

## Final

# Analysis for Amendment 18 to allow flexibility in the specification process in the Fishery Management Plan for the Scallop Fishery off Alaska

January 2024

Lead Agency: National Marine Fisheries Service, Alaska Region  
National Oceanic and Atmospheric Administration

Responsible Official: Jonathan M. Kurland, Administrator  
Alaska Regional Office, National Marine Fisheries Service

For further information, contact: Scott Miller, NOAA Fisheries, Alaska Region  
P.O. Box 21668, Juneau, AK 99802  
(907) 586-7228

Sarah Rheinsmith, North Pacific Fishery Management Council  
1007 W. Third Ave. Suite 400. Anchorage, AK 99501  
(907) 271-3235

Abstract: This paper analyzes management measures that will amend the Fishery Management Plan (FMP) for the Scallop fishery off Alaska (Scallop FMP). The purpose of this action is to amend the Scallop FMP to provide flexibility for non-annual assessments. The amendment under consideration will revise timing descriptions for Stock Assessment Fishery Evaluation (SAFE) reports and the harvest specification setting process.

<sup>1</sup> Contacts: Scott Miller, NMFS; Sarah Rheinsmith, NPFMC

<sup>2</sup> The FMP amendment text is included in Section 7.

<sup>3</sup> The action is a non-substantive change that will amend the FMP to be consistent with current regulations and operations in the scallop fishery. Therefore, the change has no effect, individually or cumulatively on the human environment (as defined in NOA 216-6). As such, it is categorically excluded from the need to prepare an Environmental Assessment (EA).

Accessibility of this Document: Effort has been made to make this document accessible to individuals with disabilities and compliant with Section 508 of the Rehabilitation Act. The complexity of this document may make access difficult for some. If you encounter information that you cannot access or use, please [907-271-2809](tel:907-271-2809) so that we may assist you.

## List of Acronyms and Abbreviations

Acronym or Abbreviation	Meaning	Acronym or Abbreviation	Meaning
ABC	acceptable biological catch		
ACL	annual catch limit		
ADF&G	Alaska Department of Fish and Game		
AFA	American Fisheries Act		
AFSC	Alaska Fisheries Science Center		
AKFIN	Alaska Fisheries Information Network		
BSAI	Bering Sea and Aleutian Islands		
CE	Categorical exclusion		
CPUE	Catch per unit effort		
Council	North Pacific Fishery Management Council		
EA	Environmental Assessment		
EEZ	Exclusive Economic Zone		
GHL	guideline harvest level		
FMP	fishery management plan		
FONSI	Finding of No Significant Impact		
FR	<i>Federal Register</i>		
FRFA	Final Regulatory Flexibility Analysis		
ft	foot or feet		
lb	pounds		
LOA	length overall		
m	meter or meters		
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act		
MSST	minimum stock size threshold		
MSY	maximum sustainable yield		
NAO	NOAA Administrative Order		
NEPA	National Environmental Policy Act		
NMFS	National Marine Fishery Service		
NOAA	National Oceanic and Atmospheric Administration		
NPFMC	North Pacific Fishery Management Council		
OFL	overfishing limit		
OY	optimum yield		
PPA	preliminary preferred alternative		
RFA	Regulatory Flexibility Act		
RFFA	reasonably foreseeable future action		
RIR	Regulatory Impact Review		
SAFE	Stock Assessment and Fishery Evaluation		
SSC	Science and Statistical Committee		
SPT	Scallop Plan Team		
t	tonne, or metric ton		
TAC	total allowable catch		

## Table of Contents

<i>Executive Summary</i> .....	4
1 <i>Introduction</i> .....	4
1.1. Purpose and Need .....	5
1.2. History of this Action at the Council .....	6
1.3. Description of Management Area .....	6
1.4. Documents Incorporated by Reference in this Analysis .....	7
2 <i>Description of Alternatives</i> .....	7
2.1. Alternative 1, No Action .....	8
2.2. Alternative 2, Preferred- Amend the Scallop FMP .....	8
2.3. Comparison of Alternatives .....	8
2.4. Rationale for Councils Preferred alternative .....	8
3 <i>Scallop Fishery off Alaska</i> .....	9
3.1. Effects of the alternatives .....	10
4 <i>Magnuson-Stevens Act and FMP Considerations</i> .....	11
4.1. Magnuson-Stevens Act National Standards .....	11
4.2. Section 303(a)(9) Fisheries Impact Statement .....	13
4.3. Council's Ecosystem Vision Statement .....	13
5 <i>Preparers and Persons Consulted</i> .....	15
6 <i>References</i> .....	16
7 <i>Amendment text for Scallop fishery off Alaska FMP</i> .....	17

## Executive Summary

The analysis addresses Amendment 18 to the Scallop FMP. Measures include amending the Scallop FMP to allow for flexible assessment cycles. This action will allow the potential for the North Pacific Fishery Management Council (Council) to produce a SAFE report and set scallop harvest specifications less frequently than on an annual basis.

### Purpose and Need

*“For two decades stable harvest specifications and conservative Guideline Harvest Levels have been established for scallops. Given the lack of assessment modeling approaches, the Council supports increased flexibility in assessment frequency to reduce the burden on staff and review resources and to provide more time for the development of new assessment methods. The Scallop Fishery Management Plan (FMP) requires that a Stock Assessment and Fishery Evaluation report be produced annually, and an FMP amendment is required to accommodate an alternative assessment cycle”.*

### Alternatives

Alternative 1: No action; status quo

Alternative 2: Preferred- Revise the Scallop FMP to remove the requirement for annual specifications.

### Management Considerations

This action will amend the Scallop FMP to allow flexibility for non-annual assessments. The amendment will revise timing descriptions for SAFE reports. As such, it is categorically excluded from the need to prepare an Environmental Assessment (EA) based on categorical exclusion criterion A1: an action that is a technical correction or a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels. It may be advantageous for the Council to consider the duration of the multi-year specification process to be defined in the stock assessment fishery evaluation. Other data-deficient stocks, such as Pribilof Island Golden King crab and Western Aleutian Island Red King crab set their harvest specifications on a triennial basis.

### Comparison of Alternatives for Decision-making

Alternative 1 would maintain the current Scallop FMP and continue annual SAFE timing. Alternative 2 (preferred) will allow the Council flexibility in modifying assessment cycle timing, with the potential to set multi-year specifications. Given the consistency in acceptable biological catch (ABC) and overfishing limit (OFL) over the last two decades, the use of a multi-year specification setting process may be advantageous in time and resources. The FMP amendment text can be found in section 7.

## 1 Introduction

This action will apply exclusively to the Scallop Fishery off Alaska. Measures include amending the Scallop FMP. All changes to an FMP require an FMP amendment that is approved by the Council. The Scallop FMP governs the scallop fishery in the U.S. exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands (BSAI), and the Gulf of Alaska (GOA), and includes weathervane scallops (*Patinopecten caurinus*) and other scallop species (family Pectinidae) that are not currently exploited. Management actions for the Alaskan scallop fishery must comply with applicable Federal laws and regulations.

The FMP establishes a State/Federal cooperative management regime that delegates scallop fisheries management to the State of Alaska (State) with Federal oversight. Management measures in the FMP fall into two categories: Category 1 measures are those delegated to the State for implementation, while Category 2 measures are limited access management measures and all Federal requirements, which are fixed in the FMP, implemented by Federal regulation, and require an FMP amendment to change. Category 1 and 2 measures are listed in Table 1-1 State regulations are subject to the provisions of the FMP, including its goals and objectives, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and other applicable Federal laws.

The action will amend the Scallop FMP. Actions taken to amend FMPs or implement regulations governing these fisheries must meet the requirements of applicable Federal laws, regulations, and Executive Orders.

**Table 1-1 Management measures in FMP.**

<b>CATEGORY 1 (Delegated to the State)</b>	<b>CATEGORY 2 (Fixed in FMP, Implemented by Federal Regulation)</b>
Guideline Harvest Levels	License limitation program
Registration Areas, Districts, Subdistricts and Sections	Optimum Yield specification
Gear Limitations	Overfishing specification
Crew and Efficiency Limits	EFH/HAPC designation
Fishing Seasons	
Observer Requirements	
Prohibited Species and Bycatch Limits	
Recordkeeping and Reporting Requirements	
In-season Adjustments	
Closed Areas	
Other	

## 1.1. Purpose and Need

The purpose of this action is to amend the Scallop FMP to provide flexibility for non-annual assessments. The amendment will revise timing descriptions for SAFE reports to allow more flexibility for non-annual assessments and set scallop harvest specifications less frequently than on an annual basis.

At the April 2023 Council meeting, the Council put forth the following purpose and need statement:

*“For two decades stable harvest specifications and conservative Guideline Harvest Levels have been established for scallops. Given the lack of assessment modeling approaches, the Council supports increased flexibility in assessment frequency to reduce the burden on staff and review resources and to provide more time for the development of new assessment methods. The Scallop Fishery Management Plan (FMP) requires that a Stock Assessment and Fishery Evaluation report be produced annually, and an FMP amendment is required to accommodate an alternative assessment cycle”.*

## 1.2. History of this Action at the Council

The scallop fishery in Alaska's EEZ (from 3 to 200 miles offshore) is jointly managed under Federal and State of Alaska authority under the FMP. Most aspects of scallop fishery management are delegated to the State, while Federal requirements are maintained within the FMP. The initial FMP was developed by the Council under the MSA and approved by NMFS in 1995. The Council has adopted several amendments to the FMP with the latest (Amendment 13) being approved in 2012 to re-define the optimum yield (OY) to 0 to 1.284 million lb (585 t) of shucked meats to include estimated discards over the reference time frame.

As defined in the Scallop FMP, the SAFE report occurs on an annual basis. The scallop SAFE does not currently, use a stock assessment model for weathervane scallops in Alaska, although efforts to develop an age-based assessment are ongoing. In the absence of a stock assessment for scallops off Alaska, OFL and ABC have been set historically and recently based on the above definition of OY such that maximum (max) OFL = OY. The max ABC control rule is defined as max ABC = 90% of OFL.

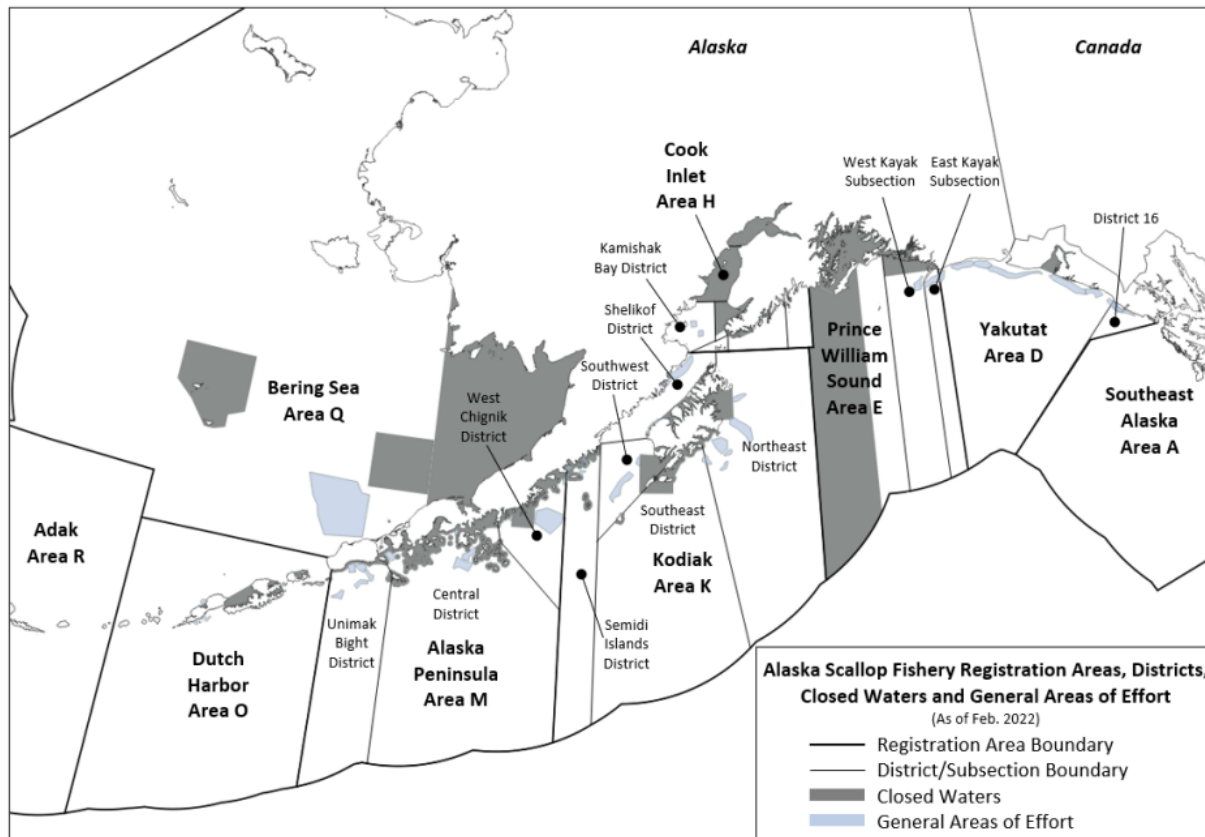
Consistent with assessments since 2011/12, 2022/23 OFL was set equal to the OY (1.284 million lb.; 582 t), and the 2022/23 ABC was set equal to the max ABC control rule value (90% of OFL or 1.156 million lb.; 524 t).

Given that the ABC and OFL have remained unchanged since 2011/2012, the Council initiated an analysis in [April 2022](#) to provide more flexibility in the assessment timing based on stock status, and information modified within the SAFE report annually, as modeled in the BSAI King and Tanner Crab fisheries. Additionally, the Council's Science and Statistical Committee (SSC) reiterated its support for more flexibility in assessment cycle timing, noting that the conservative guideline harvest levels (GHLs) and stable harvest specifications over time, a reduction in assessment frequency would reduce burden on staff, reviewing bodies, and thereby provide more time for the development of new assessment models to better inform the fisheries ([SSC April 2022 report](#)).

## 1.3. Description of Management Area

The Scallop FMP established nine scallop registration areas in Alaska for vessels commercially fishing scallops (Figure 1.1). Scallop abundance is estimated for portions of three of the nine registration areas only. These include the Southeastern Alaska Registration Area (Area A); Yakutat Registration Area (Area D); Prince William Sound Registration Area (Area E), which is subdivided into the East and West Kayak Island Subsections; Cook Inlet Registration Area (Area H), which is subdivided into the Northern, Central, Southern, Kamishak Bay, Barren Islands, Outer and Eastern Districts; Kodiak Registration Area (Area K), which is subdivided into the Northeast, Shelikof, Southeast, Southwest and Semidi Islands Districts; Alaska Peninsula Registration Area (Area M), which is subdivided into the West Chignik, Central and Unimak Bight Districts; Dutch Harbor Registration Area (Area O); Bering Sea Registration Area (Area Q); and Adak Registration Area (Area R).

Scallop seasons have never been opened in Area A, and effort occurred in Area R during 1995 only. The regulatory fishing season for weathervane scallops in Alaska is July 1 through February 15, except in the Cook Inlet Registration Area (5 AAC 38.167 & 5 AAC 38.420). In the Kamishak District of Cook Inlet, the season is from August 15 through October 31 (5 AAC 38.220 & 5 AAC 38.320).



**Figure 1-1 Location of Alaska scallop fishery registration areas. General areas of effort are overlaid by blue polygons. Exploratory fisheries in waters normally closed to scallop fishing (gray shading) have been opened by the ADF&G Commissioner’s Permit in the Alaska Peninsula Unimak Bight District during past seasons**

#### 1.4. Documents Incorporated by Reference in this Analysis

This analysis relies heavily on the information and evaluation contained in previous analyses and SAFE documents. The documents listed below contain information about the fishery management areas, fisheries, marine resources, ecosystem, social, and economic elements of the scallop fishery.

**Stock Assessment and Fishery Evaluation (SAFE) for the Scallop Fishery off Alaska ([NPFMC 2022](#)).**

Annual SAFE reports review recent research and provide estimates of the biomass of each species and other biological parameters. The SAFE report includes the ABC specifications used by NMFS in the annual harvest specifications. The SAFE report also summarizes available information on the ecosystems and the economic condition of the scallop fishery off Alaska.

**Scallop Fishery off Alaska Fishery Management Plan ([Scallop FMP- NPFMC](#))**

The Scallop FMP governs scallop fisheries in federal waters off the State of Alaska. The FMP management unit is the U.S. EEZ of the Bering Sea, Aleutian Islands, and the Gulf of Alaska, and includes weathervane scallops and other scallop species not currently exploited.

## 2 Description of Alternatives

This action is a non-substantive change that will amend the Scallop FMP to be consistent with current regulations and operations in the fishery. Therefore, the change has no effect, individually or

cumulatively on the human environment (as defined in NAO 216-6). As such, it is categorically excluded from the need to prepare an EA based on categorical exclusion criterion A1: an action that is a technical correction or a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.

The alternatives in this chapter were designed to accomplish the purpose and need for the action. The Council initiated an analysis to amend the Scallop FMP in [April 2022](#), and recommended Alternative 2 in April 2023.

Alternative 1: No action; status quo

Alternative 2: Preferred- Revise the Scallop FMP to remove the requirement for annual specifications

## **2.1. Alternative 1, No Action**

The no action alternative would allow the Scallop FMP text to remain unchanged, and Stock Assessment Fishery Evaluations (SAFEs) would occur on an annual basis.

## **2.2. Alternative 2, Preferred- Amend the Scallop FMP**

Alternative 2 will revise FMP text to remove prescriptive language dictating that SAFEs must occur on an annual basis. This will allow more flexibility for non-annual assessments and the scallop harvest specification process

The Scallop Fishery off Alaska FMP currently states (Section 2.2.2):

“An annual Stock Assessment Fishery Evaluation (SAFE) report discussing current biological and economic status of the fisheries, guideline harvest ranges, and support for different management decisions or changes in harvest strategies will be prepared by the State (ADF&G lead agency), with NMFS and scallop plan team input when appropriate.”

## **2.3. Comparison of Alternatives**

Alternative 1 would maintain the current Scallop FMP and continue annual SAFE timing. Alternative 2 will allow the Council to be flexible in modifying stock assessment fishery evaluation cycle timing, with the potential to set multi-year harvest specifications.

## **2.4. Rationale for Councils Preferred alternative**

The Council took action to amend the Scallop FMP at the April 2023 meeting under the preferred alternative 2. Their rationale for moving forward with amending the FMP to allow for flexibility was based on the analysis and previous SAFE reports and surrounding circumstances that support allowing more flexible timing for harvest specification and SAFE production for scallops.

These circumstances include harvest specifications that have remained very stable for at least two decades, conservative GHs established by the State that in sum maintain catch levels that are well below the OFL and ABC, and limited effort in the scallop fishery as evidenced by the annual participation of 2-3 vessels. The Council’s motion clarifies that the FMP text will include these circumstances that support using a multi-year OFL, per the National Standard 1 guidelines.

Each year, the Council and NMFS will be able to assess that harvest is below the OFL and ABC established with the multi-year approach and whether overfishing has occurred. The state management



report will continue to report annual scallop harvest and NMFS will notify the Council if catch exceeds the Annual Catch Limit or OFL, per the National Standard 1 guidelines.

The action is consistent with NS1 and NS2 as scallops will continue to be managed based on the best scientific information available. In addition, this action is responsive to NS7 and reduces costs associated with compiling an annual SAFE report by providing flexibility to use a multi-year approach. Similar to data-limited crab and groundfish stocks, an OFL and ABC will be established concurrent with a full SAFE report, and those levels will be used in the intervening years.

### **3 Scallop Fishery off Alaska**

The scallop fishery in Alaska is jointly managed under Federal and State of Alaska authority under the FMP. Most aspects of scallop fishery management are delegated to the State, while Federal requirements are maintained within the FMP. Although the Scallop FMP covers all scallop stocks off the coast of Alaska, including weathervane scallop (*Patinopecten caurinus*), reddish scallop (*Chlamys rubida*), spiny scallop (*Chlamys hastata*), and rock scallop (*Crassadoma gigantea*), the weathervane scallop is the only commercially targeted stock at this time. Commercial fishing for weathervane scallops occurs in the Gulf of Alaska, Bering Sea, and waters off the Aleutian Islands.

As defined in the Scallop FMP, the SAFE report occurs on an annual basis. The scallop SAFE does not currently use a stock assessment model for weathervane scallops in Alaska to establish fishery specifications, although efforts to develop an age-based assessment are ongoing.

In the absence of a formal stock assessment, ADF&G sets GHs using data gathered through the scallop fishery observer program as well as fishery-independent scallop dredge surveys. In addition to trends in nominal catch per unit effort (CPUE), standardized CPUE indices are estimated to account for variations by depth, month, vessel, bed, and season. Estimates of the spatial scale of fishing effort and catch are also used to interpret trends in CPUE.

Historically, the OFL and ABC have been set based definition of OY. Most recently, OFL and ABC are set based on the OY re-defined in 2012 (Amendment 13), when OY was re-defined as 0 to 1.29 million lb (585 t) of shucked meats to include estimated discards over the reference time frame. Annual specifications have been defined as: max OFL = OY, and ABC = 90% of OFL. Alaska scallop harvests have not exceeded OY in any year since it was first established (Table 3-1).

In the absence of stock-size estimates, the status of the scallop stock relative to overfished is unknown. Consistent with assessments since 2011/12, the 2022/23 OFL is set equal to the OY (1.284 million lb.; 582 t) as defined in the Scallop FMP and the 2022/23 ABC be set equal to the max ABC control rule value (90% of OFL or 1.156 million lb.; 524 t) (Table 3-1).

**Table 3-1 Total Alaska weathervane scallop removals (landings + discards) and OY/MSY/OFL, 1993/94 – 2021/22 seasons.**

Season	Total Removals (lb meats)	OFL (lb meats)	ABC (lb meats)	% OFL	% ABC
1993/94	984,583	1,800,000	1,620,000	54.7	60.8
1994/95	1,240,775	1,800,000	1,620,000	68.9	76.6
1995/96	410,743	1,800,000	1,620,000	22.8	25.4
1996/97	732,424	1,800,000	1,620,000	40.7	45.2
1997/98	818,913	1,800,000	1,620,000	45.5	50.6
1998/99	822,096	1,240,000	1,116,000	66.3	73.7
1999/00	837,971	1,240,000	1,116,000	67.6	75.1
2000/01	750,617	1,240,000	1,116,000	60.5	67.3
2001/02	572,838	1,240,000	1,116,000	46.2	51.3
2002/03	509,455	1,240,000	1,116,000	41.1	45.7
2003/04	492,000	1,240,000	1,116,000	39.7	44.1
2004/05	425,477	1,240,000	1,116,000	34.3	38.1
2005/06	525,357	1,240,000	1,116,000	42.4	47.1
2006/07	487,473	1,240,000	1,116,000	39.3	43.7
2007/08	458,313	1,240,000	1,116,000	37.0	41.1
2008/09	342,434	1,240,000	1,116,000	27.6	30.7
2009/10	512,958	1,240,000	1,116,000	41.4	46.0
2010/11	481,509	1,240,000	1,116,000	38.8	43.1
2011/12	461,946	1,284,000	1,156,000	36.0	40.0
2012/13	424,491	1,284,000	1,156,000	33.1	36.7
2013/14	408,101	1,284,000	1,156,000	31.8	35.3
2014/15	314,364	1,284,000	1,156,000	24.5	27.2
2015/16	261,930	1,284,000	1,156,000	20.4	22.7
2016/17	236,559	1,284,000	1,156,000	18.4	20.5
2017/18	250,591	1,284,000	1,156,000	19.5	21.7
2018/19	250,372	1,284,000	1,156,000	19.5	21.7
2019/20	246,900	1,284,000	1,156,000	19.2	21.4
2020/21	234,662	1,284,000	1,156,000	18.3	20.3
2021/22	311,978	1,284,000	1,156,000	24.3	27.0
2022/23	345,690	1,284,000	1,156,000	26.9	29.9

Source: 2023 Scallop SAFE

### 3.1. Effects of the alternatives

Alternative 1 would maintain the current Scallop FMP and continue annual SAFE timing. This cycle would require the scallop plan team (SPT) and SSC to review the SAFE and set fishery specifications on an annual basis.

Alternative 2 (preferred) will allow the Council flexibility in modifying assessment cycle timing, with the potential to set multi-year specifications. Given the consistency in ABC and OFL over the last two decades (Table 3-1), the use of multi-year specification setting process will be advantageous in time and resources. If, in the future, a formal stock assessment model is developed, or there is a decrease in

estimated stock abundance, the Council could request that the scallop SAFE be reviewed on an annual basis under alternative 2.

Under alternative 2, the SAFE review timing, could be set to a cycle that best fits the needs of the stock, modeled after what is done in the BSAI King and Tanner crab fisheries. Other data-deficient stocks, such as Pribilof Island Golden King crab and Western Aleutian Island Red King crab set their harvest specifications on a triennial basis. The assessment cycle timing can be defined in the SAFE document, with guidance from the Council to allow flexibility to shift assessment timing if the status of the stock warrants a more frequent assessment.

## **4 Magnuson-Stevens Act and FMP Considerations**

### **4.1. Magnuson-Stevens Act National Standards**

Below are the 10 National Standards as contained in the MSA and a brief discussion of how each alternative is consistent with the National Standards, where applicable. In recommending a preferred alternative, the Council must consider how to balance the national standards.

**National Standard 1** — Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

This action is administrative in nature and will not directly affect conservation and management measures presently in place to ensure achieving optimum yield on a continuing basis. This action could allow increased flexibility to produce the SAFE report and specification setting process to potentially allow for these to occur on a less-than-annual basis. Allowing multi-year specifications and production of a SAFE report will not jeopardize compliance with the conservation and management measures, given the stability of the stock in recent years and the FMP-defined OFL and subsequent ABC as a result of data deficiencies for the stock. Should there be a situation in which ABC (and therefore annual catch limit (ACL)) is exceeded, the FMP (section 3.2) currently has in place accountability measures (AMs), that are enforced by the state of Alaska whereby: if an ACL is exceeded, the overage will be accounted for through a downward adjustment to the GHF for the following fishing season by an amount sufficient to remedy the biological consequences of the overage.

Increased flexibility will allow more efficiency in review timing and alleviate the workload for the staff involved. The SSC and Council will maintain the authority to set specification timing on a schedule that is in the best interest of stock needs and conservation of the stock. It is consistent with National Standard 1 to establish OFL on a multi-year basis based on stability of the stock status and the determination of harvest specification that are not likely to fluctuate significantly from year to year that would result in exceeding OFL.

**National Standard 2** — Conservation and management measures shall be based upon the best scientific information available.

The action alternative (alternative 2) will not directly affect conservation and management measures presently in place. The Council maintains the authority to produce SAFEs and set harvest specifications on a timeline that is in the best interest of the conservation of the stock based on the best scientific information available. The action will allow less prescriptive language in the FMP, removing the requirement to produce an annual SAFE and perform an annual specification-setting process, if warranted. The production of the SAFE and the specification setting process will continue to be based on the best scientific information available, and the SPT will continue to meet on a regular basis to discuss ongoing research and fishery operations.

**National Standard 3** — To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

The Scallop FMP defines 9 scallop species within Alaskan waters, but only weathervane scallops are currently exploited. The weathervane scallop fishery in Alaska's EEZ is jointly managed under Federal and State of Alaska authority under the Scallop FMP as one stock. Most aspects of scallop fishery management are delegated to the State, while Federal requirements are maintained within the Scallop FMP. The Council will continue to review the SAFE and set the harvest specifications for the stock throughout its range as defined in the FMP. The management of the fishery and total allowable catch (TAC) setting process is delegated to the state. This process will remain unchanged under this action.

**National Standard 4** — Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be: (A) fair and equitable to all such fishermen, (B) reasonably calculated to promote conservation, and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The action is an amendment to the timing of the SAFE report and specification-setting process. Nothing in the alternatives considers residency as a criterion for the Council's decision. Residents of various states that may participate in the Scallop fishery now, or in the future, are not affected by the action.

**National Standard 5** — Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources, except that no such measure shall have economic allocation as its sole purpose.

This action does not affect the utilization of the fishery resources or involve allocations of any fishery resources. The action will allow flexibility associated with the SAFE production and specification setting process. This action is unrelated to economic allocation.

**National Standard 6** — Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

None of the alternatives are expected to affect changes in the availability of fishery resources in the Alaska EEZ each year. Any such changes in the variability of resources would be reviewed in the preparation of the SAFE and the harvest specification process and addressed during the State of Alaska's harvest strategy in the TAC setting process.

**National Standard 7** — Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

The objective of this action is to allow flexibility in the SAFE production and specification-setting process. No additional costs will be incurred under any of the alternatives. This action may reduce resources and time required for the preparation of an annual SAFE and the annual specification process.

**National Standard 8** — Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of National Standard 2, in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

This action will allow more flexibility in the Council process of SAFE production and harvest specification timing. It will not alter conservation and management measures already in place and will not preclude the Council from taking into account the importance of fishery resources, the impact on fishing communities, and the economic impacts on communities when reviewing the SAFE report or in the specification setting process.

**National Standard 9** — Conservation and management measures shall, to the extent practicable, (A) minimize bycatch, and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

The action does not directly address regulations governing bycatch management. The management of bycatch and/or prohibited species catch is conducted via the annual TAC specifications process and bycatch management measures in effect.

**National Standard 10** — Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

The action will not change safety requirements for fishing vessels and will not impact safety of human life at sea.

## **4.2. Section 303(a)(9) Fisheries Impact Statement**

Section 303(a)(9) of the Magnuson-Stevens Act requires that a fishery impact statement be prepared for each FMP or FMP amendment. A fishery impact statement is required to assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for (a) participants in the fisheries and fishing communities affected by the plan amendment; (b) participants in the fisheries conducted in adjacent areas under the authority of another Council; and (c) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery.

Given the nature of this analysis, the action has no effect, individually or cumulatively on the human environment (as defined in NAO 216-6). As such, it is categorically excluded from the need to prepare an EA based on categorical exclusion criterion A1: an action that is a technical correction or a change to a fishery management action or regulation. The action described in this analysis will not have an effect on fishery operations, communities, participants involved in the fishery, and or/ safety of human life at sea (as noted above (a)-(c)). Rather, a shift in assessment timing and the potential for a multi-year specification process will allow better allocation of staff resources to better gather more information on the status of the fishery, ultimately gaining more insight into the scallop fishery off the coast of Alaska.

## **4.3. Council's Ecosystem Vision Statement**

In February 2014, the Council adopted, as Council policy, the following:

### **Ecosystem Approach for the North Pacific Fishery Management Council**

#### *Value Statement*

The Gulf of Alaska, Bering Sea, and Aleutian Islands are some of the most biologically productive and unique marine ecosystems in the world, supporting globally significant populations of marine mammals, seabirds, fish, and shellfish. This region produces over half the nation's seafood and supports robust fishing communities, recreational fisheries, and a subsistence way of life. The Arctic ecosystem is a dynamic environment that is experiencing an unprecedented rate of loss of sea ice and other effects of climate change, resulting in elevated levels of risk and uncertainty. The North Pacific Fishery Management Council has an important stewardship responsibility for these resources, their productivity, and their sustainability for future generations.

#### *Vision Statement*

The Council envisions sustainable fisheries that provide benefits for harvesters, processors, recreational and subsistence users, and fishing communities, which (1) are maintained by healthy, productive, biodiverse, resilient marine ecosystems that support a range of services; (2) support robust populations of marine species at all trophic levels, including marine mammals and seabirds; and (3) are managed using a precautionary, transparent, and inclusive process that allows for analyses of tradeoffs, accounts for changing conditions, and mitigates threats.

### ***Implementation Strategy***

The Council intends that fishery management explicitly take into account environmental variability and uncertainty, changes and trends in climate and oceanographic conditions, fluctuations in productivity for managed species and associated ecosystem components, such as habitats and non-managed species, and relationships between marine species. Implementation will be responsive to changes in the ecosystem and our understanding of those dynamics, incorporate the best available science (including local and traditional knowledge), and engage scientists, managers, and the public.

The vision statement shall be given effect through all of the Council's work, including long-term planning initiatives, fishery management actions, and science planning to support ecosystem-based fishery management.

In considering this action, the Council is being consistent with its ecosystem approach policy. This action amends the Scallop FMP to provide flexibility in assessment timing. The amendment will not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels. This is supportive of the Council's intention to maintain the scallop stock and promote sustainable fisheries.

## **5 Preparers and Persons Consulted**

### **Preparers**

Sarah Rheinsmith, NPFMC

### **Contributors**

Scott Miller, NMFS

Megan Mackey, NMFS

### **Persons and Agencies Consulted**

Diana Evans, NPFMC

Skylar Bayer, NMFS AKRO

Tyler Jackson, ADF&G

## 6 References

- NPFMC. 2012. Amendment 13 to the Fishery Management plan for the Scallop fishery off Alaska to implement an annual catch limit (ACL) and accountability measures (AMs) to prevent overfishing in the target fishery for weathervane scallops. NPFMC, Anchorage, AK.
- NPFMC. 2014. Fishery Management Plan for the Scallop fishery off Alaska. NPFMC, Anchorage, AK. Available at: <https://www.npfmc.org/wp-content/uploads/ScallopFMP.pdf>
- NPFMC. 2022. Stock Assessment and Fishery Evaluation for the Scallop Fishery off Alaska. Final. April 2022. NPFMC, Anchorage, AK. Available at: <https://meetings.npfmc.org/CommentReview/DownloadFile?p=7f77dc58-976e-4ff5-a33b-eab66f278026.pdf&fileName=C3%20Scallop%20SAFE%20Report%202022.pdf>



## 7 Amendment text for Scallop fishery off Alaska FMP

Additions are in bold; removals are struck through.

1. Update Table of Contents as needed.
2. (Section 1.1), Add Amendment 18 summary with text description below:

*Amendment 18: Revise Specification timing*

**On [insert date and FR citation of NOD], the Secretary of Commerce approved Amendment 18 (88 FR 75535, November 3, 2023). This action revised the timing of the development of the Stock Assessment and Fishery Evaluation (SAFE) report and the harvest specification setting process.**

3. (Section 2.2.2, #7 Research and Management Objective, page 13) Revise the sentence as follows:

~~An annual~~ Stock Assessment Fishery Evaluation (SAFE) report discussing current biological and economic status of the fisheries, guideline harvest ranges, and support for different management decisions or changes in harvest strategies will be prepared by the State (ADF&G lead agency), with NMFS and scallop plan team input when appropriate.

4. (Section 2.3, #4, page 14) Revise the sentence as follows:

An ~~annual~~ area management report, **corresponding with the production of the SAFE report**, discussing current biological and economic status of the fisheries, guideline harvest ranges, and support for different management decisions or changes in harvest strategies will be prepared by the State (ADF&G lead agency), with NMFS and scallop plan team input incorporated as appropriate. This report will be available for public review.

5. (Section 3.1.1.2, page 20) Revise the sentence as follows:

~~Annually,~~ The Council's Scientific and Statistical Committee will set a statewide ABC for the weathervane scallop fishery prior to the beginning of the fishing season(s).

6. (Section 3.1.1.2, page 20) Revise the paragraph as follows:

Overfishing Limit (OFL). The OFL will be used to determine if overfishing occurs in a given year. Overfishing occurs if the total catch exceeds the OFL. If an estimate of the statewide weathervane scallop spawning biomass is available, the overfishing control rule would be applied to that estimate of spawning biomass to determine the OFL. In the absence of an estimate of the statewide weathervane scallop spawning biomass, the default OFL is the MSY of 1.284 million lbs. (582 mt) of shucked meats. **It may be appropriate to establish a multi-year approach to OFL based on a period of no more than 3 years. This approach would be based on the stability of the stock status, the determination that the harvest specifications are not likely to fluctuate significantly from year to year, and the determination that the approach would not result in exceeding OFL.**

7. (Section 4.4, page 34) Revise the sentence as follows:

Vessel participation and total catch by registration area and year are published in the ~~annually updated~~ Stock Assessment and Fishery Evaluation (SAFE) Report compiled by the Scallop Plan Team of the North Pacific Fishery Management Council.

8. *(Page 34)*  
Update chapter numbering for Ecosystem Component heading from 4.3.5 to 4.4.1
9. *(Section 4.4.1 Page 34) Revise the sentence as follows:*  
Evaluation of EC species bycatch in the weathervane scallop fishery occurs ~~annually~~ through the existing Stock Assessment and Fishery Evaluation (SAFE) report process. The SAFE report ~~annually~~ summarizes best available scientific information on EC species.