few big ones that were mixed in, killing large numbers of small clams.
- 17) The solution was two- fold, a size limit and closed areas to protect large beds of baby clams.
- 18) That created an even more difficult enforcement problem for NMFS and USCG.

- 19) As the clams got bigger the 160+ boats could fill up on now legal surfclams in a short time forcing the Council to the point just before the ITQ system went into effect of allowing each surfclam boat 24 trips of 6 hours each per year.
- 20) Large numbers of boat owners went broke and other owners bought up the boats and at low prices because the fleet was losing so much money.
- 21) From 1976 to 1988 the MAFMC spent from one day per Council meeting (which met at one point nine times per year) to sometimes only spending a half day per meeting on clams
- 22) For most of that time the clam AP met the last Friday of every month changing the time limits along with management changes to keep from overfishing the surfclam quota.
- 23) After seven amendments in 10 years it became clear that this was not an effective way to manage the first federally managed fishery in the U.S.
- 24) The MAFMC, NMFS management division, enforcement agencies from NMFS and the states and the USCG were spending tens of thousands dollars and man hours trying to manage the fishery every year.
- 25) From about 1980 it became clear that the management was protecting the resource but the pain to the industry (boat operators going broke right and left), cost and complexity of the management for the states, Council and Federal agencies had to be fixed.
- 26) One large clam company with a large fleet wanted an allocation system where they would get most of the quota, they held up the implementation of Amendment 8 (SCOQ ITQ system) for years, to the point that they went out of business.
- 27) In 1990 the ITQ system went into effect with the main objective to allow the fishery to manage itself on a day to day basis. The NMFS, USCG and Council basically got out of managing the clam fishery except for setting the quotas for each year, which is where it stands today.
- 28) The clam fishery has gone from chaos to a well-run industrial fishery with little requirement of the government to spend their time and financial resources in the management of the fishery.
- 29) There were many rules of how to upgrade or replace vessels and therefore with the poor economic situation unsafe vessels were operating all the time.

Current Objectives in Amendment 8

The current goals and objectives of the SCOQ FMP are being met and are measurable! Just compare what the old management system required vs today's management. What is an example of a Federal fishery that is managed better? The clam industry has operated very well for the last 27 years without an amendment of any kind with the exception of EFH and changes to the overfishing definitions that were required because of a change in the MSA which had to be addressed.

The goals of the FMP are within the objectives just like all but one of the other Council FMPs and that is the Tilefish Plan that has one Goal.

The strategies for accomplishing the objectives are clearly placed in the objectives and are the path to allowing the industry the flexibility to address whatever situation arises, be it short or long term issues are dealt with without the Council or the Federal government being involved. There are now many more amendments to the clam fishery, none of which was supported by the fishery, but the fishery has been the first, in most cases, to make the management system work better. For example, all vessels have VMS, clam plants were the first to report their vessels landing electronically every day and now the vessels are also reporting their catch electronically every day. This was done by working with the NEFSC and industry to streamline the operation for the government's and industry benefit.

1. Conserve and rebuild Atlantic surfclam and ocean quahog resources by stabilizing annual harvest rates throughout the management unit in a way that minimizes short term economic dislocations.

- 1) The stock today is at near carrying capacity from an overfished state in the early 1970s according to the NEFSC assessment scientists.
- 2) Rebuilding may be necessary in the future if climate change or unforeseen issues take place which causes a situation where the clam stocks must be rebuilt.
- 3) Harvest rates are now relatively stable and are well below the TAC.
- 4) Today the fleet size is variable, there are only the number of vessels fishing that the vessel owners need to fill the demand from their processors.
- 5) The fleet is fully utilized with little to no surplus capital in the clam fleet.

2. Simplify to the maximum extent the regulatory requirements of surfclam and ocean quahog management to minimize the government and private cost of administering and complying with regulatory, reporting, enforcement, and research requirements of surfclam and ocean quahog management.

- 1) Before Amendment 8 the Council and NMFS clam staff (many people) worked all of the time in an attempt to keep the regulations up to date with the fishery which was changing almost every day.
- 2) Amendment 8 (implemented October 1, 1990) simplified the management of the fishery with few regulations compared to needing many Council, NMFS and USCG folks, ships and aircraft involved in every day operations to control hours fished for each vessel (time allocation) per week, month, quarter and year to stay within the fixed quotas.
- 3) There has always been mandatory reporting by the clam vessels and dealers from day one starting in 1977. The clam industry has the longest and most complete reporting record in the history of the fishing industry in the U.S.
- 4) Before amendment 8 there was a low quota with too many vessels for the quota allowed. Most vessels operators were going broke and cheating in an

attempt to stay in business. After the amendment the sized of the fleet dropper to the point where the vessel became efficient and profitable.

- 5) Enforcement up until 1990 was a major problem for NMFS and USCG with many violations every year because there were too many vessel fishing on a small surfclam quota. There were hundreds of notices of violation per year before the ITQ system
- 6) After the ITQ system went into effect, there have been about ten ITQ fishing vessels violations in the last 27 years.
- 7) About 10 years ago there were a number of inshore clam vessels that were caught fishing in the Federal zone without ITQ tags and their catches was not being reported. That included Massachusetts inshore vessels catching surfclams in Federal waters with no tags or Federal permits.
- 8) The entire Maine ocean quahog fleet was also supposed to be fishing in State waters but were operating in Federal waters with no ITQ or Federal permits.
- 9) Then Senate majority leader Mitchell from Maine got the industry, Council and NMFS to allocate 100,000 quahog bushels from the overall quahog quota be given to the State of Maine for their quahog fishermen to make their fishing legal.
- 10) Enforcement and VMS solved the issue of state boats fishing in the Federal zone.
- 11) After 1990 the clam fleet started making money and got involved in funding clam research in cooperation NEFSC. The industry funded research that needed to be done but the NEFSC could not do because of budget constraints. That program is ongoing today with the Center scientists and the universities that the clam industry supports doing the research and jointly publishing papers. The clam industry collects from each of the main industry members a total of about \$200,000 per year to do the science.

3. Provide the opportunity for industry to operate efficiently, consistent with the conservation of surfclam and ocean 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.

- 1) The fleet size went from 168 permitted vessels working 144 hours per year pre amendment 8 to less than 50 working full time today.
- 2) Pre amendment 8 most crews were running 4 boats making 24 trips of 6 hour per boat per year or about 2 separate boat trips for 48 weeks to catch the fixed quota.
- 3) Because the vessels were mostly old and not well cared for, because of economic reasons, they were forced to race against time they had to fish and bad weather, safety of the crews and vessels was a grave problem with many people killed and vessels lost.

- 4) As soon as Amendment 8 when into effect the older less efficient vessels left the fishery and their allocation was placed on newer safer boats.
- 5) As the fleet started making money new larger more sea worthy vessels replaced the older vessels. That process continues today with a new vessel that is designed to fish on Georges Bank (which very few clam vessels can do well). Before climate change the surfclam fishery was mostly a near shore operation. Now it has become more of an off shore fishery and the clams have move to deeper water, further off shore and north.
- 6) In the 40 years that the SCOQ FMPs has been in effect there has been only a couple of years (pre amendment 8) that the quota was exceeded and that excess was only at most one percent over when the industry was on a time allocation system,
- 7) The clam industry has always had a science based fixed quota for both surfclams and ocean quahogs.
- 8) The fleet owners may operate as few or many vessels as they want and of any size. They get to decide how much capital they want in their fleet.
- 9) The quota is allocated to each ITQ owner by the numbers of ITQs that they have, allowed by cages holding 32 bushels. The owners get cage tags that represent that equals their percentage of the surfclam or ocean quahog quota..
- 10) The industry balances demand and delivers supply at the lowest possible cost. Clam meat is quality and price sensitive from the buyers. If price is too high, the customers cut back on the sales and promotions and cut their orders. Only a very small fresh shucked clam markets in southern New England exist.
- 11) All clams are required to be landed in a standard 32 bushel cages.
- 12) Having an empty cage with a tag on it is a violation and having full cages without a tag is a violation.
- 13) A vessel owner can have a fleet that supplies it customers as economically as possible, the owner gets to decide how many and of what size vessels his/her wants.
- 14) Flexible fleet size is the best utilization of capital for the owner and industry.
- 15) Because of climate change some vessels have moved to New England and there are plants that have moved from the mid Atlantic to New England as a response to clam population distribution movement.

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.

- 1) The current framework is flexible and was created to operate over very long periods of time, which has been demonstrated.
- 2) The industry has adjusted to climate change without having to have amendments to the FMP. The industry made the adjustment that were needed like moving

plants north and building larger vessels to fish further off shore. Industry closed areas to add value to the product and increase efficiency.

- 3) Sustained economic growth and investment require stability, predictability, public integrity.
- 4) Changing the management regime introduces new risks without additional returns. Without predictability, the clam industry will hesitate to risk expansion. Many of industry's decisions require trust that clam management is predictable. Unknown risk of management changes force industry to slow down expansion.
- 5) Using the flexibility in the SCOQ FMP the clam industry is involved in testing to see if we have our own closed area management system will increase production, yield, and quality without having to bother the Council or NMFS to go through the work of amending the FMP to close the areas and then another amendment to reopen it. Industry can do it by itself much quicker, simpler and more cost effective.
- 6) Uncertainty creates costs. Consider the costs generated by demonizing the clam industry.