Action 5: Measures to Reduce Fishery Impacts

Options to Reduce Bycatch of Northern Windowpane Flounder

The scallop fishery's sub-ACL for northern windowpane is expected to be 31 mt for FY2023. The projected bycatch of this stock for FY2023 ranges from 106 mt – 126 mt (Table 1), with ~70% of the bycatch expected to come from open areas of Georges Bank (Table 2). If warranted, Council staff recommend that the AP, Committee, and Council discuss possible measures that could be used to mitigate impacts on flatfish stocks (would be Section 4.5). The Scallop PDT discussed a gear restricted area (GRA) measure, with seasonal and year-round options.

The northern windowpane acceptable biological catch for 2023 is set at 160 mt. The stock is currently in a rebuilding plan and will be assessed through a management track assessment in 2023. If the overall ABC for the stock is exceeded, the groundfish fishery is subject to a gear restricted area to the south and east of the Closed Area II groundfish closure.[1]

Northern Windowpane AM - Gear Restricted Area: The Council modified the scallop fishery's accountability measures (AM) for northern windowpane and Georges Bank yellowtail flounder in Framework 29[2]. The current AM requires vessels to fish in Closed Area II with a maximum 5-row apron and 1.5 to 1 maximum average hanging ratio. The conservation engineering work underpinning the efficacy of this AM suggests that applying this gear modification reduces northern windowpane bycatch by 46% and reduces yellowtail bycatch by 34%.

The Scallop PDT feels that this gear modification represents an "off the shelf" short-term approach to mitigate bycatch impacts if necessary.

Recent Scallop Catch of Northern Windowpane: The fishery has exceeded the sub-ACL for this stock for the last two fishing years (FY2020 and FY2021), and the PDT predicts that the sub-ACL will be exceeded again in FY2022 (i.e., the current fishing year). The scallop fishery is currently subject to a year-round GRA in the Closed Area II region due to the 2020 overage and is expected to be subject to the same GRA in FY2023 due to the 2021 overage.

2023 Bycatch Projections: The projected bycatch of this stock for FY2023 ranges from 106 mt – 126 mt, which is similar to the bycatch estimates prepared for FY2022 (86 mt – 115 mt). Estimates at the lower end of the range are generally associated with 22 DAS and lower trip limits to Area II, while higher estimates are associated with 24 DAS and the higher trip limits to Area II.

[1] See https://www.fisheries.noaa.gov/new-england-mid-atlantic/commercial-fishing/windowpane-flounder-accountability-measures-information

[2] See https://www.nefmc.org/library/framework-29-1

Table 1 - Northern windowpane bycatch estimates for each alternative in FW36.

Measure	4.3.1	4.3.2.1	4.3.2.2	4.3.3.1	4.3.3.2	4.3.4.1	4.3.4.2	4.3.5
Description	No Action	22 DAS, 10k	24 DAS, 10k	22 DAS, 12k	24 DAS, 12k	22 DAS, 14k	24 DAS, 14k	Status Quo
Bycatch Estimate (mt)	86	106	112	112	119	119	126	138

The majority of northern windowpane bycatch is expected to come from open bottom fishing (~70%)(Table 2). Increasing DAS from 22 to 24 results in a 6 mt -7 mt increase in bycatch from open areas. Similarly, increasing the Area II trip limit by 2,000 pound per trip is also expected to result in a 6 mt – 7 mt increase in northern windowpane bycatch (see Table 2).

Table 2 - Northern windowpane bycatch estimates by GB SAMS areas for 2023 for the 24 DAS option with 12,000 pound trips to Area II (Alternative 4.3.3.2). Values in mt.

	CA2-SE	CA2-SW	CA2-Ext	GSC	NF	SF	Total
2023 PDT Bycatch Estimate	12	10	15	25	26	31	119 mt
With AM gear (46% reduction in Area II)	7	5	8	25	26	31	102 mt
With AM gear required seasonally (Feb. – May) (32% reduction in open areas, and 46% reduction in Area II)	7	5	8	17	18	21	76 mt
With AM gear all GB areas year round (46% in all areas)	7	5	8	14	14	17	64 mt

Options to Reduce Bycatch: If the Council wishes to reduce bycatch of northern windowpane flounder, Council staff recommend developing options that would reduce bycatch during open area fishing in addition to the GRA that is expected for fishing in Area II. Applying the GRA to open area fishing is expected to be impactful in reducing bycatch because the majority of northern windowpane bycatch (i.e., 70%) is anticipated to come from open bottom trips. The Scallop PDT discussed the potential utility of requiring the current AM gear in open areas of Georges Bank as a way to reduce bycatch in the open bottom. Two ideas that the PDT discussed were 1) requiring the AM gear east of 70° W seasonally from February 1 – May 31, or 2) requiring the AM gear east of 70° W year-round. These ideas stemmed from analysis conducted by the PDT during the development of revised accountability measures for flatfish stocks through Framework 29. As outlined in Appendix II to Framework 29 and shown in Table 3, the northern windowpane bycatch savings that could be gained by using the GRA in open areas of Georges Bank equate to roughly 32% for the February 1 – May 31 option, and roughly 46% for the year-round option. Estimated bycatch reductions using estimates from Framework 29 are shown in Table 2.

Table 3. [Table 2 from FW29 Appendix II] GB yellowtail and N. windowpane bycatch savings gained by using a 5-row apron in each month for GB open-area fishing. The percentage of landings from GB open-area fishing in each month is given in the first column. Fishery data used were from 2012-2016.

Month	% landings	GB YT bycatch savings	NWP bycatch savings
April	5.8%	1.5%	9.0%
May	20.4%	9.1%	11.8%
June	29.3%	12.9%	2.8%
July	17.9%	7.0%	3.5%
August	14.5%	1.2%	4.7%
September	7.0%	1.0%	1.7%
October	1.6%	0.3%	0.3%
November	0.4%	0.0%	1.5%
December	0.4%	0.0%	0.0%
January	0.4%	0.0%	0.0%
February	0.3%	0.1%	4.5%
March	2.0%	0.3%	6.2%

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

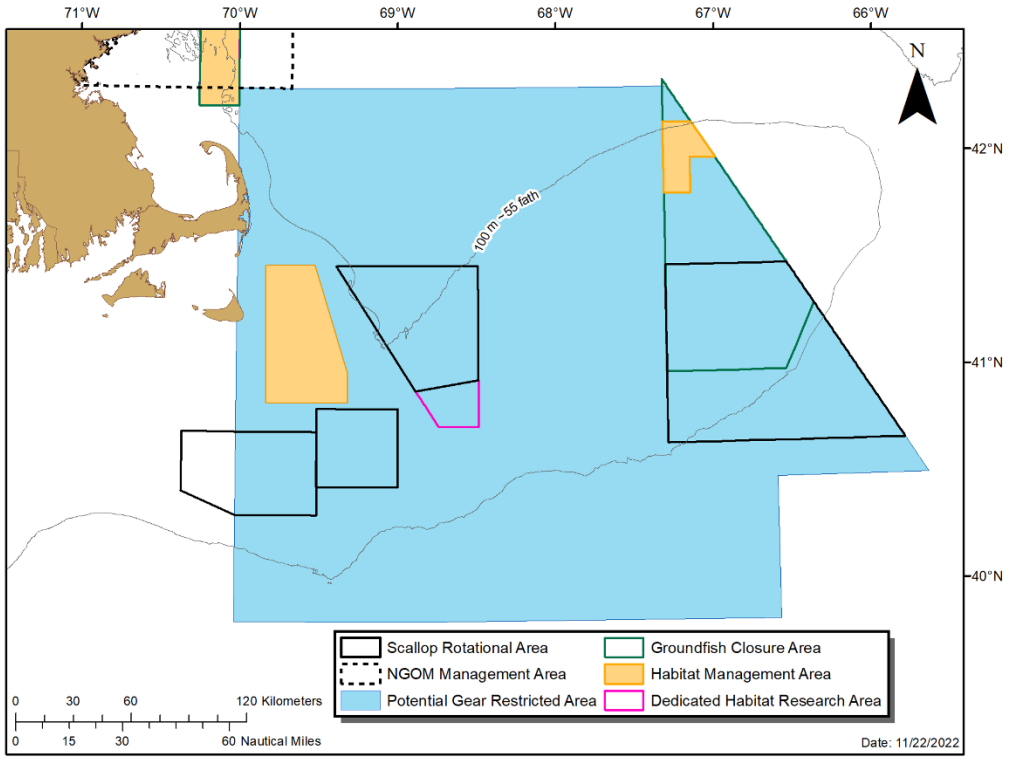

Table 4 - Possible measures to include in Action 5 of Framework 36 focusing on reducing bycatch on Georges Bank.

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** *Choose one alternative. Choose one option.*		**Preferred by**		
		PDT	**AP**	**CTE**
Alternative 1 (Sec. 4.5.1)	*No Action*			
Alternative 2 (Sec. 4.5.2)	*Create a gear restricted area in open areas of Georges Bank for FY 2023*			
Option 1 (4.5.2.1)	*Year-Round GRA in Georges Bank open areas*			
Option 2 (4.5.2.2)	*Seasonal GRA (February 1 – May 31) in Georges Bank open areas*			
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. The majority of northern windowpane bycatch in open areas in the last two years (2020 and 2021) has come from the LA component. https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/ScallopProgram/FY2021/2022_08_31_bycatch_reports.html				
Other important Considerations/Draft EA References				
• 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				