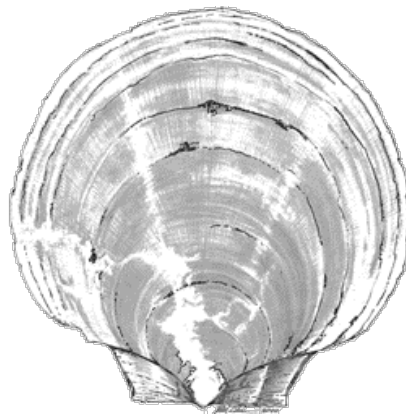


DECISION DOCUMENT
For
Framework 36 to the
Atlantic Sea Scallop Fishery Management Plan



This document was developed to help the Council select final preferred alternatives for Framework 36.

November 23, 2022

Version 1.1 – AP and Committee Copy

Anticipated Action on December 1, 2022:

Prior to selecting final preferred alternatives, the AP and Committee will receive a presentation on measures under consideration in Framework 36 and their analyzed impacts on target species, non-target species, protected resources, the physical environment (EFH), and human communities (economic and social impacts).

The scallop PDT's bycatch analysis for FY2023 suggests that the fishery's catch of Northern windowpane could exceed both the sub-ACL and the acceptable biological catch (ABC) for the stock, which is in a rebuilding plan. Council staff recommend that the AP and Committee work through Framework 36 topics in the following order:

1. Consider bycatch estimates developed by the Scallop PDT. If warranted, discuss possible measures that could be used to mitigate impacts on flatfish stocks (would be Section 4.5). Possible Steps:
 - a. Review PDT recommendation to consider options to reduce bycatch in Framework 36, particularly for northern windowpane flounder.
 - b. If desired, develop measures (motion).
2. Select the *preferred alternative* for overfishing limit and acceptable biological catch (Section 4.1).
3. Select *preferred alternatives* for Northern Gulf of Maine management and total allowable landings in FY 2023 and FY 2024 (Section 4.2).
4. Select the *preferred alternatives* for fishery specifications for FY 2023 and FW 2024 (default), including access area and DAS allocations (Section 4.3).
5. Select the *preferred alternative* for LAGC IFQ access area trip allocations (Section 4.4).
6. *If measures are developed, select a preferred alternatives for Measures to reduce fishery impacts on Northern windowpane flounder (Section 4.5).*
7. Motion to submit Framework 36 to NOAA Fisheries (Council meeting).

1. – Action 1 – Overfishing Limit and Acceptable Biological Catch

Section 4.1 – Action 1 – Overfishing Limit and Acceptable Biological Catch <i>Choose one alternative.</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.1.1)	No Action (default OFL and ABC for FY 2022 from Framework 34)			
Alternative 2 (Sec. 4.1.2)	Updated OFL and ABC for FY 2023 and FY 2024.	**		
Decisions/Questions/Information to Consider				
Action 1 considers updating OFL and ABC estimates using the most recent survey information and updated reference points from the 2020 scallop assessment update. The SSC recommended updated OFL and ABC values for 2023 and 2024 (default) at its meeting on Oct. 12, 2022. The Atlantic sea scallop resource is considered healthy; the stock is not overfished, and overfishing is not occurring.				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> • Biological impacts: Section 6.2.1 • Non-target species impacts: Section 6.3.1 • Protected resource impacts: Section 6.4.1 • Impacts on Physical Environment and Essential Fish Habitat: Section 6.5.1 • Economic impacts: Section 6.6.1.1 • Social impacts: Section 6.6.2.1 				

2. – Action 2 – Northern Gulf of Maine Management and TAL Setting

Section 4.2 – Action 2 – Northern Gulf of Maine Management and TAL Setting <i>If Alternative 2 is selected, choose one target F option (Option 1 – Option 3)</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.2.1)	No Action <i>FW34 Default NGOM Set-Aside set at 465,980.</i>			
Alternative 2 (Sec. 4.2.2)	<i>Set NGOM TAL, with set-asides to support research, monitoring, and a directed LAGC fishery</i>	**		
Alternative 2 Section 4.2.2 – Select Target F rate for NGOM TAL				
<i>Option 1</i> (4.2.2.1)	<i>Set NGOM TAL at F=0.15 using Stellwagen Only</i> TAL= 357,149 pounds, NGOM Set-Aside 303,693 pounds 2023 Default: 227,770 pounds			
<i>Option 2</i> (4.2.2.2)	<i>Set NGOM TAL at F=0.18 using Stellwagen Only</i> TAL= 421,083 pounds, NGOM Set-Aside 367,627 pounds 2023 Default: 275,720 pounds			
<i>Option 3</i> (4.2.2.3)	<i>Set NGOM TAL at F=0.15 Using Stellwagen, Ipswich, and Jeffreys Ledge</i> TAL= 434,311 pounds, NGOM Set-Aside 380,855 pounds 2023 Default: 285,641 pounds			
<i>Option 4</i> (4.2.2.4)	<i>Set NGOM TAL at F=0.18 Using Stellwagen, Ipswich, and Jeffreys Ledge</i> TAL= 511,472 pounds, NGOM Set-Aside 458,016 pounds 2023 Default: 343,512 pounds			
Decisions/Questions/Information to Consider				
<p>The PDT notes that growth assumptions for the Stellwagen Bank area of the NGOM are uncertain, and could be overestimated, even after using slower growth assumptions for 2023 projections. Stellwagen Bank holds high densities of scallops in the management unit and is where most of the fishing is expected to occur in 2023. The PDT notes that there have been higher levels of mortality in high density areas, such as the NLS-West and NLS-South. Scallops in the Stellwagen area are 6 years old and still have growth potential. The PDT notes that the Council used a conservative F rate (F=0.18 for Stellwagen only) in the first year of implementing a new management regime for this area. Last year, the PDT recommended that in the first year of a re-opening should use a low F, and plan to ramp up F in the following years. The 2023 NGOM Set-Aside for all four options have been reduced by 17,918 pounds to account for a LAGC TAC overage in 2021. Option 4, while still using a conservative F rate, could represent a higher realized F rate for Stellwagen Bank if all of the landings come from this area. Stellwagen is the most productive area in the NGOM and the 2022 surveys did not detect other strong year classes in the management unit. The PDT did not develop a recommendation for a particular option in Alternative 2.</p>				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> • Biological impacts: Section 6.2.2 • Non-target species impacts: Section 6.3.2 • Protected resource impacts: Section 6.4.2 • Impacts on Physical Environment and Essential Fish Habitat: Section 6.5.2 • Economic impacts: Section 6.6.1.2 • Social impacts: Section 6.6.2.2 				

3. – Action 3 – Fishery Specifications

Section 4.3 – Action 3 – Fishery Specifications <i>Choose one alternative. If Alternative 2 or 3 is selected, choose one DAS option.</i> <i>The Council may select a DAS option of 22 or 24 DAS.</i> <i>See Table 2 for details of each Option.</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.3.1)	No Action Default measures from Framework 34			
Alternative 2 (Sec. 4.3.2)	Two access area trips in Area II with 10,000-pound trip limit			
Option 1 (4.3.2.1)	Open Areas Fished at F=0.46 (22 DAS)			
Option 2 (4.3.2.2)	Open Areas Fished at F=0.51 (24 DAS)			
Alternative 3 (Sec. 4.3.3)	Two access area trips in Area II with 12,000-pound trip limit			
Option 1 (4.3.3.1)	Open Areas Fished at F=0.46 (22 DAS)			
Option 2 (4.3.3.2)	Open Area Fished at F=0.51 (24 DAS)			
Alternative 4 (Sec. 4.3.3)	Two access area trips in Area II with 14,000-pound trip limit			
Option 1 (4.3.4.1)	Open Areas Fished at F=0.46 (22 DAS)			
Option 2 (4.3.4.2)	Open Area Fished at F=0.51 (24 DAS)			
Decisions/Questions/Information to Consider				
<p>For rotational fishing, the PDT does not recommend Alternative 4 (2 trips at 14,000-pounds to CAII). The 14,000-pound trip option assuming fishing Area II at F=0.44. The PDT noted that there are multiple year classes in the eastern portion of Area II, and favored a lower F rates in 2023 (F=0.29 for 10,000-pound trips, and F=0.36 for 12,000 pound trips).</p> <p>The PDT recommends 22 DAS for FY2023, noting that the majority of open bottom fishing is expected to be on Georges Bank where fishing mortality could be higher than the F=0.46 average associated with 22 DAS.</p>				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> • Biological impacts: Section 6.2.4 • Non-target species impacts: Section 6.3.3 • Protected resource impacts: Section 6.4.3 • Impacts on Physical Environment and Essential Fish Habitat: Section 6.5.3 • Economic impacts: Section 6.6.1.3 • Social impacts: Section 6.6.2.3 				

4. – Action 4 – Access Area Trip Allocations to the LAGC IFQ Component

Section 4.4 – Action 4 – Access Area Trip Allocations to the LAGC IFQ Component <i>Choose one alternative.</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.4.1)	<i>No Action</i>			
Alternative 2 (Sec. 4.4.2)	<i>Update LAGC IFQ Access Area Trip Allocations, Distribute Area II Access Area Allocation to the Nantucket Lightship North and Area II</i>	**		
Decisions/Questions/Information to Consider				
<p>Alternative 2 would make the total LAGC IFQ access area trip allocation available in both Area II and the Nantucket Lightship North. There would not be a specific number of trips allocated to Area II or the Nantucket Lightship North, but rather, vessels would be able to fish in either area and trips would be counted against the total trip allocation. Once the total trip allocation is projected to have been taken, both areas would be closed to LAGC IFQ access area fishing for the remainder of the fishing year.</p> <p>Under Alternative 2, the Nantucket Lightship North would be reserved as an access area for the LAGC IFQ component for the first 90 days of FY2023 (i.e., April 1, 2023 through June 30, 2023). During this time, the only directed scallop fishing that could occur in the Nantucket Lightship North would be LAGC IFQ vessels fishing access area trips including trips that are fishing Research Set-Aside (RSA) compensation pounds. After the first 90 days of FY2023 (i.e., starting July 1, 2023), the Nantucket Lightship North would become available to the LA component as part of the open bottom and LA vessels could choose to fish there while operating under days at sea management. LAGC IFQ vessels would be able to continue fishing access area trips at an 800-pound possession limit in the Nantucket Lightship North until the total LAGC IFQ access area trip allocation is projected to have been caught. Once the total LAGC IFQ access area trip allocation is projected to have been caught, the Nantucket Lightship North would be considered part of the open bottom for the LAGC IFQ component and vessels could choose to fish open trips in this area at the 600-pound possession limit.</p>				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> • Biological impacts: Section 6.2.5 • Non-target species impacts: Section 6.3.4 • Protected resource impacts: Section 6.4.4 • Impacts on Physical Environment and Essential Fish Habitat: Section 6.5.4 • Economic impacts: Section 6.6.1.4 • Social impacts: Section 6.6.2.4 				

Table 1 - Number of LAGC IFQ trips available in NLS-North and Area II associated with each Alternative in Section 4.3.

Specs. Alt.	FT LA AA Description	LAGC Trips to NLS-North/Area II	LAGC Trips to Area I
Alt. 4.3.1	No Action	0	357
Alt. 4.3.2	2 trips at 10K	476	0
Alt. 4.3.3	2 trips at 12K	571	0
Alt. 4.3.4	2 trips at 14K	666	0

5. Action 5 – Additional Measures to Reduce Fishery Impacts
(Measures to reduce Northern Windowpane bycatch on GB)

The scallop fishery's sub-ACL for northern windowpane is expected to be 31mt for FY2023. The projected bycatch of this stock ranges from 106mt – 126mt, with ~70% of the bycatch coming from open areas of Georges Bank. If warranted, discuss possible measures that could be used to mitigate impacts on flatfish stocks (would be Section 4.5). The Scallop PDT discussed a GRA measure, with seasonal and year round options.

What would be added to FW36 in Section 4.5: Section 4.5 – Action 5 – Additional Measures to Reduce Fishery Impacts Measures to reduce bycatch on Georges Bank <i>Choose one alternative. Choose one option.</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.5.1)	<i>No Action</i>			
Alternative 2 (Sec. 4.5.2)	<i>Create a gear restricted area in open areas of Georges Bank for FY 2023</i>			
<i>Option 1</i> (4.5.2.1)	<i>Year-Round GRA in Georges Bank open areas</i>			
<i>Option 2</i> (4.5.2.2)	<i>Seasonal GRA (February 1 – May 31) in Georges Bank open areas</i>			
Decisions/Questions/Information to Consider				
This alternative would implement a gear restricted area (GRA) for a specified period of FY2023 in areas of the fishery where high bycatch of N. windowpane is anticipated, not to exceed one (1) year. The AP and Committee should clarify if the GRA would apply to both LA and LAGC IFQ vessels, or just one component.				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> Biological impacts: Section 6.2.X, Non-target species impacts: Section 6.3.X, Protected resource impacts: Section 6.4.X, Impacts on Physical Environment and Essential Fish Habitat: Section 6.5.X, Economic impacts: Section 6.6.1.X, Social impacts: Section 6.6.2.X 				

Map 1 - Proposed Georges Bank GRA Shown in Blue. GRA would apply in open areas.

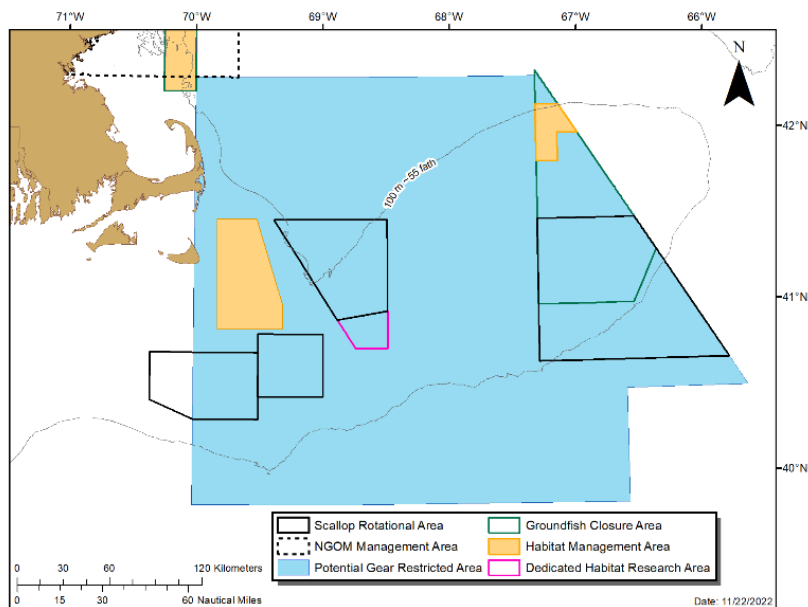


Table 2 - Summary of Specifications Options (Action 3)

Alt.	Description	Overall F	Open Area F	APL	APL after Set-Asides	LA APL	LAGC IFQ only quota (5%) (lbs)	Estimated Revenue (mil \$, 2022\$)
4.3.1	No Acton FW34 Default Measures	0.18	0.34	20,214,185	18,064,942	17,071,370	903,247	\$329.77
4.3.2.1	Two trips to Area II at 10k 22 DAS	0.22	0.46	22,619,428	20,470,185	19,344,325	1,023,509	\$364.48
4.3.2.2	Two trips to Area II at 10k 24 DAS	0.23	0.51	23,719,535	21,570,292	20,383,926	1,078,515	\$379.83
4.3.3.1	Two trips to Area II at 12k 22 DAS	0.23	0.46	23,909,132	21,759,889	20,563,095	1,087,994	\$383.44
4.3.3.2	Two trips to Area II at 12k 24 DAS	0.24	0.51	25,007,034	22,857,791	21,600,613	1,142,890	\$398.63
4.3.4.1	Two trips to Area II at 14k 22 DAS	0.25	0.46	25,207,655	23,058,412	21,790,199	1,152,921	\$402.34
4.3.4.2	Two trips to Area II at 14k 24 DAS	0.26	0.51	26,305,557	24,156,314	22,827,717	1,207,816	\$417.38