



# Center For Sustainable Fisheries

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A science based non-profit organization devoted to the conservation of our fisheries resources and the economic development of our fishing communities.

## ADMINISTRATION

**Brian J. Rothschild, PhD**

President and Chief Executive Officer

**Kate Kramer, Esq., M.M.A.**

Chief Operating Officer

**Julie Peterson, Esq.**

Counsel

March 11, 2014

Terry Stockwell, Chair  
New England Fisheries Management Council  
50 Water Street, Mill 2  
Newburyport, Massachusetts 01950

Dear Terry:

I hope this letter finds you well. I am writing you today about Georges Bank yellowtail flounder (GBYTF) and to request that a proposal for an experimental, cooperative research program be added to the agenda at the April Council Meeting in Mystic, CT.

Based on discussions with our Board of Directors and others, the Center for Sustainable Fisheries (CSF) requests that the NEFMC implement an emergency action to conduct an experimental, cooperative research, GBYTF fishery and use the information from the experimental fishery to increase the precision and remove possible bias from the disputed GBYTF stock assessments.

As you know there is a material controversy regarding the state of the GBYTF population. The controversy seems to boil down to the fact that both the agency and those external to the agency have little confidence in the current stock assessment. The current stock assessment reckons that the biomass is 800 MT. In contrast, several area-swept studies and a tagging study reckon that the population is around 4000 MT. Needless to say it is important to determine which estimate is more nearly correct. If the latter is correct than a considerable proportion of the GBYTF stock will be under harvested and the entire groundfish fishery will be driven, unnecessarily further into the ground. Furthermore if the higher population level is correct, then the by-catch of GBYTF in the scallop fishery will be unnecessarily high.

The agency has responded to this discrepancy by calling for a meeting in April, that will take into account a new empirical approach, and then revise the TAC (upward or downward). We understand that effecting any revisions may take a year after April. We think that there is too much at stake to delay determination of the state of the GBYTF stock.

It is our opinion that the GBYTF stock is under sampled and that the meeting in April will come to this conclusion. In other words the new empirical approach will not yield a conclusion that will enable the fishery to move forward. With the various disputes and conflicting data, good scientific practice and the management scheme dictate that further information collection and analysis on the groundfish stocks needs to be undertaken with considerable urgency.

Further data collection is necessary to develop the allocation of yellowtail in both the groundfish and scallop fishery management plans, to ensure compliance with the MSA's National Standards, and to alleviate an

emergency situation that has the potential to result in a “similar failure in the future.” MSA § 312(a)(2). The Economic Disaster has now risen to a level of an “emergency situation” where “emergency regulations [are] necessary to address the emergency.” MSA § 305(c)(1).

For both the groundfish and scallop fisheries current management strategies run the risk of causing two potentially irreversible consequences. First, the groundfish fleet and industry will continue to diminish and disappear. And second, low allocations in the groundfish fishery lead to wasteful increases of yellowtail bycatch in the scallop fishery. Increasing bycatch is severely jeopardizing the future feasibility of the scallop industry’s ability to harvest scallops.

We propose that an emergency regulation be passed by the Council to open an experimental fishery to collect information on yellowtail stocks as a cooperative research program. Under our proposal, a reasonable and larger percentage of yellowtail will be harvested by a limited number of boats. Experimental fishing permits (“EFP”) would be issued via the experimental permit application process in 50 C.F.R. 600.745. Boats holding an EFP would be allowed to fish in a normal manner under the higher allocation. As a means to provide financial support for an ailing fleet and help to pay for observer coverage, the catch would be sold. EFP holders would agree to more intensified observer coverage, log book coverage and port sampling.

An experimental fishery will provide several advantages, including, but not limited to, providing broad scale data over various seasons and over several weeks, providing financial support for an ailing groundfish fleet, and ensuring National Standard 2’s “best scientific information available,” (MSA § 301(a)(2)), requirement is satisfied. Additionally, there is the potential that the additional data and assessments will lead to increased allocations for groundfish fishermen, reduce bycatch in the scallop fishery, and alleviate the Economic Disaster in the New England groundfish fishery.

There is little risk with implementing the experimental fishery because the emergency regulation of an experimental fishery would be carefully monitored and remain in effect for no longer than 180 days. MSA § 305(c)(3)(B). After the 180 days, based on additional information collected, an improved analysis of yellowtail can be evaluated. The evaluation will determine whether allocations should remain at their current levels or be increased.

In conclusion, the uncertainty induced by different GBYTF assessments warrants an intensive area-swept resampling of the GBYTF population. The experimental fishery will resolve these differences. The approach that we have offered appears to be feasible. However alternative sampling approaches would certainly be acceptable.

We request that the topic of the yellowtail surveys and our proposed experimental, cooperative research program be added to the agenda for the Council Meeting in Mystic, CT on April 22-24. Thank you for your consideration of our proposal and your anticipated leadership in further contributing to resolving New England’s groundfish fishery Economic Disaster.

We look forward to working with you on our proposed experimental, cooperative research program.

Please contact Kate Kramer, the Center for Sustainable Fisheries’ Chief Operating Officer, at [kkramer@centerforsustainablefisheries.org](mailto:kkramer@centerforsustainablefisheries.org) or at 508-992-1170, with questions and comments.

Sincerely,

Brian J. Rothschild  
Center for Sustainable Fisheries



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

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3/31/14  
USPS

Brian J. Rothschild, Ph.D.  
President and Chief Executive Officer  
Center for Sustainable Fisheries  
115 Orchard Street  
New Bedford, MA 02740

MAR 26 2014

Dear Dr. Rothschild:

Thank you for your letter to Secretary Penny Pritzker regarding disaster relief for the Northeast multispecies fishery and requesting emergency action to permit an experimental Georges Bank yellowtail flounder fishery.

I am acutely aware of the difficult situation New England fishermen and associated businesses are facing this year as several key stocks, including Georges Bank yellowtail flounder, remain at low abundance levels with low associated catch limits. These catch limits remain necessary to rebuild this iconic fishery. The Consolidated Appropriations Act, 2014 (H.R. 3547) included \$75 million for Fisheries Disasters that were declared by the Secretary in calendar years 2012 and 2013. Six fisheries, including the Northeast multispecies fishery, were eligible for the funding and the allocation determination was released in February 2014. NOAA's National Marine Fisheries Service (NMFS) is working diligently with the impacted states and tribes that received allocations to assist them with the funding grant process. I understand the importance of these funds to the affected states and communities and we will move as quickly as possible to help distribute the allocated funds.

Although I share your concern that the information used to develop management advice for Georges Bank yellowtail flounder needs further analysis, we cannot grant your request for rulemaking for the type of experimental yellowtail flounder fishery you requested. I believe that an experimental fishery that would operate outside the established catch limits would result in overfishing and further strain this vulnerable stock. However, we are currently working on an alternative approach that should help to address the concerns you outlined in your letter. NMFS has been developing, with our Canadian management and research partners, an empirical approach to Georges Bank yellowtail flounder management advice. The empirical approach will closely examine all existing sources of information on the stock and do so with the participation of both U.S. and Canadian scientists and fishery managers, academia, industry, and others. I encourage your participation in the empirical assessment process. This approach will consider, among other things, survey indices, comparison of catch by various gear types, cooperative research results, and short- and long-term tagging studies, including information from various studies conducted by the University of Massachusetts, Dartmouth School of Marine and Science Technology. The goal is that this extensive, all inclusive critical examination of all available information will provide the best advice on stock abundance. If the abundance is, as you suggest, higher than previously believed, that information will be available for use in management decision-making.

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



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I appreciate your continued interest in Northeast fisheries issues. For more information on the empirical assessment process, including how you and your organization can be involved, please contact Paul Rago, NMFS Northeast Fisheries Science Center, at (508) 495-2000.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eileen Sobeck', written in a cursive style.

Eileen Sobeck  
Assistant Administrator  
for Fisheries

cc: Dr. Bill Karp, Director, Northeast Fisheries Science Center  
Thomas Nies, Executive Director, New England Fishery Management Council

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