



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: August 17, 2022
TO: Scientific and Statistical Committee
FROM: Tom Nies, Executive Director
SUBJECT: **Terms of Reference – Overfishing Limits and Acceptable Biological Catches for Southern New England/Mid-Atlantic Winter Flounder, Georges Bank Yellowtail Flounder and Georges Bank Cod**

The Council's Groundfish ABC Control Rules

Acceptable biological catches (ABC) recommendations are to be based on the fishing mortality strategies approved by the Council in Amendments 13 and 16 and related management actions. Status determination criteria should be used that are specified in Amendment 16 or subsequent actions. The general control rule for groundfish stocks that has been adopted is:

"These ABC control rules will be used in the absence of better information that may allow a more explicit determination of scientific uncertainty for a stock or stocks. If such information is available - that is, if scientific uncertainty can be characterized in a more accurate fashion -- it can be used by the SSC to determine ABCs, these ABC control rules can be modified in a future Council action (an amendment, framework, or specification package):

- 1. ABC should be determined as the catch associated with 75% of FMSY.*
- 2. If fishing at 75% of FMSY does not achieve the mandated rebuilding requirements for overfished stocks, ABC should be determined as the catch associated with the fishing mortality that meets rebuilding requirements (Frebuild).*
- 3. For stocks that cannot rebuild to BMSY in the specified rebuilding period, even with no fishing, the ABC should be based on incidental bycatch, including a reduction in bycatch rate (i.e., the proportion of the stock caught as bycatch).*
- 4. Interim ABCs should be determined for stocks with unknown status according to case-by-case recommendations from the SSC."*

1. Southern New England/Mid-Atlantic Winter Flounder

Terms of Reference

- 1A.** Review information provided by the Council’s Groundfish Plan Development Team (PDT) and the results of recent 2022 Southern New England/Mid-Atlantic (SNE/MA) winter flounder management track stock assessment.
- 1B.** Recommend overfishing limits (OFLs) and ABCs for SNE/MA winter flounder for fishing years 2023, 2024, and 2025 that will prevent overfishing, meet the management objective to rebuild, are consistent with the Council’s ABC control rule and rebuilding plan, and consider the Council’s Risk Policy Statement.

Background

The most recent assessment of SNE/MA winter flounder was a management track assessment in June 2022. Based on the recent 2022 assessment, SNE/MA winter flounder is not overfished, overfishing is not occurring, and is now considered rebuilt.

SNE/MA winter flounder is in rebuilding plan with a rebuild by date of 2023. In an August 13, 2021 letter from GARFO to NEFMC, SNE/MA winter flounder was identified as making inadequate progress toward rebuilding following the 2020 stock assessment. The letter explains that the Council must implement a new rebuilding plan within 2 years of the date of notice (i.e., by August 13, 2023).

2. Georges Bank Yellowtail Flounder

Terms of Reference

- 2A.** Review information provided by the Council’s Groundfish PDT and the results of recent 2022 Transboundary Resources Assessment Committee’s (TRAC) stock assessment of Georges Bank (GB) yellowtail flounder.
- 2B.** Recommend OFLs and ABCs for GB yellowtail flounder for fishing years 2023 and 2024 that will prevent overfishing, meet the management objective to rebuild, are consistent with the Council’s ABC control rule and rebuilding plan, and consider the Council’s Risk Policy Statement.

The Council requests that the Scientific and Statistical Committee (SSC) forward a “Summary of Recommendations” section of the SSC’s report by the end of the SSC meeting on August 25, 2022, so that it can be considered in developing recommendations for the US/Canada Transboundary Management Guidance Committee meeting.

Background

GB yellowtail flounder was recently assessed by the TRAC in July 2022. This stock is assessed annually by the TRAC, and the Council needs the SSC to recommend an OFL and ABC for each year to enable it to set annual catch limits for fishing years 2022 and 2023. GB yellowtail flounder is in a rebuilding plan with a rebuild by date of 2032.

3. Georges Bank Cod

Terms of Reference

- 3A.** Recommend a GB cod OFL and ABC for fishing years 2023 and 2024. The Scientific and Statistical Committee should consider its recommendations made in fall 2021, issues and approaches raised in the 2021 SSC report including the minority report, and additional relevant information provided by the Groundfish PDT.

Background

The most recent assessment of GB cod was a management track assessment in September 2021. The stock is overfished, and overfishing is unknown. GB cod is in a rebuilding plan with a rebuild by date of 2026.

Information

1. Presentation: SNE/MA winter flounder 2022 management track stock assessment (NEFSC staff)
2. Presentation: GB yellowtail flounder 2022 TRAC stock assessment (NEFSC staff)
3. Presentation: GB cod 2021 management track stock assessment (NEFSC staff)
4. Assessment supporting materials available at:
https://apps-nefsc.fisheries.noaa.gov/saw/sasi/sasi_report_options.php
5. 2022 Spring Management Track Assessment of SNE/MA winter flounder
6. 2022 Spring Management Track Peer Review of SNE/MA winter flounder
7. 2022 TRAC Status Report for GB yellowtail flounder
8. 2021 Fall Management Track Stock Assessments and Peer Review of GB cod and GOM cod
9. 2022 TRAC Status Report for EGB cod
10. Presentation: Groundfish Plan Development Team Report for SNE/MA winter flounder, GB yellowtail flounder, and GB cod (NEFMC staff).
11. Memo from Groundfish PDT to SSC re SNE/MA winter flounder OFLs and ABCs FY2023-FY2025
12. Memo from Groundfish PDT to SSC re GB yellowtail flounder OFLs and ABCs FY2023-FY2024 and memo from Scallop PDT
13. Memo from Groundfish PDT to SSC re GB cod additional relevant information
14. Memo from Groundfish PDT to SSC re Cod OFLs and ABCs FY2022-FY2024
15. 2021-2023 SSC OFL and ABC recommendations for groundfish stocks (including SNE/MA winter flounder)
16. 2022-2023 SSC OFL and ABC recommendations for GB yellowtail flounder
17. 2022-2024 SSC OFL and ABC recommendations for GB cod and GOM cod
18. The Council's Risk Policy Road Map (2016), that includes the Risk Policy Statement and Implementation Plan, see pp. 4-5 and 10-12.
19. Risk policy matrix for SNE/MA winter flounder
20. Risk policy matrix for GB yellowtail flounder
21. Risk policy matrix for GB cod
22. Affected Environment, Excerpt from Framework Adjustment 63
23. Letter GARFO to Council re inadequate rebuilding progress of GOM cod and SNE/MA winter flounder, August 13, 2021
24. State of the Ecosystem and Current Conditions. NOAA/NEFSC. Available at :
<https://www.fisheries.noaa.gov/new-england-mid-atlantic/ecosystems/state-ecosystem-reports-northeast-us-shelf>