



Unmanaged Forage Omnibus Amendment

Draft Action Plan

(updated 1/7/2016)

Purpose and need

In December 2014 the Mid-Atlantic Fishery Management Council passed a motion to initiate a regulatory action to prohibit the development of new, or expansion of existing, directed fisheries on unmanaged forage species until adequate scientific information is available to promote ecosystem sustainability. In October 2015 the Council agreed to develop an omnibus amendment to add unmanaged forage species as Ecosystem Component species to the Council’s existing Fishery Management Plans (FMPs) and prohibit the development of new, and expansion of existing, commercial and recreational fisheries in the Mid-Atlantic federal waters that would direct on those species using any gear type.

The Council has not yet adopted a formal purpose and need statement for the amendment, as required by the National Environmental Policy Act (NEPA).

Fishery Management Action Team

The Council formed a team of technical experts, known as a Fishery Management Action Team (FMAT) to develop and analyze management alternatives for this amendment. The FMAT is led by Council staff and includes management partners from the Atlantic States Marine Fisheries Commission (ASMFC), the National Marine Fisheries Service (NMFS) Greater Atlantic Regional Fisheries Office (GARFO), and the NMFS Northeast Fisheries Science Center (NEFSC). If needed, the FMAT will work with other experts to address specific issues.

FMAT Membership		
Name	Title	Agency
Carly Bari	Fishery Management Specialist	NMFS GARFO
Jay Hermsen	Statistician	NMFS GARFO
Min-Yang Lee	Economist	NEFSC
Shanna Madsen	Fisheries Science Coordinator	ASMFC
Katie Richardson	NEPA Policy Analyst	NMFS GARFO
Laurel Smith	Fisheries Biologist	NEFSC
David Stevenson	Marine Habitat Resource Specialist	NMFS GARFO

Unmanaged forage species to be included in amendment

The FMAT is developing an initial list of unmanaged forage species to be considered for inclusion in the amendment. The FMAT will develop recommendations to the Council as to which species should be included.

Management measures to be considered

The FMAT has proposed the following draft range of alternatives for the amendment:

- 1) No action
- 2) Prohibit harvest of certain unmanaged forage species (i.e. those designated as ecosystem components)
 - a. Prohibit all possession
 - b. Prohibit directed fishing, but allow an incidental possession limit
 - c. Prohibit all possession once a catch limit (e.g. an annual catch or landings limit) is met
- 3) Limit capture of certain unmanaged forage species (i.e. those designated as ecosystem components)
 - a. Limit capture through spatial closures
 - b. Limit capture through seasonal closures
 - c. Limit capture through gear regulations
- 4) Administrative alternatives
 - a. Update the list of approved fisheries and gear types for Mid-Atlantic federal waters (50 CF 600.725)
 - b. Frameworkable items
 - i. List of ecosystem component species
 - ii. Spatial and seasonal closures (if any implemented)
 - iii. Gear regulations (if any implemented)
 - iv. Possession limits for ecosystem component species (if any implemented)

Affected fisheries

The intent of the action is to allow existing fisheries to continue to unchanged while prohibiting the development of new, or expansion of existing, directed fisheries on currently unmanaged forage species. Existing fisheries for these species are currently poorly understood. Any existing fisheries will be affected by limitations on their capacity to expand in the future. Depending on the type of action the Council decides to pursue, fisheries which capture unmanaged forage species as bycatch may also be affected.

Applicable laws

Name of law	Applicable to this action?
Magnuson-Stevens Act	Yes
National Environmental Policy Act	Yes; expected that an Environmental Assessment will be required.
Administrative Procedure Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Possibly; depends on data collection needs
Coastal Zone Management Act	Possibly; depends on effects of the action on the resources of the coastal states in the management unit
Endangered Species Act	Possibly; level of consultation will depend on the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Possibly; legal review will confirm
E.O. 13123 (Federalism)	Possibly; legal review will confirm
Essential Fish Habitat	Possibly; level of consultation will depend on the actions taken
Information Quality Act	Yes

Draft timeline for amendment development and implementation

<i>Date</i>	<i>Action</i>	<i>Location</i>
December 11, 2014	Council passes motion to protect unmanaged forage species	Council meeting Baltimore, MD
April 14, 2015	Council discusses next steps	Council meeting Long Branch, NJ
May 2015	FMAT formed	---
June 10, 2015	Council reviews progress on action and approves scoping plan	Council meeting Virginia Beach, VA
June 2015 – late 2016 (subject to change)	FMAT develops alternatives	---
August - October 2015	Public scoping hearings	8 locations from RI to NC, including a webinar
October 7, 2015	Council considers scoping comments, passes motion for omnibus amendment	Council meeting Philadelphia, PA
December 8, 2015	Council discusses range of alternatives, draft purpose and need statement, and preliminary list of species	Council meeting Annapolis, MD
January 11, 2015	Ecosystem and Ocean Planning Advisory Panel meeting to discuss amendment	Webinar
January 22, 2015	Ecosystem and Ocean Planning Committee meeting to discuss amendment	Linthicum Heights, MD and webinar
February 2016	Council discusses amendment, reviews draft public hearing document	Council meeting New Bern, NC
Spring 2016 (subject to change)	Public hearings	TBD
June or August 2016 (subject to change)	Council considers comments received during public hearings, FMAT analysis, and other recommendations, selects preferred management alternatives	Council meeting Newark, DE (June) or Virginia Beach (August)
Fall 2016 (subject to change)	Staff submits relevant documents to NMFS for secretarial approval	---
Late 2016/early 2017 (subject to change)	Final rule effective	---