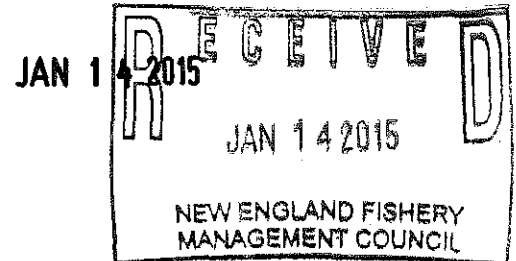


CORRESPONDENCE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

E.F. "Terry" Stockwell, III
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, Massachusetts 01950



Dear Terry:

The Secretary of Commerce has approved Framework Adjustment 52 to the Northeast Multispecies Fishery Management Plan, and the final rule implementing the approved measures became effective on January 14, 2015, upon filing with the *Federal Register*.

A proposed rule to implement Framework 52 published in the *Federal Register* on November 17, 2014 (79 FR 68396), with public comment ending on December 2, 2014. We received five comments during the proposed rule comment period.

Framework 52 contains two modifications to the current windowpane flounder accountability measures (AMs). First, the size of the AM gear-restricted areas can be reduced if the stock is considered rebuilt and we can determine that improvements in windowpane flounder stock health occurred despite the catch limit being exceeded. Second, the duration of the AM can be shortened if we determine that an overage of the catch limit did not occur in the year following the overage. Because southern windowpane flounder is considered rebuilt and the stock remains healthy, the Large AM Area gear-restriction that has been in place in Southern New England in 2014 has been reduced to the Small AM Area through this action for the remainder of fishing year 2014 (i.e., through April 30, 2015).

If you have questions about any of the measures in Framework 52, please contact Susan Murphy in our Sustainable Fisheries Division at (978) 281-9315.

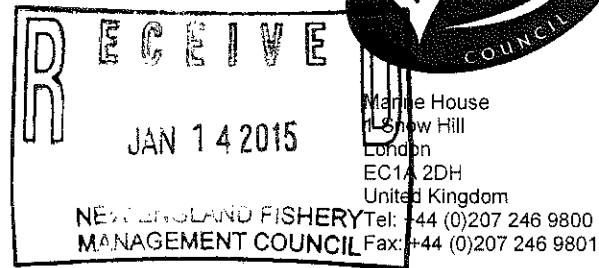
Sincerely,

John K. Bullard
Regional Administrator

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



JC/jp - 1/15/15



Dr. Ivan Mateo
SAI Global Assurance Limited

Sent by email

Date: 08/01/2015

Subject: Request for variation to the MSC Certification Requirement 27.22.13 for US Atlantic Spiny Dogfish

Dear Dr. Mateo,

I write with reference to your submission on 24th December 2014 of a request for variation to the MSC Certification Requirement (CR) to allow for a delay in submission of the surveillance report.

As you are aware, the CR procedures relating to timing of report submissions are integral to ensuring all MSC accredited Conformity Assessment Bodies operate in a consistent and transparent manner. The MSC intends that these requirements be met across all fisheries and CoC certificate holders, except in exceptional, well-justified circumstances, as part of the MSC programme.

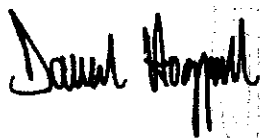
MSC notes the factors presented in your letter supporting your request, including:

- Additional time is needed to account for the holidays, end of the year and New Year.
- Furthermore the team is expecting additional information important to completing the audit.

Given the rationale provided, the MSC is willing to grant a variation to the CR in this case.

If you have any questions regarding this response, please do not hesitate to contact Megan Atcheson the Fisheries Assessment Manager for this fishery either by email megan.atcheson@msc.org or phone +44 (0)207 246 8978.

Best regards,



Dr Daniel Hoggarth
Fisheries Oversight Director
Marine Stewardship Council
1-3 Snow Hill | London EC1A 2DH | United Kingdom
Direct: + 44 (0) 20 7246 8933 | Office: + 44 (0) 20 7246 8900

Marine Stewardship Council
cc: ASI, lead auditor

Marine Stewardship Council - Variation Request Form V1.3

Date submitted to MSC	24 th December 2014
Conformity Assessment Body	SAI Global Assurance Limited
Fishery Name/CoC Certificate Number	US Atlantic Spiny dogfish
Lead Auditor/Programme Manager	Ivan Mateo
Scheme requirement(s) to vary from	CR – Part C 27.22.13 If the CAB conducts an on-site audit, the CAB shall prepare a public surveillance report as set out in Annex CG and this shall be forwarded to the MSC within thirty days of completing the on-site component of the audit, for publication on the MSC website following agreement by the MSC that it is acceptable for publication.
Is this variation sought in order to undertake an expedited P1 assessment (CR annex CL)?	No

1. Proposed variation
SAI Global wishes to delay the submission of the report of the 2 nd surveillance audit from January 13 th (30 days from the last day of the site visit) to February 12 th a period of 30 days extended from the original submission date.

2. Rationale/Justification
A substantial amount of information is required to complete the audit. The surveillance audit is being interrupted by the end of year holidays for Christmas and New Year. The client fishery and CAB are experiencing delays in receiving information important to completing the surveillance audit from a variety of sources associated with the management of the fishery due to the availability of personnel. A period of 30 days is deemed sufficient to allow time for this information to be made available.

3. Implications for assessment (required for fisheries assessment variations only)
There should be no other implications in the process other than a 30 day delay in submission of the report to MSC; otherwise surveillance will be completed as per the requirements of the MSC Certification Requirements, i.e. CR Part C 27.22.4 to 27.22.5 inclusive.

4. Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)	No. All stakeholders will be informed of the variation on the date it is released by the MSC on its website.
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5. Further Comments
N/A



6. Confidential Information
N/A

EXPEDITED PRINCIPLE 1 ASSESSMENT FOR MAIN RETAINED PRINCIPLE 2 STOCKS

7. Main retained Principle 2 stock(s) for which an expedited Principle 1 assessment is sought	<i>Please list the stocks for which an expedited P1 assessment is sought. These must be stocks assessed in the existing certified fishery as 'main retained species'</i>
8. Evaluation of potential impact on Principle 2	
N/A	
9. Evaluation of potential impact on Principle 3	
N/A	
10. Based on the potential impacts identified in 8 and 9, please list any additions to the expedited assessment requirements given in Annex CL that will be necessary to ensure the fishery is accurately assessed against Principles 1, 2, and 3 with the proposed additional P1 stocks.	
N/A	

From: Pat Wright
Sent: Monday, January 12, 2015 1:48 PM
To: Stockwell, Terry
Subject: 2015 Regulations, upcoming meeting



Hello Chairman Stockwell,

I am writing with regards to the current regulations regarding recreational fishing for both Cod and Haddock. I have been fishing the Northeast Atlantic at least three times a year for over 25 years aboard charter boats too numerous to count and have always had good luck with little or no noticeable difference in the size or numbers of fish caught on each trip, with the exception of large Cod which do not seem to be as abundant as they once were. All of the charter captains I have spoken to in the last three years point to the commercial drag boats for any population demise as the nets they use have small openings that catch juvenile fish and they alter the ocean's bottom and habitat which affects reproduction. Every boat I have been on is owned by "the little guy" who is out trying to make an honest living bringing recreational fisherman such as myself to the fishing grounds to catch enough fish for a few meals and to enjoy our favorite pastime. The general consensus on the boats recently is that if the cod and haddock regulations are not relaxed folks will stop booking charters and will put the locals out of business. Personally I will continue to fish for anything that is still legal as I love the sport that much, but the majority want cod and haddock.

Just so you know I come down from northern Vermont with a group of 8 to 10 of my friends and between motel rooms, meals, drinks, boat fees and tips we spend an average of \$450.- per person per trip. As I indicated earlier we come down at LEAST three times a year and spend a minimum of \$12,000.- annually in the local economies, and we are just one group of anglers!!! I would be curious to see if there are any revenue estimates for offshore recreational fishing, and if there is I would not be surprised if it is in the tens of millions. All of that being said I would like to ask you to seriously consider the financial impact on the small business owners who could ultimately go bankrupt if the regulations are not changed.

Thank you very much for taking the time to read this,
Pat Wright
Milton VT

Jcl/jp - 1/14/15

Joan O'Leary

From: Mark Clark <markclarksilver@gmail.com>
Sent: Saturday, January 10, 2015 11:12 AM
To: comments
Subject: Let us fish

Hello my name is mark clark I am a former state representative from New Hampshire on the fishing game committee and look forward to you allowing us to keep haddock 18 inches in above upto 7 per day as well as three cod fish over 21 inches thank you



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

January 9, 2015



Mr. Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Tom:

The September 30 – October 1, 2014 meeting of the New England Fishery Management Council (NEFMC) passed the following motion:

"to request the Northeast Fisheries Science Center review, summarize and communicate as quickly as possible the most recent updated information on Georges Bank cod (including available survey indices, catch and recruitment indicators)."

The state of the stock was most recently summarized in 2012 at SARC 55 as: "The Georges Bank cod stock is overfished and overfishing is occurring. Spawning stock biomass (SSB) in 2011 is estimated to be 13,216 mt, which is 7% of the SSBMSY (186,535 mt). The 2011 fully recruited fishing mortality (ages 5+) is estimated to be 0.43 which is more than twice as high as the FMSY (0.18).

Per the NEFMC request, the following summary provides an update of the information that would be used in an update of the Georges Bank Atlantic Cod assessment using the ASAP model. Without the benefit of 2013 population estimates from a 2014 updated analytical assessment model, the current status of the stock cannot be quantified and a cohesive interpretation of the various data streams is difficult.

Nonetheless, given the incoming poor recruitment (year classes 2011 and 2012), the expectation of little growth from the current poor recruitment, the lack of few fish older than age 5+ in the fishery and the population, and the continued below average mean spring survey weights for age 2-5 fish, the expectation is that the condition of the stock is unlikely to have improved. Comparisons between the stock estimates for Georges Bank stock and the Eastern Georges Bank stock area suggest strong coherence between 1978 and 2011. Updated assessments for Eastern Georges Bank through 2013 reviewed by the TRAC also suggest continued poor stock condition. The attached document provides more detailed information.



jc/jp - 1/15/15

Please contact us if you have additional questions concerning this resource.

Sincerely,

Russell W. Brown
for

William A. Karp, Ph.D.
Science and Research Director

Attachment

cc: R. Beal
J. Bullard
C. Moore

2014 Georges Bank Atlantic Cod DATA Update

*Provided as an attachment to a January 2015 letter from NEFSC Director
William A. Karp to NEFMC Executive Director Tom Nies*

Background

The September 30 – October 1, 2014 meeting of the New England Fishery Management Council (NEFMC) passed the following motion:

“to request the Northeast Fisheries Science Center review, summarize and communicate as quickly as possible the most recent updated information on Georges Bank cod (including available survey indices, catch and recruitment indicators).”

The state of the stock was most recently summarized in 2012 at SARC 55 as: *“The Georges Bank cod stock is overfished and overfishing is occurring. Spawning stock biomass (SSB) in 2011 is estimated to be 13,216 mt which is 7% of the SSB_{msy} (186,535 mt). The 2011 fully recruited fishing mortality (ages 5+) is estimated to be 0.43 which is more than **twice as high** as the F_{msy} (0.18)”*.

Per the NEFMC request, the following summary details an update of the Georges Bank Atlantic Cod assessment, without benefit of analytical results (i.e. population and fishing mortality estimates) from the ASAP benchmark model formulation.

2014 Summary

- The 2013 total catch was 1,828 mt, a decline of 59% from the 2011 catch (4,447 mt) and 32% from the 2012 catch (2,650 mt). The 2013 catch is the lowest in the time series (1960-2013) and is 3% of the average of the highest three catches (56,700 mt) that occurred in the early 1980s (Table 1 and Figure 1).
- In 2013, US catch was 1,405 mt (commercial landings: 1,312 mt, discards: 82 mt; recreational catch: 11 mt) and Canadian catch was 424 mt (landings: 384 mt, discards: 39 mt).
- The fishery catch was dominated by age 3 and age 4 fish in both weight (75%) and number (75%); this has been the general pattern of this fishery throughout the time series (Figures 2-4).
- 2013 is the first year that the age 5+ fish contributed the least to the total catch in both numbers (7%; time series average: 22%), and weight (14%; time series average: 38%) (Figures 3 and 4).

- The seasonal spring and autumn survey catch distribution remains similar to that of the time series and of the most recent decade, although catches from the vicinity of Closed Area I are no longer observed in the recent decade (Figures 5a-5b).
- The NEFSC 2014 spring and 2013 autumn survey indices of abundance and biomass are among the lowest in the respective time series, ranging between the 5th and 10th percentile. The DFO 2014 survey indices of abundance and biomass are both the lowest in that time series (1986-2014). The 2012 spawning stock biomass (SSB) estimate is very similar to the survey trend, including the retrospective adjusted 2011 value (Table 2, Figure 6).
- Catch at age for all three surveys indicate a continued truncated age structure and continued poor recruitment. The proportion of age 5+ fish in the population in the most recent survey year is among the lowest in each survey (spring 2014: 8%, time series: 23%; autumn 2013 0%, time series: 8%; DFO 2014: 17%, time series: 34% ; Figures 7a-7c). The lack of older age 5+ fish is problematic for cod, given that the first age of median maturity is age 2 and that the most successful production (highest viability of eggs, larvae, and fertilization success) is generated from fish that have spawned 3 or more times.
- Recent survey abundance indices at age 0 (autumn) indicate that the 2004 and 2008 year classes were above the time series average, and the 2003 and 2010 year classes were below but near the time series average (Figure 8a) . Survey abundance indices at age 1 indicate that the 2003 year class (spring and DFO), the 2007 (spring) and the 2008 (spring, autumn) were above the respective time series mean (Figures 8a-8b). The 2003, 2008, and 2010 year classes no longer contribute to the fishery. The 2012 and 2011 year classes, that would enter the fishery in 2015 as age 3 and age 4, are well below average. The 2013 year class is highly uncertain with only 5 data points, which all are well below average.
- NEFSC spring survey average weights at age continue to be generally declining and below average (Figure 9a), whereas the autumn average weights fluctuate but show less of an overall trend (Figure 9b)
- A comparison of survey biomasses from Georges Bank (GB) and Gulf of Maine (GM) cod, scaled to the respective time series means, indicates that both stocks are similarly in a poor stock status condition (Figure 10).
- A comparison of the 2012 GB SSB and 2014 GM SSB, scaled to the respective time series means, indicates that GB has been in a poorer stock status than the GM stock since about 1989 (Figure 11).
- Further comparison of GB SSB with the partial EGB management unit, indicates that the EGB cod have generally had similar status as the whole GB SSB, based on the EGB natural mortality (M) = 0.2 model, and slightly lower status condition based on the EGB $M=0.8$ model (Figure 12). Taking into account the retrospective pattern in the GB $M=0.2$ benchmark assessment (i.e. the divergence between GB and EGB SSB since 2007 is partly due to the retrospective in GB model), the EGB $M=0.2$ model results suggests that the GB SSB would have declined in 2012 with a slight uptick in 2013 (due to 2010 year class growth), however, the status remains poor.

- Without the benefit of 2013 population estimates from a 2014 updated analytical assessment model, the current status of the stock cannot be quantified. A cohesive interpretation of the various data streams is difficult. Nonetheless, given the incoming poor recruitment (year classes 2011 and 2012), the expectation of little growth from the current poor recruitment, the lack of few fish older than age 5+ in the fishery and the population, and the continued below average mean spring survey weights for age 2-5 fish, the expectation is that the condition of the stock is unlikely to have improved.

Table 1. Commercial catch (metric tons, live) of Atlantic cod from Georges Bank and South (NAFO Division 5Z and Subarea 6), 1960-2013.

Year	USA					Canada			Distant Water Fleet				Total	
	Commercial		Recreational		Total			Total	USSR	Spain	Poland	Other	Landings	Catch
Landings	Discards	Landings	Discards	Catch	Landings	Discards	Catch							
1960	10834				10834	19		19	-	-	-	-	10853	10853
1961	14453				14453	223		223	55	-	-	-	14731	14731
1962	15637				15637	2404		2404	5302	-	143	-	23486	23486
1963	14139				14139	7832		7832	5217	-	-	1	27189	27189
1964	12325				12325	7108		7108	5428	18	48	238	25165	25165
1965	11410				11410	10598		10598	14415	59	1851	-	38333	38333
1966	11990				11990	15601		15601	16830	8375	269	69	53134	53134
1967	13157				13157	8232		8232	511	14730	-	122	36752	36752
1968	15279				15279	9127		9127	1459	14622	2611	38	43136	43136
1969	16782				16782	5997		5997	646	13597	798	119	37939	37939
1970	14899				14899	2583		2583	364	6874	784	148	25652	25652
1971	16178				16178	2979		2979	1270	7460	256	36	28179	28179
1972	13406				13406	2545		2545	1878	6704	271	255	25059	25059
1973	16202				16202	3220		3220	2977	5980	430	114	28923	28923
1974	18377				18377	1374		1374	476	6370	566	168	27331	27331
1975	16017				16017	1847		1847	2403	4044	481	216	25008	25008
1976	14906				14906	2328		2328	933	1633	90	36	19926	19926
1977	21138				21138	6173		6173	54	2	-	-	27367	27367
1978	26579	223	5173	3	31979	8777	98	8875	-	-	-	-	35356	40853
1979	32645	403	5173	3	38224	5979	103	6082	-	-	-	-	38624	44306
1980	40053	426	5173	3	45656	8066	83	8149	-	-	-	-	48119	53805
1981	33849	775	5173	3	39800	8508	98	8606	-	-	-	-	42357	48406
1982	39333	739	4293	2	44367	17827	71	17898	-	-	-	-	57160	62265
1983	36756	492	4681	8	41937	12131	64	12196	-	-	-	-	48887	54133
1984	32915	74	1585	2	34575	5761	68	5829	-	-	-	-	38676	40404
1985	26828	262	5633	7	32729	10442	103	10545	-	-	-	-	37270	43274
1986	17490	343	1045	2	18880	8504	51	8555	-	-	-	-	25994	27434
1987	19035	200	1432	13	20680	11844	76	11920	-	-	-	-	30879	32600
1988	26310	242	3243	13	29808	12741	83	12824	-	-	-	-	39051	42633
1989	25056	628	1264	21	26968	7895	76	7971	-	-	-	-	32951	34940
1990	28110	453	1524	21	30107	14364	70	14435	-	-	-	-	42474	44541
1991	24219	358	1225	8	25810	13467	65	13532	-	-	-	-	37687	39342
1992	16899	514	656	17	18086	11667	71	11738	-	-	-	-	28566	29825
1993	14590	163	2591	79	17422	8526	63	8588	-	-	-	-	23116	26011
1994	9737	166	769	34	10705	5277	63	5339	-	-	-	-	15013	16044
1995	7026	85	1670	65	8846	1102	38	1140	-	-	-	-	8128	9985
1996	7261	114	464	25	7864	1924	56	1980	-	-	-	-	9185	9844
1997	7548	106	1323	41	9018	2919	486	3404	-	-	-	-	10467	12422
1998	7041	112	881	66	8101	1907	365	2272	-	-	-	-	8948	10373
1999	8313	71	411	28	8823	1818	338	2156	-	-	-	-	10131	10979
2000	7600	132	863	58	8653	1572	69	1641	-	-	-	-	9172	10294
2001	10749	308	348	21	11427	2143	143	2286	-	-	-	-	12892	13712
2002	9472	167	325	39	10003	1278	94	1372	-	-	-	-	10750	11375
2003	6852	228	312	36	7429	1317	200	1517	-	-	-	-	8169	8946
2004	3509	130	274	14	3927	1112	145	1258	-	-	-	-	4621	5184
2005	2754	392	966	108	4221	630	228	859	-	-	-	-	3384	5079
2006	2700	231	59	4	2993	1096	349	1445	-	-	-	-	3796	4439
2007	3699	726	11	3	4439	1108	114	1221	-	-	-	-	4807	5660
2008	3255	308	69	1	3633	1390	139	1529	-	-	-	-	4645	5163
2009	2999	384	48	6	3437	1003	207	1210	-	-	-	-	4002	4646
2010	2688	252	153	25	3117	748	92	840	-	-	-	-	3436	3957
2011	3388	121	177	18	3703	702	42	744	-	-	-	-	4090	4447
2012	2007	119	56	1	2182	395	73	468	-	-	-	-	2402	2650
2013	1312	82	10	1	1405	384	39	424	-	-	-	-	1696	1828

Table Standardized stratified mean catch per tow in numbers and weight (kg) and coefficient of variation (CV, %) for Atlantic Cod in NEFSC offshore spring and autumn, and in DFO, research vessel bottom trawl surveys on Georges Bank (strata 13-25), 1963 - 2014.

Year	Spring				Autumn				DFO			
	Number catch	CV	Weight catch	CV	Number catch	CV	Weight catch	CV	Number catch	CV	Weight catch	CV
1963	-	-	-	-	4.4	28.3	17.8	27.2	-	-	-	-
1964	-	-	-	-	2.8	22.1	11.4	29.5	-	-	-	-
1965	-	-	-	-	4.3	29.4	11.8	31.7	-	-	-	-
1966	-	-	-	-	4.9	25.3	8.2	22.9	-	-	-	-
1967	-	-	-	-	10.3	25.7	13.6	22.7	-	-	-	-
1968	4.7	21.2	12.7	19.7	3.3	24.1	8.5	25.1	-	-	-	-
1969	4.6	15.7	17.8	15.2	2.2	18.3	8.0	20.1	-	-	-	-
1970	4.3	19.0	15.8	19.8	5.1	17.1	12.6	18.7	-	-	-	-
1971	3.4	16.0	14.3	22.4	3.2	21.5	9.8	25.5	-	-	-	-
1972	9.2	16.1	19.3	13.6	13.1	23.7	23.0	36.4	-	-	-	-
1973	57.6	67.7	94.1	58.0	12.3	23.7	30.8	29.3	-	-	-	-
1974	14.7	18.1	36.4	16.6	3.5	21.3	8.2	21.3	-	-	-	-
1975	6.9	36.9	26.1	34.1	6.4	50.4	14.1	41.1	-	-	-	-
1976	7.1	18.8	18.6	14.7	10.4	31.2	17.7	23.9	-	-	-	-
1977	6.3	12.3	15.4	13.5	5.4	16.1	12.5	14.1	-	-	-	-
1978	12.3	17.4	31.2	15.4	8.6	15.4	23.3	15.3	-	-	-	-
1979	5.0	14.2	16.2	14.1	5.9	19.4	16.5	12.9	-	-	-	-
1980	7.7	24.8	24.1	21.1	2.9	18.2	6.7	24.6	-	-	-	-
1981	10.4	17.1	26.1	15.6	9.1	41.9	20.3	43.5	-	-	-	-
1982	33.0	75.4	101.9	84.3	3.3	40.5	6.1	41.5	-	-	-	-
1983	7.7	23.7	23.5	18.2	4.1	35.0	7.4	30.3	-	-	-	-
1984	4.1	16.7	15.3	20.4	4.7	29.9	10.0	31.8	-	-	-	-
1985	7.0	22.3	21.7	19.2	2.3	40.0	3.1	45.7	-	-	-	-
1986	5.0	13.9	16.7	15.4	3.0	43.8	3.7	27.5	7.5	35.2	18.2	26.8
1987	3.2	15.7	9.9	16.7	2.3	28.6	4.4	30.2	5.2	26.1	13.1	23.9
1988	5.9	19.3	13.5	18.2	3.1	28.6	5.6	34.4	8.0	24.0	21.0	20.5
1989	4.8	20.0	10.9	18.3	4.8	39.8	4.7	29.2	9.5	16.0	21.6	13.3
1990	4.8	22.0	11.7	18.4	4.8	31.4	11.5	41.7	14.9	16.7	53.0	20.3
1991	4.3	11.2	8.9	13.8	1.0	25.2	1.4	30.4	9.2	13.3	30.4	18.7
1992	2.7	18.0	7.4	20.8	1.7	25.6	3.0	31.7	7.8	17.8	22.1	19.8
1993	2.4	26.5	7.0	25.4	2.1	64.4	2.2	34.4	7.4	23.1	27.3	24.7
1994	0.9	27.0	1.2	27.7	1.8	27.2	3.3	33.4	4.9	39.5	16.6	63.3
1995	3.3	26.2	8.4	38.6	3.6	48.4	5.6	47.4	4.0	25.8	9.0	28.8
1996	2.7	25.2	7.5	23.2	1.1	27.4	2.7	27.7	9.4	25.6	27.6	29.6
1997	2.3	17.5	5.2	26.7	0.9	44.8	1.9	48.6	4.3	19.2	11.5	22.5
1998	4.4	34.4	11.7	36.1	1.9	23.7	2.8	21.3	2.7	19.4	5.9	23.5
1999	2.1	16.0	4.7	19.5	1.0	31.9	3.0	43.0	4.1	18.5	8.7	26.7
2000	3.6	25.7	8.2	24.0	1.3	65.5	1.4	36.8	8.7	48.7	26.0	40.5
2001	1.9	26.1	5.5	33.2	1.0	33.3	2.1	34.7	3.4	33.2	14.1	39.8
2002	2.1	23.4	5.0	19.9	4.7	37.3	11.3	45.0	5.3	26.3	19.7	34.4
2003	2.0	36.9	4.2	39.8	1.2	42.9	2.1	32.4	3.0	14.9	10.4	17.2
2004	5.4	50.3	14.3	59.4	4.2	41.7	5.9	70.4	2.5	18.5	6.4	23.2
2005	2.0	17.7	4.5	19.4	1.0	30.8	1.6	30.2	6.9	43.6	14.3	55.5
2006	3.2	27.0	6.1	24.3	1.4	43.1	2.6	45.3	4.8	32.0	11.2	33.4
2007	3.4	25.1	5.1	24.2	0.6	29.4	1.1	37.1	5.8	20.3	11.8	24.9
2008	3.6	31.6	4.3	22.5	3.6	74.6	2.9	34.1	4.5	24.0	10.2	26.7
2009	2.3	30.7	3.5	25.2	2.5	55.7	4.2	41.3	7.4	52.9	19.5	64.7
2010	1.9	25.4	3.8	22.9	1.6	43.5	2.5	35.8	11.1	61.7	30.5	68.1
2011	1.0	23.6	1.9	26.6	1.8	29.9	3.0	38.4	3.3	19.2	6.6	22.8
2012	1.7	26.1	3.5	26.4	0.7	36.8	1.6	38.3	1.7	17.5	3.3	19.6
2013	3.5	53.0	5.7	53.8	1.1	49.9	2.0	51.5	4.8	42.8	7.8	49.5
2014	1.8	27.8	3.5	30.8	-	-	-	-	1.0	21.1	1.9	25.2

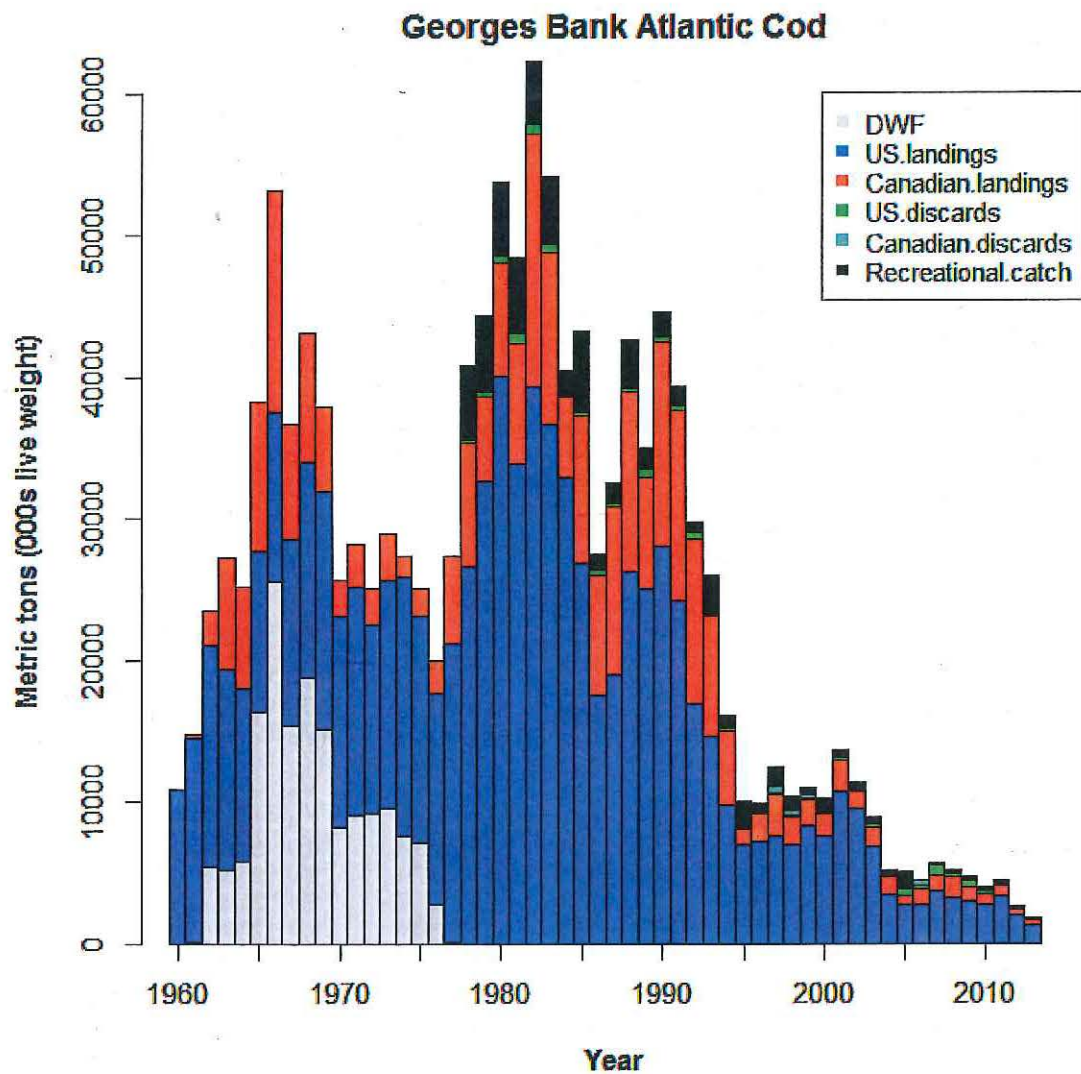


Figure 1. Total catch of Georges Bank Atlantic Cod by distant water fleets (DWF), US and Canadian commercial fishery landings and discards, and US recreational catch during 1960-2013.

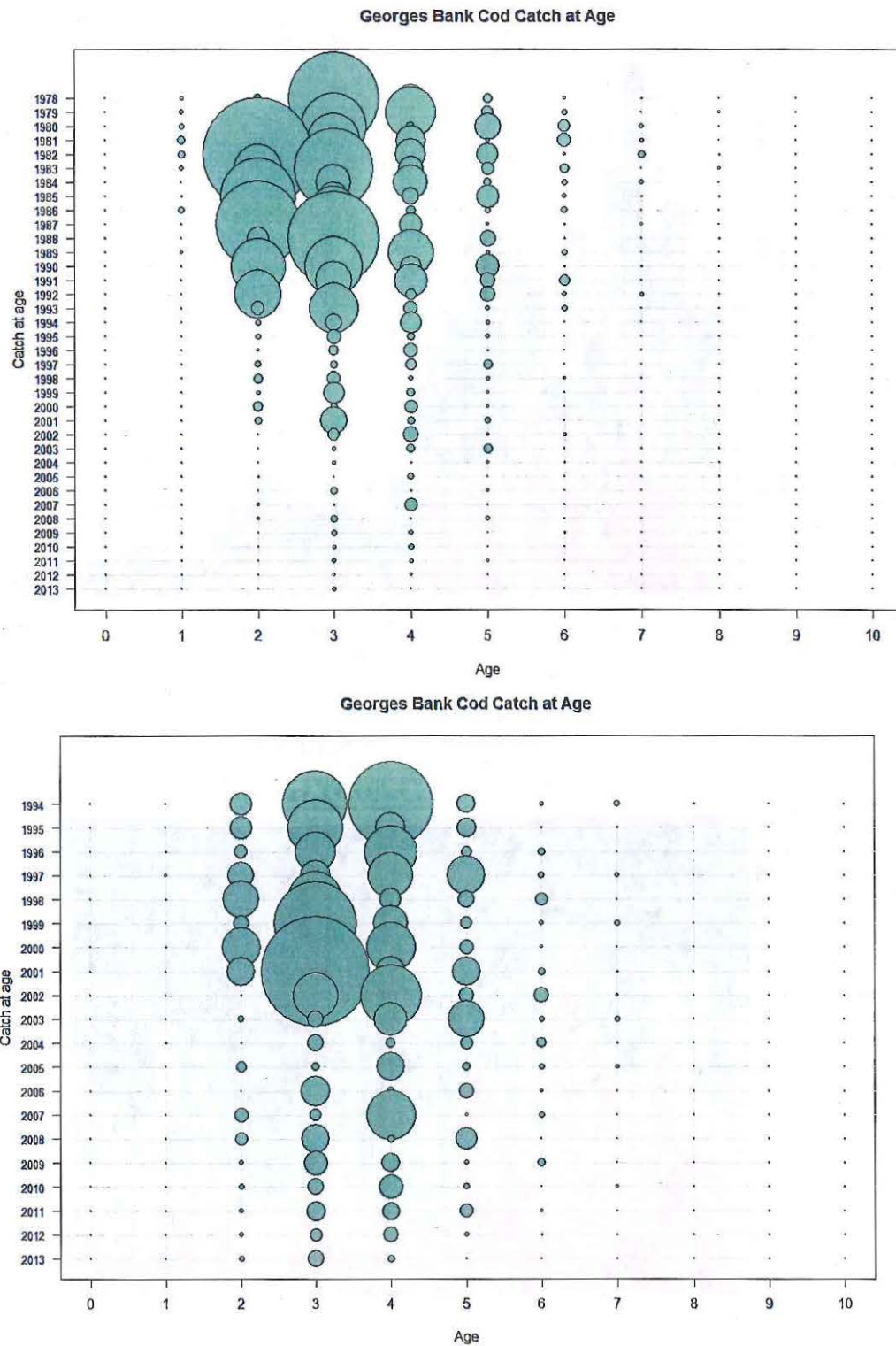


Figure 2. Total combined catch at age (US and Canadian commercial fishery landings and discards, and US recreational catch) for Georges Bank Atlantic Cod, 1978-2013 (upper panel) and 1994-2013 (lower panel, same data, different scale).

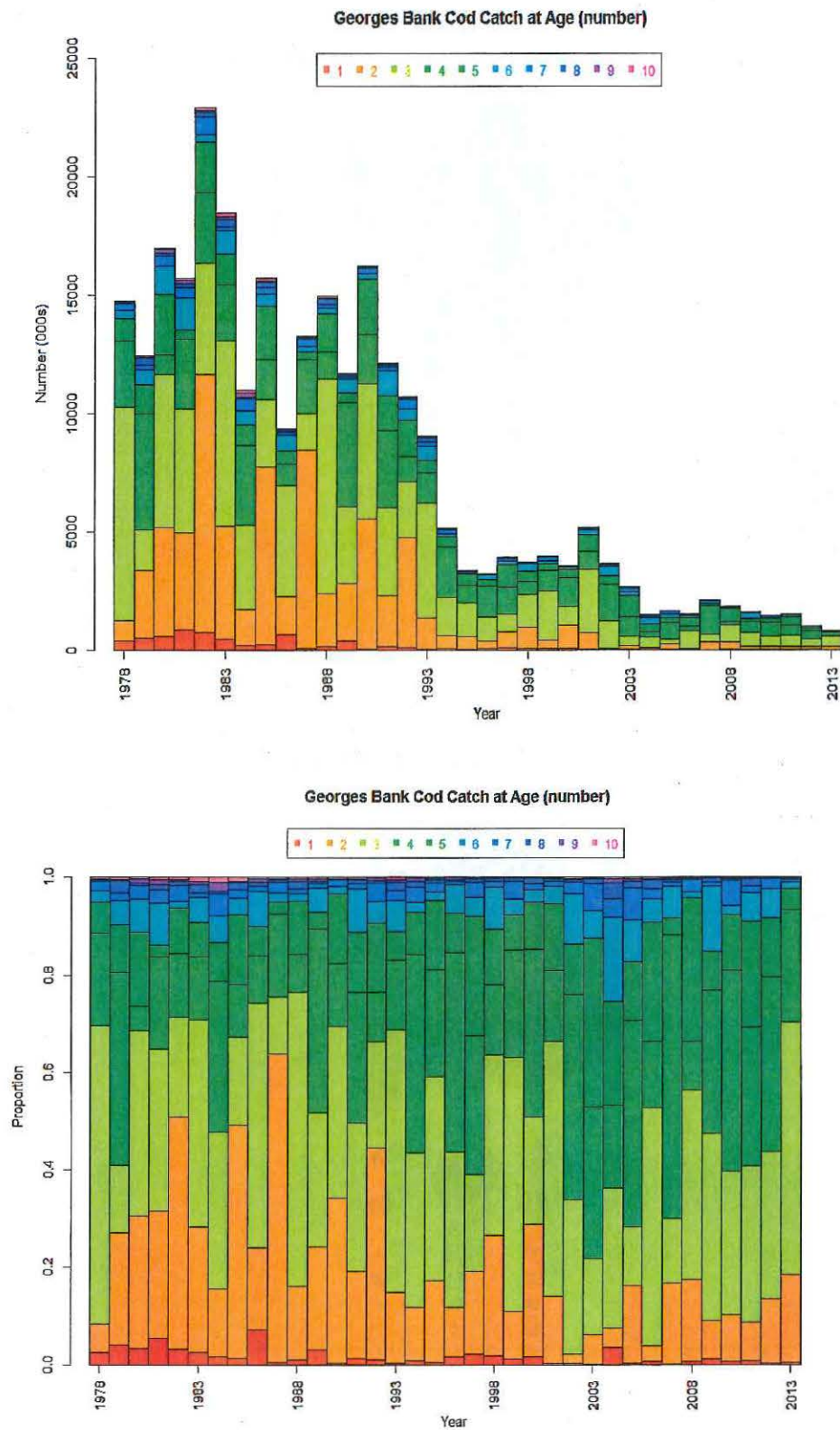


Figure 3 Total combined (US and Canadian commercial fishery landings and discards, and US recreational catch) catch at age in numbers (000s fish, upper panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1978-2013.

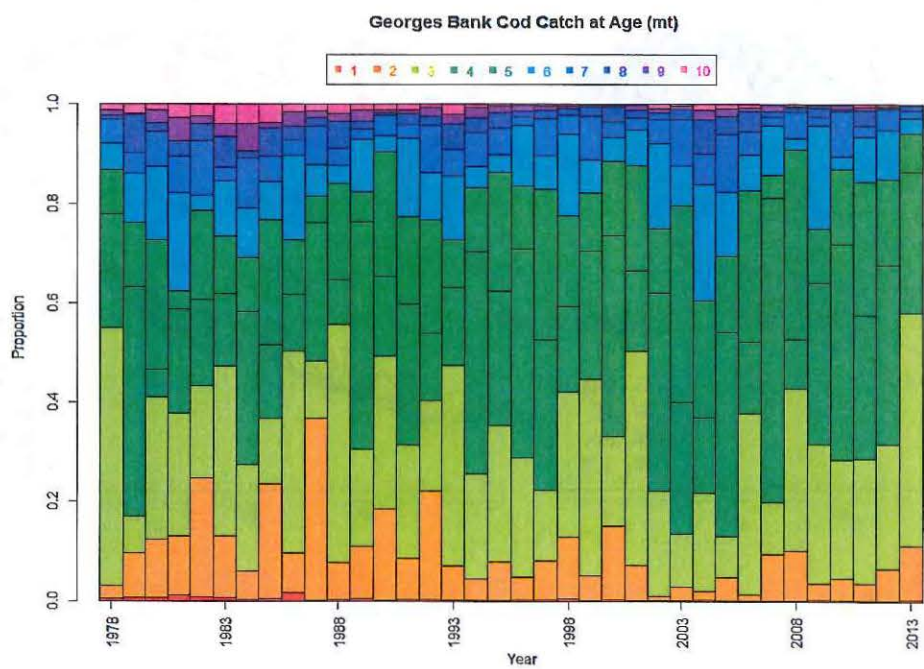
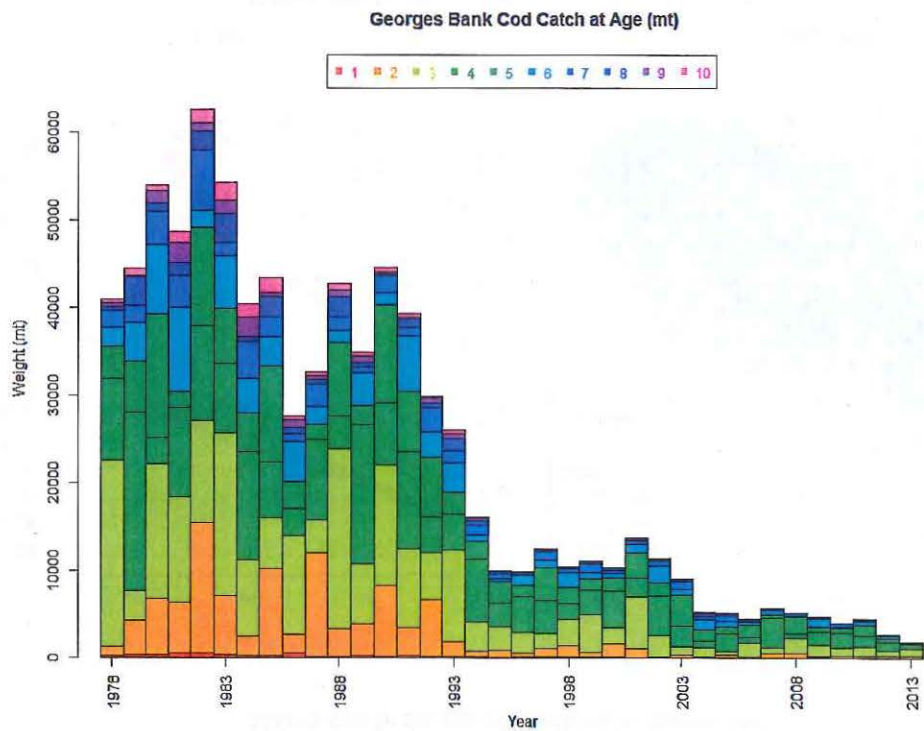


Figure 4. Total combined (US and Canadian commercial fishery landings and discards, and US recreational catch) catch at age in weight (mt, upper panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1978-2013.

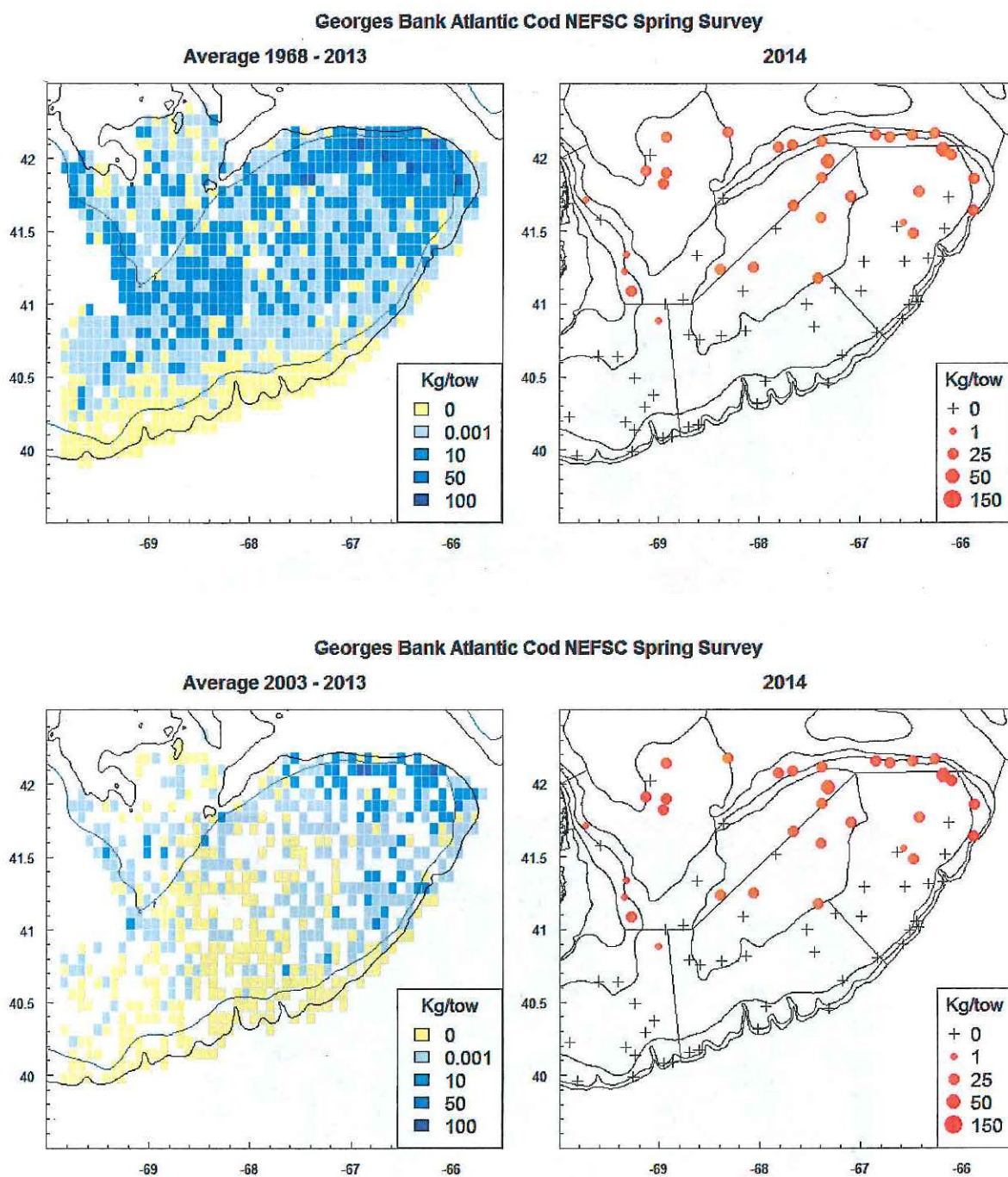


Figure 5a. Distribution of Georges Bank Atlantic Cod (kg/tow) sampled during NEFSC spring surveys during 1968-2013 (upper left panel), 2003-2013 (lower left panel), and 2014 (upper and lower right panel).

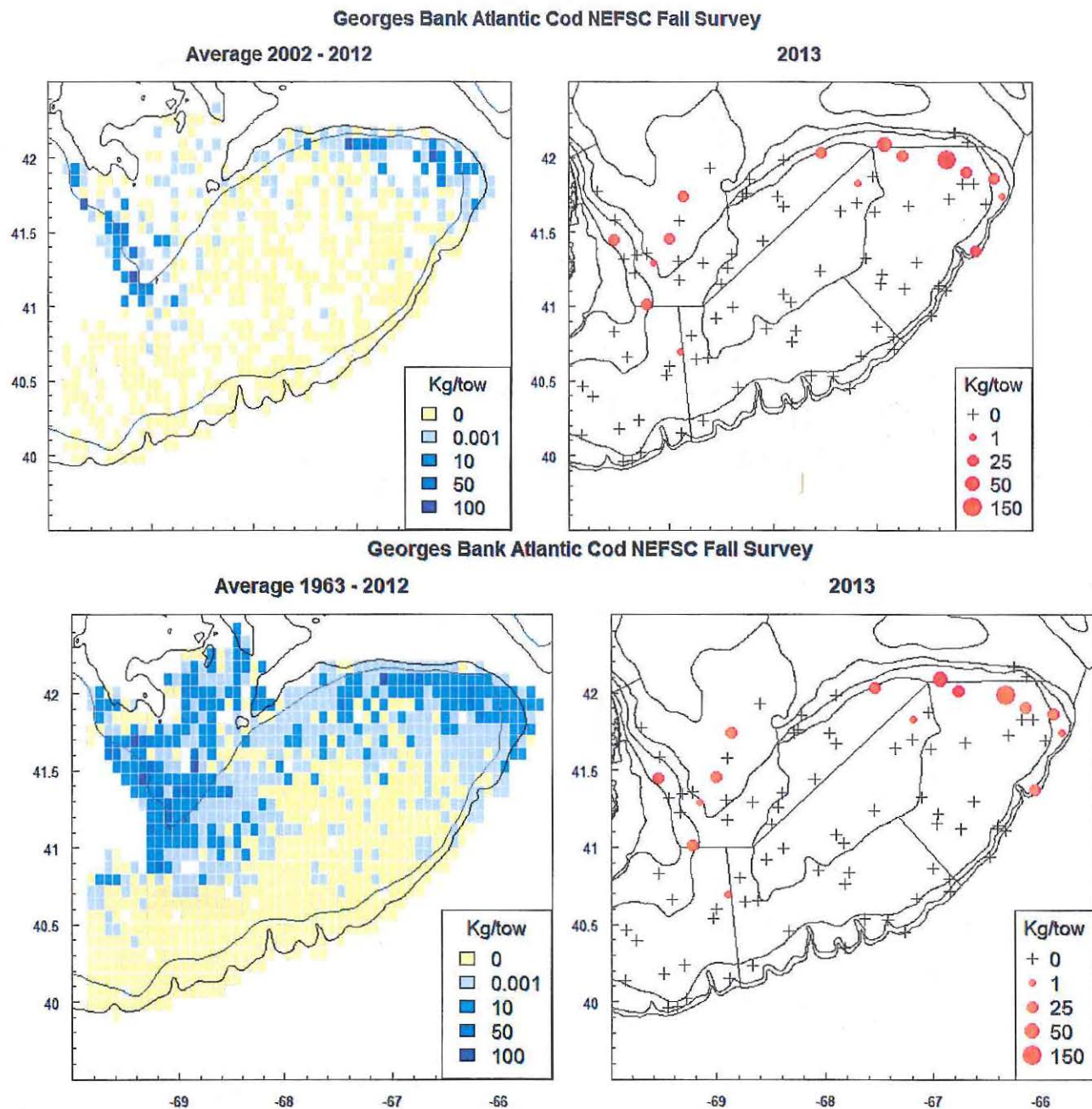


Figure 5b. Distribution of Georges Bank Atlantic Cod (kg/tow) sampled during NEFSC autumn surveys during 1963-2012 (upper left panel), 2002-2012 (lower left panel), and 2013 (upper and lower right panel).

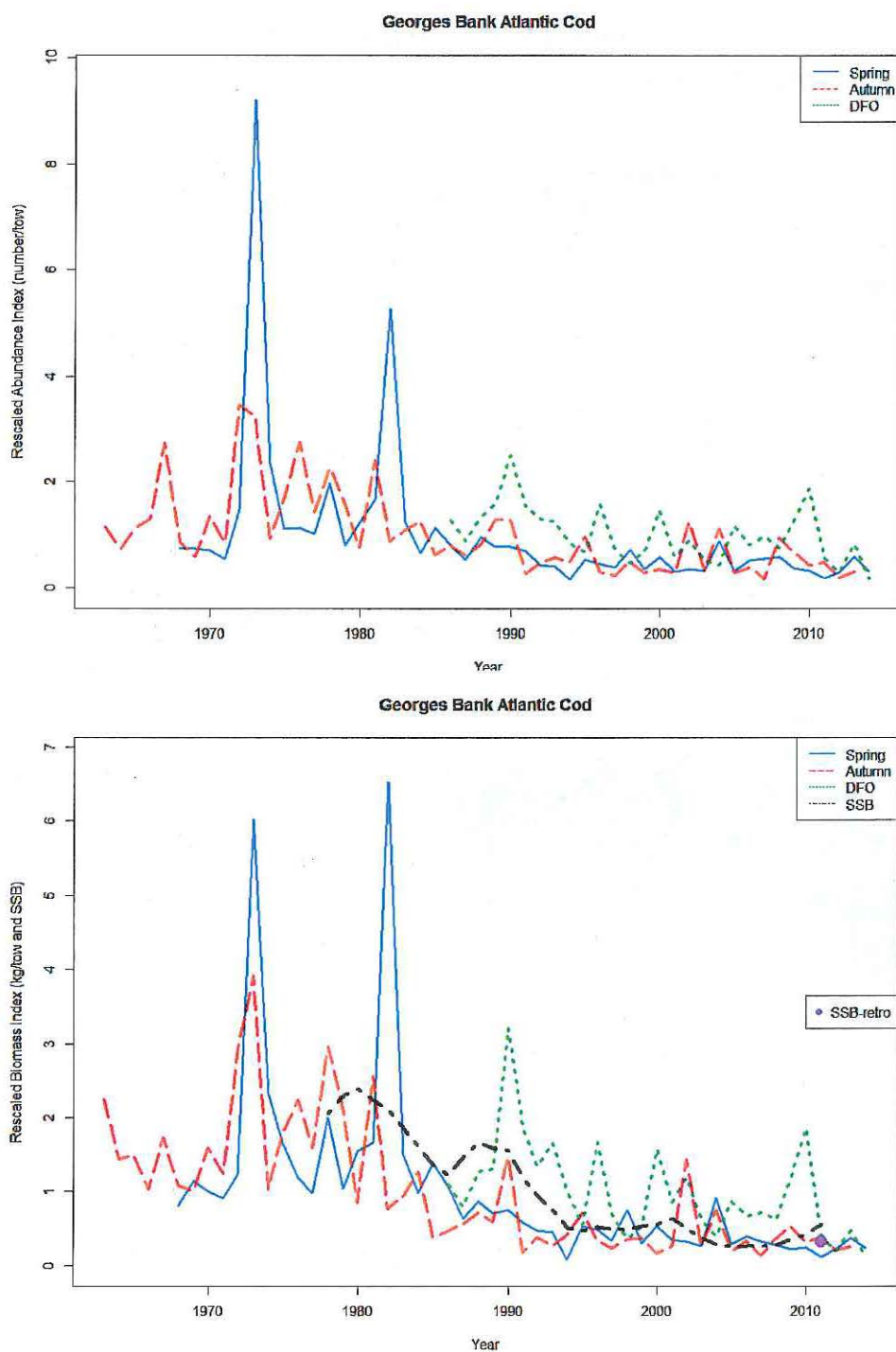


Figure 6. Abundance (upper panel) and biomass (lower panel) rescaled to the respective time series mean for the spring and autumn NEFSC and DFO research bottom trawl survey. The lower panel has the 2012 ASAP spawning stock biomass (SSB) estimates and the retrospective adjusted 2011 SSB point estimate.

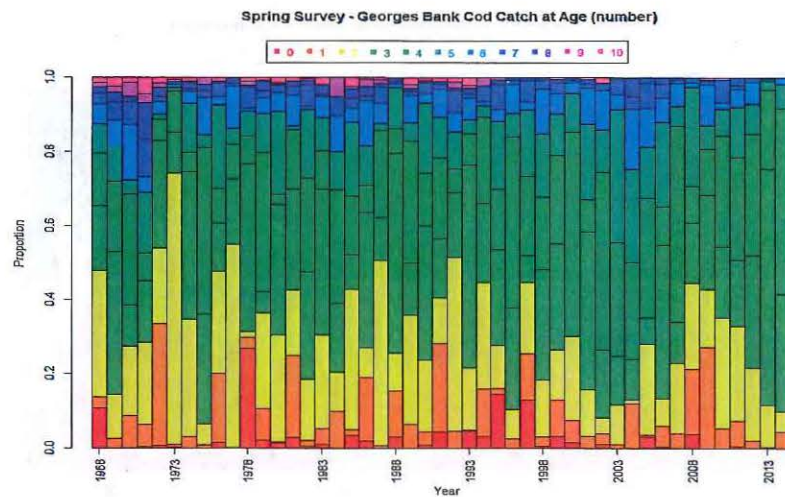
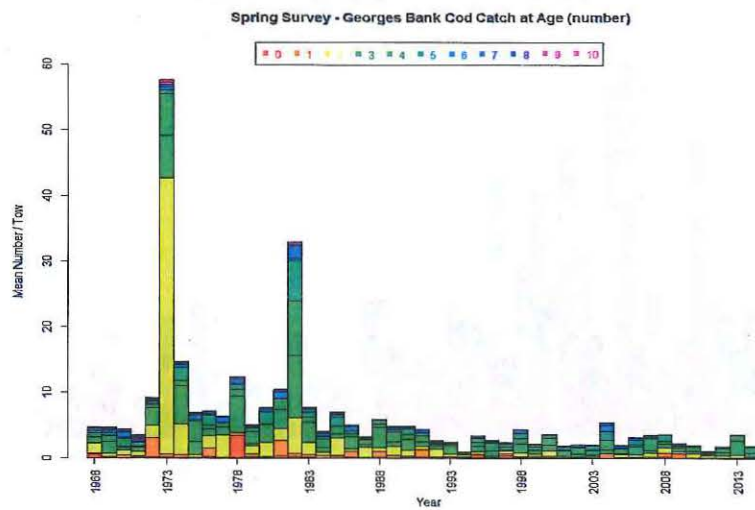
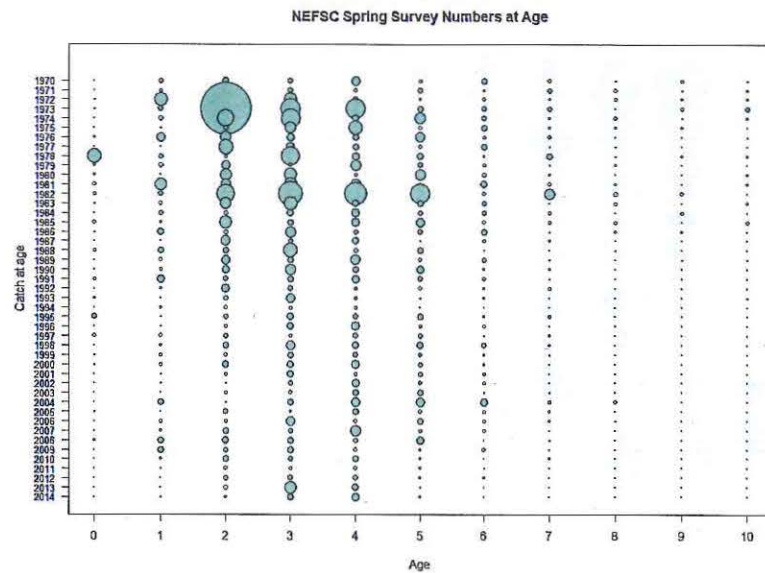


Figure 7a. NEFSC spring survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1968-2014.

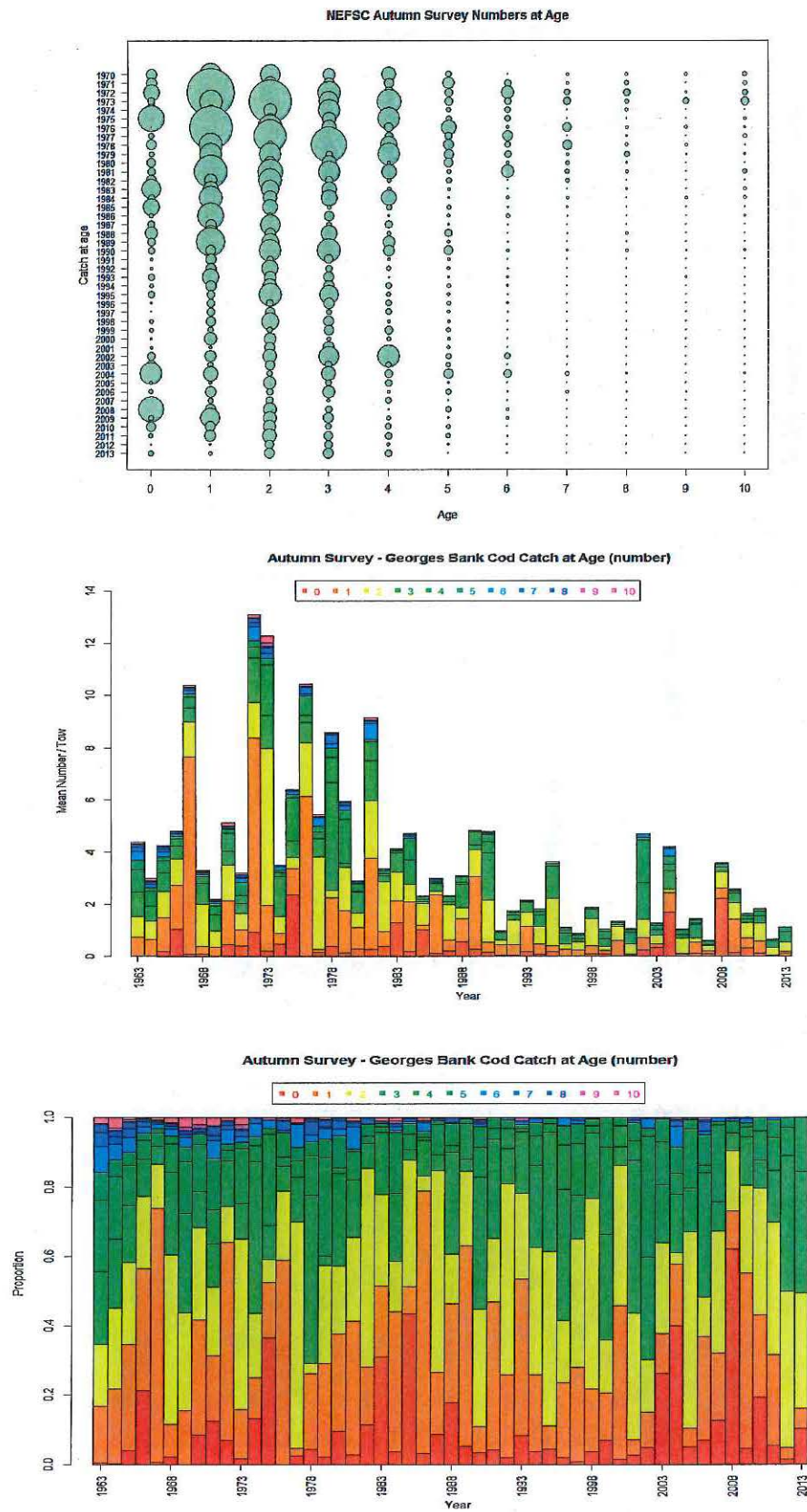


Figure 7b. NEFSC autumn survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1968-2014.

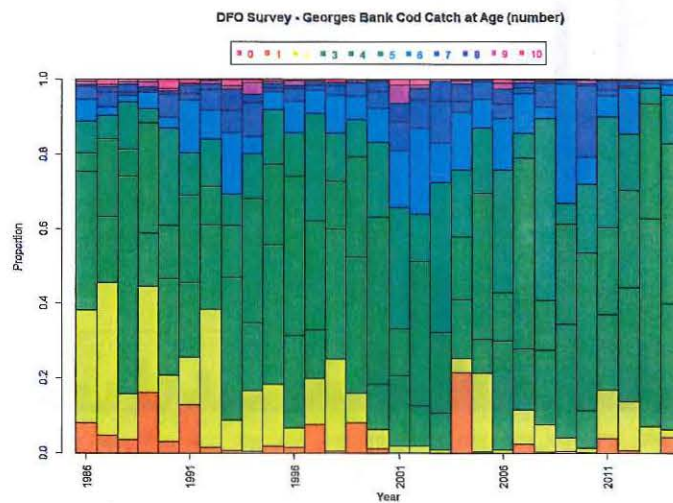
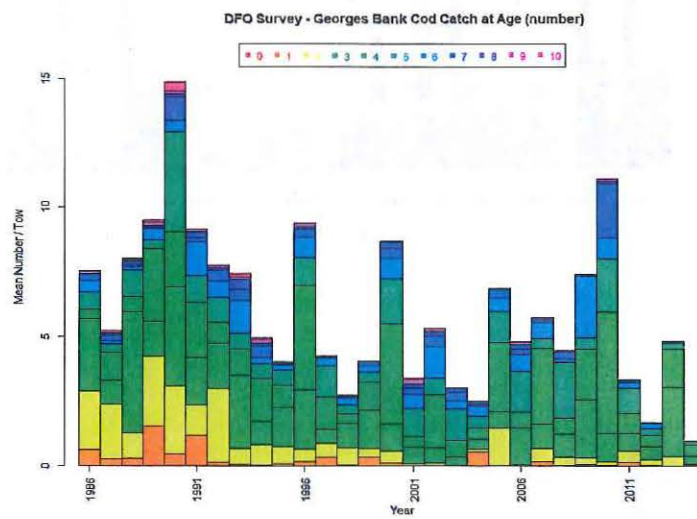
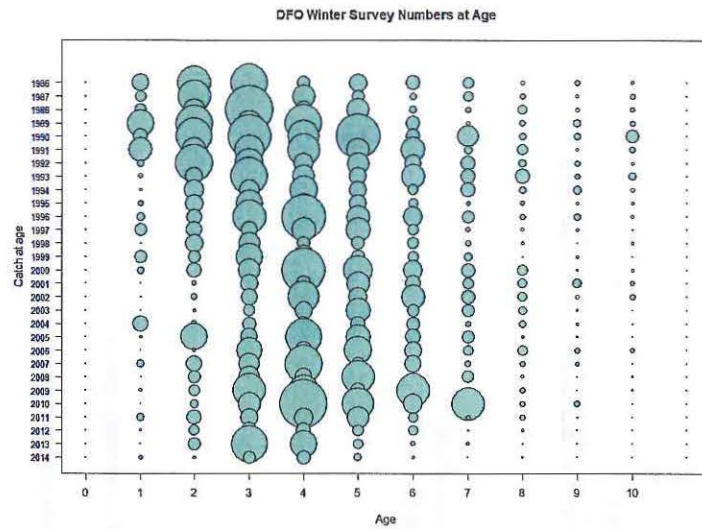


Figure 7c. DFO survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1986-2014.

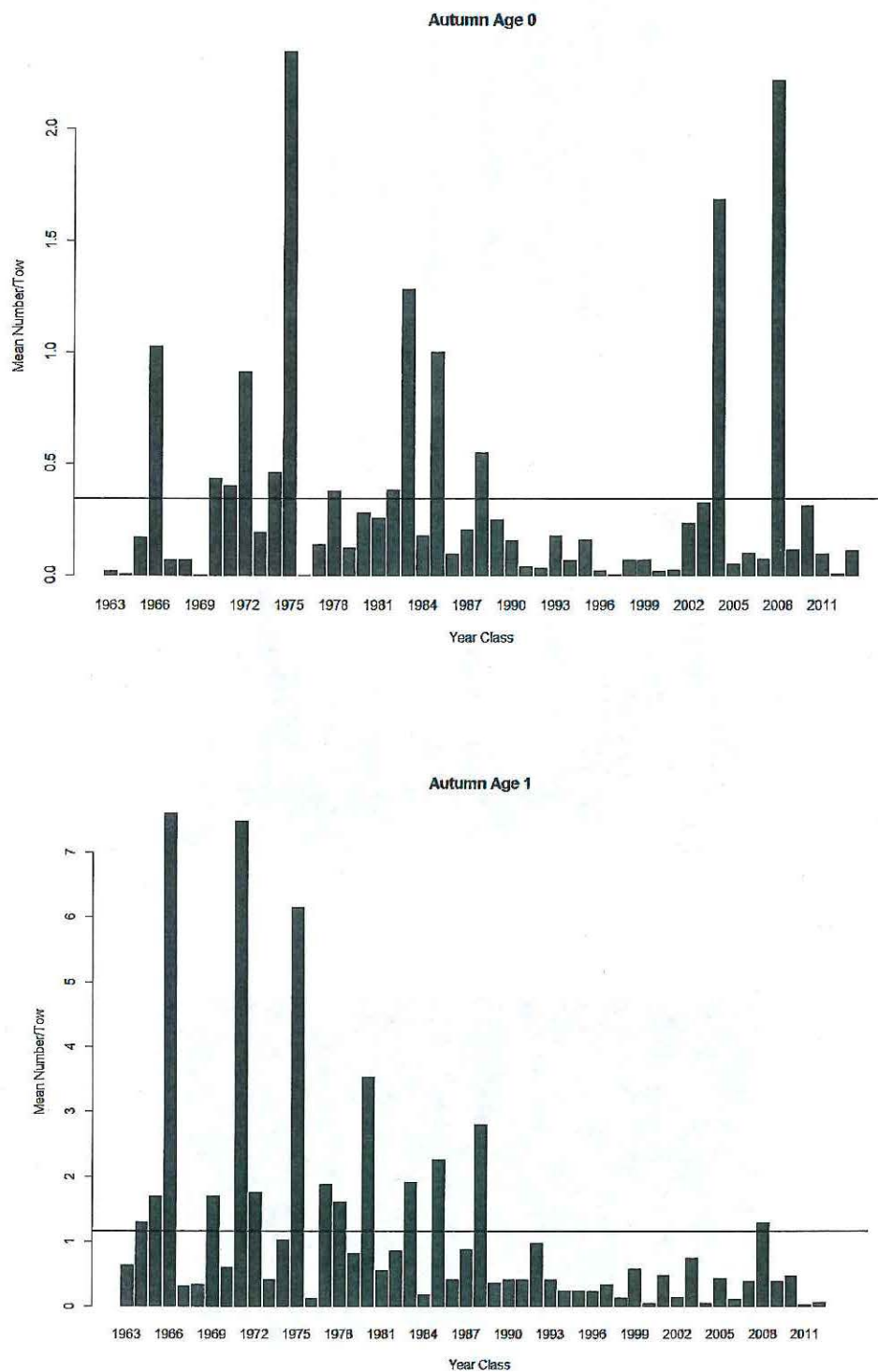


Figure 8a. NEFSC autumn survey catch (mean number/tow) at age 0 (upper panel) and age 1 (lower panel) for Georges Bank Atlantic Cod year classes, 1963-2013. Solid horizontal line is the time series average.

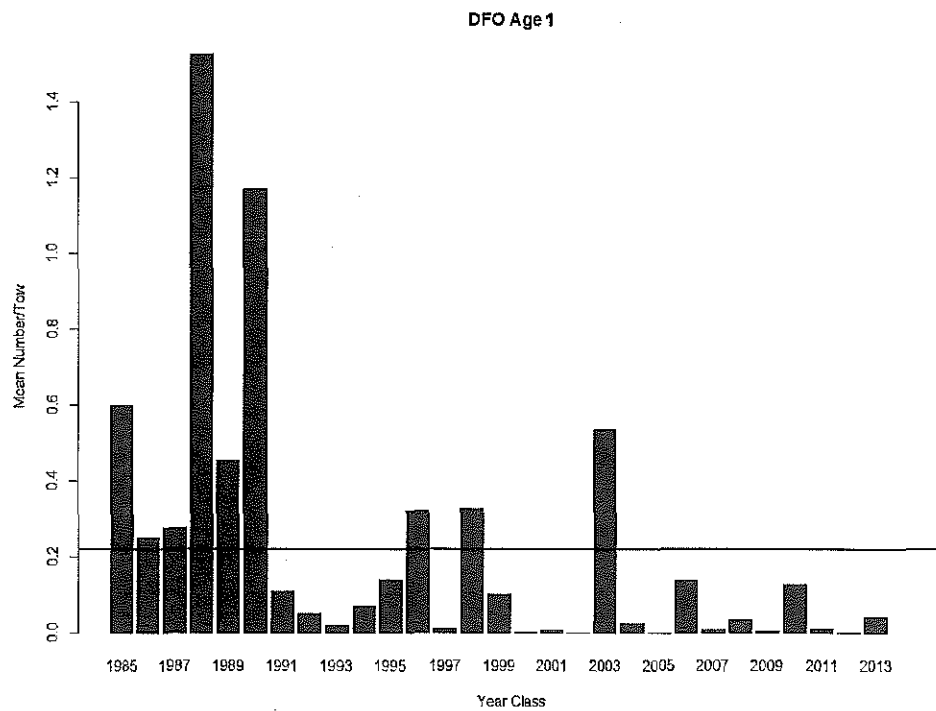
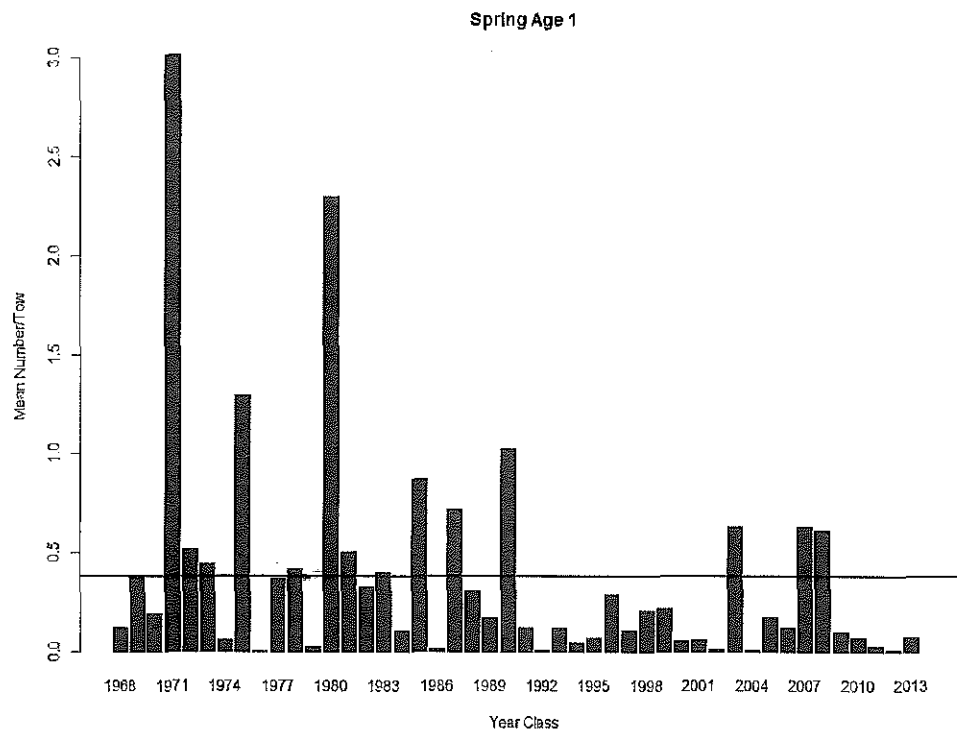


Figure 8b. NEFSC spring (upper panel) and DFO (lower panel) survey catch (mean number/tow) at age 1 for Georges Bank Atlantic Cod year classes, 1968-2013. Solid horizontal line is the time series average.

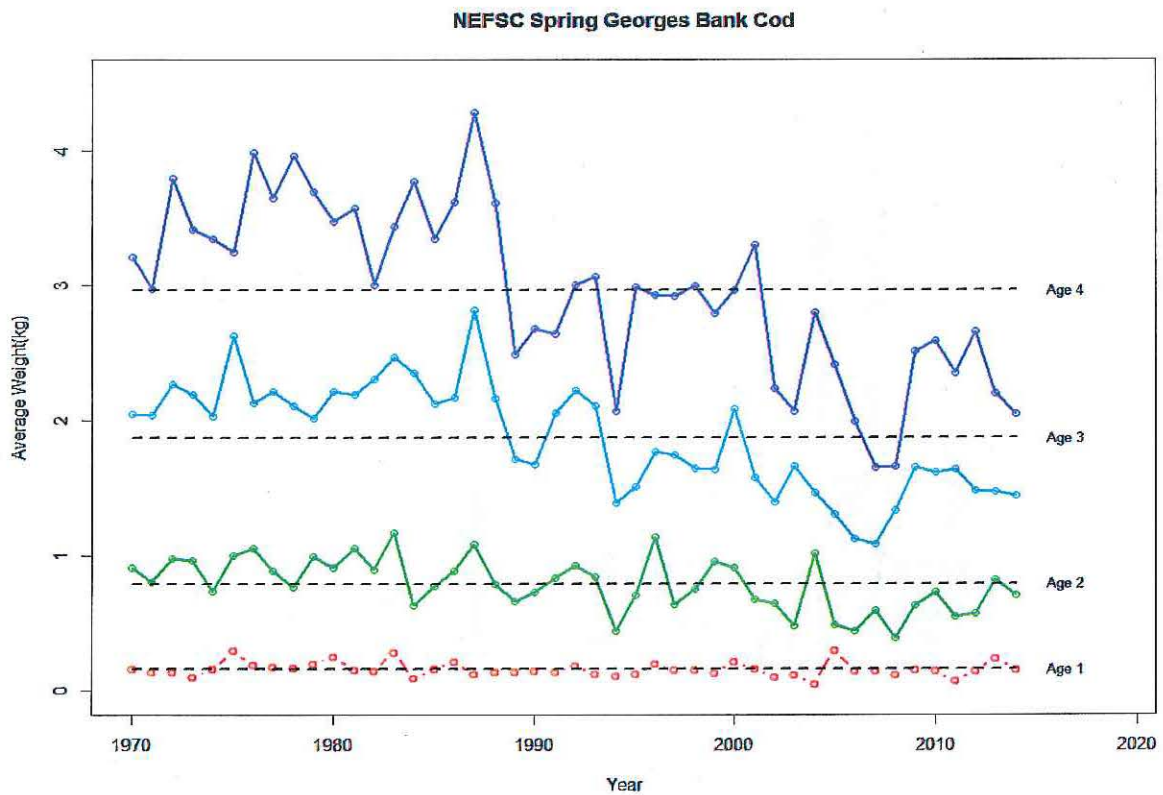
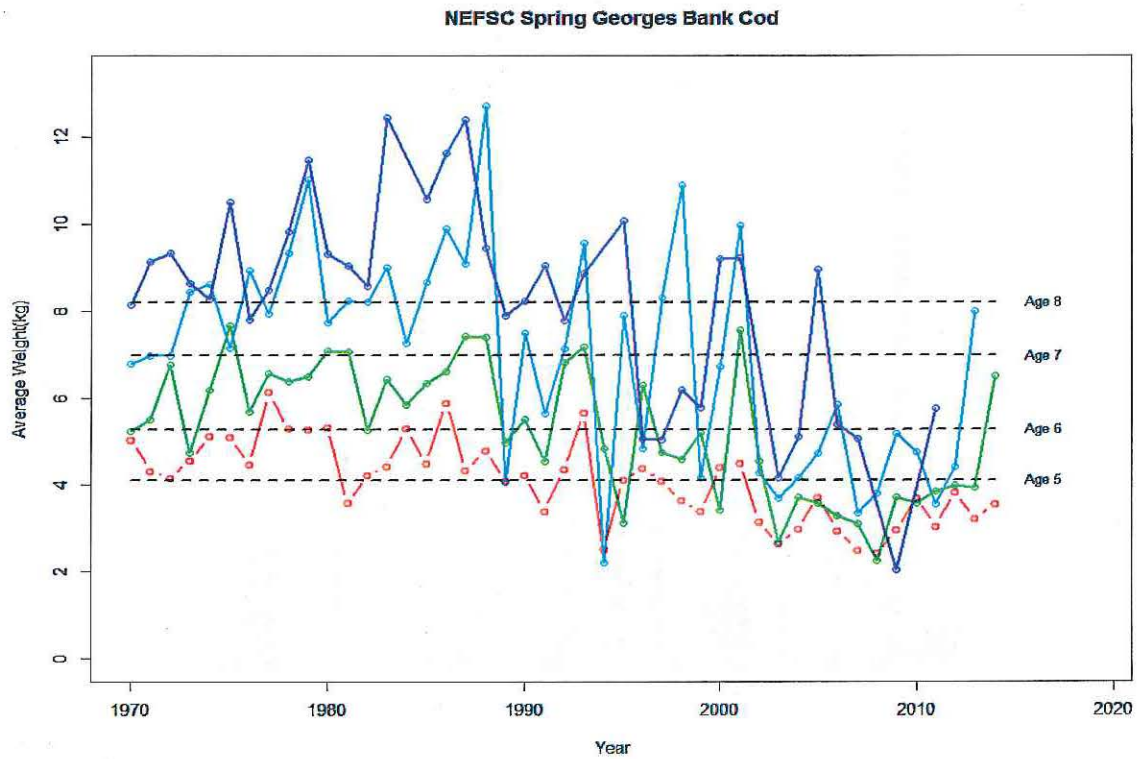


Figure 9a. NEFSC spring bottom trawl survey average weight at ages 1-4 (lower panel) and for ages 5-8 (upper panel) for Georges Bank cod, 1970-2014.

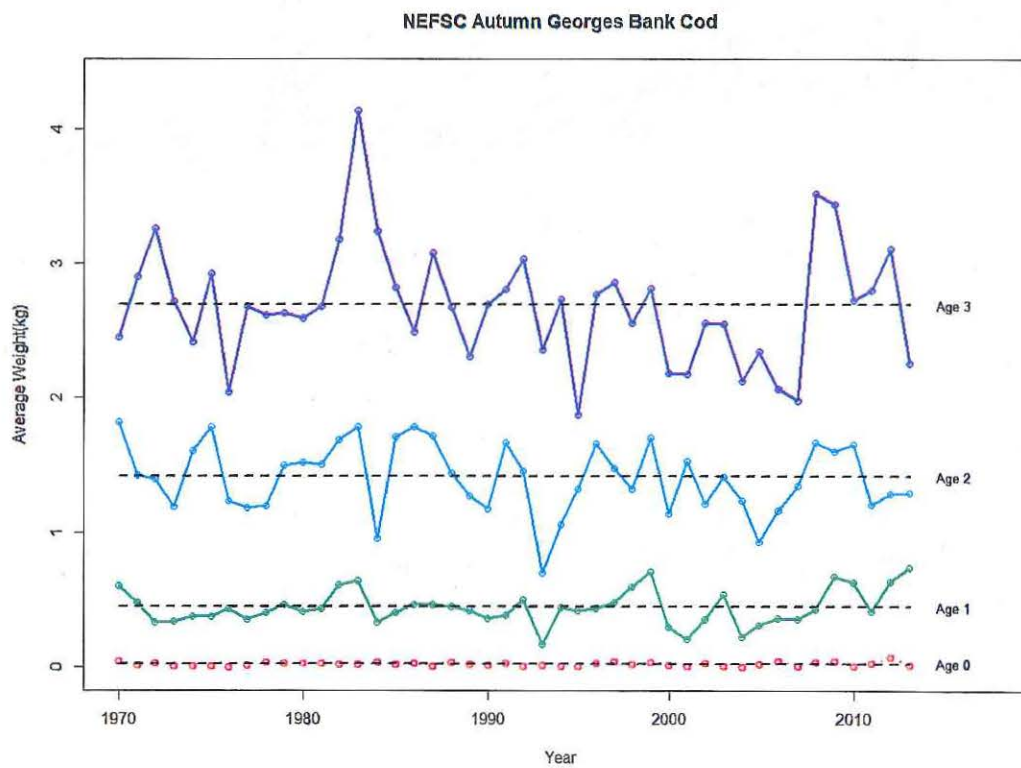
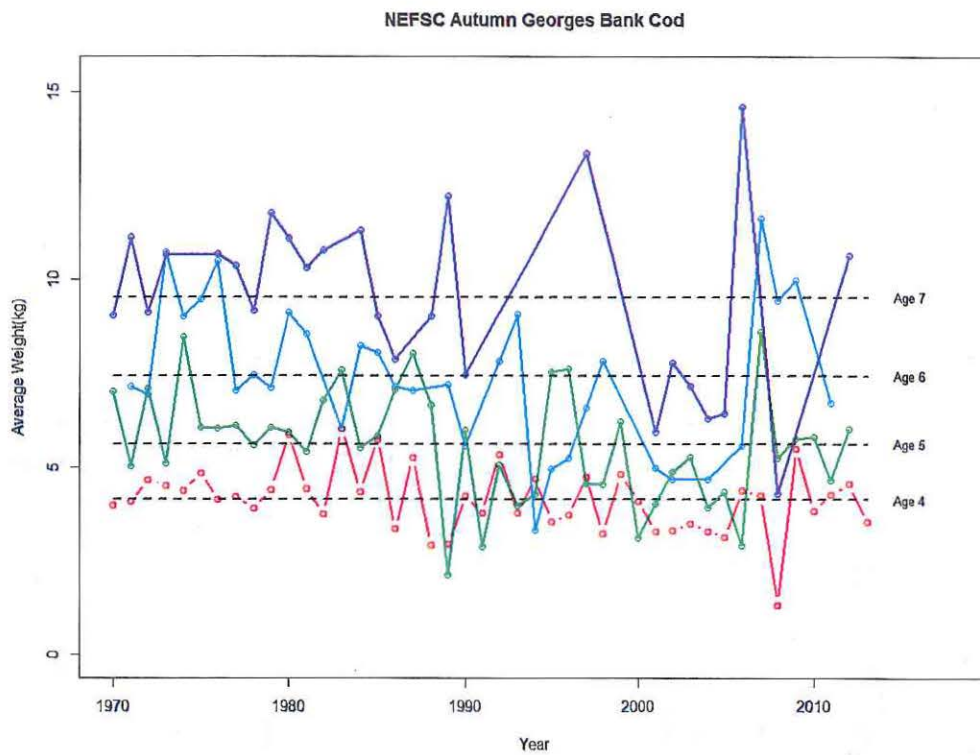


Figure 9b. NEFSC autumn bottom trawl survey average weight at ages 0-3 (lower panel) and for ages 4-7 (upper panel) for Georges Bank cod, 1970-2013.

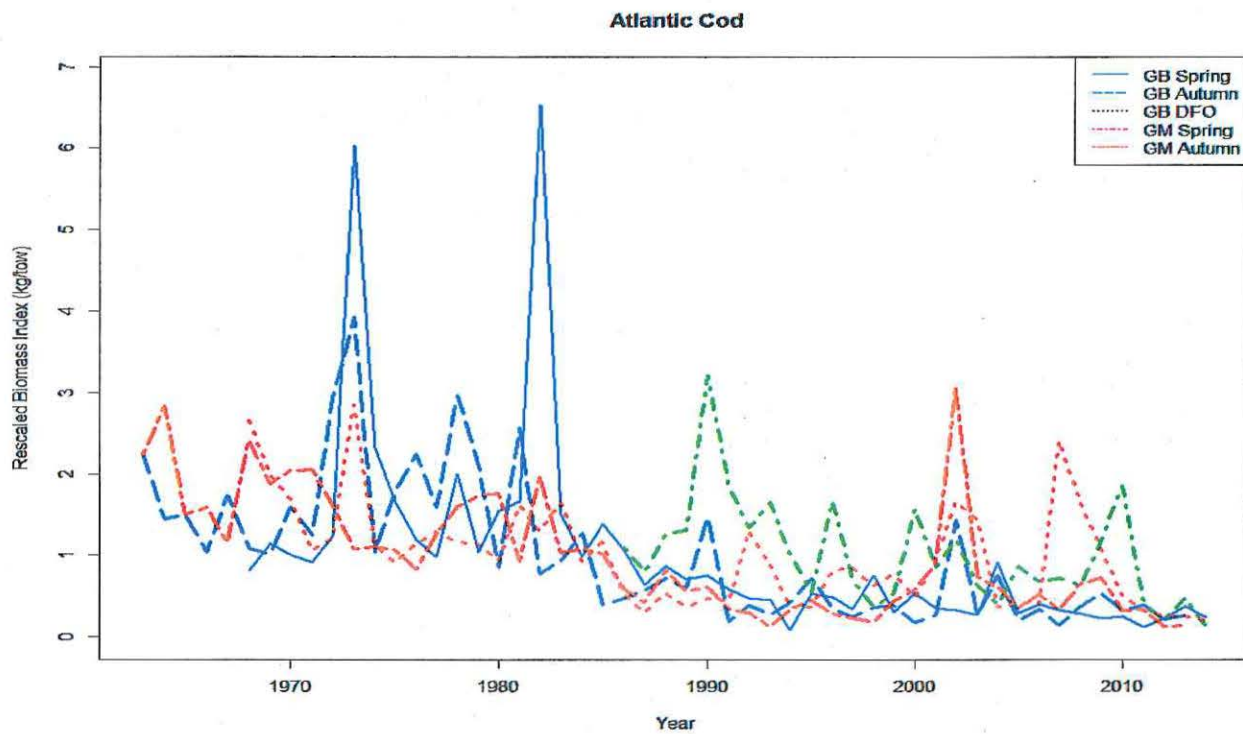


Figure 10. Biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod from the from the NEFSC spring and autumn surveys, and from the Georges Bank DFO survey, 1963-2014.

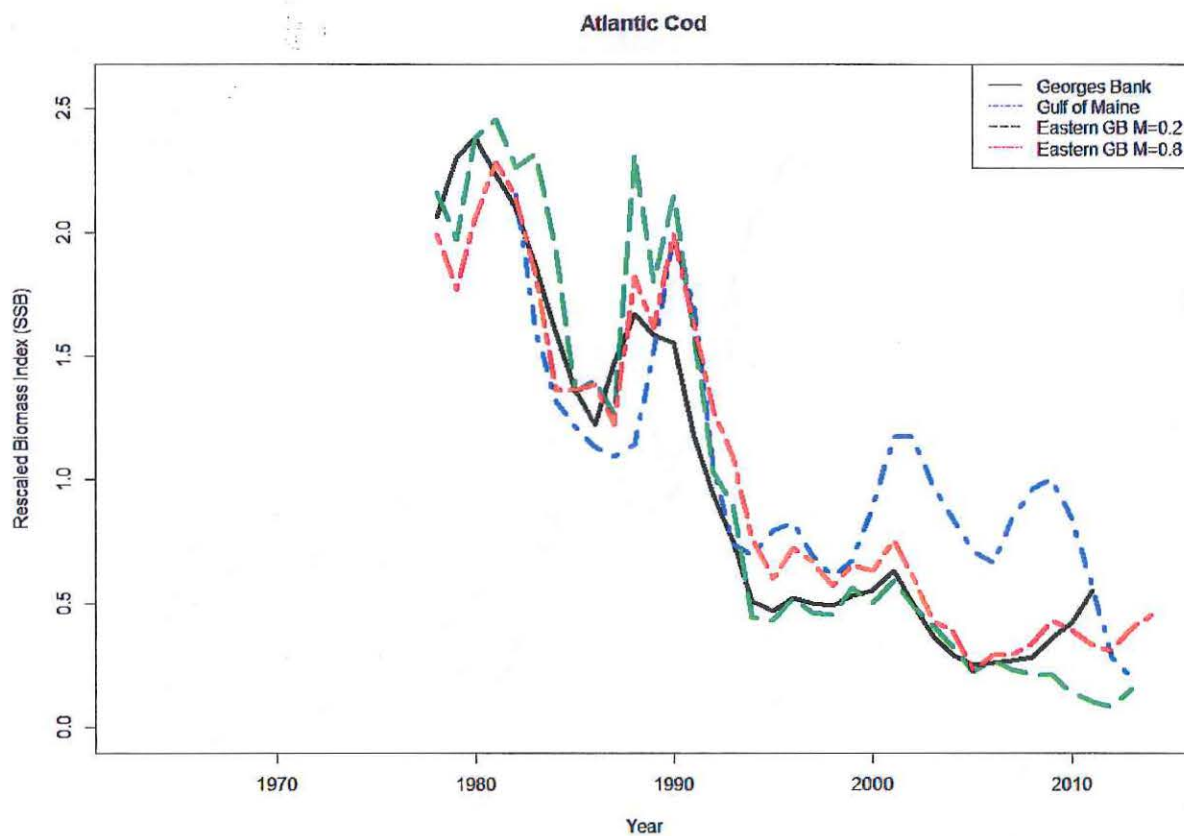


Figure 12. Spawning stock biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod stocks, and for the management unit Eastern Georges Bank from the ASAP model with natural mortality (M) = 0.2 and the VPA model with $M=0.8$ for ages 6+ from 1994 onward (otherwise $M=0.2$), 1978-2014.

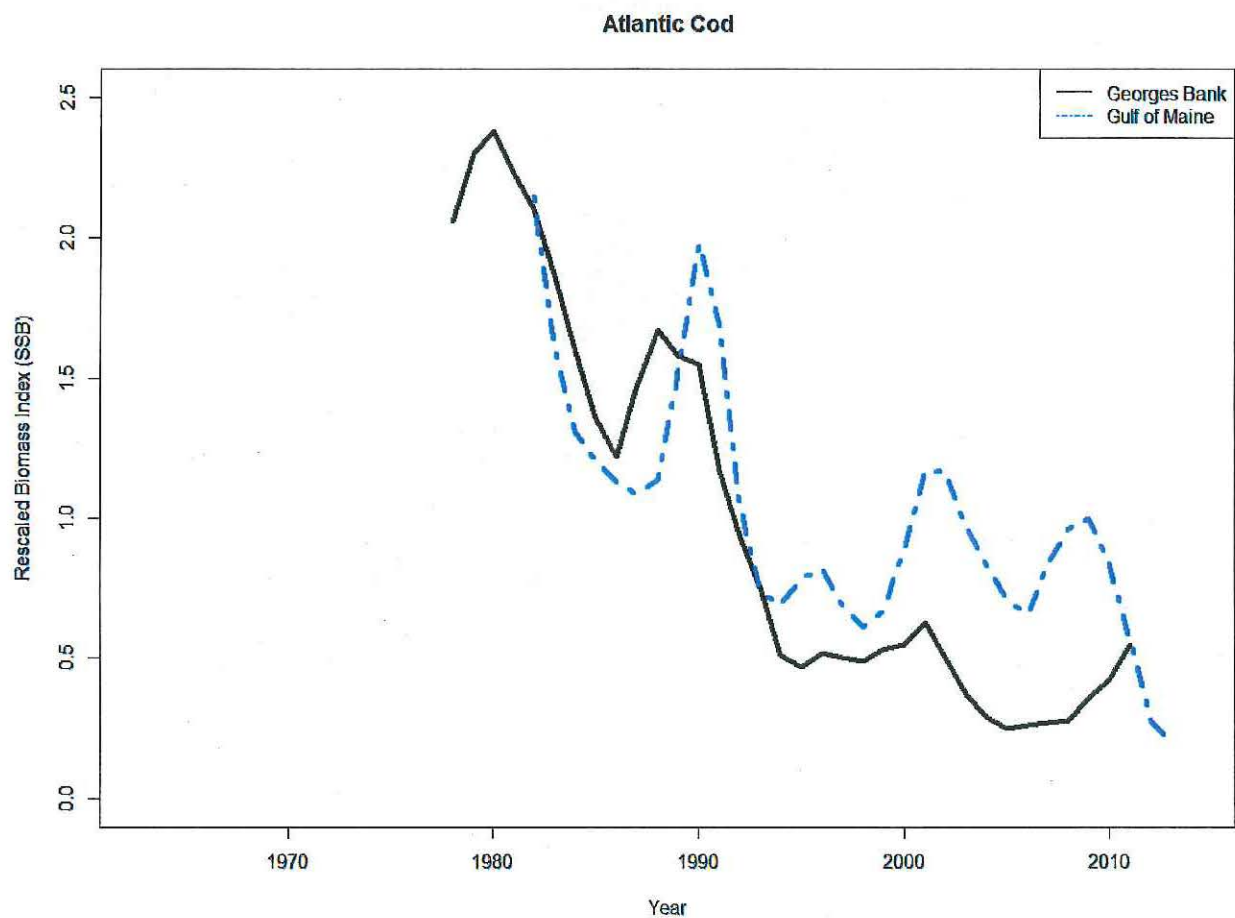
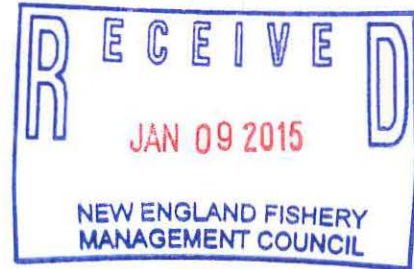


Figure 11. Spawning stock biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod stocks, 1978-2013.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

January 9, 2015



Mr. Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Tom:

Thank you for your letter dated November 7, 2014, requesting information on the bycatch of cod in the region's lobster fisheries.

Estimates of discards based on data available from the Northeast Fisheries Observer Program (NEFOP) and the Greater Atlantic Region Vessel Trip Reports (VTR) have to date proven insufficient to reliably estimate a time series of cod bycatch in the Gulf of Maine, Georges Bank, or Southern New England lobster fisheries. The estimates differ between the sampling programs both within and across years, and are in part a reflection of the relatively small number of observed trips compared to the large area covered by and amount of gear in the lobster fishery. Observed trips under NEFOP have increased in recent years, and we hope to gain additional insights on the magnitude and variability of cod and other groundfish encounters in lobster gear.

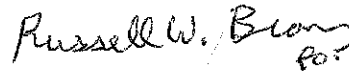
The future development of reliable estimates of cod bycatch in the lobster fisheries will require continued, and perhaps increased, NEFOP sampling of the offshore lobster trap fisheries, as well as any available contributions of data and analysis from all of the New England states for fisheries in state waters. For the Gulf of Maine fishery, the Maine Department of Marine Resources has provided most of the data that are currently available, and is in the process of analyzing those data (as referenced in the letter from Keliher to Stockwell dated November 17, 2014). However, since the bulk of the Gulf of Maine lobster fishery is to the north and east of the Gulf of Maine cod population that is now concentrated in the western Gulf of Maine, in the future Massachusetts and New Hampshire sampling efforts may provide more relevant information on cod bycatch in the corresponding western Gulf of Maine lobster fishery. We concur with Mr. Keliher that the best avenue for future work on this issue is through a collaborative effort of the Council's Groundfish PDT and the Atlantic States Marine Fisheries Commission's (ASMFC) Lobster Technical Committee and Lobster Board. For the inshore lobster fisheries in Southern New England waters, it will likewise be necessary to work cooperatively with the relevant state fisheries agencies that participate in the regulation of those fisheries (i.e., Massachusetts, Rhode Island, Connecticut, and New York) through the Groundfish PDT and ASMFC Lobster Technical Committee and Board.



pmf/jc/jp - 1/14/15

Finally, we note that the NEFSC, in collaboration with Massachusetts Division of Marine Fisheries and University of Maine partners, has submitted a proposal to the 2014 Cooperative Research Solicitation designed to quantify the barotrauma-induced mortality experienced by cod in the Gulf of Maine lobster fishery.

Sincerely,

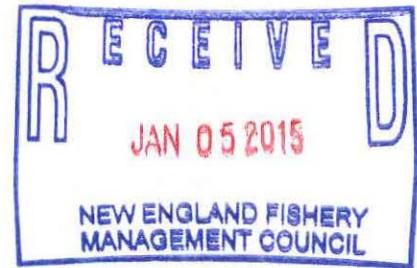
A handwritten signature in cursive script that reads "Russell W. Beal". Below the signature, the letters "for" are written in a smaller, less distinct cursive script.

William A. Karp, Ph.D.
Science and Research Director

cc: R. Beal
J. Bullard
C. Moore

United States Senate
WASHINGTON, DC 20510

January 5, 2015



The Honorable Kathryn Sullivan
Administrator
National Oceanic and Atmospheric Administration
Herbert C. Hoover Building, Room 6811
14th Street & Constitution Avenue, NW
Washington, DC 20230

Dear Dr. Sullivan:

In November, NOAA Fisheries announced an interim rule for the Northeast groundfish fishery in response to an August 2014 stock assessment update of Gulf of Maine cod. The management decisions based off of this stock assessment update will have serious economic repercussions for fishing communities in Massachusetts and we request that you provide information about the stock assessment update, the interim rule, and future management actions.

On August 1, 2014, NOAA Fisheries announced that it had conducted an unscheduled stock assessment update for Gulf of Maine cod which indicated that the status of this important stock had declined since the 2012 full (benchmark) assessment. This stock assessment update was later reviewed through a scientific peer review, which was sponsored by the New England Fisheries Management Council (NEFMC). We have, however, heard concerns from stakeholders about the process through which this stock assessment update was conducted, as well as the interim rule that was put in place in response.

It is essential that fisheries management decisions are based off the best available science and that the scientific basis for management decisions is transparent and inclusive of stakeholders and relevant experts. Furthermore, the Magnuson-Stevens Act mandates fisheries management decisions must be based on the best scientific information available. Given the immediate impact of the interim rule, the serious impact it will have on Massachusetts communities, and the continuing importance of the 2014 stock assessment update to future management decisions, we request that you respond to the following questions no later than January 20, 2015.

1. It is our understanding that the stock assessment update was unscheduled and was conducted outside of the established procedure for conducting such updates. What factors caused NOAA to initiate the unscheduled stock assessment update? Why did NOAA choose to conduct this update in a way that did not follow the normal procedure for stock assessment updates?
2. It also our understanding that stakeholders were not notified of the pending update until the results were announced in August 2014. After NOAA decided to update the stock assessment, why did it choose not to include representatives of the

jc/jp - 1/5/15

fishing industry, outside experts, or other stakeholders in the process before announcing the results of the assessment? Additionally, we have heard concerns that releasing the results of the update information before it was peer reviewed could have biased, or at least created the perception of bias, in the peer review process. Why did NOAA choose to release this information before it was peer reviewed? In addition to releasing a summary of the results before they were peer-reviewed, NOAA did not release the actual draft report until two weeks later after the results were announced. Please explain this delay.

3. Did NOAA consider including the Gulf of Maine cod assessment update in the July meeting of the Northeast Regional Stock Assessment Workshop so the Stock Assessment Review Committee could review the update? If not, why not?
4. It is our understanding that this stock assessment update was part of an effort by NOAA to provide more timely information to aid the fisheries management process. How does NOAA intend to incorporate the feedback received from on this stock assessment update and the process through which it was conducted to improve the transparency and scientific credibility of future efforts to provide more timely stock assessment updates?
5. The interim rule issued in November cites the following three reasons for the interim closures: reducing fishing mortality, protecting areas where the Gulf of Maine cod stock is located, and “protecting areas of likely cod spawning activity.”¹ We have heard concerns about the way spawning closures are defined, including the scientific basis for these particular closures. Please clarify which areas, if any, were closed solely for spawning purposes, and the scientific rationale for these closures
6. The interim rule includes trip limits, an effort control measure used under the previous management system. What was the conservation rationale for reinstating this control measure in the current sector system? Did NOAA analyze the impact on discards that trip limits would have? If not, why not and will this be done in the future?
7. The interim rule includes broad stock area closures that will also impact fishermen targeting other species like pollock and redfish. Did NOAA consider alternative management measures to these area closures? If so, what were they and why were they not adopted? If alternatives were not considered, why not?
8. At-sea monitoring and fisheries observers are critical aspects of managing the Northeast groundfish fishery. Given the interim rule’s likely impact on the number of fishing trips, has NOAA considered making changes to shift resources and prioritize coverage of areas in ways that can provide further help in the management of cod and other groundfish species? NOAA has also sponsored a

¹ Emergency Gulf of Maine Cod Management Measures, 79 Fed. Reg. 67,362, 67,364 (Nov. 13, 2014).

number of pilot projects for electronic monitoring, including one run by the Northeast Fisheries Science Center that concluded this spring. Given the current cod situation, how might electronic monitoring be utilized to help fishermen and managers meet monitoring needs in the future? What are NOAA's plans for incorporating electronic monitoring into the management of the New England fisheries?

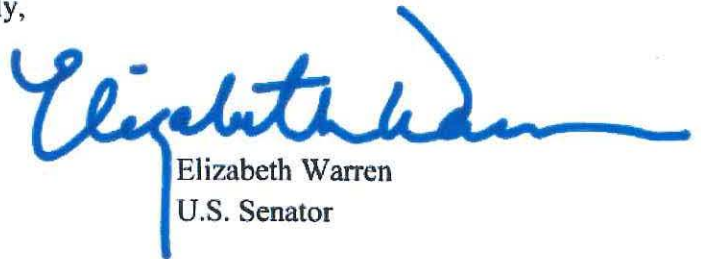
9. The Massachusetts groundfish industry has faced incredible economic challenges in the last few years. To maintain a viable fishing industry across Massachusetts, diversifying what is caught and marketed will be critical. Recent Saltonstall-Kennedy grants in New England have supported some of the important work needed for developing redfish and dogfish markets. Has NOAA engaged the industry to identify existing barriers to targeting alternate species and possible solutions for overcoming them? If not, what are NOAA's plans to do so?
10. How will the results and impacts of the interim rule be used by NOAA to evaluate the Framework 53 adjustment that the New England Fisheries Management Council recently adopted and is in the process of finalizing?
11. Finally, the New England states have agreed to set aside \$11 million in Federal Fisheries Disaster Assistance for consideration of a potential vessel buyout or buyback. Has NOAA set a timeline for this consideration? How has the latest cod stock assessment and management changes impacted the development of this possible program? What does NOAA Fisheries intend to do if an agreement cannot be used in regards to a vessel buyout or buyback?

Thank you for your prompt attention to these inquiries. Please contact Angela Noakes or Ana Unruh Cohen on Senator Markey's staff at 202-224-2742 or Bruno Freitas on Senator Warren's staff at 202-224-4543 with any questions.

Sincerely,



Edward J. Markey
U.S. Senator



Elizabeth Warren
U.S. Senator



UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 GREATER ATLANTIC REGIONAL FISHERIES OFFICE
 55 Great Republic Drive
 Gloucester, MA 01930-2276



DEC - 9 2014

Dear Northeast Multispecies Gillnetter:

The groundfish management plan requires groundfish gillnet vessels to annually declare as either a Day gillnet or Trip gillnet vessel. When you made your declaration at the start of the year, you could not have anticipated the recently published regulations reducing the maximum number of gillnets that a Day gillnet vessel could fish in the Gulf of Maine. As a result, we expect a rule to publish shortly that will allow gillnet vessels a one-time opportunity to change their designation as a Day or Trip gillnet vessel for the remainder of the 2014 fishing year.

If you are interested in changing your designation, you must submit a revised Gillnet Tag Form (included with this letter) to the Greater Atlantic Regional Fisheries Office. You may submit your application now, but all applications must be submitted within 30 days of the publication of the rule. Once the rule files in the Federal Register, we will send you a bulletin informing you of the publication date of the rule. After the rule publishes, we will issue you a revised designation certificate in response to your application request. The revised gillnet certificate must be retained on board the vessel when fishing with gillnet gear under a Northeast multispecies Category A, E, or F permit.

If you have not made your annual declaration as either a Day gillnet or Trip gillnet vessel, you may also do so using the form included with this letter.

If you have any questions or concerns, please contact the Permit Office by phone at (978)-282-8438 or email at NMFS.GAR.Permits@noaa.gov. Completed forms can be mailed to the address above, scanned and emailed to the permit office, or faxed to (978) 281-9161.

Sincerely,

John K. Bullard
 Regional Administrator



jc/jp - 12/12

Special Instructions for Gillnet Vessel Owners

General gillnet vessel designation and tagging requirements:

A vessel owner electing to fish with gillnet gear in the Northeast (NE) multispecies or monkfish fisheries must complete a gillnet tag form. All vessels issued a limited access NE multispecies permit in Categories A, E, or F that fish with gillnet gear must obtain an annual designation as either a Day or Trip gillnet vessel. Declarations are to be made on a form provided by the National Marine Fisheries Service (NMFS) and signed by the vessel owner or an authorized representative of the vessel. This form is enclosed. It can also be obtained by calling the Northeast Regional Permit Office at (978) 282-8438, or through the Northeast Regional Office's web site: <http://www.nero.noaa.gov/permits/forms.html>.

All NE multispecies Category A, E, and F Day gillnet vessels fishing for NE multispecies and/or vessels fishing under a monkfish DAS using gillnet gear must tag their gillnets with BLUE gillnet tags. Vessels must indicate the number of gillnet tags that are being requested on the gillnet tag form provided by NMFS and provide a check for the cost of the tags, if appropriate. Once a declaration form has been received, NMFS will send a gillnet tag certificate and category designation form (one form) to the vessel owner that serves as written confirmation from the Regional Administrator that the vessel is a Day or Trip gillnet vessel. This confirmation must be retained on board the vessel when fishing under a NE multispecies Category A, E, or F permit with gillnet gear.

Vessels with a NE multispecies Category A, E, or F permit are limited to 150 gillnet tags. Vessels with a Monkfish Category C, D, F, G, or H permit with a limited access NE multispecies permit are also limited to 150 tags. Vessels with Monkfish Category A or B permits are limited to 160 gillnet tags. A vessel may have tags on board the vessel that are in excess of the number of tags corresponding to the allowable number of nets for a given Regulated Mesh Area (RMA), provided such tags are available for immediate inspection. Vessels participating in a NE multispecies sector may have different gillnet requirements. If participating in a NE multispecies sector, please reference your Letter of Authorization, or contact your sector manager for complete details of your sector's exemptions.

A gillnet vessel may stow additional nets on board that are in excess of the allowable nets for a given RMA. Day gillnet vessels may stow up to 150 nets, including the number of deployed nets. Trip gillnet vessels are not restricted to the number of nets that can be stowed on board the vessel. All nets in excess of the allowable number of nets for a given RMA must be stowed according to the regulations.

General gillnet gear requirements: For purposes of gillnet gear requirements, gillnets are defined as follows:

- **Roundfish gillnet:** A gillnet constructed with floats on the float line and no tie-down twine between the float line and the lead line.
- **Flatfish gillnet:** A gillnet constructed with no floats on the float line, or with floats on the float line and that has tie-down twine between the float line and the lead line not more than 48 inches in length and spaced not more than 15 feet apart.

Special Instructions for Gillnet Vessel Owners - continued

Vessels fishing under the Large Mesh DAS program using gillnets:

Vessels that hold a valid limited access NE Multispecies Large Mesh Individual DAS category (Category F) permit must fish with nets having a mesh size that is 2.0 inches larger than the current regulated mesh size when fishing under the NE multispecies DAS program.

Gillnet Tag Series for Fishing Years 2004-2014

The current gillnet tag series (BLUE in color) will remain valid through the 2014 fishing year (May 1, 2014 – April 30, 2015), unless otherwise notified. Previously issued teal green gillnet tags are no longer valid.

Current Gillnet Regulations

A summary of the current gillnet gear requirements is contained in the table below. Vessels participating in a NE multispecies sector may be exempt from certain gillnet regulations that are in the table below. If participating in a NE multispecies sector, please reference your Letter of Authorization or contact your sector manager for complete details of your sector's exemptions.

Gear Restrictions for the NE Multispecies FMP by Regulated Mesh Areas.

	Gulf of Maine	Georges Bank	Southern New England	Mid-Atlantic
NE Multispecies Day Gillnet Category*	<u>Roundfish nets</u> 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	<u>All nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net	<u>Roundfish nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net
	<u>Flatfish nets</u> 6.5" (16.5 cm) mesh; 100-net allowance; 1 tag/net			<u>Flatfish nets</u> 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net
NE Multispecies Trip Gillnet Category*	<u>All nets</u> 6.5" (16.5 cm) mesh	<u>All nets</u> 6.5" (16.5 cm) mesh	<u>All nets</u> 6.5" (16.5 cm) mesh	<u>All gillnet gear</u> 6.5" (16.5 cm) mesh
Monkfish Vessels**	10" (25.4 cm) mesh/150-net allowance			
	1 tag/net			

* When fishing under NE multispecies regulations

** Monkfish Category C and D vessels, when fishing under a monkfish DAS

Gillnet Tag form must be completed if your vessel will be fishing with gillnets with a Northeast (NE) Multispecies Category A, E or F permit; or fishing under a Monkfish DAS during the 2014 fishing year (May 1, 2014-April 30, 2015).

- If you have a limited access NE multispecies permit or a limited access NE multispecies permit **and** a limited access monkfish permit, you must fill out Section 1, Section 2, and Section 3.
- If you have a limited access monkfish permit only (and **no** limited access multispecies permit), you must fill out Section 2 and Section 3.

Section 1 - Limited access NE multispecies Category A, E or F permit holders who intend to use gillnet gear must declare into one of the following gillnet category designations by selecting one of the following two categories with a check mark: (please read the "Special Instructions to Gillnet Vessel Owners" if you do not know which category you should choose)

Trip Gillnet Category _____ or Day Gillnet Category _____

Section 2

All gillnet vessel owners must utilize BLUE gillnet tags. If you don't currently possess BLUE gillnet tags, you must purchase them. Please indicate how many tags that you wish to purchase by filling out the following information.

Number of tags requested _____. (Multispecies tags are limited to 150, Monkfish tags are limited to 160 for Category A and B vessels, 150 for Monkfish Category C, D, F, G, or H vessels with a limited access NE multispecies permit. **The BLUE gillnet tags cost \$1.20 each.** (NOTE: An additional shipping and handling charge of \$5.00 must be included for orders of 20 or less tags.) (NOTE: The total cost for 150 tags is \$180.00.)

Total amount enclosed \$ _____

Name and Address _____

Phone Number _____

Please make checks payable to **National Band and Tag Company** and complete Section 3 below.
Initial Tags will be shipped to you directly from the tag manufacturer

Section 3

Vessel Name _____
 Documentation # _____
 or State Registration # _____

Federal Permit # _____

Signature _____
 Date _____

Gillnet tags will be used to fish for:

Multispecies (circle) Yes No
 Monkfish (circle) Yes No

Please call the National Marine Fisheries Northeast Region Permit Office at (978) 282-8438 if you have any questions.

Return this form and payment to:
NMFS Permits Office, Gillnet Program
55 Great Republic Drive
Gloucester, MA 01930-2276

The information will be used in the management of the NE multispecies and monkfish fisheries. One of the regulatory steps taken by NOAA Fisheries to carry out the conservation and management objectives of these fishery management plans is limiting fishing vessel effort. The application to designate a gillnet category and order gillnet tags is meant to allow industry members to designate their appropriate gillnet category and order the appropriate number of gillnet tags in accordance with 50 CFR 648.4(c)(2)(iii) and 648.80(a)(3)(iv), 648.80(a)(4)(iv), 648.80(b)(2)(iv), and 648.80(b)(2)(v). Since this requirement has been adopted as part of the effort reduction programs under the NE Multispecies and Monkfish Fishery Management Plans (FMPs) it is viewed as consistent with the conservation goals of these FMPs.

BURDEN STATEMENT: Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: Regional Administrator, Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930-2276; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The information collected on this form is not confidential and can be made available to the general public.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a current valid OMB Control Number.

Mr. John K. Bullard, Regional Administrator



David T. Goethel

Comments on GOM interim action

December 3, 2014

My comments on the interim action for Gulf of Maine (GOM) cod are divided into four major sections, biological, logistical, economic and discrimination.

Biologically the action taken shows the clear lack of understanding of GOM cod distribution and points to many of the underlying problems in the last two stock assessments. Cod in the last 10 years have moved to the North and East and distributed themselves in much deeper water in response to warming water temperatures in the GOM. Despite being told by your own researchers, outside academic scientists and fishermen the service has steadfastly refused to thoroughly examine the underlying problems with its cod assessments. The result is reference points that are artificially high for the regime in existence, an insistence on clinging to unrealistic rebuilding targets that assume 37% annual growth in stock size to achieve rebuilding in ten years, and an unrealistically low spawning stock biomass compared to what fishermen are seeing on the water. Please reference National Standard One guidelines(50CFR 600.310). Relevant passages include (e)(1)(i)Definitions: MSY is the largest long-term average catch or yield that can be taken from a stock or stock complex under the PREVAILING ECOLOGICAL, ENVIRONMENTAL conditions... (emphasis added).Further section (e)(1)(iv) states MSY...should be re-estimated as required by changes in LONG TERM ENVIRONMENTAL OR ECOLOGICAL CONDITIONS... The MSY for a stock is influenced by its interactions with other stocks in its ecosystem and these INTERACTIONS MAY SHIFT as multiple stocks in an ecosystem are fished(emphasis added). Rather than the interim action, the service would have been much better served in dealing with the poor performance of its cod assessments. If the reference points and spawning stock biomass were correct there would be no need for the action.

The service further compounds its biological problems by closing areas based on data that is as much as forty years old and does not remotely resemble the current distribution of cod. Many areas closed contain little or no cod in the closure months while areas left open do contain fish. Thus you have pushed boats, that are capable of moving, into areas where they will likely encounter cod. See document dated October 16, 2014 sent to the Science and Statistics Committee by the council PDT appendix four to illustrate cod catch on observed trips. Closed areas have failed and will continue to fail because fish in temperate zone distribute based on bottom water temperature. The only closure that would be effective is a closure to the entire GOM combined with the Great South Channel and waters off Rhode Island. This is the full range of GOM cod. Either cod are in as bad a shape as the service says or they are not. If they are the entire region should close. If not there should be no closures except small, discreet areas to allow uninterrupted spawning.

Spawning closures are not based on habitat, but rather a behavior. The spawning grounds should be mapped and closed based on actual spawning behavior. They are not thirty minute squares. They are small discreet areas and thirty minute squares are overkill depriving fishermen of access to healthy stocks.

jc/jpl/pmf - 12/9/14

Finally, the service has apparently jettisoned the sector system in favor of a cod trip limit. The apparent rationale is, that since there are no cod, fishermen should not catch more than 200 pounds. This again shows a lack of knowledge of the results of the action. With so many areas closed people will catch more than 200 pounds of cod in open areas. This will result in loss of biological data, waste of fish, and further contribute to fishermen's complete distrust of the agency. Throwing back fish dead will not rebuild the stock. This increase in regulatory discards is inconsistent, and completely in opposition to, National Standard 9, both sections 301(a)(9) and 303(a)(11).

Logistically, the execution of the action was a complete disaster. Fishermen were not officially notified until after the closure was in place. People who had bought fish thinking they had six more months to catch them are now facing financial ruin because of this action. Changing the rules in the middle of the season with no warning is arbitrary and capricious. This is rule by fiat and does not rise to the level of an emergency as spelled out in Magnuson 305c. Further the action discriminated against dayboat mobile gear which was required to exit closed areas on November 13, while fixed gear was allowed to fish until November 27.

The economic consequences are the best analyzed part of the Environmental Assessment, but still suffer several deficiencies. Dayboats in the Western GOM are most severely affected. They are essentially shut down any time they can catch fish. The economic analysis recognizes this disproportionate impact but suggests boats will relocate to ports outside the GOM. This is untrue, both because of the high costs involved and because they do not have permits to fish for other species. Also the fact that closures invite fixed gear to take over the bottom is not analyzed. Removing mobile gear guarantees lobster traps will take over the bottom. When the area reopens those fishermen will not move their traps. This will further restrict and perhaps eliminate mobile gear from fishing or more probably result in huge gear conflicts producing both economic and perhaps physical harm to all involved. The issue of stranded fish is not addressed. As mentioned earlier, fishermen have to lease huge amounts of fish to actively fish. Because of the inshore closure those fishermen have no way to catch those fish. That fact was not analyzed. Finally the issue of the disproportionate impacts between small boats that cannot fish around the closures and large boats that can was not analyzed. To trip boats, the closures are an annoyance but do not stop them from fishing. Indeed, they may actually benefit from less fish being landed. The cod not caught in the closed areas of the GOM will be caught in the open areas offshore. The benefits to cod are nonexistent. The economic devastation is disproportionate to dayboats.

Finally, as a dayboat dragger from New Hampshire, I feel the action discriminates against both my state and my vessel size and gear type. As a resident of New Hampshire my state is disproportionately impacted. There are no closures in Eastern Maine, off Cape Cod or Rhode Island. These areas all have GOM cod but continue with fishing as usual. I had a skate bait business that came to an abrupt end in block 133 which was catching less than one cod per day. When the area reopens it will be impossible to fish because of lobster gear, so I will have to fish further offshore and target the 200 pounds of cod because that is all that is available. I cannot fish in the central GOM both because my winches do not hold enough wire and the boat is too small. Because I have mobile gear I had to leave the area on November 13. Fixed gear fished until November 27. The Yankee Coop may have to close because there are so many months New Hampshire fishermen cannot fish depriving me of the last wholesale fish

outlet in New Hampshire. In short, as am member of this community, I feel the action is punitive and violates National Standards, 2,4,8,9,and 10. Unless you have specifically analyzed the biological benefits of removing small dayboats and the state of New Hampshire from the fishery, I would suggest your Environmental Assessment is woefully inadequate and suggest you rescind the interim action at once.

Sincerely,

David T. Goethel

Owner/captain F/V Ellen Diane



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

December 2, 2014

Mr. John Bullard
Regional Administrator
Greater Atlantic Regional Fishery Office
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

At its November 17-20, 2014 meeting, the New England Fishery Management Council passed several motions requesting actions by the Greater Atlantic Regional Administrator. In response to the Interim Action on the Gulf of Maine Cod and Emergency Action of Gulf of Maine Haddock, dated November 13, 2014 (*79 Federal Register 67362* and *79 Federal Register 67360*, respectively), the Council provides these comments.

Interim Action on Gulf of Maine Cod

The Council passed two motions aimed at providing flexibility for the commercial groundfish fleet to access other stocks while under the Interim Action for GOM cod.

Motion: "in response to the interim action management measures for GOM cod, specifically the measure that restricts the number of gillnets in the day gillnet permit category, that the Council ask GARFO to allow vessels enrolled in the day gillnet category a one-time change to their permit category from the day-to the trip-gillnet category."

The motion carried (14/0/2).

Motion: "that a letter be sent to GARFO that GARFO analyze the possibility of taking away some unused ACE rather than have the 200 lb. trip limit."

The motion carried (10/5/1).

The first motion addresses the regulatory requirement that sink gillnet vessels declare into the day or trip gillnet category at the start of a fishing year. Vessels must remain in that category for the entire year. This interim rule removes a sector exemption that authorized when vessel owners made their selection for FY 2014. There is a precedent for allowing a change. In 2002 an interim rule for groundfish measures modified sink gillnet regulations and owners were provided the opportunity to change their gillnet designation.

The second motion addresses the concern that imposing a trip limit on the sector system will do little except increase discards of GOM cod. Analysis in the Environmental Assessment for the Interim Action shows that the trip limit is only expected to reduce GOM cod catches by about 20 metric tons. This motion encourages NMFS to use the sector system to accomplish the goals of the Interim Action by reducing ACE for GOM cod rather than by using a trip limit. The discussion at the Committee and Council suggested that sectors might choose to forego ACE in order to be exempt from the trip limit.

Emergency Action on Gulf of Maine Haddock

The Council requests a change to the revised FY 2014 ABC for GOM.

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The motion carried (14/0/1).

The *Federal Register* notice announcing the increased the GOM haddock ACL explained the revised ACL is based on a projection sensitivity analysis. This is not the projection method recommended by the SAW working group and adopted by the SARC review panel ("Given this, {the SAW} concluded that the projections based on the ASAP_final temp10 model should be used for management advice. The SARC agreed with this decision."¹). The Council's Scientific and Statistical Committee (SSC) explicitly rejected the sensitivity analysis as the basis for the 2015 ABC/ACL². The Council's motion asks NMFS to use the projection methodology recommended by three different scientific bodies as the basis for the emergency action.

Thank you for considering these requests of the Council. Please contact me if you have any questions.

Sincerely,



Thomas A. Nies
Executive Director

¹ 59th Northeast Regional Stock Assessment Workshop (59th SAW) Assessment Report. Northeast Fisheries Science Center Reference Document 14-09

² Scientific and Statistical Committee memorandum t to Tom Nies dated August 29, 2014



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

December 2, 2014

Mr. John Bullard
Regional Administrator
NMFS, Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Dr. William Karp
Science and Research Director
Northeast Fisheries Science Center
166 High Street
Woods Hole, MA 02543

Dear John and Bill:

I would like to inform you of a motion considered at our November Council meeting. After the discussion of management measures to protect Gulf of Maine cod, the following motion was offered:

Motion: that the Council requests that the NEFSC immediately initiate a benchmark assessment of all cod stocks. The terms of reference for this assessment will be set by the full NEFMC after consultation with the public.

The motion failed on a show of hands (2/14/0).

Because there is great concern over the status of the GOM cod stock, I would like to take a moment to explain the Council's decision.

A benchmark assessment conducted in 2011 first identified the stock's downward trend in status, a dramatic change from the optimistic results of the assessment in 2008. Following the 2011 assessment, the Council's Scientific and Statistical Committee (SSC) identified four topics that needed further investigation: stock structure (including spatial aspects), the change from MRFSS to MRIP recreational catch estimates, discard mortality rates, and the use of catch per unit effort (CPUE) information in the assessment. A second benchmark assessment conducted in 2012 considered three of these topics. That assessment confirmed that the stock was in poor condition and the Council approved restrictive quotas as a result.

This past summer, an unplanned assessment determined the stock is in even worse condition than indicated in 2012. This is the third assessment of this stock in the last four years, and two of the three were benchmarks. At the Council's request you implemented interim measures designed to protect the stock until the measures adopted by the Council last week can be reviewed and

implemented. Clearly, all of these measures will have serious consequences for many inshore fishermen. These adverse effects have led to calls for a new and immediate benchmark.

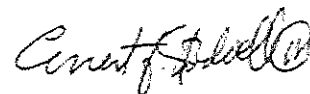
As noted earlier, the SSC identified stock structure as a topic in need of further investigation, and recommended a three-phase approach to this problem. Initial work began in 2012 but has not been completed. It is extremely important that such work move forward as quickly as possible so that the next benchmark can address the still outstanding questions on this issue. Further, other questions related to climate change, and also natural mortality and its impact on status determination criteria have been raised since the earlier benchmarks. As reflected in the Council vote cited above until the preparatory work is done to address these issues, it would not be a productive use of our limited assessment resources to perform benchmark assessments for the cod stocks.

We cannot leave these questions unresolved indefinitely. The SSC's recommendation in 2012 was to resolve the stock structure issue in time for the 2014 management cycle – that deadline has passed.

The assessment schedule is planned well in advance and balances the interests of two Councils and the Atlantic States Marine Fisheries Commission with the available resources. Changes to the schedule can have far-reaching management implications. We remain committed to the scheduling process coordinated by the Northeast Region Coordinating Committee. I intend to work within that group to plan the steps necessary to address the issues of stock structure, climate change, and natural mortality in time for a future cod benchmark. I ask you to support this effort.

We have been bedeviled by our inability to rebuild this stock. As a result, the industry is losing over \$40 million in revenues from GOM cod landings alone. Reaching that goal would make this stock the most valuable finfish in the Northeast Region. Surely realizing this potential is worthy of our best scientific and management efforts. I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Stockwell", with a stylized circular flourish at the end.

Terry Stockwell
NEFMC Chairman



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

December 2, 2014

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Regional Administrator
Greater Atlantic Regional Fishery Office
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

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Thank you for considering these requests of the Council. Please contact me if you have any questions.

Sincerely,



Thomas A. Nies
Executive Director

¹ 59th Northeast Regional Stock Assessment Workshop (59th SAW) Assessment Report. Northeast Fisheries Science Center Reference Document 14-09

² Scientific and Statistical Committee memorandum to Tom Nies dated August 29, 2014



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

November 14, 2014



Mr. Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Tom:

Thank you for your requests for information made at the recent September 30-October 2, 2014, meeting. You have asked us to support at least the same number of observed trips in the directed groundfish fishery in the Gulf of Maine in fishing year 2015 as in fishing year 2014; and have asked for an update on potential for Federal funding of both Northeast Fisheries Observer Program (NEFOP) and At-Sea Monitoring (ASM) programs in fishing year 2015.

At this point, both answers are contingent on our funding in fiscal year 2015, and we have yet to receive an approved budget from Congress. While we appreciate the difficulties caused by these uncertainties, we will be unable to make more definitive projections until the budget is resolved. At that point, we will plan to allocate funding and coverage under the Standardized Bycatch Reporting Omnibus Amendment protocols to determine the NEFOP program, and support the ASM program to the fullest extent possible given funding available to us.

We will keep you informed as additional information becomes available.

Sincerely,

William A. Karp, Ph.D.
Science and Research Director

cc: C. Moore
J. Bullard





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

November 14, 2014

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Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

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We will keep you informed as additional information becomes available.

Sincerely,

William A. Karp, Ph.D.
Science and Research Director

cc: C. Moore
J. Bullard

RECEIVED AT COUNCIL MEETING

11/17/14





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

NOV 18 2014



Thomas A Nies
Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Tom:

At its September meeting, the Council requested that we review the possibility of extending the rebuilding timeline for Gulf of Maine (GOM) cod beyond 10 years. We reviewed all of the available information and considered this issue carefully, and have determined that extending the rebuilding timeline beyond 10 years is not warranted at this time. The uncertainties in the available information, as noted by various technical bodies that have reviewed the assessment, do not represent a foregone conclusion that this stock, unequivocally, cannot rebuild by 2024. Further, as we have previously informed the Council, the new rebuilding program is only in its first year and the Council has ample time to develop and implement changes that will have a positive impact on stock rebuilding. In each year of the previous rebuilding program for GOM cod, fishing mortality exceeded the target rate, and will likely be double the target rate in 2014. Effectively controlling fishing mortality is a key first step in cod rebuilding efforts.

In your letter dated October 15, 2014, you indicated that rebuilding could only occur under one of the assessment models; however, this is not accurate. Only one of the projection scenarios associated with the M_{ramp} assessment model indicates that rebuilding is not possible if natural mortality does not return to 0.2 by 2016. The remaining projections indicate rebuilding is possible under appropriate $F_{rebuild}$ approaches. However, it is important to note the uncertainties around whether natural mortality has actually increased to 0.4, which were included in both the Council's Scientific and Statistical Committee's (SSC) final report dated November 4, 2014, and the 55th Stock Assessment Review Committee Summary Report. If natural mortality has increased to 0.4, there is uncertainty around when, and if, it would return to 0.2. From the Groundfish Plan Development Team's (PDT) analysis that you referenced in your letter, the PDT noted that the projection from the M_{ramp} model that indicated rebuilding will not occur was not credible because its assumptions are not consistent with the existing reference points.

To this point, the Council recently requested that its SSC provide advice on appropriate reference points for the M_{ramp} model with a natural mortality rate of 0.4 continuing indefinitely. The SSC's final report notes that it was not able to reach consensus on this issue. The SSC discussed the plausibility of various scenarios, but ultimately indicated that no significant deviation from the assumptions made in the most recent benchmark assessment would be appropriate. Further, the peer review panel of the 2014 Assessment Update did consider alternative approaches to reference points that assume natural mortality will remain 0.4, but the reviewers did not accept




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these alternative approaches. As a result, for the purpose of catch advice and rebuilding timelines, the current biological reference points are based on a natural mortality rate of 0.2.

The National Standard 1 guidelines specify that T_{min} , or the amount of time required to rebuild in the absence of any fishing mortality, is the basis for determining a rebuilding period consistent with Magnuson-Stevens Act requirements. Only when T_{min} is greater than 10 years can a rebuilding period exceed the maximum 10 years allowed. Last year, when developing the new rebuilding program for GOM cod, the Council determined T_{min} for GOM cod was 6 years, as noted in Framework 51, based on the available projections. As a result, the maximum rebuilding period for GOM cod was determined to be 10 years.

This stock has been assessed three times in the last 4 years, and the downward trend of GOM cod has been evident in each of these assessments. The most recent 2014 Assessment Update provides the Council with a unique opportunity, in the first year of the new rebuilding program, to make appropriate adjustments to management measures that will have a positive impact on stock rebuilding. Controlling fishing mortality must occur to help promote stock growth. Another step is to implement measures that will help protect the remaining spawning aggregations of cod to increase the chances of improved recruitment. This is the second 10-year rebuilding program for GOM cod, and past performance should be considered carefully when adopting measures for the 2015 fishing year. Uncertainties should not be used as leverage for the highest risk option.

Sincerely,


for John K. Bullard
Regional Administrator