#16

CORRESPONDENCE

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*

March 16, 2015

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

RE: Resubmission of Formal Submission of Framework 53 to the Northeast Multispecies (Groundfish) Fishery Management Plan

Dear John:

Today, my staff electronically sent a resubmission of the Environmental Assessment for Framework Adjustment 53 to the Northeast Multispecies (Groundfish) Fishery Management Plan to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fisheries Office.

After reviewing the comments received by my staff on March 16, 2015 on the formal submission sent on February 20, 2015, the framework document has been updated to incorporate all changes requested. Additionally, minor typos were corrected and a few missing citations added in the Literature Cited section.

Please contact me if you have questions.

Sincerely,

Christopher Kellogg
Deputy Executive Director

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

MAR 16 2015

RECEIVED
MAR 16 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Comments on Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan

Dear Tom:

The Council formally submitted a draft of Framework 53 on February 20, 2015. All of the comments that we provided on the preliminary submission in our February 6, 2015, letter were addressed in the formal submission. As you may know, following formal submission of a document, NOAA's Office of Program Planning and Integration (PPI) reviews the document to ensure it is compliant with National Environmental Policy Act requirements. PPI recently completed its review, and attached are comments that need to be addressed to ensure the document is consistent with applicable law.

Our staffs have already discussed the attached comments, and have coordinated on how to best incorporate the necessary changes. If you have additional questions on the comments provided, or on the review of Framework 53, please contact Sarah Heil at (978) 281-9257. We appreciate your quick turnaround of this document, given the compressed timeline for this action.

Sincerely,

for John K. Bullard
Regional Administrator

Attachment

jc/jp 5/19/15

Framework Adjustment 53
Formal Submission Comments

Section	Page	Comment
General Comment	-	• Label the preferred alternatives in the description of alternatives, environmental consequences, and executive summary sections.
1.0 Executive Summary–Summary of Environmental Consequences	5	• Re-word the fourth sentence in the first paragraph to remove the term "most significant" as a descriptor of the impacts. We believe that there are no significant impacts to the human environment from this action that would require the development of an environmental impact statement. Stating that impacts from some measures are "more significant" than others conflicts with this determination.
	5	• In the summary of the biological impacts, use "substantial" rather than "significant" to describe the reduction to the Gulf of Maine cod catch limit. Although a "significant reduction" may not necessarily equate to a "significant impact," the language should be revised to not imply that this is the case.
1.0 Executive Summary–Impacts of Alternatives to the Proposed Action	7	• Re-word the first sentence to remove the term "most significant" as a descriptor of the impacts. The rationale for this change is the same provided above.
8.2.2 National Environmental Policy Act–Finding of No Significant Impact	321	• Remove the last paragraph of question #7. This paragraph goes beyond what is necessary to respond to this question.
	321	• In the second paragraph of question #8, add the following sentence (in bold) to summarize the overall effects. "Under either model, overfishing is occurring and the stock is overfished. **Therefore, the effects on the quality of the human environment are not likely to be highly controversial...**"

Received via email on Mar 1, 2015, "Jim Ford- F%2FV Lisa Ann II"

John, Council,
I would like to oppose changing the emergency action on the basis that all of us inshore fishermen have taken a very hard hit this winter. I have been lucky to have been able to go state waters scalloping which I do not want to do at all !!!! We were pretty much put out of business this winter when the emergency action that took place. The cod are everywhere not just inshore G.O.M and apparently off Rhode Island and all over offshore. I am not trying to make it harder on the offshore vessels, but they keep saying they don't depend on cod like I always have inshore. Until they figure out where all these stock boundarys are they should consider it one stock. The hauling back on whatever side you have quota for Georges/ G.O.M will continue if you allow it. I am completely overwhelmed with disappointment the way things are going into the new fishing year. I myself am looking at ground fishing May to July and thats it !! I normally fish year round. I really do not know what we can do besides go whiting fishing for a little while? That leaves me September thru December 15 th when state waters open up to go scalloping again. That's a long vacation I can't afford!!! I also cannot afford to pay at sea monitors which is a absolute waste of money.
Carl Bouchard just sent in a letter and probably put it better than I did, I agree with him 100 percent.

Thanks,
Jim Ford

F/V Lisa Ann III
Lisa Ann II
Starcraft II
Star
Starcraft
Starcraft III

jc/jp 3/3/15

From: Claire Fitz-Gerald
Sent: Tuesday, March 17, 2015 6:20 PM
To: John Bullard; Michael Pentony
Cc: Bill Karp; Tom Nies; John Pappalardo; Jim Nash
Subject: Meeting Request Re: ELM Gillnet Fleet

Dear John,

I am writing to raise an issue concerning observer coverage for the extra-large mesh (ELM) gillnet fleet on Cape Cod. This fleet consists of sixteen small, day-boat vessels that target skates and monkfish using 10- to 12-inch tie-down gear. **To date in Fishing Year (FY) 2014, the agency has spent an estimated $406,800 deploying observers on 339 ELM gillnet trips for these vessels. Observer data for these trips documents a total of 606 pounds of groundfish catch with ELM gillnet gear.**

The level of observer coverage assigned to this fleet is excessive given its low levels of groundfish bycatch. Although we have raised this issue with NOAA in the past, the agency has not addressed it and, consequently, this fleet experiences the same level of coverage as vessels that are targeting and landing groundfish.

This inability to distinguish between groundfish vessels and vessels participating in other fisheries is indicative of the inefficiency of the current observer program. Deploying observers on vessels catching ~2 pounds of groundfish per trip when Gulf of Maine Cod is at 2% of its spawning biomass is a misallocation of the agency's limited monitoring funds; this is particularly true in light of NOAA's recent announcement that it cannot pay for monitoring in FY2015. Like many fleets in New England, this fleet cannot afford to bear the cost of monitoring- the transition to an industry-funded observer program will put them out of business.

There is a need to revisit the current one-size-fits-all approach to observer coverage and develop a more efficient program that recognizes monitoring needs for different fisheries. In the process, the agency can minimize the wasteful use of observers on boats that do not catch groundfish and free up funds to support the vessels that do.

I am requesting a meeting in the near future to discuss this issue and possible solutions. It would be great to have you down to Chatham, but if it's easier, I can come to Gloucester with ELM gillnet fishermen. Please let me know your availability so we can get something on the books. I look forward to hearing from you.

Thank you,

Claire Fitz-Gerald

GB Cod Fixed Gear Sector Manager
Cape Cod Commercial Fishermen's Alliance
1566 Main Street, Chatham, MA 02633
(508) 945-2432 x108 – Fax: (508) 945-0981

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*

March 16, 2015

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

RE: Resubmission of Formal Submission of Framework 53 to the Northeast Multispecies (Groundfish) Fishery Management Plan

Dear John:

Today, my staff electronically sent a resubmission of the Environmental Assessment for Framework Adjustment 53 to the Northeast Multispecies (Groundfish) Fishery Management Plan to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fisheries Office.

After reviewing the comments received by my staff on March 16, 2015 on the formal submission sent on February 20, 2015, the framework document has been updated to incorporate all changes requested. Additionally, minor typos were corrected and a few missing citations added in the Literature Cited section.

Please contact me if you have questions.

Sincerely,

Christopher Kellogg
Deputy Executive Director

Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281 – 9315

www.greateratlantic.fisheries.noaa.gov/
Date Issued: 2/27/2015

GROUNDFISH FISHERMEN

Small Mesh Area 1 and 2 Exemption Areas
Exempted from GOM Cod Seasonal Interim Closure Areas
Effective Date: February 26, 2015 through May 12, 2015

We inadvertently left the Small Mesh Area 1 and 2 Exemption Areas out of the list of areas exempted from the Gulf of Maine Cod Seasonal Interim Closure Areas. We published a rule correcting this oversight. Specifically, vessels fishing a raised footrope trawl can fish in the Small Mesh Area 1 and 2 Exemption Areas with small mesh nets, when these exemption areas overlap with the Gulf of Maine Cod seasonal interim closure areas. Vessels can now fish with small mesh nets with raised footrope trawls in the Small Mesh Area 2 Exemption Area in March and April, and, if the interim rule is extended another six months beyond May 12, in the Small Mesh Area 1 Exemption Area July 15 through November 15.

Additional information on this correction can be found online at
http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/index.html

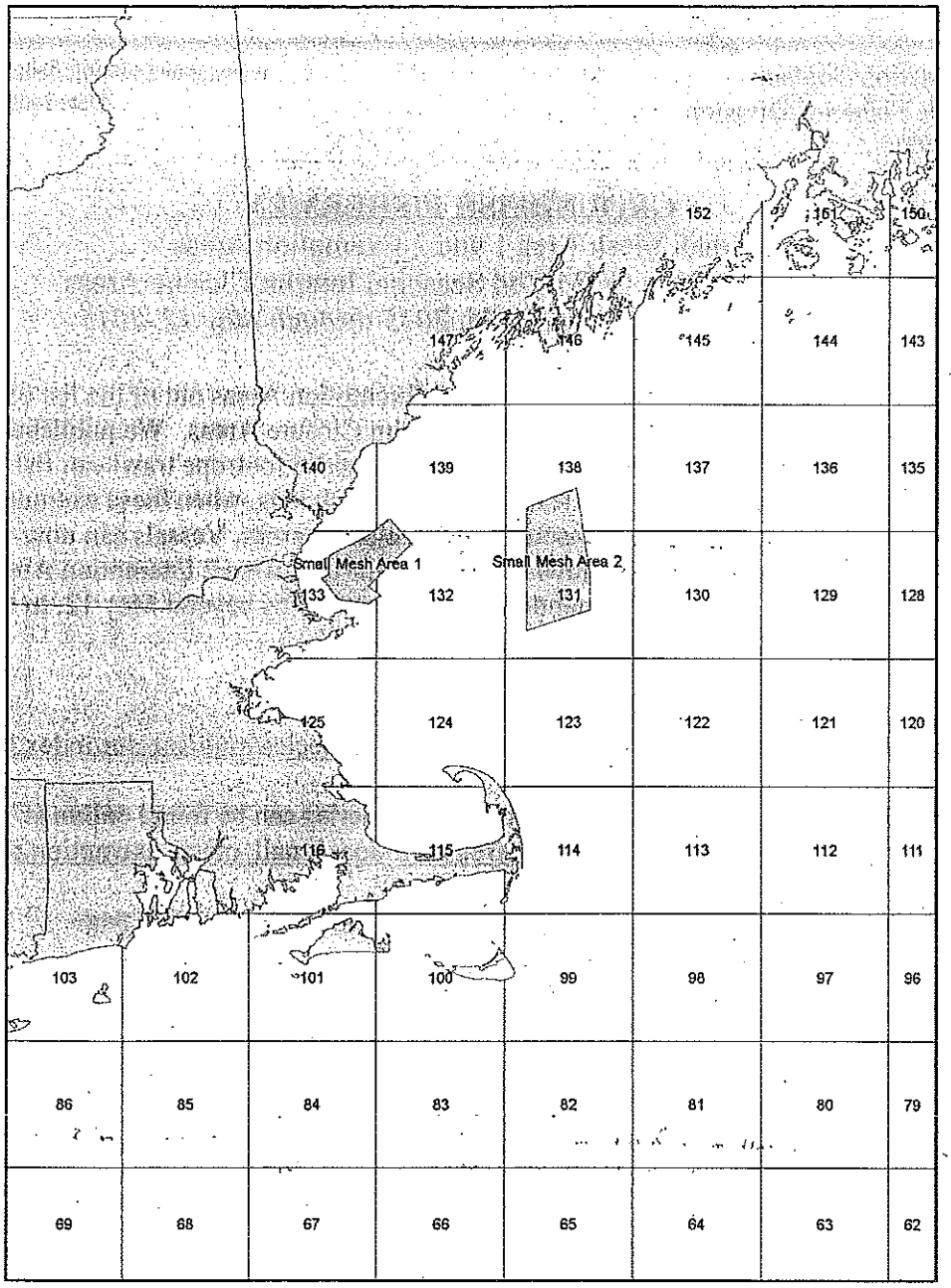
Additional information on the small mesh exempted fisheries can be found online at
http://www.greateratlantic.fisheries.noaa.gov/regs/infodocs/small_mesh_exemption.pdf

A map of Small Mesh Area 1 and 2 Exemption Areas is on the back of this page.

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.

jc/jp - 3/3/15

Small Mesh Area I and II Exemption Areas



(3)

Commonwealth of Massachusetts

Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, Massachusetts 02114
(617)626-1520
fax (617)626-1509

Paul J. Diodati
Director

February 27, 2015

Mr. John K. Bullard
Regional Administrator
National Marine Fisheries Service
Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

We offer the following comments and support for granting the Gulf of Maine cod sector exemption request even though we have some misgivings and find your proposal to grant the exemptions somewhat counterintuitive and contrary to your previous reasoning as to why the 200-pound GOM cod trip limit was appropriate.

The trip limit issue continues to strike to the heart of our collective schizophrenic attitudes towards catch limits. For example, in the interim rule you make a convincing case for a 200-pound limit: *"Without a trip limit there would be a possibility that if GOM cod occurred in any concentrations not expected, then catch reduction objectives from closed areas would be compromised."* Also, *"...Overall, even if discards of GOM cod on individual trips increase somewhat as a result of this trip limit the overall reduction of fishing mortality of this stock should be greater than if no trip limit was in place."* And, *"...Trip limits are an essential component to mitigating these uncertainties [several uncertainties about how effort may shift in response to the closed areas and what GOM cod catch rates may be in the remaining open areas] while attempting to ensure the overarching objectives for GOM cod are not compromised if effort and catches would otherwise be high in open areas."* The pièce de résistance appeared to be your concluding remark: *"...We expect trip limits to effectively dissuade targeting behavior, even with concerns about discards and monitoring. However, our message is clear: Avoid cod, if at all possible."* So, why now no limit? What has changed? At the Council meeting you and your staff admitted that you didn't know how to grant their request.

The question continues to be: Can commercial fishermen avoid cod? This question has very special significance with May 1 fast approaching and the GOM catch limit plummeting from 1,550 mt to 386 mt. There will be no ban on GOM cod possession come May 1 (FW 53 ban option rejected by Council); therefore, it will be paramount for sectors to judiciously catch

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whatever GOM cod has been allocated; e.g., 336,400 pounds reduced to 86,800 pounds for Sector 2 and 356,500 pounds reduced to 92,000 pounds for Sustainable Harvest Sector 1. With many fishermen claiming GOM cod have moved to more offshore ledges and environs with a wide range of cod of all sizes (ages), unless this "abundance" of cod is in areas and at times to be closed come May 1 and afterwards, commercial fishermen being able to avoid cod is a must. So, "Can commercial fishermen avoid cod."

Apparently, fishermen will have difficulty avoiding cod as suggested in your "request for comments" in which you say *"...Removing the trip limit, as requested by the sectors, would provide a clear limit on overall catch of GOM cod and should* <u>*minimize regulatory discarding*</u> *(emphasis added)..."* It's unclear to us why allowing sector fishermen to target cod (i.e., no trip limit) will "minimize regulatory discarding." A better explanation should have been provided. Remember your own Interim Rule words: *"We expect trip limits to effectively dissuade targeting behavior, even with concerns about discards and monitoring."*

Our concern about targeting would be greater if not for your steps to protect spawning cod (and reduce fishing mortality) through the Interim Action. Specifically, you've closed April (top half block 124, 125, and 132-133) and May (same, but with addition of 139-140). These are areas when and where cod have spawning activity/behavior. Your Interim Rule provides a very good and complete explanation as to why these areas/times are important. However, please consider that if FW 53 is not in place by May 1 and you extend the Interim Rule for some period of time without a trip limit, we all run the risk of having spawning aggregations subject to targeting by sectors and other fishermen. With the Interim Rule all of block 125 is open in June; therefore, those spring-spawning cod will be vulnerable.

Notwithstanding the above requests for explanation and clarification, <u>we do support the sectors' request for no limit.</u> In fact, your "notice for comments" cites an almost irrefutable reason for granting their request. You state that the Interim Rule EA *"estimated that implementing the 200-lb trip limit would likely reduce GOM cod mortality by 20 mt."* The sectors offer 30 mt of uncaught GOM cod. Seems like an offer no one can refuse even though you noted: *"Economic modeling and simulations included in the EA suggest that there is a substantial amount of uncertainty regarding the 20 mt estimated mortality reduction."* Perhaps if the sectors' request is granted, NMFS will be able to test the model's assumptions and your simulations. There's no sense using this approach in the future if data from monitoring the fishery contradicts model & simulation predictions.

Back in December the Gloucester Fishing Community Preservation Fund (within Sector 4) made an interesting argument for no limit, and in February 6 correspondence made a specific, revised request for a "conservation offset" the Service seems to have accepted in light of the tone and tenor of your request for comments. Perhaps you should directly address an important and strange part of their request in which they say: *"If deemed necessary or desirable [by whom?], the NEFS 4 Board of Directors will grant authority to the Agency to monitor, restrict, and/or enforce..."* We suggest you clarify that you *do not need* their permission. Sector fishermen have been granted privileges (PSCs & subsequent ACEs) that can be revoked by the Council and NMFS without their "permission" and despite their objections (after a public process).

Regarding the other part of the sectors' request (i.e., if declared into the GOM, then no fishing on that trip on Georges Bank or elsewhere), we agree with your emphasis on accurate catch-location reporting and monitoring. As you suggest, requiring daily vessel monitoring

system (VMS) catch reports when vessels fishing outside the GOM on the same trip should "help ensure that catch is properly accounted for." We support the sectors' request.

However, because you emphasize your action will reduce regulatory discarding (i.e., no 200-pound limit), we must ask you to explain how you reached this conclusion when in the Interim Rule you stated: *"Approximately 25% of sector trips are subject to at-sea monitoring or observation. The remaining 75% of GOM sector trips are not monitored at sea. Very few fishermen report discards on their Vessel Trip Reports (our emphasis)..."* We appreciate why many fishermen don't accurately report cod discards (or any discards) because self-reporting of discards reduces their sector's ACE thereby putting the entire sector at risk to a complete closure for the balance of the fishing year. Therefore, with sectors voluntarily reducing their ACE s (not using 30 mt) this fishing year, can it be argued that less ACE likely will increase discards especially if fishermen are correct about the GOM cod assessment seriously underestimating cod abundance and availability to fishermen?

We do have one objection. We do not support your intent to grant "minor sector exemption modifications without further notice..." What constitutes "minor" is not adequately explained.

In the sectors' request it states: *"Each of these sectors contributed materially to this effort to reduce the available 2014 GOM cod ACE through the methods described...The undersigned sectors continue to support all three of these modifications [remove March closures included] that would have resulted in a total of 60 metric tons in conservation offset through ACE use restrictions within NEFS 4."* The sectors cite 60 mt as an offset, but offer 30 mt as a minimum, and NMFS appears to have agreed with the 30 mt. Considering the "substantial uncertainty" in the economic model/simulations and most fishermen not reporting discards on their VTRs, why hasn't NMFS considered the actual sector offset of 60 mt? Your decision needs further explanation along with details about how much each sector has contributed to the voluntary "hold back."

We ask for one more clarification regarding our last point (details). The sectors' request includes the Sustainable Harvest Sector 1 as a signatory. We assume the SHS1 has contributed to the 30 mt and moved that tonnage in an inter-sector way. How much was transferred? As an example, if one sector "holds back" 5 mt and another sector offers 20 mt, should both sectors get the exemption?

Finally, we note a curiosity and wonder if this exemption is precedent setting and/or contrary to earlier concerns/stance expressed by sectors themselves. During Amendment 18 debate (over a few years) serious concern was expressed about very conservation-minded organizations or groups buying permits and acquiring MRIs with the intent to put the allocations "on the shelf," not to use them.

Some in the industry said this approach would work against attaining optimum yield by denying the industry allowable catch. Now we find sectors proposing to do the same, but for different and understandable reasons, i.e., no trip limit and no BSA restriction. What does this portend for the future and how we handle ACEs? Are ACEs to be used as future bargaining chips and under what circumstances? NMFS should give this some serious thought, as should the Council.

We appreciate your willingness to reconsider your Interim Rule action. You've shown flexibility and open-mindedness. As noted above, we support your actions (one exception). We

only ask for some clarifications and additional information so misunderstandings don't occur, and we can better appreciate the implications of your granting the sectors' request.

Sincerely yours,

David Pierce, Ph.D.
Deputy Director

cc
Michael Petony
Michael Ruccio
William Whitmore
Paul Diodati
George N. Peterson, Jr.
Mary-Lee King
Melanie Griffin
Terry Stockwell
Thomas Nies
Vito Giacalone
Jackie Odell

PS – Pop dy gets chastised for single species model, bt we hear that the law willnot allow us to yus multispecies management? Will we have flexibility in the law to addess these types of thing (Rick)?
RM – didn't see any legal impediments. Might be challenging to adapt the structures we have built over the last decades. But we need to get better at adapting to regime shifts and that probably will be incremental. Have to get better at forecasting but at a minimum we have to be prepared to be adaptable, that will raise the questions of looking at multiple Fs reates but that doesn't mean it can't work.

Cadrin – are proxies like F40% still valid because they are not based on changes in life histories,

John Hare

- Lobster and Silver Hake – increase in north; decrease in south
- Atlantic Menhaden – increase in north
- Yellowtail Flounder – increase in north, decrease in south
- Southern species in northern areas – Black Sea Bass, Great White Sharks

From 1957

There was an increase in temp by about 2 degrees. There is a multi-decadal temperature Atlantic. The paper was written in 1957 just as the temp was cooling. In 1990s, Muraswki looked at changes in distribution for changes in temp. 12 / 36 species changes, Species respond differently and there are seasonal changes.

Janet Nye found 24 / 36 species distributions changed, most northward. A lot of in
Trend related to the AMO,
JH believes we need to focus on climate

Cod preying on herring and sand lance has resulted in a shift in the distribution of cod. N cod ollapse aprtly related to changing environment.

Dynamic downscaling is regionally specific
An alt is si

(3)

February 21, 2015

John K Bullard, Regional Administrator
NMFS , NE Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Bullard:

I am writing to oppose the proposed sector exemption that would allow trading 30 metric ton of uncaught Gulf of Maine Cod for the removal of the 200 lb trip limit and the ability to fish both Gulf of Maine and Georges Bank on the same trip.

1. This, I feel, is very discriminatory to the inshore fleet since it would not allow fishing in blocks 132, 133 and the northern half of 124 during the month of March, and these blocks are where the inshore fleet makes its living at this time of the year. For years the inshore fleet has suffered with the rolling closures and continue to do so even though recent surveys show GOM cod further offshore.
Cod are no longer truncated in the near shore western Gulf of Maine but the inshore fleet continues to pay with these closures.
The month of February 2015 the weather has been so severe that inshore boats have been unable to fish. The few days the wind has not been blowing a gale NH boats and many others were frozen to moorings and docks by as much as a foot of ice. Effectively, inshore boats got shut down from Nov 13, 2014 through May 1, 2015 and the offshore fleet goes back to business as usual.

2. As far as I am concerned a cod is a cod and a haddock is a haddock, no matter where it is caught.
At the recent January 2015 council meeting in Portsmouth NH I stated on record that I opposed the emergency interim action for many reasons. However the one single good thing to come out of it was accurate accounting of where cod and haddock are caught.
Tagging studies and DNA analysis have proven large cod migration patterns from Gulf of Maine to Great South Channel and southern New England, Cox Ledge etc. Therefore, as long as these stocks are allocated the way they are and until stock boundaries are addressed or removed this is the only way to account accurately. Fishermen know where and when they catch fish, a 6-hour tow across a boundary line and writing something on a VTR, even with an observer on board, is not accurate reporting.

jc/jp -2/25/15

3. This is not an option but mine would have been to remove the cod trip limit, restore fishing in March, blocks 132,133 and 124 in exchange for the 30 metric ton of cod. Leave the broad stock areas separated because that is the only way we can match reporting to the allocation system we have in place. This would benefit inshore boats, offshore boats and the fish by reducing discards. Something for all, even the fish.

So, again I say No to this exemption.

Thank you

Carl E. Bouchard

Carl E. Bouchard
PO Box 219
Exeter, NH 03833

F/V Stormy Weather
F/V Stormy Weather I
F/V Monihoni
F/V Little Storm

CC: NEFMC

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*

February 25, 2015

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

Dear John:

In accordance with provisions of the Magnuson-Stevens Act, I have reviewed the draft regulatory text for Framework Adjustment 53 to the Northeast Multispecies FMP in order to deem whether it is consistent with the framework text and the Council's intent. The review is based on the draft regulatory text provided to the Council on February 3, 2015, further modified through discussions between our staffs. I have concluded that the agreed upon revised draft regulatory text implementing Framework 53 measures is consistent with the Council intent. I am not commenting on the regulation corrections that were provided in the same correspondence.

Please feel free to call me with any concerns.

Sincerely,

Terry Stockwell
Chairman

Enclosure (1)

Framework 53 Proposed Regulations

1. In § 648.2, revise the definition for "Gillnet gear capable of catching multispecies" to read as follows:

§ 648.2 Definitions.

* * * * *

Gillnet gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at § 648.81(f)(5)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.

2. In § 648.14, revise paragraphs (k)(6)(i)(E), (k)(7)(i)(A) and (B), and (k)(16)(iii)(A) and (B) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) * * *

(6) * * *

(i) * * *

(E) Use, set, haul back, fish with, possess on board a vessel, unless stowed and not available for immediate use as defined in § 648.2, or fail to remove, sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(5)(ii)), in the areas and for the times specified in § 648.80(g)(6)(i) and (ii), except as provided in § 648.80(g)(6)(i) and (ii), and § 648.81(f)(5)(ii), or unless otherwise authorized in writing by the Regional Administrator.

* * * * *

(7) * * *

(i) * * *

(A) Enter, be on a fishing vessel in, or fail to remove gear from the EEZ portion of the areas described in § 648.81(d)(1), (e)(1), (f)(4), and (g)(1), except as provided in § 648.81(d)(2), (e)(2), (f)(5), (g)(2), and (i).

(B) Fish for, harvest, possess, or land regulated species in or from the closed areas specified in § 648.81(a) through (f) and (n), unless otherwise specified in § 648.81(c)(2)(iii), (f)(5)(i), (f)(5)(iv), (f)(5)(viii) and (ix), (i), (n)(2)(i), or as authorized under § 648.85.

* * * * *

(16) * * *:

(iii) * * *

(A) Fail to comply with the applicable restrictions if transiting the GOM Regulated Mesh Area with cod on board that was caught outside the GOM Regulated Mesh Area.

(B) Fail to comply with the requirements specified in § 648.81(f)(5)(v) when fishing in the areas described in § 648.81(d)(1), (e)(1), and (f)(4) during the time periods specified.

* * * * *

3. In § 648.80, revise paragraphs (g)(6)(i) and (ii) to read as follows:

§ 648.80 NE multispecies regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(g) * * *

(6) * * *

(i) *Requirements for gillnet gear capable of catching NE multispecies to reduce harbor porpoise takes.* In addition to the requirements for gillnet fishing identified in this section, all persons owning or operating vessels in the EEZ that fish with sink gillnet gear and other gillnet

gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(5)(ii)), must comply with the applicable provisions of the Harbor Porpoise Take Reduction Plan found in §229.33 of this title.

(ii) *Requirements for gillnet gear capable of catching NE multispecies to prevent large whale takes.* In addition to the requirements for gillnet fishing identified in this section, all persons owning or operating vessels in the EEZ that fish with sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(5)(ii)), must comply with the applicable provisions of the Atlantic Large Whale Take Reduction Plan found in §229.32 of this title.

* * * * *

4. In § 648.81, revise paragraphs (d)(2), (e)(2), (f), (g)(2)(i), and (i) to read as follows:

§ 648.81 NE multispecies closed areas and measures to protect EFH.

* * * * *

(d) * * *

(2) Unless otherwise restricted under the EFH Closure(s) specified in paragraph (h) of this section, paragraph (d)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraphs (f)(5)(ii) through (v) of this section.

* * * * *

(e) * * *

(2) Unless otherwise restricted under paragraph (h) of this section, paragraph (e)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraphs (f)(5)(ii) through (v) of this section consistent with the requirements specified under § 648.80(a)(5).

* * * * *

(f) *GOM Cod Protection Closures.* (1) Unless otherwise allowed in this part, no fishing vessel or person on a fishing vessel may enter, fish in, or be in; and no fishing gear capable of catching NE multispecies may be in, or on board a vessel in GOM Cod Protection Closures I through V as described, and during the times specified, in paragraphs (4)(i) through (v) of this section.

(2) Any vessel subject to a GOM Cod Protection Closure may transit the area provided it complies with the requirements specified in paragraph (i) of this section.

(3) The New England Fishery Management Council shall review the GOM Cod Protection Closures Areas specified in this section when the spawning stock biomass for GOM cod reaches the minimum biomass threshold specified for the stock (50 percent of SSB_{MSY}).

(4) *GOM Cod Protection Closure Areas.* Charts depicting these areas are available from the Regional Administrator upon request.

(i) *GOM Cod Protection Closure I.* From May 1 through May 31, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure I, which is the area bounded by the following coordinates connected in the order stated by straight lines:

GOM COD PROTECTION CLOSURE I

[May 1-May 31]

Point	N. latitude	W. longitude
CPCI 1	43°30'N	([1])
CPCI 2	43°30'N	69°30'W
CPCI 3	43°00'N	69°30'W
CPCI 4	43°00'N	70°00'W
CPCI 5	42°30'N	70°00'W
CPCI 6	42°30'N	70°30'W

CPCI 7	42°20'N	70°30'W
CPCI 8	42°20'N	([2]) ([3])
CPCI 1	43°30'N	([1]) ([3])

[1] The intersection of 43°30'N latitude and the coastline of Maine

[2] The intersection of 42°20'N latitude and the coastline of Massachusetts

[3] From Point 8 back to Point 1 following the coastline of the United States

(ii) *GOM Cod Protection Closure II.* From June 1 through June 30, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure II, which is the area bounded by the following coordinates connected in the order stated by straight lines:

GOM COD PROTECTION CLOSURE II

[June 1-June 30]

Point	N. latitude	W. longitude
CPCII 1	([1])	69°30'W
CPCII 2	43°30'N	69°30'W
CPCII 3	43°30'N	70°00'W
CPCII 4	42°30'N	70°00'W
CPCII 5	42°30'N	70°30'W
CPCII 6	42°20'N	70°30'W
CPCII 7	42°20'N	([2]) ([3])
CPCII 8	42°30'N	([4]) ([3])
CPCII 9	42°30'N	70°30'W
CPCII 10	43°00'N	70°30'W
CPCII 11	43°00'N	([5]) ([6])
CPCII 1	([1])	69°30'W ([6])

[1] The intersection of 69°30'W longitude and the coastline of Maine
[2] The intersection of 42°20'N latitude and the coastline of Massachusetts
[3] From Point 7 to Point 8 following the coastline of Massachusetts
[4] The intersection of 42°30'N latitude and the coastline of Massachusetts
[5] The intersection of 43°00'N latitude and the coastline of New Hampshire
[6] From Point 11 back to Point 1 following the coastlines of New Hampshire and Maine

(iii) *GOM Cod Protection Closure III.* From November 1 through January 31, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure III, which is the area bounded by the following coordinates connected in the order stated by straight lines:

GOM COD PROTECTION CLOSURE III

[November 1-January 31]

Point	N. latitude	W. longitude
CPCIII 1	42°30'N	(1)
CPCIII 2	42°30'N	70°30'W
CPCIII 3	42°15'N	70°30'W
CPCIII 4	42°15'N	70°24'W
CPCIII 5	42°00'N	70°24'W
CPCIII 6	42°00'N	(2) (3)
CPCIII 1	42°30'N	(1) (3)

(1) The intersection of 42°30'N latitude and the Massachusetts coastline
(2) The intersection of 42°00'N latitude and the mainland Massachusetts coastline at Kingston, MA
(3) From Point 6 back to Point 1 following the coastline of Massachusetts

(iv) *GOM Cod Protection Closure IV.* From October 1 through October 31, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure IV, which is the area bounded by the following coordinates connected in the order stated by straight lines:

GOM COD PROTECTION CLOSURE IV

[October 1-October 31]

Point	N. latitude	W. longitude
CPCIV 1	42°30'N	(1)
CPCIV 2	42°30'N	70°00'W
CPCIV 3	42°00'N	70°00'W
CPCIV 4	42°00'N	(2) (3)
CPCIV 1	42°30'N	(1) (3)

(1) The intersection of 42°30'N latitude and the Massachusetts coastline
(2) The intersection of 42°00'N latitude and the mainland Massachusetts coastline at Kingston, MA
(3) From Point 4 back to Point 1 following the coastline of Massachusetts

(v) *GOM Cod Protection Closure V.* From March 1 through March 31, the restrictions specified in paragraphs (f)(1) and (2) of this section GOM Cod Protection Closure V, which is the area bounded by the following coordinates connected in the order stated by straight lines:

GOM COD PROTECTION CLOSURE V

[March 1- March 31]

Point	N. latitude	W. longitude
CPCV 1	42°30'N	70°00'W
CPCV 2	42°30'N	68°30'W
CPCV 3	42°00'N	68°30'W
CPCV 4	42°00'N	70°00'W
CPCV 1	42°30'N	70°00'W

(5) The GOM Cod Protection Closures specified in this section do not apply to persons aboard fishing vessels or fishing vessels that meet any of the following criteria:

(i) That have not been issued a multispecies permit and that are fishing exclusively in state waters;

(ii) That are fishing with or using exempted gear as defined under this part, except for pelagic gillnet gear capable of catching NE multispecies, unless fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided that:

(A) The net is attached to the boat and fished in the upper two-thirds of the water column;

(B) The net is marked with the owner's name and vessel identification number;

(C) There is no retention of regulated species; and

(D) There is no other gear on board capable of catching NE multispecies;

(iii) That are fishing in the Midwater Trawl Gear Exempted Fishery as specified in § 648.80(d);

(iv) That are fishing in the Purse Seine Gear Exempted Fishery as specified in § 648.80(e);(v) That are fishing under charter/party or recreational regulations specified in § 648.89, provided that:

(A) For vessels fishing under charter/party regulations in a GOM Cod Protection Closure described under paragraph (f)(4) of this section, it has on board a letter of authorization issued by the Regional Administrator, which is valid from the date of enrollment through the duration of the closure or 3 months duration, whichever is greater; for vessels fishing under charter/party regulations in the Cashes Ledge Closure Area or Western GOM Area Closure, as described under paragraph (d) and (e) of this section, respectively, it has on board a letter of authorization issued by the Regional Administrator, which is valid from the date of enrollment until the end of the fishing year;

(B) Fish species managed by the NEFMC or MAFMC that are harvested or possessed by the vessel, are not sold or intended for trade, barter or sale, regardless of where the fish are caught;

(C) The vessel has no gear other than rod and reel or handline on board; and

(D) The vessel does not use any NE multispecies DAS during the entire period for which the letter of authorization is valid;

(vi) That are fishing with or using scallop dredge gear when fishing under a scallop DAS or when lawfully fishing in the Scallop Dredge Fishery Exemption Area as described in §

648.80(a)(11), provided the vessel does not retain any regulated NE multispecies during a trip, or on any part of a trip; or

(vii) That are fishing in the Raised Footrope Trawl Exempted Whiting Fishery, as specified in § 648.80(a)(15), or in the the Small Mesh Area II Exemption Area, as specified in § 648.80(a)(9);

(viii) That are fishing on a sector trip, as defined in this part, and in the GOM Cod Protection Closures IV or V, as specified in paragraphs (f)(4)(vi) and (v) of this section; or

(ix) That are fishing under the provisions of a Northeast multispecies Handgear A permit, as specified at § 648.82(b)(6), and in the GOM Cod Protection Closures IV or V, as specified in paragraphs (f)(4)(vi) and (v) of this section .

(g) * * *

(2) Paragraph (g)(1) of this section does not apply to persons on fishing vessels or to fishing vessels that meet any of the following criteria:

(i) That meet the criteria in paragraphs (f)(5)(i), (ii), (iii) or (iv) of this section;

* * * * *

(i) *Transiting.* Unless otherwise restricted or specified in this paragraph (i), a vessel may transit CA I, the Nantucket Lightship Closed Area, the Cashes Ledge Closed Area, the Western GOM Closure Area, the GOM Cod Protection Closures, the GB Seasonal Closure Area, the EFH Closure Areas, and the GOM Cod Spawning Protection Area, as defined in paragraphs (a)(1), (c)(1), (d)(1), (e)(1), (f)(4), (g)(1), (h)(1), and (n)(1), of this section, respectively, provided that its gear is stowed and not available for immediate use as defined in § 648.2. A vessel may transit CA II, as defined in paragraph (b)(1) of this section, in accordance with paragraph (b)(2)(iv) of this section. Private recreational or charter/party vessels fishing under the Northeast multispecies

provisions specified at § 648.89 may transit the GOM Cod Spawning Protection Area, as defined in paragraph (n)(1) of this section, provided all bait and hooks are removed from fishing rods, and any regulated species on board have been caught outside the GOM Cod Spawning Protection Area and has been gutted and stored.

* * * * *

5. In § 648.87, revise paragraphs (b)(1)(i)(C), (b)(1)(iii)(C), (c)(2)(i), and (c)(2)(ii)(B) to read as follows:

§ 648.87 Sector allocation.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(C) *Carryover.* (*1*) With the exception of GB yellowtail flounder, a sector may carryover an amount of ACE equal to 10 percent of its original ACE for each stock that is unused at the end of one fishing year into the following fishing year, provided that the total unused sector ACE plus the overall ACL for the following fishing year does not exceed the ABC for the fishing year in which the carryover may be harvested. If this total exceeds the ABC, NMFS shall adjust the maximum amount of unused ACE that a sector may carryover (down from 10 percent) to an amount equal to ~~or less than~~ the ABC of the following fishing year. Any adjustments made would be applied to each sector based on its total unused ACE and proportional to the cumulative PSCs of vessels/permits participating in the sector for the particular fishing year, as described in (b)(1)(i)(E) of this section.

(*i*) *Eastern GB Stocks Carryover.* Any unused ACE allocated for Eastern GB stocks in accordance with paragraph (b)(1)(i)(B) of this section shall contribute to the carryover allowance for each stock, as specified in this paragraph ((b)(1)(i)(C)(*1*)), but shall not increase individual sector's allocation of Eastern GB stocks during the following year.

(*ii*) This carryover ACE remains effective during the subsequent fishing year even if vessels that contributed to the sector allocation during the previous fishing year are no longer participating in the same sector for the subsequent fishing year.

(*2*) *Carryover accounting.* (*i*) If the overall ACL for a particular stock is exceeded, the allowed carryover of a particular stock harvested by a sector, minus the NMFS-specified *de minimis* amount, shall be counted against the sector's ACE for purposes of determining an overage subject to the AM in paragraph (b)(1)(iii) of this section.

(ii) *De Minimis* Carryover Amount. The *de minimis* carryover amount is one percent of the overall sector sub-ACL for the fishing year in which the carryover would be harvested. NMFS may change this *de minimis* carryover amount for any fishing year through notice consistent with the Administrative Procedure Act. The overall *de minimis* carryover amount would be applied to each sector proportional to the cumulative PSCs of vessels/permits participating in the sector for the particular fishing year, as described in (b)(1)(i)(E) of this section.

* * * * *

(iii) * * *

(C) *ACE buffer.* At the beginning of each fishing year, NMFS shall withhold 20 percent of a sector's ACE for each stock for a period of up to 61 days (i.e., through June 30), unless otherwise specified by NMFS, to allow time to process any ACE transfers submitted at the end

of the fishing year pursuant to paragraph (b)(1)(viii) of this section and to determine whether the ACE allocated to any sector needs to be reduced, or any overage penalties need to be applied to individual permits/vessels in the current fishing year to accommodate an ACE overage by that sector during the previous fishing year, as specified in paragraph (b)(1)(iii) of this section. NMFS shall not withhold 20 percent of a sector's ACE at the beginning of a fishing year in which default specifications are in effect, as specified in § 648.90(a)(3).

* * * * *

(c) * * *

(2) * * *

(i) *Regulations that may not be exempted for sector participants.* The Regional Administrator may not exempt participants in a sector from the following Federal fishing regulations: Specific time and areas within the NE multispecies year-round closure areas; permitting restrictions (e.g., vessel upgrades, etc.); gear restrictions designed to minimize habitat impacts (e.g., roller gear restrictions, etc.); reporting requirements; AMs specified in § 648.90(a)(5)(i)(D). For the purposes of this paragraph (c)(2)(i), the DAS reporting requirements specified in § 648.82; the SAP-specific reporting requirements specified in § 648.85; and the reporting requirements associated with a dockside monitoring program are not considered reporting requirements, and the Regional Administrator may exempt sector participants from these requirements as part of the approval of yearly operations plans. For the purpose of this paragraph (c)(2)(i), the Regional Administrator may not grant sector participants exemptions from the NE multispecies year-round closures areas defined as Essential Fish Habitat Closure Areas as defined in § 648.81(h); the Fippennies Ledge Area as defined in paragraph (c)(2)(i)(A) of this section; Closed Area I and Closed Area II, as defined in § 648.81(a) and (b), respectively,

during the period February 16 through April 30; and the Western GOM Closure Area, as defined at § 648.81(e), where it overlaps with GOM Cod Protection Closures I through III, as defined in § 648.81(f)(4). This list may be modified through a framework adjustment, as specified in § 648.90.

* * * * *

(ii) * * *

(B) The GOM Cod Protection Closures IV and V specified in § 648.81(f)(4)(iv) and (v) and the GB Seasonal Closed Area specified in § 648.81(g)(1);

* * * * *

6. In § 648.89:

a. Remove paragraph (c)(2)(v); and

b. Revise paragraphs (c)(1), (e)(1), and (f)(1) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(c) * * *

(1) *Recreational fishing vessels.* (i) Each person on a private recreational vessel may possess no more than 10 cod per day in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons aboard private recreational fishing vessels may not fish for or possess any cod with the exception that private recreational vessels in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area, provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

(iii) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(iv) Cod harvested by recreational fishing vessels in or from the EEZ with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(v) Cod must be stored so as to be readily available for inspection.

* * * * *

(2) * * *

(i) Persons aboard charter/party fishing vessels permitted under this part and not fishing under the NE multispecies DAS program or on a sector trip that are fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1) may not fish for, possess, or land any cod with the exception that charter/party vessels in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area, provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

* * * * *

(e) * * *

(1) *GOM Closed Areas.* (i) A vessel fishing under charter/party regulations may not fish in the GOM closed areas specified in § 648.81(d)(1), (e)(1), and (f)(4) during the time periods specified in those paragraphs, unless the vessel has on board a valid letter of authorization issued by the Regional Administrator pursuant to § 648.81(f)(5)(v) and paragraph (e)(3) of this section.

The conditions and restrictions of the letter of authorization must be complied with for a minimum of 3 months if the vessel fishes or intends to fish in the GOM Cod Protection Closures; or for the rest of the fishing year, beginning with the start of the participation period of the letter of authorization, if the vessel fishes or intends to fish in the year-round GOM closure areas.

(ii) A vessel fishing under charter/party regulations may not fish in the GOM Cod Spawning Protection Area specified at § 648.81(n)(1) during the time period specified in that paragraph, unless the vessel complies with the requirements specified at § 648.81(n)(2)(iii).

* * * * *

(f) * * *

(1) *Catch evaluation.* As soon as recreational catch data are available for the entire previous fishing year, the Regional Administrator will evaluate whether recreational catches exceed any of the sub-ACLs specified for the recreational fishery pursuant to § 648.90(a)(4). When evaluating recreational catch, the components of recreational catch that are used shall be the same as those used in the most recent assessment for that particular stock. To determine if any sub-ACL specified for the recreational fishery was exceeded, the Regional Administrator shall compare the 3-year average of recreational catch to the 3-year average of the recreational sub-ACL for each stock.

(2) *Reactive AM adjustment.* (i) If it is determined that any recreational sub-ACL was exceeded, as specified in paragraph (f)(1) of this section, the Regional Administrator, after consultation with the New England Fishery Management Council, shall develop measures necessary to prevent the recreational fishery from exceeding the appropriate sub-ACL in future years. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the

Administrative Procedure Act, with final measures published in the **Federal Register** no later than January when possible. Separate AMs shall be developed for the private and charter/party components of the recreational fishery.

(ii) The Regional Administrator shall not adjust the possession limit for GOM cod, under the reactive AM authority specified in paragraph (f)(2)(i) of this section, as long as possession of this stock is prohibited for the recreational fishery, as specified in paragraph (c) of this section.

(3) *Proactive AM adjustment. (i)* When necessary, the Regional Administrator, after consultation with the New England Fishery Management Council, may adjust recreational measures to ensure the recreational fishery achieves, but does not exceed any recreational fishery sub-ACL in a future fishing year. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with final measures published in the **Federal Register** prior to the start of the fishing year where possible. In specifying these AMs, the Regional Administrator shall take into account the non-binding prioritization of possible measures recommended by the Council: for cod, first increases to minimum fish sizes, then adjustments to seasons, followed by changes to bag limits; and for haddock, first increases to minimum size limits, then changes to bag limits, and then adjustments to seasons.

(ii) The Regional Administrator shall not adjust the possession limit for GOM cod, under the proactive AM authority specified in paragraph (f)(3)(i) of this section, as long as possession of this stock is prohibited for the recreational fishery, as specified in paragraph (c) of this section.

* * * * *

7. In § 648.90, revise paragraphs (a)(2)(i) and (viii), (a)(3), and (a)(5)(i) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(3) *Default OFLs, ABCs, and ACLs.* (i) Unless otherwise specified in this paragraph (a)(3), if final specifications are not published in the **Federal Register** for the start of a fishing year, as outlined in paragraph (a)(4) of this section, specifications for that fishing year shall be set at 35 percent of the previous year's specifications for each NE multispecies stock, including the U.S./Canada shared resources, for the period of time beginning on May 1 and ending on July 31, unless superseded by the final rule implementing the current year's specifications.

(ii) If the default specifications exceed the Council's recommendations for any stock for the current year, the specifications for that stock shall be reduced to the Council's recommendation through notice consistent with the Administrative Procedures Act.

(iii) These specifications shall be subdivided among the various sub-components of the fishery consistent with the ABC/ACL distribution adopted for the previous year's specifications.

* * * * *

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*

February 25, 2015

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

RE: FY2015 recreational fishery proactive accountability measures for Gulf of Maine cod and Gulf of Maine haddock

Dear John:

Consistent with the consultation requirements of 50 CFR 648.89(f)(3), the Council developed recommendations for proactive accountability measures (AMs) for Gulf of Maine (GOM) cod and GOM haddock for FY 2015 at its January 2015 Council meeting. These AMs require development by the Regional Administrator (RA) in consultation with the Council, because the appropriate suite of measures (e.g., bag limit, minimum fish size, season) depends on the Annual Catch Limits (ACLs) specified for the upcoming fishing year. The RA may adjust measures to ensure the recreational fishery will achieve, but not exceed, its sub-ACL.

The Council took final action on Framework Adjustment 53 (FW53) in November 2014, which included among its Preferred Alternatives decreasing ACLs for GOM cod and increasing ACLs for GOM haddock based on the results the most recent assessments for those stocks. The GOM cod protection measures that were selected as preferred by the Council include zero possession of GOM cod for the recreational fishery. If FW53 ACLs are implemented for FY 2015, the sub-ACLs for the recreational fishery would be 121 mt and 372 mt for GOM cod and GOM haddock, respectively.

Although GOM cod continues to be in poor condition (overfished and overfishing is occurring), GOM haddock is not overfished and overfishing is not occurring. The emergency action (to increase the GOM haddock ACL in-season) and interim management measures (to protect GOM cod) taken in 2014 by NMFS, following Council requests for action, reflect this updated assessment information as well.

In order to inform the Council discussion, the Recreational Advisory Panel (RAP) met on January 22, 2015 to discuss potential AMs. The Council discussed the RAP's recommendations on January 29, 2015. The Council reviewed the RAP recommendations, several AM scenarios, and the expected impacts of those scenarios.

The RAP received a presentation from a Northeast Fisheries Science Center (NEFSC) economist on the bio-economic model for developing recreational measures. For all scenarios, no possession for GOM cod was assumed, consistent with the Council's Preferred Alternatives in FW53. None of the model-based AM scenarios presented were predicted to achieve but not

exceed the sub-ACLs for both stocks in FY 2015. Sensitivity runs of the model (examining reducing the discard mortality rate of both stocks and/or increasing the compliance rate) did result in AM combinations in which the sub-ACLs for both stocks would be achieved but not exceeded. After receiving an overview of recent published literature on conservation gear, GARFO staff asked the advisors for their expert opinion on how to practically reduce discard mortality of cod and haddock. The RAP forwarded motions to the Council on compliance and discard mortality, and the Council passed similar motions (Motion 1 and Motion 2).

> **Motion 1**: The Council recommends to NMFS that the outreach component to recreational anglers regarding changes to the GOM cod and haddock management measures, currently underway by GARFO, continue and its impact on reducing non-compliance be considered when predicting recreational catches for FY 2015.
>
> The motion carried on a show of hands (15/0/1).
>
> **Motion 2**: For the purposes of reducing discard mortality on GOM cod and haddock, the Council recommends to NMFS prohibiting the use of more than two hooks per line while fishing for groundfish in the Gulf of Maine. Only inline circle hooks may be baited. When using a jig or artificial lure, only single point j-hooks may be used (e.g., no treble hooks). Teasers, feathers, fly etc. may be used but count toward the use of no more than two hooks per line.
>
> The motion carried on a show of hands (14/0/2).

The RAP expressed concerns regarding the model predicted recreational effort (angler trips), cod bycatch, and discard accounting in FY 2015. Therefore, the RAP crafted three consensus statements to summarize their concerns and forwarded these to the Council. The RAP forwarded a motion similar to Motion 3 that the Council passed that recommends AMs for FY2015.

RAP Consensus Statements:

1) The RAP feels that directed GOM angler trips will decline substantially in FY 2015 under no possession for GOM cod and the anticipated low bag limit for GOM haddock for the recreational fishery. The RAP feels that the change in effort between FY 2014 and FY 2015 would be at least a 50% decline. Data provided in Table 12 (*Document # 4b, NEFSC/SSB, Recreational Catch and Effort Tables, dated January 14, 2015*) [see next page] supports this concern as declines in effort between FY 2013 to FY 2014 from the GOM cod and GOM haddock wave 5 (September 1 to October 31) closure were estimated to be a 85% decline overall.

Table 12. Wave 5 (Sept-Oct) Directed Gulf of Maine Angler Trips[1] by Fishing Year and Mode

	Angler Trips		
Mode	FY2013	FY2014[2]	% Change
Headboat	16,914	4,381	-74%
Charterboat	3,168	616	-81%
Privateboat	45,725	4,726	-90%
Shore	0	0	0%
	65,807	9,723	-85%

[1]Angler trips = number of trips that targeted and/or caught cod or haddock

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

2) The RAP feels that under no possession of GOM cod that party, charter, and private vessels will be much less likely to fish in areas known to have aggregations of cod and less likely to use equipment to target cod. The ability of anglers to avoid cod is not taken into account in FY 2015 recreational catch projections. Therefore, the RAP feels that cod bycatch would be greatly reduced from what is projected for FY 2015.

3) Recreational discards were not considered in the allocation of GOM cod and haddock. Discard mortality estimates are being used in recreational catch projections to determine potential accountability measures (AMs). The RAP recommends that this concern be considered when implementing AMs.

Motion 3: In light of no possession on cod and expected declines in effort (including consideration of RAP motions 1 and 2 and RAP consensus statements 1, 2, and 3), the Council recommends to NMFS that proactive AMs for GOM haddock in FY 2015 be a bag limit of at least 4 fish, a 17 inch minimum fish size, and closed seasons during wave 2 (March 1 to April 30) and wave 5 (September 1 to October 31).

The motion carried on a show of hands (14/0/1).

The Council wishes to thank NMFS staff for working to address information needs in advance of the RAP meeting and for holding AM consultations with the RAP prior to the January Council meeting so that Council input could be provided. The Council also thanks NMFS for providing additional sensitivity analysis this year to examine the AMs with consideration of how management targets may be achieved.

Thank you for considering these comments. Please contact me if you have questions.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

Copy: Dr. Bill Karp, NEFSC

(3)

James Lovgren FV Shadowfax

Dragongirl Inc

17 Laurelhurst Dr, Brick N.J.

08724

John Bullard R.A.

GARFO

2/14/15

FV Shadowfax Groundfish appeal letter, Permit # 320424 [formally Viking II 320536]

Dear Mr. Bullard;

Please review the following data and information as it relates to this, my appeal to being excluded from the NE groundfish disaster aid money. I've fished out of New Jersey all my life, except for a few years where I worked out of Newport RI Yellowtail fishing in the 70's and 80's. As you know the states from New Jersey and south were left out of the initial groundfish disaster funding, and only recently were 17 vessels granted approval of funds thru the ASMFC. I received my letter from NMFS in mid December stating that I did not qualify. I requested from NMFS my landings history to see where exactly I stood in regard to landings on my vessel and received the data in mid January. In 2012 I appear to be about 500 pounds short of 5,000 Lbs. There are some discrepancies.

I was sent both VTR and NMFS official dealer landings data. I noted that the dealer data for march 11th is missing, although my VTR shows 1,000 fluke, 500 yellowtail flounder and 35 4 spots.

Officially for the year my yellowtail landings show 4,402 lbs by VTR, and 3,856 by dealer data. Clearly 500 pounds is missing here, the VTR proves that. That puts my dealer landings that year at about 4,400 pounds there are also 51 pounds vtr reported or 59 pounds dealer reported cod landings. 261 by VTR or 284 pounds by dealer data of 4 spots which are a regulated groundfish. Also in September of 2012 I engaged in a black back flounder tagging study with Dr Ken Able of Rutgers we spent two different days tagging a few hundred fish with satellite and regular tags. I easily caught over a thousand pounds of legal BB flounder yet could not land them as there was a ban in effect. My VTR for Sept 6 shows 25 pounds of BB flounder landed as take home for the Taggers. On Sept 17th there was one pound as take home.

jc/jp - 2/24/15

Groundfish disaster aid is supposed to be distributed to people who have historically participated in the fishery, albet with the strict provision that the only years used were 2010 to 2013.I can tell you that the jersey fishermen at my dock, Fishermen's Dock Co-op found it hard to believe that I didn't qualify [4 of them did] So lets go into a little bit of my landings history, and some of the other qualifiers at the dock. In 2006 my first year with the Viking II [which replaced my vessel the Sea Dragon which was burned at the dock by a disgruntled new England gill netter, and which I am still convinced had something to do with my being a member of the MAFMC] I used at least 21 DAS and landed over 31,000 pounds of groundfish mostly Blackback Flounder. In 2007 I used at least 20 DAS and landed over 22,500 pounds of Groundfish, mostly Blackback Flounder which was our primary groundfish. In 2008 they shut down the directed fishery totally for BB fld and left me with 895 pounds of BB fld caught through the BB Fld special access program which I pushed the creation of as a council member and groundfish committee member. That program ended that year with a total ban on BB Fld landings. No one at the Co-op had any groundfish landings in 2009, 2010, we had to shift back to Gen Cat scallops without having a blackback fishery despite there being plenty of Blackbacks down here at the time. I made 60 scallop trips in 2008, 17 in 2009. These trips did not count though for the gen cat limited access qualifier, so although my permit went back to 1980 with scallops, The boat missed qualifying for scallop DAS back in the 1990's by one year, [if they went back one more year every boat at the Co-op would have qualified for scallop DAS, as it is only one did, and thats attributable to the corruption of the advisory panel members who decided who they wanted in] So when they divided up the gen cat fishery my scallop landing for 2008 didn't count, but a bunch of people who had no previous history in the scallop fishery were made millionaires. Once again screwed by one year.

In 2011 after years of nobody catching any Yellowtail flounders in New Jersey I went out to the monster ledge and found some, Due to a tiny 250 pound trip limit, it was hard to make a days pay, but you could piece it together with a combination of dogfish, skate wings, Fluke bycatch and the YT's. I only fished 8 trips, [9 DAS] and landed slightly more than 2,000 pounds of groundfish. The Jaime Mae [one of the qualifiers at the dock], started working on them a week after me, and worked a solid month on them and qualified with those landings, while because it is a small fishing area, I was kind of forced off by his bigger boat and changed fishery. In 2012 you saw my landings, the Amanda C from the dock worked with me that year and due to the bigger trip limit he qualified with that year, and once again the extra pressure on the grounds made me change to Fluke / sea bass. If I knew how important one more trip would be that year, I would have made one. After the tagging trips in Sept, the Viking II sunk 75 miles off of Cape May in Oct on a cable guard boat job.

In 2013 the Blackback fld fishery opened again, and two other vessels from the dock qualified, the Kailey Ann, who had no groundfish landings in the 2010 -2012 period, and the Amber Waves who had about 800 pounds of landings from 2012. Both of these vessels have like me extensive prior groundfish landings pre 2009. While I was in between vessels, in 2013 I worked on the Amber Waves while the vessel qualified. If the Viking II had not sunk I would have also had more then enough landings of Blackback Fld to qualify. Now with a new boat I get ready to go yellowtail flounder fishing and they cut the trip limit to 250 pounds [this fishery is short mid feb- end of march], and it appears the BB fld fishery is moving east as our landings in 2014 were minimal. If going from having 15 to 30 percent of your income being derived from groundfish to having a little more than zero isn't a disaster, I suggest you cut your

income that much and see how you make out. Scallops have been taken away, and because of the cut back in their landings the last few years those scallop vessels have jumped into the fluke/ sea bass/ squid/ Porgy fishery and taken even more from us.

For one last bit of sour grapes over being screwed left and right by one year or a few pounds, [Monkfish] 100 lobster a day because of maine potters, ect ect. The worst was and you can check the public record, Jim O'Malley did, I was the first person to suggest and outlined a Government buyout program back around 1995 in my 8 pages of comments on Amendment #5 Multi species. It gained ground over the next few years and became the first buyout of 75 million dollars around the year 2000. At the time My vessel the Sea Dragon had 88 DAS and I would use 30 to 40 of them a year, but I saw the writing on the wall, as the yellowtail had disappeared, with the cod, and the Blackbacks were definetly changing behavior moving into deeper waters all the time. I was planning on submitting a proposal of somewhere in the 100,000 to 125,000 dollar range for the buyout of my groundfish permit, when I discovered that since I was a member of the MAFMC I was not allowed. I lost out on a lot of money there, and I can tell you if I knew then that Pat Kurkel would make sure that I was not reappointed to the MAFMC in 2004, I would have resigned back then and sold my permit. I have been screwed over and over again, and after 40 plus years of it, I'm not a happy camper. So think about my 2012 landings, clearly I caught enough to qualify with the tagging study included.

Thanks for your consideration

Jim Lovgren

CC; Allison Ferreira Garfo

Robert Beale ASMFC

Chris Moore MAFMC

Thomas Neis NEFMC

(3)

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

FEB 19 2015

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Tom:

I received your December 2, 2014, letter detailing the Council's recommended changes to our recent Gulf of Maine cod interim action and GOM (GOM) haddock emergency action. While I announced at the January 28, 2015, Council meeting that, after receiving public comments, we do not intend to modify either of these actions, I am responding to your letter to more thoroughly address your concerns and to update you on more recent developments.

The Council requested that we "allow vessels enrolled in the day gillnet category a one-time change to their permit category from the Day to the Trip-gillnet category." My staff worked quickly to address this through a correction rule (79 FR 77946) that became effective December 29, 2014.

The Council also requested that we "analyze the possibility of taking away some unused annual catch entitlement rather than have the 200-lb trip limit." As I explained in my other February 19, 2015, letter to you, after receiving an exemption request developed by several sectors, we issued a notice in the *Federal Register* which filed on February 18, 2015, and will publish on February 23, 2015. We are expediting the review and potential approval of this exemption request.

In addition, the Council requested that we increase the 2014 GOM haddock annual catch limit to be consistent with the most recent Scientific and Statistical Committee advice. The SSC set the 2015 GOM haddock ABC based on a projection from the final model (ASAP_final_temp10 model) that was supported by the Stock Assessment Review Committee (SARC) 59. However, in our GOM haddock emergency action, we increased the 2014 GOM haddock ACL to a level based on the "sensitivity" projection (ASAP_final_temp11 model) developed for SARC 59. Despite comments from the Council and several fishermen, we have elected not to further increase the 2014 GOM haddock ACL.

As explained in the GOM haddock emergency action (79 FR 67090; November 12, 2014; see page 67092) we utilized the sensitivity analysis when setting the 2014 GOM haddock ACL because "we consider a cautionary approach to increasing the quotas to be more appropriate for an emergency action." We remain concerned with the uncertainty of the size of the 2012 haddock year class that is discussed throughout the documents from the Stock Assessment Workshop (SAW) 59. For example, the SARC 59 Panel Summary Report (p. 12) states:

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"The constraint of the 2012 year-class may be *ad hoc*, but past experience of retrospective bias with this stock suggests that unconsidered acceptance of recent year-class strength estimates may be unwise… The panel would need to know more about the progress through 2014 of the fishery to conclude whether an F (status quo) or constrained catch approach would be more appropriate."

The SAW 59 Final Report (pg. 22) explains that "Both the working group and SARC concluded that the projections based off the ASAP_final_temp 10 model were the 'most realistic.' However, it should be stressed that the absolute size of the 2012 year class is the largest source of uncertainty in this assessment."

It was for these reasons that the Groundfish Plan Development Team recommended that the SSC base the 2015 GOM haddock ABC (and therefore the corresponding ACLs) on the sensitivity projection, and why, despite the recommendation of the SSC, we felt most comfortable using a more cautionary approach when increasing the 2014 GOM haddock ACL. As explained at the January 28, 2015, Council meeting, we believe the 2014 GOM haddock emergency serves as a temporary bridge between the original 2014 GOM haddock allocation and the 2015 GOM haddock allocation.

If you have any additional questions or concerns, please contact the Sustainable Fisheries Division at (978)-281-9315.

Sincerely,

John K. Bullard
Regional Administrator

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

FEB 24 2015

Ms. Elizabeth Etrie, Esq.
Northeast Fishery Sector I
85 Eastern Avenue
Suite 104
Gloucester, MA 01930

Dear Ms. Etrie, Esq.

On February 6, 2015, my staff held a sector manager conference call to discuss the proposed amendment to the Standardized Bycatch Reporting Methodology (SBRM) and its impact on the sector at-sea monitoring (ASM) program. Even though sectors have been technically required to pay for ASM since fishing year 2012, the agency has been able to fund your costs each year. As we discussed on the call, because of funding changes that would be required by the proposed SBRM amendment, we expect that sectors will be responsible for paying at-sea costs associated with the ASM program before the end of calendar year 2015.

We are currently looking at how this change will affect our data collection systems, especially the pre-trip notification system used to assign ASM coverage. We have also begun working on an implementation plan to help ensure a seamless transition when the industry assumes responsibility for at-sea costs of the ASM program in 2015. We will continue to keep you informed about any changes or updates to this transition.

We will soon publish a proposed rule to approve sector operations plans for fishing years 2015 and 2016. Because we expect changes in the ASM program, we will verify that all approved sectors comply with the ASM requirements throughout the entirety of both years. If necessary, I am authorized to withdraw approval of a sector at any time, after consulting with the Council, if the sector cannot continue to operate without jeopardizing the fishery management plan. However, we hope to work with each sector to ensure that all ASM program requirements are met throughout the year. If you have any questions, please contact Mark Grant at 978-291-9145.

Sincerely,

John K. Bullard
Regional Administrator

cc: New England Fishery Management Council
At-Sea Monitoring Providers

jc/jp ~ 2/27/15

③

Coastal Conservation Association Of New Hampshire

Post Office Box 4372 • Portsmouth, NH 03802
Phone: (603) 731-2669 • E-mail - info@ccanh.org
Web Address - ccanh.org

February 12, 2015

Mr. Douglas Grout
Chief, Marine Fisheries Division
NH Fish and Game Department
225 Main Street
Durham NH 03824

Dear Mr. Grout:
The Recreational Advisory Panel recommended prohibiting the use of more than two hooks per line while fishing for GOM groundfish and that only inline circle hooks may be baited. It is my understanding that this recommendation was made to reduce mortality in GOM cod. I believe that an exemption on use of circle hooks is needed with regard to the flounder fishery in the GOM. Baited circle hooks will not work in this fishery due to the small mouths inherent in these species. I was in attendance at the Council meeting Thursday and believe that this consideration was missed while the motion was being developed.

Should these federal regulations be passed as currently proposed, and then be adopted by NH, it would essentially close all practical flatfish angling in state waters. We are asking that an exemption be granted for flatfish fishing in NH state waters to allow baited, standard sized, flounder hooks, should that occur.

Thank you for you consideration to this important issue facing the recreational anglers of NH.

Sincerely,

Donald L. Swanson

Donald L. Swanson
President CCANH
84 Franklin St.
Derry, NH. 03038-1914
603-434-4593
salty4fly2@comcast.net

Cc: Tom Nies, Ex. Director NEFMC
John K. Bullard, Regional Administrator, NOAA Fisheries

DEDICATED TO CONSERVING NEW HAMPSHIRE'S MARINE RESOURCES

The Coastal Conservation Association of NH ("CCA NH") is an unincorporated state chapter of the Coastal Conservation Association ("CCA"), which currently has over 96,000 members in seventeen states. CCA is a nonprofit, public charity corporation that is qualified under IRC §501(c)(3).
Donations to CCA NH are tax deductible under IRC §170.

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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

FEB 19 2015

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Tom:

I have attached a *Federal Register* notice announcing that we have received and are considering a request from a number of groundfish sectors for exemptions from two Gulf of Maine cod interim measures implemented on November 13, 2014.

On February 9, 2015, we received an exemption request from several sectors. These sectors requested exemptions from the 200-lb per trip GOM cod possession limit and from the GOM Broad Stock Area (BSA) restriction. In order to avoid an increase in GOM cod mortality that the interim rule measures were designed to reduce, the sectors worked together to assemble 30 mt of GOM cod ACE, which was traded to Northeast Fishery Sector IV, a lease-only sector with no active fishing effort. That sector has proposed to withhold that GOM cod ACE if sectors are granted regulatory exemptions from the GOM cod trip limit and GOM BSA restriction.

The 200-lb trip limit was intended to reduce the incentive to target GOM cod in areas that would remain open under the interim action. We estimated that implementing the 200-lb trip limit would likely result in a 20-mt GOM cod mortality reduction. The requesting sectors propose that a 30-mt reduction in the GOM cod ACE resulting from the sector exemption would provide a greater biological benefit to GOM cod than the probable reduction in mortality from the 200-lb trip limit. Further, removing the trip limit, as requested by the sectors, would provide a clear limit on overall catch of GOM cod and should minimize regulatory discarding.

The single GOM BSA restriction was intended to facilitate more effective shore-side enforcement of the 200-lb trip limit. However, if an exemption is granted from the 200-lb trip limit, there is less of a need for the GOM BSA restriction. To help ensure better monitoring, we are proposing additional VMS reporting requirements for vessels fishing under this exemption.

We have published a notice in the Federal Register announcing our receipt of this request, and informing the public that we are considering it. We are seeking comments from the public before we make a final decision on the request. If you have any comments, please respond by March 2, 2015. Thank you for your cooperation.

Sincerely,

for John Bullard
Regional Administrator

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XD775

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Fishing Year 2014 Sector Exemption

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: Several groundfish sectors have requested regulatory exemptions from two recently implemented Gulf of Maine cod interim management measures. The Regional Administrator, Greater Atlantic Region, NMFS, has determined that the request warrants further consideration. We are seeking public comment on these exemption requests.

DATES: Comments must be received on or before [*insert date 7 days after date of publication in the FEDERAL REGISTER*].

ADDRESSES: You may submit comments by the following methods:

• *Email*: *william.whitmore@noaa.gov*. Include in the subject line "Comments on Gulf of Maine Cod Sector Exemption Request."

• *Mail*: John K. Bullard, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Gulf of Maine Cod Sector Exemption Request."

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fisheries Policy Analyst, 978-281-9182, *william.whitmore@noaa.gov*.

SUPPLEMENTARY INFORMATION:

On November 13, 2014, NMFS published a temporary rule to enhance protections for Gulf of Maine (GOM) cod (79 FR 67362) in response to an updated GOM cod stock assessment that indicated the health of the stock is worsening. The GOM cod interim rule implemented a GOM cod trip limit of 200 lb (90.7 kg) for sector and common pool groundfish vessels fishing within the GOM broad stock area (BSA) and restricted commercial limited access groundfish vessels that fish in the GOM BSA to fishing only in that BSA for the duration of the declared trip. Additional information on the GOM cod interim rule can be found online at *www.greateratlantic.fisheries.noaa.gov/stories/2014/GOM_cod_interim_management_measures.html*.

On February 9, 2015, we received an exemption request from several sectors. These sectors worked together to assemble 30 mt of GOM cod annual catch entitlement (ACE), which was traded to Northeast Fishery Sector IV, a lease-only sector with no active fishing effort. That sector has proposed to withhold and render unusable that GOM cod ACE, including preventing its use for potential carryover to the next fishing year, if sectors are granted regulatory exemptions from the GOM cod trip limit and GOM BSA restriction.

The 200-lb (90.7-kg) trip limit was intended to reduce the incentive to target GOM cod in areas that would remain open under the interim action to ensure that open-area catch would not result in excessive GOM cod fishing mortality. The 2014 GOM

Cod Interim Rule environmental assessment (EA) estimated that implementing the 200-lb (90.7-kg) trip limit would likely reduce GOM cod mortality by 20 mt. The sectors' request would reduce the GOM cod catch limit by 30 mt. Economic modeling and simulations included in the EA suggest that there is a substantial amount of uncertainty regarding the 20-mt estimated mortality reduction. It should also be noted that most of the public comments submitted in response to the GOM cod interim rule opposed the implementation of a trip limit because trip limits can result in high discards of GOM cod and are counter to the sector system, which limits the fishery based on an annual quota. The requesting sectors propose that a definite 30-mt reduction in the catch limit resulting from the sector exemption would provide a greater biological benefit to GOM cod than the probable reduction in mortality from the 200-lb (90.7-kg) trip limit. Removing the trip limit, as requested by the sectors, would provide a clear limit on overall catch of GOM cod and should minimize regulatory discarding.

The requested exemption would also remove the restriction preventing vessels from fishing both inside and outside of the GOM BSA on the same trip. The sectors requesting the exemption have argued that the single BSA restriction has severely impacted fishing operations of vessels that traditionally fish on Georges Bank and in the GOM on the same trip. Although recognizing that the single BSA restriction impedes flexibility to fish in multiple stock areas on a trip, we previously determined that the short-term benefits of this measure were necessary to achieve the interim rule's objective of reducing mortality and ensuring the effectiveness of other measures in the interim rule. Specifically, the single GOM BSA restriction was intended to facilitate more effective shore-side enforcement of the 200-lb (90.7 kg) trip limit. It was also intended to help

reduce the opportunity for vessels to misreport their catch to ensure that GOM cod catch would be properly accounted for between stock areas.

Reducing the overall catch limit by 30 mt and removing the trip limit more effectively achieves the interim rule's objective of reducing potential cod mortality and, along with additional reporting measures, outweighs the short-term benefit of retaining the single BSA restriction. If the trip limit is no longer in effect, there is less of a need for the GOM BSA restriction to facilitate dockside enforcement.

In consideration of the sectors' request to be exempt from the BSA restriction, we are proposing to replace this requirement with daily catch reporting requirements should we approve the sectors' request. We would still require that sector vessels that declare their intent to fish inside and outside of the GOM BSA on the same trip submit daily vessel monitoring system (VMS) catch reports. Vessels would also be required to submit a VMS catch report prior to moving fishing operations from one BSA to another. This additional reporting requirement would help ensure that catch is properly accounted for. The removal of any incentive to misreport trip catches in relation to the trip limit along with additional reporting requirements to help ensure proper apportioning of catch between BSAs replaces or mitigates the loss of the short-term benefits expected from the single BSA restriction.

When NMFS implemented the interim rule in November 2014, it did not take any action to reduce the GOM cod ACL or ACE allocated to sectors. During public discussion at the September Council meeting at which the Council requested the agency to develop emergency measures for GOM cod, it was clear that any unilateral action to reduce the ACE available to sectors in the middle of the fishing year could have

substantial economic impacts to much of the industry. However, in terms of effecting mortality reductions, a change to the ACE available for harvest by the sectors is generally the most effective and direct means to reduce total potential catch. Instead, NMFS imposed a trip limit to reduce the incentive to target GOM cod within the ACE available, recognizing that if the industry continued to encounter GOM cod, mortality would continue largely through regulatory discarding, potentially up to the full allocated ACE level. Although the analysis supporting the interim measures suggested the trip limit could reduce mortality by approximately 20 mt, there was considerable uncertainty around this estimate, primarily due to uncertainty with the amount of discarding that would occur.

In this request for a sector exemption, the sectors are proposing to implement what NMFS did not: a reduction to the ACE available to those sectors for the remainder of the fishing year. Because the fishing industry will continue to fish through the end of the fishing year, and will continue to encounter GOM cod, the sectors' proposed exemption would establish a firm upper limit on total cod mortality and is more likely to be lower than would otherwise be achieved through the interim measures. In addition to an actual reduction in the total potential cod catch, the sectors' proposed exemption would improve the catch yield and reduce the uncertainty of that cod catch.

This exemption would apply only for the remainder of the 2014 fishing year. It is our intent to continue reviewing sector exemption requests included in annual sector operations plans through a proposed and final rulemaking process. However, future mid-year exemption requests, or modifications to existing exemptions, may be considered,

and granted or denied, through a shortened notice and comment process similar to this action.

If we can conclude that the exemption request is at least conversation neutral, and if this request is granted, this exemption will apply to all sectors who request it, and sector operations plans and letters of authorizations will be modified to include these regulatory exemptions. Minor sector exemption modifications may be granted without further notice if they are deemed essential to facilitate these exemptions and have minimal impacts that do not change the scope or impact of the initially approved sector exemption request.

A supplemental information report analyzing the environmental impacts of this exemption request has been developed and is available online for review at *http://www.greateratlantic.fisheries.noaa.gov/regs/*.

Authority: 16 U.S.C. 1801 et seq.

Dated: February 13, 2015.

Emily H. Menashes,

Acting Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

[FR Doc. 2015-03539 Filed 02/18/2015 at 4:15 pm; Publication Date: 02/23/2015]

(3)

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

FEB 13 2015

RECEIVED
FEB 20 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

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

Dear Terry:

On January 29, 2015, the Council passed several motions and consensus statements made by its Recreational Advisory Panel (RAP) as recommendations for me to consider for the Northeast multispecies recreational fishery for fishing year 2015, including Motions 2 and 3 below. I request the assistance of the Council's Groundfish Plan Development Team and the Scientific and Statistical Committee to explore mechanisms for using different discard mortality rate assumptions for catch with different gear requirements, as recommended by the RAP and by the Council.

Motion 2 specified gear requirements to reduce discard mortality of GOM cod and haddock, and Motion 3 recommended proactive accountability measures for GOM haddock.

> Motion 2:
> For the purposes of reducing discard mortality on GOM cod and haddock, the RAP recommends prohibiting the use of more than two hooks per line while fishing for groundfish in the GOM. Only inline circle hooks may be baited. When using a jig or artificial lure, only single point j-hooks may be used (e.g., no treble hooks). Teasers, feathers, flies etc. may be used but count toward the use of no more than two hooks per line.
>
> Motion 3:
> In light of no possession on cod and expected declines in effort (including consideration of Motions 1 and 2 and the above consensus statements), the RAP recommends that proactive AMs for GOM haddock in FY 2015 be a bag limit of at least 4 fish, a 17 inch minimum fish size, and closed seasons during wave 2 (March 1 to April 30) and wave 5 (September 1 to October 31).

According to the bioeconomic model, the proactive accountability measures the Council recommended (Motion 3 above), by themselves, would not reduce GOM cod catch below the 2015 recreational sub-ACL. Motion 3 was based on a model run that assumed decreased recreational discard mortality rates for GOM cod and haddock of 10 percent and 25

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percent, respectively. As you are aware, the stock assessment used recreational discard mortality rates for GOM cod and haddock of 30 percent and 50 percent, respectively, based on the gears currently allowed. At present, we also use these discard mortality rates in monitoring the sub-ACLs in this fishery.

Motion 2 recommends gear restrictions to reduce discard mortality in the recreational fishery. Unless we can justify new recreational discard mortality rates for monitoring the sub-ACLs based on the proposed gear requirements, we may need to proactively close the recreational GOM haddock fishery to minimize the risk of exceeding the GOM cod sub-ACL. Given this, it is important that we consider additional information in evaluating proactive management measures, such as gear restrictions.

As I explained at the meeting, there is a recent study (Mandelman, et. al., 2014[1]) of recreational discard mortality for cod in the GOM, but this study has yet to be peer-reviewed or published. Additionally, there is a large body of work on the effect of circle hooks on discard mortality. A determination would need to be made that this information is scientifically valid for the agency to use this for making management decisions going forward. To that end, I request the assistance of the Groundfish Plan Development Team and the Scientific and Statistical Committee to explore mechanisms for using different discard mortality rate assumptions for catch with different gear requirements, as recommended by the RAP and by the Council. Without this assistance, it would be difficult to justify the proposed gear requirements as a basis for the Council's recommended proactive accountability measures.

If you have any questions or concerns, please contact Mark Grant at 978-281-9145.

Sincerely,

John K. Bullard
Regional Administrator

[1] Mandelman, J., C. Capizzano, W. Hoffman, M. Dean, D. Zemeckis, M. Stettner, and J. Sulikowski. 2014. Elucidating post-release mortality and "best capture and handling" methods in sublegal Atlantic cod discarded in Gulf of Maine recreational hook-and-line fisheries. Bycatch Reduction Engineering Program (BREP) report.

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

FEB 19 2015

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Tom:

I have attached a *Federal Register* notice announcing that we have received and are considering a request from a number of groundfish sectors for exemptions from two Gulf of Maine cod interim measures implemented on November 13, 2014.

On February 9, 2015, we received an exemption request from several sectors. These sectors requested exemptions from the 200-lb per trip GOM cod possession limit and from the GOM Broad Stock Area (BSA) restriction. In order to avoid an increase in GOM cod mortality that the interim rule measures were designed to reduce, the sectors worked together to assemble 30 mt of GOM cod ACE, which was traded to Northeast Fishery Sector IV, a lease-only sector with no active fishing effort. That sector has proposed to withhold that GOM cod ACE if sectors are granted regulatory exemptions from the GOM cod trip limit and GOM BSA restriction.

The 200-lb trip limit was intended to reduce the incentive to target GOM cod in areas that would remain open under the interim action. We estimated that implementing the 200-lb trip limit would likely result in a 20-mt GOM cod mortality reduction. The requesting sectors propose that a 30-mt reduction in the GOM cod ACE resulting from the sector exemption would provide a greater biological benefit to GOM cod than the probable reduction in mortality from the 200-lb trip limit. Further, removing the trip limit, as requested by the sectors, would provide a clear limit on overall catch of GOM cod and should minimize regulatory discarding.

The single GOM BSA restriction was intended to facilitate more effective shore-side enforcement of the 200-lb trip limit. However, if an exemption is granted from the 200-lb trip limit, there is less of a need for the GOM BSA restriction. To help ensure better monitoring, we are proposing additional VMS reporting requirements for vessels fishing under this exemption.

We have published a notice in the Federal Register announcing our receipt of this request, and informing the public that we are considering it. We are seeking comments from the public before we make a final decision on the request. If you have any comments, please respond by March 2, 2015. Thank you for your cooperation.

Sincerely,

for John Bullard
Regional Administrator

pm/jc/jp 2/20/15

This document is scheduled to be published in the
Federal Register on 02/23/2015 and available online at
http://federalregister.gov/a/2015-03539, and on FDsys.gov

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XD775

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Fishing Year 2014 Sector Exemption

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: Several groundfish sectors have requested regulatory exemptions from two recently implemented Gulf of Maine cod interim management measures. The Regional Administrator, Greater Atlantic Region, NMFS, has determined that the request warrants further consideration. We are seeking public comment on these exemption requests.

DATES: Comments must be received on or before [*insert date 7 days after date of publication in the FEDERAL REGISTER*].

ADDRESSES: You may submit comments by the following methods:

• *Email*: *william.whitmore@noaa.gov*. Include in the subject line "Comments on Gulf of Maine Cod Sector Exemption Request."

• *Mail*: John K. Bullard, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Gulf of Maine Cod Sector Exemption Request."

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fisheries Policy Analyst, 978-281-9182, *william.whitmore@noaa.gov*.

SUPPLEMENTARY INFORMATION:

On November 13, 2014, NMFS published a temporary rule to enhance protections for Gulf of Maine (GOM) cod (79 FR 67362) in response to an updated GOM cod stock assessment that indicated the health of the stock is worsening. The GOM cod interim rule implemented a GOM cod trip limit of 200 lb (90.7 kg) for sector and common pool groundfish vessels fishing within the GOM broad stock area (BSA) and restricted commercial limited access groundfish vessels that fish in the GOM BSA to fishing only in that BSA for the duration of the declared trip. Additional information on the GOM cod interim rule can be found online at *www.greateratlantic.fisheries.noaa.gov/stories/2014/GOM_cod_interim_management_measures.html*.

On February 9, 2015, we received an exemption request from several sectors. These sectors worked together to assemble 30 mt of GOM cod annual catch entitlement (ACE), which was traded to Northeast Fishery Sector IV, a lease-only sector with no active fishing effort. That sector has proposed to withhold and render unusable that GOM cod ACE, including preventing its use for potential carryover to the next fishing year, if sectors are granted regulatory exemptions from the GOM cod trip limit and GOM BSA restriction.

The 200-lb (90.7-kg) trip limit was intended to reduce the incentive to target GOM cod in areas that would remain open under the interim action to ensure that open-area catch would not result in excessive GOM cod fishing mortality. The 2014 GOM

Cod Interim Rule environmental assessment (EA) estimated that implementing the 200-lb (90.7-kg) trip limit would likely reduce GOM cod mortality by 20 mt. The sectors' request would reduce the GOM cod catch limit by 30 mt. Economic modeling and simulations included in the EA suggest that there is a substantial amount of uncertainty regarding the 20-mt estimated mortality reduction. It should also be noted that most of the public comments submitted in response to the GOM cod interim rule opposed the implementation of a trip limit because trip limits can result in high discards of GOM cod and are counter to the sector system, which limits the fishery based on an annual quota. The requesting sectors propose that a definite 30-mt reduction in the catch limit resulting from the sector exemption would provide a greater biological benefit to GOM cod than the probable reduction in mortality from the 200-lb (90.7-kg) trip limit. Removing the trip limit, as requested by the sectors, would provide a clear limit on overall catch of GOM cod and should minimize regulatory discarding.

The requested exemption would also remove the restriction preventing vessels from fishing both inside and outside of the GOM BSA on the same trip. The sectors requesting the exemption have argued that the single BSA restriction has severely impacted fishing operations of vessels that traditionally fish on Georges Bank and in the GOM on the same trip. Although recognizing that the single BSA restriction impedes flexibility to fish in multiple stock areas on a trip, we previously determined that the short-term benefits of this measure were necessary to achieve the interim rule's objective of reducing mortality and ensuring the effectiveness of other measures in the interim rule. Specifically, the single GOM BSA restriction was intended to facilitate more effective shore-side enforcement of the 200-lb (90.7 kg) trip limit. It was also intended to help

reduce the opportunity for vessels to misreport their catch to ensure that GOM cod catch would be properly accounted for between stock areas.

Reducing the overall catch limit by 30 mt and removing the trip limit more effectively achieves the interim rule's objective of reducing potential cod mortality and, along with additional reporting measures, outweighs the short-term benefit of retaining the single BSA restriction. If the trip limit is no longer in effect, there is less of a need for the GOM BSA restriction to facilitate dockside enforcement.

In consideration of the sectors' request to be exempt from the BSA restriction, we are proposing to replace this requirement with daily catch reporting requirements should we approve the sectors' request. We would still require that sector vessels that declare their intent to fish inside and outside of the GOM BSA on the same trip submit daily vessel monitoring system (VMS) catch reports. Vessels would also be required to submit a VMS catch report prior to moving fishing operations from one BSA to another. This additional reporting requirement would help ensure that catch is properly accounted for. The removal of any incentive to misreport trip catches in relation to the trip limit along with additional reporting requirements to help ensure proper apportioning of catch between BSAs replaces or mitigates the loss of the short-term benefits expected from the single BSA restriction.

When NMFS implemented the interim rule in November 2014, it did not take any action to reduce the GOM cod ACL or ACE allocated to sectors. During public discussion at the September Council meeting at which the Council requested the agency to develop emergency measures for GOM cod, it was clear that any unilateral action to reduce the ACE available to sectors in the middle of the fishing year could have

substantial economic impacts to much of the industry. However, in terms of effecting mortality reductions, a change to the ACE available for harvest by the sectors is generally the most effective and direct means to reduce total potential catch. Instead, NMFS imposed a trip limit to reduce the incentive to target GOM cod within the ACE available, recognizing that if the industry continued to encounter GOM cod, mortality would continue largely through regulatory discarding, potentially up to the full allocated ACE level. Although the analysis supporting the interim measures suggested the trip limit could reduce mortality by approximately 20 mt, there was considerable uncertainty around this estimate, primarily due to uncertainty with the amount of discarding that would occur.

In this request for a sector exemption, the sectors are proposing to implement what NMFS did not: a reduction to the ACE available to those sectors for the remainder of the fishing year. Because the fishing industry will continue to fish through the end of the fishing year, and will continue to encounter GOM cod, the sectors' proposed exemption would establish a firm upper limit on total cod mortality and is more likely to be lower than would otherwise be achieved through the interim measures. In addition to an actual reduction in the total potential cod catch, the sectors' proposed exemption would improve the catch yield and reduce the uncertainty of that cod catch.

This exemption would apply only for the remainder of the 2014 fishing year. It is our intent to continue reviewing sector exemption requests included in annual sector operations plans through a proposed and final rulemaking process. However, future mid-year exemption requests, or modifications to existing exemptions, may be considered,

and granted or denied, through a shortened notice and comment process similar to this action.

If we can conclude that the exemption request is at least conversation neutral, and if this request is granted, this exemption will apply to all sectors who request it, and sector operations plans and letters of authorizations will be modified to include these regulatory exemptions. Minor sector exemption modifications may be granted without further notice if they are deemed essential to facilitate these exemptions and have minimal impacts that do not change the scope or impact of the initially approved sector exemption request.

A supplemental information report analyzing the environmental impacts of this exemption request has been developed and is available online for review at *http://www.greateratlantic.fisheries.noaa.gov/regs/.*

Authority: 16 U.S.C. 1801 et seq.

Dated: February 13, 2015.

Emily H. Menashes,

Acting Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

[FR Doc. 2015-03539 Filed 02/18/2015 at 4:15 pm; Publication Date: 02/23/2015]

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

FEB - 6 2015

RECEIVED
FEB 17 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Comments on Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan

Dear Tom:

The Council submitted a preliminary draft of Framework 53 on January 16, 2015. We completed an expedited review of the draft document, and attached are substantive comments that must be addressed to ensure the document is consistent with applicable law. Additionally, as you noted with the preliminary submission, the draft document does not contain the Regulatory Impact Review or the Initial Regulatory Flexibility Analysis, and these sections are required for formal submission.

Our staffs have already discussed the attached comments, and have coordinated on how to best incorporate the necessary changes. If you have additional questions on the comments provided, or on the review of Framework 53, please contact Sarah Heil at (978) 281-9257. We appreciate your quick turnaround of this document, given the compressed timeline for this action.

Sincerely,

for John K. Bullard
Regional Administrator

Attachment

Framework Adjustment 53
Substantive Comments

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A Tale of two pictures

I had intended to give this as an oral presentation at the January Council meeting but I was prevented from attending by an illness. The subject cannot wait until April because action is needed immediately. This was a visual presentation which loses some of its power in writing, my apologies.

Source: http://www.gmri.org/our-work/research/projects/ecological-diversity-cod-gulf-maine-and-its-role-resiliency-fishery

This is a picture of approximately 2000 lbs. of cod. It represents the first time I have targeted cod in two years. While one picture does not determine the status of the stock it is a powerful illustrator of our current assessment shortcomings. This presentation is on Gulf of Maine Cod but the problems it illustrates cut across numerous species. By way of background, this was a one hour research tow in an open area. I travelled 20 miles to make this tow and it represents the first area that had not been taken over by lobster traps. This alone is cause for concern because most of the Gulf of Maine is now defacto

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closed to commercial fishing and the trawl survey, by the proliferation of fixed gear. The fact is, none of us now know how many cod exist because no one, including the NOAA trawl survey can fish here.

Now, consider the following facts that can be measured from this picture.

1. Based on a letter of January 20, 2015 to Groundfish permit holders, from NOAA fisheries, I will be granted sufficient cod to fish 1.3 hours with my three permits. (2742lbs/2000lbs per hour = 1.37 hours)
2. One 40 foot boat, such as mine, could catch the entire Gulf of Maine Cod quota in 9.5 days. (456,356 lbs./2000 lbs. per hour = 228.178 hours divided by 24 =9.5 days)

If, as an individual, you think this makes sense, in light of this picture, then read no further.

Read on to learn what clues this picture holds....

Why have you not seen this in commercial tows?

1. This tow would be considered a complete failure under sector management.
2. The fish pictured here represent about $3000 in December prices
3. The cost of leasing these fish (remember you lease the guts and assumed discards also) would be $4000-$4500.

Thus this tow represents a loss of around $1500 to the fisherman. The extortionate price of leased fish is hopelessly skewing fishery dependent data. Until the council deals with the high cost of leased fish across a number of species, fishery dependent data will not be representative of the status of the fishery.

- Why does fishery dependent data matter?
  Fishery dependent data provides much of the information such as length frequency and CPUE that tune most models. Many regions and other entities including ICES, other than New England, use CPUE indices to derive and or tune assessments. Scientists from these entities and regions have been begging for data similar to our study fleet, but here it is not used. Why?
- When did fishery dependent data become altered?
  The advent of closed areas, trip limits, and then sectors began in 1996. A wide array of assessments subsequently suffered large and growing retrospective patterns. I do not believe the two are coincidental!
- NOAA Fisheries state repeatedly that serious age truncation has appeared in the fishery. What does the picture show?
  This picture represents at least four and possibly up to seven different year classes. I will wait

for the aging study to be completed because length alone does not determine age in cod. What is remarkable about this picture is that it comes from an area not usually associated with older year classes. Fishermen report seeing, older cod, sometimes over ten years old, further off shore and in deeper water then years past. This is just one of the effects of the warming of the waters in the Gulf of Maine which is not being accounted for.

- Why does length frequency change with tow length? Generally, in research tows researchers tow 30 minutes to get a representative sample of the ages present. This is because domed selectivity occurs in which older fish outswim the trawl during haulback. The tow length in the trawl survey was changed from 30 minutes with the Albatross to 20 minutes with the Bigelow, yet NOAA Fisheries refuses to admit domed selectivity exists.
- Council member Peter Kendall has examined the Yankee Fishermen's Coop landings by market category, large cod, market cod and scrod. During a twenty year period ending in 2014, there is remarkable consistency in the percentage of each group. If there is age truncation, why is it not reflected in the landings?

NOAA Fisheries and the NGO's, through their press releases, have repeatedly stated fishermen are catching the last huddled masses of cod and go on to compare the Gulf of Maine to Newfoundland. Comparing these two regions is like comparing apples and watermelons. Newfoundland invented icebreaker trawling which targeted spawning aggregations previously protected under the ice. No such technological advance occurred here. The same week I caught these fish, boats doing research in Massachusetts Bay for Massachusetts Division of Marine Fisheries and the Nature Conservancy caught 200-1000 pounds of cod for tows of five minutes to twenty minute in length. These areas included the Olympia tow, top of Stellwagon Bank, edge of the bank, and deep water west of the bank as well as all along the Massachusetts shore. They were unable to make tows of sufficient length to get representative age samples because the entire bay was covered with lobster gear. The only other boat fishing from my harbor had a tow with between 2500 and 4000 pounds of cod for an hour while trying to catch yellowtail ten miles southeast of my location. He pulled the tripper and let the fish swim away because of the 200 pound trip limit imposed by the interim action. Finally an offshore gillnetter fishing on Parker's, which for those of you who do not know, is closer to the Hague line then the coast of New England, reported an "idiotic" cod discard rate shoaler then 80 fathoms and only a "disgusting" cod discard rate for the remainder of their five day trip below 80 fathoms. The recreational fishery caught its quota for the year in a month and Gulf of Maine cod continue to be caught in large numbers recreationally off Block Island. So where precisely are these last huddled masses of cod or more precisely, where do you fish not to catch cod?

Cover photo courtesy *National Fisherman*

This picture was taken the same month in a different year 100 yards from picture one. This is a commercial tow and represents what I caught in December 2014. Why the difference? Picture two has only a few cod and other fish I have to lease. It represents about $800 worth of lobster, finfish and

dogfish. The picture illustrates why fishery dependent data has become so skewed by leasing. As a fisherman, I would fish for picture one, but as a businessman I am forced to fish for picture two.

Why else is this picture important? The difference between pictures one and two shows why you cannot rely on a trawl survey for your only source of information. Which picture represents the true status of the stocks? The answer is neither as they are both representative of the same strata. With this kind of variation over 100 yards you cannot expect to accurately measure the biomass, with one tow every roughly 7500 square kilometers.

Very shortly, after May 1, both commercial and recreational fishing will be halted because of the latest flawed assessment. Cod is the poster child, but many other assessments are in a similar state of dysfunction. ***I request a blue ribbon panel made up of scientists(both NOAA and non-government scientists) and fishermen be put together to set ad hoc interim quotas to be implemented on an emergency basis by NOAA Fisheries while the same group tries to come up with a comprehensive method of proceeding with assessments in the future.***

Fishermen have said repeatedly that the science is broken. This is a poor choice of words as fishermen often use science, scientists, and models interchangeably to describe a broken process. The problem, as I have tried to illustrate in this narrative, is that numerous data streams have become incrementally flawed over time. The science and management communities have not been able to holistically examine this problem because they spend all their waking moments trying to meet the mandates of a fatally flawed Magnuson Act. In the early 2000's Dr. John Boreman, in a meeting over flaws in the trawl survey, stood up and said the system was broken and could not be fixed. This personal courage ushered in a period of cooperation in which we all worked together. Who, in this decade, has the personal courage and integrity to make the same statement so we can all fix a broken process?

Respectfully submitted,

David Goethel
F/V Ellen Diane
Hampton, NH

(3)

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

MARGARET WOOD HASSAN
Governor

February 6, 2015

The Honorable Penny Pritzker
Secretary, US Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Pritzker:

I am writing to express my support for the approval of Framework Adjustment 53 to the Northeast Multispecies Fisheries Management Plan and ask that final approval on the framework be given as soon as possible to ensure that current temporary measures are lifted and our commercial and recreational fishermen can adequately plan for the coming fishing year.

The current temporary measures in place for the Gulf of Maine Cod and Haddock Fishery are causing great uncertainty and economic strain to our already stressed fishing industry, and an extension of the temporary measures would greatly increase that uncertainty and economic difficulty. The swift approval of Framework 53 will help to relieve some of the economic burdens our fishermen are facing, while still balancing the need to ensure sustainable fishing practices and healthy stocks.

I also ask that in developing and approving future temporary measures and framework adjustments, we ensure that all parties – including local fishermen, regional fishery councils, state and federal officials, and fishery biologists – work closely together to create an appropriate, science-based balance between conservation efforts and local economic needs.

I urge you to carefully consider both the environmental and economic consequences that the rejection of Framework 53 and an extension of the current temporary measures will have on our coastal communities that rely on a thriving fishing industry and strongly urge for the swift approval of the framework.

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.nh.gov/ • Email: governorhassan@nh.gov
TDD Access: Relay NH 1-800-735-2964

jc/ip – 2/18/15

Thank you for your consideration. I look forward to continuing to work with you on this important issue.

With every good wish,

Margaret Wood Hassan
Governor

CC:

Dr. Kathryn Sullivan, Under Secretary of Commerce for Oceans & Atmosphere and NOAA Administrator
Eileen Sobeck, Assistant Administrator for Fisheries, NOAA Fisheries
John Bullard, Regional Administrator, Greater Atlantic Region, NOAA Fisheries
Thomas Nies, Executive Director, New England Fishery Management Council
Terry Stockwell, Chairman, New England Fishery Management Council

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55 Great Republic Drive
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FEB - 6 2015

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Comments on Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan

Dear Tom:

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Sincerely,

For John K. Bullard
Regional Administrator

Attachment

jc/jp - 2/12/15

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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 30, 2015

Mr. E. F. Stockwell, III
Chairman
New England Fishery Management Council
50 Water Street; Mill 2
Newburyport, MA 01950

Dear Terry:

Thank you for your December 2, 2014, letter which acknowledged all of the cod stock assessments that have been conducted by the NEFSC in recent years, and also expressed the need for additional Atlantic cod research focused on stock structure, the effects of climate change, and natural mortality. As you know, we will be updating the assessments for both Georges Bank and Gulf of Maine in September 2015.

Questions regarding stock structure, climate change effects, natural mortality, and other factors related to the productivity, distribution, and abundance of cod stocks were discussed during these reviews and have been investigated to varying degrees by Center scientists and our research partners. We believe that a systematic approach is necessary to allow us to refine the questions that should be answered before new benchmark (or research track) assessments are conducted for these stocks. It will then be possible (again, in conjunction with our research partners) to prioritize and schedule the necessary research, and work with the NRCC on timing of the assessments.

Within the NEFSC, I have established a steering group to focus on interdisciplinary, cross-cutting research to support stock assessments (CEHASG, or Climate, Ecosystem, and Habitat Assessment Steering Group). This group will be meeting soon to develop an NEFSC perspective regarding Atlantic cod assessment research needs and priorities. When this is complete, we would like to work with the Council to schedule a workshop to seek broader stakeholder input on this document and develop some initial timelines for completing the work. This would be used to brief the NRCC.

During this planning and prioritization process, it will also be important for us to consider other demands placed on Center staff in support of the New England Fishery Management Council, our other NRCC partners, and our broader research priorities. It will also be important to recognize the roles that Council staff, the NEFSC SSC, research partners, and stakeholders will be asked to play.

We look forward to working with the Council on the challenges associated with assessment of regional Atlantic cod stocks and to the opportunity to better understand the changing ecosystems they inhabit. I am confident that the scientific information we provide through this process will support improved management and conservation of these important groundfish stocks.

Sincerely,

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

cc: T. Nies
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

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.

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,

Russell W. Brown for

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

cc: R. Beal
J. Bullard
C. Moore

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 30, 2015

RECEIVED
JAN 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Mr. E. F. Stockwell, III
Chairman
New England Fishery Management Council
50 Water Street; Mill 2
Newburyport, MA 01950

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We look forward to working with the Council on the challenges associated with assessment of regional Atlantic cod stocks and to the opportunity to better understand the changing ecosystems they inhabit. I am confident that the scientific information we provide through this process will support improved management and conservation of these important groundfish stocks.

Sincerely,

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

cc: T. Nies
C. Moore
J. Bullard

From: Michael Pierdinock [mailto:cpfcharters@yahoo.com]
Sent: Friday, January 30, 2015 3:07 PM
To: John Bullard
Cc: Mark Grant; Michael Ruccio; Tom Nies; Barry Gibson; Frank Blount; David Pierce; Paul Diodati; Hugh Dunn; Valanzola Jared (SEN); Thomas Benjamin (HOU); Charlie Wade; Dave Waldrip
Subject: MRIP Recreational Quota for 2015

Dear John

I had a long talk with Scott Steinback, NMFS Woods Hole about the model used for the cod and haddock recreational estimates for 2015. The concerns that I had are consistent with what was noted in my correspondence during the public comment period and as stated during my testimony at the RAP. Scott was able to provide me the details to understand the model used and multiple model runs conducted.

The MRIP data of the haddock and cod landed by anglers is subject to a 50% Proportional Standard Error (PSE) that is very similar to variance. Yes that is correct 50% PSE! An acceptable PSE in the past is typically 20%. From a statistical standpoint 50% PSE is indicative of poor data set associated with the MRIP process and therefore, the data is not statistically valid.

As stated in the memorandum, NMFS had to conduct multiple algorithms or model runs to make the model work since the model has underestimated landings the past two years. The model attempts to mirror the MRIP landing data. The model is likely underestimating the landings because the data used from MRIP has a 50% PSE. I have not faith in the numbers. The 50% PSE is indicative of data that is not statistically valid.

Ultimately a bag limit of 3/4/5 haddock will result in no one leaving the dock. The fishing effort for 2015 needs to be significantly reduced since few anglers will leave the dock. The use of a LOA for the charter boat fleet (assume 10 haddock for 30 days as an example) will help but we are not confident the fleet will survive. We are being told a LOA cannot be implemented in 2015. If not the groundfish charter boat fleet is done.

VTRs should be used to estimate landings by the fore hire fleet, otherwise why do we continue to fill them out? Dockside interviews of recreational anglers fishing on charter boats is significantly flawed. The fish landing data should be based on the VTRs completed by the charter boat/fore hire fleet that will provide a more accurate data base of landings than dockside interviews of anglers.

More dockside interviews, on line recording or mailings to those with saltwater fishing license needs to be conducted of recreational anglers to reduce the interpolation used as a result of the MRIP interview process and to reduce the 50% PSE to a PSE that is indicative of statistically valid data. The saltwater fishing license should provide the funding necessary to conduct the interviews.

Additional discard mortality studies are needed for cod and haddock. Are there any studies scheduled for the immediate future? Who should I contact, any recommendations?

I look forward to hearing from you.

Thanks

Capt. Mike Pierdinock
CPF Charters "Perseverance"
Recreational Fishing Alliance - Massachusetts Chairman Stellwagen Bank Charter Boat Association - Board of Directors Stellwagen Bank National Marine Sanctuary Advisory Council - Recreational Seat New England Fishery Management Council - Enforcement Advisory Panel
(617) 291-8914

jc/jp – 2/4/15

SUSTAINABLE HARVEST SECTOR
PO Box 356, So. Berwick ME 03908 | 207-956-8497 | www.groundfish.org

January 27 2015

RECEIVED
JAN 2 8 2015
AT THE NEW ENGLAND FISHERY
MANAGEMENT COUNCIL MEETING

Terry Stockwell, Chair
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Chairman Stockwell,

We write to express our dismay with a process that allowed the NMFS to implement a GOM cod conservation plan that by design quadrupled discards of this sensitive stock, and cost the industry at least $1.6 million in the final months of the fishing year[i]. As baffling is the Service's choice to not work with an industry plan that could have reduced catch just as effectively, minus the wasted discards and dollars.

The GOM cod Interim Action (IA) reduces cod catch by 200 MT, primarily through implementation of a trip limit and closed areas. The IA estimated 180 tons of the reduction (90%) comes from newly closed areas and the remaining 20 tons from the trip limit[1]. Upon release of the IA, industry was horrified to find the NMFS proposed cod discard-to-catch ratio from a No Action expectation of 7% (25.7/340) to a 'Preferred Alternative' of 83% (116.5/140)[1].

Thus over the course of a few weeks, the sectors collectively designed a plan to:

- **Maintain most of the proposed closed areas.** NMFS's analysis "indicates that the (IA's) seasonal closures have the potential to reduce catch by substantial amounts" and that even though "effort may shift and even increase to the available open areas, this should not cause a large increase in GOM cod mortality… (because) the amount of catch that has come from open areas ranges from 32 to 18 percent for the commercial fishery. [ii]" In other words, NMFS estimated that the vast majority of catch reduction – 180 tons - would come from newly closed areas.
- **Voluntarily relinquish 60 tons of cod ACE.** The NMFS projected the remaining 20 tons of catch reduction would come from a trip limit. The sectors secured ironclad commitments for 60 tons of reserve ACE via allocation donations, and outright purchases made with our own funds.
- **Increase the trip limit**, with any increased catch paid for as part of the 60-ton reserve.
- **Remove the prohibition on fishing both inside and outside the GOM on a single trip.** The NMFS quantified no catch reduction at all to this measure, but contends this restriction increases catch reporting precision. Yet the Service's own analysis suggests the level of uncertainty under the IA would be negligible. If most trips in the remaining open areas "landed 200 pounds or less" of GOM cod,[iii] how much misreporting on the minority of trips which (a) land more than that and (b) do fish in multiple Broad Stock Areas could actually occur? Still, the 60-ton reserve would have provided some buffer.

jc/jp - 1/30/15

The cumulative effect of the sector plan would have achieved the desired conservation goal, salvaged much of the foregone $1.6 million, and reduced dead discards. We alerted NMFS in advance of our plan and submitted it by the IA public comment deadline. We heard nothing further until today. The Service never contacted us to inquire about the mechanics of the reserve, or discussion of an appropriate trip limit, or tweaking our closed area modification proposal. The IA stands, at the expense of:

- $1.6 million of landed revenue. The IA proclaims the economic impact is "not expected to be significant," but then – in the very next paragraph! – states that "vessels in the 30-50 ft. size class are predicted to see gross revenue declines on the order of 40%.[iv]"
- The implosion of the GOM cod lease market. Before the IA, fishermen were able to lease their cod allocation for $1.00-$1.50. Today it can be had for 20-40 cents. This represents an additional loss of $100,000-$200,000 to lessees, with no offsetting benefit to lessors from a lower price.
- A record-shattering GOM cod discard-to-catch ratio, unmatched even in the disastrous 1999 fishing year when the trip limit was set as low as 30 pounds[v].

Onerous as Amendment 16 was, it did provide industry new avenues to self-management and participation in the rulemaking process. Over the last few years, sectors have implemented voluntary monitoring and reporting systems, developed cod catch estimates for the PDT and SSC with virtually no advance notice, and now developed a better IA plan. The amount and quality of information and ideas available to the Service from industry has never been higher. This was part and parcel of the Council's Amendment 16 intent. But today the Regional Administrator has rejected 60 tons of reserve ACE, and instead given the green light to about 90 tons of new discards. That, we are sure, was and is <u>not</u> the Council's intent.

Sincerely,

Frank Patania
President, Sustainable Harvest Sector

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[i] Cumulative Effects Analysis, Gulf of Maine Cod Interim Action, Table 55
[ii] Ibid, pp 112-113
[iii] Ibid, p 126
[iv] Ibid, p 146
[v] SAW 55, Table A.8

GFCPF

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JAN 29 2015

AT THE NEW ENGLAND FISHERY
MANAGEMENT COUNCIL MEETING

December 13, 2014

John K. Bullard, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: Comments on the GOM cod Interim Action

Dear John,

The Gloucester Fishing Community Preservation Fund (GFCPF) submits the following comments for the Interim Measures for Gulf of Maine cod.

At the recent Groundfish committee meeting held November 12th and 13th in Revere, I offered comments following the NMFS presentation on the Gulf of Maine Cod Emergency Action on many aspects of the Interim Action (IA). One of the items I touched upon was the continued failure to recognize the potential of the sector system to solve problems.

You correctly stated that industry had strenuously testified that an in-season reduction in a sector Sub ACL would cause unfathomable problems. Anyone that does know the system knows this to be true. Once the year starts some folks fish their allocations early, others don't, some transfer to others for fish or money and others pay for fish with fish or money and everything is based upon a full year without changes in currency. To apply a global reduction in-season would cause problems that would take the most knowledgeable people days just to imagine all of the likely scenarios.

I suggested utilizing the ACE trading system to compile quota through voluntary leases of sector members to their sector for the purpose of freezing or surrendering the ACE to affect a sub ACL reduction. At the time my suggestion was purely theoretical and meant to illustrate that the mechanism existed in the current sector ACE trading system. But voluntary ACE trading requires compensation because fishermen barter and pay for quota among each other and between sectors.

jc/ip/pmf - 1/30/15

GFCPF

I should stress that this is an extreme case and should be considered a "one off" of sorts. It should never be considered a mechanism for in-season reductions under normal circumstances. Business stability doesn't exist in this fishery due to intolerable volatility in scientific advice. Annual changes are difficult enough to deal with. I'm sure you will receive enough comments letting you know that this whole GOM cod fire drill has caused immeasurable problems we hope will never happen again. But we are here and the sectors have responded.

In this extreme case where such oppressive measures have been put into place for what appeared to be relatively insignificant conservation benefits, the value of relieving those measures exceeds the trading value of the ACE for some and collapsed the value for others.

A SECTOR SOLUTION

The Gloucester Fishing Community Preservation Fund has provided funding to compensate sectors and their members for lease transactions to facilitate a sector based solution. In addition, a substantial portion of GOM cod ACE has been pledged by sectors and their members for **no compensation at all**. This is a collaborative effort to propose conservation benefits for GOM cod through voluntary reduction of sector sub-ACL while mitigating economic impacts and wasteful discards.

In the past 72 hours the sectors have compiled more than 60 metric tons of binding lease agreements for 2014 GOM cod ACE to be consolidated into Northeast Fishery Sector 4 for the purpose of offering to freeze or surrender this ACE to effectively reduce the FY 2014 sector sub-ACL. This fish has been pledged for the sole purpose of assisting NMFS to expeditiously implement modifications to the current Interim Action (IA) measures.

BSA RESTRICTION AND TRIP LIMIT

Approximately 50% of this fish was pledged for no financial compensation by sectors/members with the explicit intent of providing a solid basis for NMFS to remove the one broad stock area restriction before the redfish fishery and the fragile NE market is lost. The fishery for the healthy Pollock stock is also paralyzed by the single BSA restriction because the traditional winter Pollock fishery literally straddles the 42:20. The winter Pollock fishery cannot be predicted from the dock,

GFCPF

prior to starting a trip. Vessels need to fish north and south of the 42:20 to provide ample opportunity to complete a successful trip.

Additionally, the trip limit threatens the fishery through assumed discards under the Kept / All methodology. Table 55 of the EA indicates that the conservation benefit of the trip limit is only 20mt yet the difference in discard rate is enormous. With a full month of the IA period expired the sectors hope that by freezing 30 metric ton of 2014 ACE into NEFS 4 NMFS could remove the BSA restriction as quickly as possible and to request the NEFSC determine appropriate modification or removal of the possession limit to drastically reduce discards. The current measures project discard rate to be 500%. Discards under the sector" full possession of legal sized fish" system were only 2% prior to the IA.

In short, the binding leases for the pledged 30mt above are conditional upon a return to multiple BSA flexibility and a modification or removal of a possession limit with minimums of 400 day / 2,000 trip. We find it very difficult to even acknowledge a possession limit be contemplated as we move into our 6th year of output controlled management. However, the fact is that NMFS has implemented a mostly effort controlled regime in the IA and the removal of the BSA restriction is too important to risk placing a condition that the trip limit be removed altogether. However, it merits repeating the fact that possession limits have no place in this system and the EA seems to indicate that the no trip limit option was the better alternative.

This is a good faith effort by the sectors to contribute to meeting the conservation goals of the IA by providing NMFS with a **KNOWN** reduction in available ACL rather than relying upon projected conservation benefits under a wasteful system. Time is of the essence for BSA relief to reopen the redfish and Pollock fisheries, therefore the 30 metric ton will be frozen until January 13, 2015 and 20 metric (10 released back to the sectors) from January 14 until February 13, 2015. The reason this fish needs to be on a timeline is because the donors have received no financial compensation for the fish and we will be jeopardizing the fishery by withholding quota if NMFS is determined to stay the course with a forced discard and paper fish ACE withdrawal system. Each day the current measures are in place the fishery loses value.

GFCPF

REMOVAL OF MARCH CLOSURES

Through NEFS 4, this comment also pledges an additional 30 metric ton of 2014 GOM Cod ACE to assist NMFS in determining that the suite of closures in March can be removed. The rationale is the recent Emergency Action to increase the Gulf of Maine haddock ACL will provide little benefit due to the minimal access to this stock under the suite of closures contained in this IA. Inshore fishermen have been impacted profoundly by this IA and have contributed to this ACE offering. The month of March indicates sparse evidence of cod in ripe spawning condition and is historically a good month for haddock catches in the inshore blocks. By removing all March closures the inshore vessels will have an opportunity to target other stocks with minimal impact on cod

This 30 metric ton will be frozen by NEFS 4 until February 15th 2015 to allow time for NMFS analysis and announcements of decisions for changes in the existing IA measures. **If March 2015 closures can be removed the 30 metric tons will be frozen, surrendered or otherwise rendered unavailable to the fishery.**

To be clear, any changes to existing IA measures resulting in whole or in part from the freeze, surrender or other method determined to be most appropriate to render the quota unavailable for the remainder of the 2014 fishing will apply to all sectors regardless of their scale or lack of participation in the efforts described in these comments to secure up to 60 metric tons of 2014 GOM cod ACE. There are no individual sector specific changes implied or requested. Any benefits will be universal.

COMMITMENT

NEFS 4 will have 60 metric tons of lease transactions completed on SIMM during the week of December 15th for the purposes described in these comments.

On behalf of the numerous sector managers, members and sector leadership who have contributed to this effort to directly address an output management problem so effectively and professionally, I implore you to give this serious consideration. This fishery cannot afford to revert to high discards and mortality closures when an output alternative has been presented by industry.

GFCPF

The board of NEFS 4 is prepared to take any action deemed necessary to transfer, freeze or otherwise render unusable any ACE that may be used according to the offerings above.

GFCPF appreciates this opportunity to submit comments.

Respectfully submitted,

Vito Giacalone, Executive Director
Gloucester Fishing Community Preservation Fund

Participating Sectors as of 12-13-14

Sustainable Harvest Sector
Northeast Fishery Sector 2
Northeast Fishery Sector 3
Northeast Fishery Sector 4
Northeast Fishery Sector 6
Northeast Fishery Sector 7
Northeast Fishery Sector 8
Northeast Fishery Sector 9
Northeast Fishery Sector 11

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

(3)

JAN 21 2015

RECEIVED
JAN 26 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Tom:

On October 2, 2014, the Council passed a motion "that the Council Chair send a letter to Regional Administrator requesting that, if emergency action is taken that includes measures that apply to recreational anglers, the regional administrator mail a Greater Atlantic Region bulletin describing the measures to all licensed saltwater anglers in, at a minimum, ME, NH, and MA using address information from the National Saltwater Angler Registry." In your October 15, 2014, letter, you emphasized that, due to the sizeable amount of Gulf of Maine cod harvested by recreational anglers, the Council feels it is very important to inform the recreational component of the fishery of all regulatory changes.

Together, there are over 340,000 registered anglers in Maine, New Hampshire, and Massachusetts. In fishing year 2013, recreational catches in the Gulf of Maine were 45 percent of the total cod catch and 57 percent of the total haddock catch. I agree that we need to improve outreach to the recreational community, but we were unable to send a letter to all licensed saltwater anglers in these states because the cost was prohibitive. However, we have been working on the development and implementation of an expanded outreach program to connect with and inform recreational anglers. Our Stakeholder Engagement Division (which includes our port agents), our recreational fishing coordinator, and other staff have reached out to the Gulf of Maine states to begin collaborating on recreational fishing outreach. Additionally, staff members will be attending regional fishing and boating shows to distribute information, answer questions, and expand relationships with the recreational fishing industry. Staff members are scheduled to give presentations to some local fishing clubs, and port agents will be visiting for-hire docks and bait and tackle shops to distribute information. We are increasing our use of social media (e.g., Facebook, Twitter, text alerts) and are collaborating with sportfishing organizations to link to our information from their websites. We also plan to collaborate with media to communicate information in print and on television. The current focus of this outreach is the interim Gulf of Maine cod recreational measures, but this spring the focus will transition to

JC/JP ~ 1/30/15

measures for fishing year 2015. As the 2015 measures become known, these efforts will expand to the remaining other states and areas covering the entire groundfish fishery.

If you have any additional questions or concerns, please contact the Sustainable Fisheries Division at (978)-281-9315.

Sincerely,

John K. Bullard
for Regional Administrator

United States Department of State

Bureau of Oceans and International Environmental and Scientific Affairs

Washington, D.C. 20520

December 8, 2014

Fred Kingston
Executive Secretary
Northwest Atlantic Fisheries Organization
P.O. Box 638
Dartmouth, Nova Scotia
Canada B2Y 3Y9

Dear Mr. Kingston:

I am writing to register the formal objection of the United States to certain measures adopted at the 36th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) in Vigo, Spain, September 22-26, 2014.

Pursuant to Article 12 of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the NAFO Convention), the United States hereby submits an objection to the decisions taken at the 2014 NAFO Annual Meeting with regard to management of Division 3NO witch flounder, including the total allowable catch, the quotas, the percentage shares, and footnote 28 to Annex I.A – Annual Quota Table of the NAFO Conservation and Enforcement Measures. This objection is based on the U.S. concern that this decision is (1) inconsistent with the NAFO Convention, (2) inconsistent with the precautionary approach to fisheries management, (3) inconsistent with the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereinafter "the Amendment"), and (4) inconsistent with appropriate process in that it excluded the United States, a coastal state and Contracting Party that has "traditionally fished within that area."

(1) Article XI.2 of the NAFO Convention requires the Fisheries Commission to take into account the advice provided by the Scientific Council. The United States considers the 1000 metric ton total allowable catch (TAC) adopted for Division 3NO witch flounder to be wholly inconsistent with the advice of the NAFO Scientific Council for this stock for 2015.

Although low levels of bycatch of this species are allowed under NAFO rules (in 300-400 metric ton range in recent years), directed fishing for this

ic/ia ~ 1/30/15

stock has been prohibited since 1995. In its advice for 2015, the NAFO Scientific Council stated that "future removals, if allowed to increase, should only increase in an adaptive, gradual manner from current catch levels."

(2) The Fisheries Commission decision to reopen directed fishing for this stock with a TAC approximately three times the level harvested through bycatch in 2014 is inconsistent with the principles of precautionary fisheries management as outlined both in the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982 relating to the Conservation and Management of Straddling Stocks and Highly Migratory Fish Stocks (hereinafter "the 1995 Agreement").

(3) Inasmuch as all NAFO Contracting Parties adopted the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereinafter "the Amendment") by consensus, and five have ratified it, all Contracting Parties should endeavor to act consistent with its provisions. *See* General Principle III(b) (requiring measures to be based on the best scientific advice available to ensure that fishery resources are maintained at or restored to levels capable of producing maximum sustainable yield); General Principle III(c) (requiring measures to apply the precautionary approach in accordance with Article 6 of the 1995 Agreement); Subparagraph VI(8)(a) (requiring the commission in the regulatory area to adopt "(a) conservation and management measures to achieve the objective of this Convention.") For the reasons stated above, therefore, the TAC established for 2015 is inconsistent with the above cited provisions of the Amendment.

(4) As a NAFO Coastal State with a rich fishing history in the Northwest Atlantic Ocean, the United States is concerned that, once the 2015 TAC for Division 3NO witch flounder was provisionally agreed during the 2014 NAFO Annual Meeting, discussions concerning the allocation of this TAC excluded most NAFO Contracting Parties. All NAFO Contracting Parties have shared in the sacrifices necessary to allow the Division 3NO witch flounder stock to recover and all should likewise be afforded the opportunity to benefit from these shared sacrifices, if a catch is proper pursuant to the scientific advice. Indeed, the Amendment specifically notes that "measures adopted by the Commission for the allocation of fishing opportunities in the Regulatory Area shall take into account the interests of Contracting Parties whose vessels have traditionally fished within that area and the interests of

the relevant coastal States." Along those lines, the United States has spoken against the NAFO practice of listing antiquated national percentage shares next to allocations in Annex I.A – Annual Quota Table of the NAFO Conservation and Enforcement Measures. This practice only reinforces the incorrect premise that past quota allocation keys have legitimate application in the present and future NAFO management regimes.

For all these reasons, the United States strongly emphasizes that the decisions and the procedure by which the 2015 TAC and catch limits for Division 3NO witch flounder were established do not accord with either the NAFO Convention or the Amendment.

This objection conforms to the objection language in the NAFO Convention.

Finally, while the United States has no immediate plans to harvest Division 3NO witch flounder, this objection is being made with the intention of ensuring that NAFO decisions reflect the best available scientific advice, conform to established Contracting Party obligations, and recognize the sacrifices Contracting Parties have collectively and individually made to sustainably manage marine resources.

I would be grateful if you would circulate this objection to all contracting Parties.

Sincerely,

Judith G. Garber
Acting Assistant Secretary of State

Cc: John Bullard, NOAA
Dean Swanson, NOAA

RECEIVED
JAN 22 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

From: Lori Chase <litlla8@aol.com>
To: "joleaty@nefmc.org" <joleaty@nefmc.org>
Subject: Regs

Hello my name is Lori Chase I am a taxpayer and resident of NH. I am quite concerned about the impact the regulations to date has had on our families of fisherman, unemployment, tourism and the tax impact to our Seacoast, not to mention the lack of fresh N.E. seafood. I enjoy both recreational saltwater fishing, both public and private. I have many friends in the industry and that reside on the seacoast. I have personally witnessed financial hardships to our fisherman as well as business owners of recreational fishing companies, restaurants and hotels due to increased regulations. I am hopeful that regulations at the upcoming council meeting are lessened an not increased and that we do not have to see any additional hardships or only obtain seafood from overseas. Sincerely Lori Chase Belmont NH

(3)

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

JC/JO 1/14/15

From: Michael Pierdinock
Date: January 19, 2015 at 5:37:12 PM EST
To: Jamie Cournane <jcournane@nefmc.org>
Cc: Tom Nies <tnies@nefmc.org>, Barry Gibson <barrygibson6@aol.com>, "Frank Blount" <francesflt@aol.com>, Dave Waldrip <captdave@relentlesscharters.com>, Charlie Wade <cwade440@yahoo.com>, Paul Diodati <paul.diodati@state.ma.us>
Subject: Comments to Proposed Haddock Charter Boat and Recreational Bag Limits FY 2015
Reply-To: Michael Pierdinock <cpfcharters@yahoo.com>
Jamie:

In response to the Memorandum dated November 10th, 2014 by Jamie M. Cournane, PhD, Groundfish Plan Coordinator to the Groundfish Committee, Biological and Economic Impacts Analysis for Framework Adjustment 53 (FW 53) to the Multispecies (Groundfish) Fishery Management Plan, Accountability of Potential Recreational Fishing Accountability Measures for FY 2015, a summary of questions and comments is set forth below.

Evaluation of Model Predictions (page 2): Please provide additional details of the algorithm adjustments. It appears that the final model that was selected was "to reduce the discrepancies for FY 2015." If the landing data is flawed which I believe to be the case was the model selected that was the best fit for the flawed data?

Flawed or inconsistent data is as follows:
The Table 1, haddock catch numbers in 2014 indicate an increase of 208,797 fish while the season was shortened by a full two months and the average catch per angler per trip was 0.7 fish. Even though we relied more heavily on haddock since fewer keeper cod were available that is not consistent with our data or observations.

Table 9 (All Gulf of Maine Angler Trips By Fishing Year and Mode) indicates 78,167 angler trips on charter boats during FY 2014. This would mean on a typical six pack charter boat with six anglers there would be seventy-two charter boats fishing every day for six months from mid April through mid November which is certainly not the case with New England weather and fewer charters due to elevated fuel prices, the economy and lack of cod resulting in patrons fishing elsewhere.

Table 9 indicates GOM trips for an assumed all species from the "Shore" that is inconsistent with Tables 2 through 8, that indicates 0 landings of cod/haddock from the Shore (no cod or haddock from the shore makes sense). What is the basis of the "Shore" data in Table 9 if it is not found in Tables 2 through 8 and does this impact the FY 2015 results?

Table 1 indicates that during 2014 there was 680,4453 haddock caught based on the total of landed and released fish. Of those 129,978 were kept and 680, 665 were released resulting in the landings being 19% of all caught fish. This appears to be a result of the 22" minimum size limit.

The Marine Recreational Information Program (MRIP) data for the charter boat/fore hire vessel landings and recreational landings is significantly flawed. Does each state record the landing data the same: VTRs, dockside interviews and random phone calls? I can only attest for what takes place in Massachusetts, is the process the same in the other states that we are relying on for this data?

We have had more than one example this past year where a charter boat completed and submitted a VTR to NOAA and a dockside interview was conducted by MassDMF of the recreational anglers that paid for the trip. These were not Quantech interviews associated with HMS species these were MassDMF interviews. Is this double dipping? In addition, I have little confidence in a typical angler leaving the

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charter adequately representing what was landed on the charter and what was returned to the sea. The numbers they provide are typically higher than what was truly landed or returned to the sea.

The MRIP data relies significantly on random phone call and dockside interviews. The random phone calls are flawed since in the event that for example 50 phone calls are made in one day and only one angler answers the phone and reports landing fish then an interpellation or estimation is made of the other fish landed by the anglers that could not be reached via phone. The same flaw occurs with the dockside interviews and for example if there is foul weather and only one boat is available for an interview from the entire state that leaves the dock and that one boat lands fish than an estimation or interpellation is made of the landings at all of the harbors within the state where no interviews took place. This is not reality, we have stated before the data does not look right and the methodology of data collection significantly flawed and our FY 2015 quotas are based on flawed science. Unfortunately the scheduled revisions to the MRIP over the next 3 years will be too late unless the detrimental economic impact to the charter boat/fore hire fleet, recreational angles and all of those that rely on the fishery to make a living is taken into consideration when rendering the decision.

The 50% mortality rate is arbitrary and due to lack of research. There is recent research that has been conducted by the University of New England that indicates a 13 to 25% mortality rate for cod/haddock that will not be published for the next year. Prohibiting the use of treble hooks and recommending the use of circle or J hooks (where applicable, bait and jigs respectively) and alternative release methods are encouraged to reduce mortality. Additional education is recommended. I would recommend reducing the minimum size limit from 22" to 17" which will result in anglers throwing back less fish and ultimately reducing mortality.

Please consider a bag limit which will attract customers allowing charter and party boats to stay in business. A nine fish bag limit at 17" would still attract customers. This does not mean anglers will catch nine fish but provide the perception to bring them on board. If there needs to be a smaller bag limit for the private boater who has the opportunity to fish multiple times compared to the for hire customer who only goes a single time a year it will allow the for hire boat to stay afloat. This is already in effect for several species around the country.
In summary, I recommend that you not implement a 2 or 3 haddock bag limit based on flawed MRIP data and to help the boats in the charter/party industry attract customers and continue in a fishery that is decades old. It will also help the private boater with an increase in the bag limit and decrease in size. If possible consider removing the two month closure on GOM haddock during September and October that can help not only the charter boat fleet but recreational anglers, docks, bait shops etc.
If you have any questions, please email or give me a call.

Thanks

Capt. Mike Pierdinock
CPF Charters "Perseverance"
Recreational Fishing Alliance - Massachusetts Chairman
Stellwagen Bank Charter Boat Association - Board of Directors
Stellwagen Bank National Marine Sanctuary Advisory Council - Recreational Seat
New England Fishery Management Council - Enforcement Advisory Panel

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

MEMORANDUM

DATE: November 10, 2014

TO: Groundfish Committee

FROM: Jamie M. Cournane, PhD, Groundfish Plan Coordinator

SUBJECT: **Biological and Economic Impacts Analysis for Framework Adjustment 53 (FW 53) to the Multispecies (Groundfish) Fishery Management Plan**

In preparation for the Groundfish Committee meeting on November 12-13, 2014, this memo includes biological and economic impacts analysis for Framework Adjustment 53 (FW 53) to the Multispecies (Groundfish) Fishery Management Plan.

Attached you will find:

- Biological Impacts- remaining analysis in Section 7.1
- Recreational Fishery - *Gulf of Maine Cod and Haddock: Review of Recreational Bioeconomic Model, Potential AMs for FY 2015, and Recreational Fishery Economic Impacts of Measures in FW 53*

Additional economic impact analysis will be brought to the Committee meeting. An addendum to draft FW 53 (section 7.4 *Economic Impacts*) will be provided for the November Council meeting incorporating the economic information.

ADDENDUM TO DRAFT FRAMEWORK ADJUSTMENT 53

7.0 Environmental Consequences – Analysis of Impacts

7.1 Biological Impacts

7.1.1 Updates to Status Determination Criteria, Formal Rebuilding Programs and Annual Catch Limits

Already provided.

7.1.2 Commercial and Recreational Fishery Measures

7.1.2.1 GOM Cod Spawning Area Closures

The GOM stock of Atlantic cod is comprised of two genetically distinct groups whose spawning activity overlaps in space, but not in time (i.e., "winter" and "spring" spawners) (Kovach et al., 2010; Zemeckis et al., 2014). Within these broad groups are several smaller sub-components that form spawning aggregations at predictable times and locations. At one time, numerous aggregations of spawning cod could be found all along the GOM coast (Ames 2004). Unfortunately, most of these spawning grounds are now vacant, and current cod spawning activity appears restricted to a narrow range of coastline from NH to MA. Cod exhibit high fidelity to their spawning sites, and recent studies on spring spawning GOM cod have shown that tagged females are capable of returning to the same precise spawning location (within <10m) over multiple years (Dean et al., 2014; Zemeckis et al., 2014b). This spatial and temporal predictability makes individual spawning groups particularly vulnerable to depletion, and there is little indication that once a site-specific spawning component is lost that the area can be recolonized.

Some of the remaining GOM cod spawning aggregations are well documented and small seasonal fishery closures have been implemented in an attempt to protect them from disruption and depletion (Armstrong et al., 2013). However, these examples as well as similar experiences in other cod stocks have pointed to a need for broader-scale measures (i.e., at the scale of 30-min blocks) to prevent further loss of population structure and enhance the potential for recruitment success in the future (Zemeckis et al., 2014a).

7.1.2.1.1 Option 1: No Action

Impacts on regulated groundfish

Option 1\No Action would maintain the existing GOM cod spawning closure area (Whaleback) implemented in Framework Adjustment 45. It is reasonable to expect that this area would continue to result in positive impacts to GOM cod and other regulated groundfish as it limits commercial and recreational fishing during the designated timeframes of the closure (i.e., June 1-June 30:Commercial vessels; April 1-June 30: recreational vessels). Specifically, use of gear capable of catching groundfish is prohibited in this area during the closure. Although Option 1\No Action is likely to continue to provide positive impacts to GOM cod and regulated groundfish species, as the Option 1\No Action area closure is shorter in duration and encompasses a smaller area than the areas proposed in Sub-Options A and B, Option 1\No Action would have less of a positive impact on GOM cod and other regulated groundfish than either option. As a result, Option 1\No Action is likely to have positive impacts on regulated groundfish species.

Impacts on other species

It is reasonable to expect that this area would continue to result in positive impacts to other species that may be co-caught with other regulated groundfish as it limits commercial and recreational fishing during the designated timeframes of the closure (i.e., June-June 30:Commercial vessels; April-June: recreational vessels). Although Option 1\No Action is likely to continue to provide positive impacts to other species, as the Option 1\No Action area closure is shorter in duration and encompasses a smaller area than the areas proposed in Sub-Options A and B, Option1\No Action would have less of a positive impact on other species than either option. As a result, Option 1\No Action Alternative is likely to have a positive impact on other species.

7.1.2.1.2 Option 2: Additional GOM cod Spawning Protection Measures

The Council may select Sub-Option A or Sub-Option B.

During particular months, Sub-Options A and B would provide protection for both remaining spawning components (winter and spring) for the GOM cod stock. Protection of spawning is needed to ensure that the low SSB of this stock has the opportunity for successful spawning events which is essential to prevent failures in future year classes through recruitment success. Spawning success from a low stock biomass does have the potential for rapid stock rebuilding. However further declines in SSB and disruption of spawning behavior will further reduce the probability of rebuilding an important future cod resource.

Sub-Options A and B include 30 minute blocks that would be closed for specific months throughout the year to protect spawning cod. Appendix II (*Analytic Techniques: Identifying location and times of spawning for Gulf of Maine cod*) summarizes the analysis to examine GOM cod spawning.

Multiple independent data sources and analytical approaches were used to identify the areas important to spawning cod in the GOM, at the scale of the 30-min month-block. Notable discrepancies exist between these analyses and the FW53 closure Sub-Options A and Sub-Option B, including:

1) Significant spawning occurs in February and July, both of which are absent from Sub-Option A and Sub-Option B
2) March appears to be a time with limited spawning, yet is included in both Sub-Option A and Sub-Option B
3) The northward shift in closure areas (from May to June) under both Sub-Option A and Sub-Option B does not match existing data on the latitudinal progression of spawning. Blocks 124 and 125 continue to be important in June.
4) Sub-Option B would protect a small fraction of the area that is import to spring spawning cod.

Analysis suggests that to more fully protect spawning cod, while at the same time allow access to areas that do not support aggregations of spawning cod these times/areas are important: blocks 124, 125, 132, 133 for the months of November through February, and blocks 124, 125, 132, 133, 139, 140 for the months of April through July.

<u>Sub-Option A:</u>

Sub-Option A would create discreet GOM cod closure areas in May, June, November through January, and March through April. The May spawning closure restricts commercial and recreational fishing in areas of the Western Gulf of Maine (WGOM). This spawning area overlaps with the WGOM closed area, and includes all of Ipswich Bay, and Massachusetts Bay, including Stellwagen Bank National Marine Sanctuary. The April spawning area covers the northern portion of the WGOM, and overlaps with the

WGOM closed area. The November through January closure restricts fishing from Massachusetts Bay east to Stellwagen Bank, and the southern extent of the WGOM closed area. The March to April spawning closure area would prohibit fishing in Ipswich Bay, Massachusetts Bay, including Stellwagen Bank, and overlaps with the western GOM closed area. Furthermore, CATT analysis suggests that spawning activity for haddock and yellowtail flounder occur in the spring closure areas (NEFMC 2013).

Impacts on regulated groundfish

Sub-Option A would likely reduce fishing effort, and subsequently reduce fishing mortality. It is expected that effort shifts may occur as result of Sub-Option A's seasonal closures. Sub-Option A is likely to reduce fishing effort, and ultimately fishing mortality more than Sub-Option B because Sub-Option B closes a smaller overall area than Sub-Option A during the same months. Therefore, Sub-Option A would have a greater positive impact on GOM cod and other regulated groundfish species when compared to Sub-Option B. Both sub-options could be expected to positively impact regulated groundfish species when compared to the No Action alternative.

Impacts on other species

Sub-Option A would likely reduce fishing effort, and subsequently reduce fishing mortality. It is expected that effort shifts may occur as result of Sub-Option A's seasonal closures. Sub-Option A is likely to reduce fishing effort, and ultimately fishing mortality more than Sub-Option B because Sub-Option B closes a smaller overall area than Sub-Option A during the same months. Therefore, Sub-Option A would have a greater positive impact on other species co-caught with regulated groundfish species when compared to Sub-Option B. Both sub-options could be expected to positively impact other species when compared to the No Action alternative.

<u>Sub-Option B:</u>

Sub-Option B would create discreet GOM cod closure areas in May, June, November through January, and March through April. The May spawning closure is smaller than the Option A May closure, and restricts commercial and recreational fishing in Massachusetts Bay and Ipswich Bay. The April spawning closure area covers a portion of the inshore GOM, including Ipswich Bay, and overlaps with the existing GOM cod spawning closure area. The November through January closure restricts fishing in Massachusetts Bay, and on Stellwagen Bank. The March to April spawning closure area covers the same inshore area as the May closure. Furthermore, CATT analysis suggests that spawning activity for haddock and yellowtail flounder occur in the spring closure areas (NEFMC 2013).

Impacts on regulated groundfish

Sub-Option B would likely reduce fishing effort, and subsequently reduce fishing mortality. It is expected that effort shifts may occur as result of Sub-Option B's seasonal closures. When compared to the No Action/Option 1, Sub-Option B would likely positively affect multispecies stocks by reducing fishing effort in inshore areas at times of the year when cod are particularly vulnerable Both sub-options could be expected to positively impact regulated groundfish species when compared to the No Action alternative.

Impacts on other species

Sub-Option B would likely reduce fishing effort, and subsequently reduce fishing mortality. It is expected that effort shifts may occur as result of Sub-Option B's seasonal closures. When compared to the No Action/Option 1, Sub-Option B would likely positively affect multispecies stocks by reducing fishing

effort in inshore areas at times of the year when cod are particularly vulnerable Both sub-options could be expected to positively impact other species when compared to the No Action alternative.

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7.1.2.2 Prohibition on the Possession of GOM cod

7.1.2.2.1 Option 1: No Action

Impacts on regulated groundfish

Under the No Action, there would be no revision to the retention regulations of GOM cod. This would continue to require sector vessels to retain and land all legal sized cod, and common-pool and recreational fishermen to retain and land all legal sized cod up to a trip or bag limit, respectively. Each component of the fishery would continue to operate under strict catch limits and AMs. Option 1 is not expected to change behavior in the fishery, in and of itself, and therefore is expected to have a neutral impact on regulated groundfish.

Impacts on other species

This option would not be expected to have any direct impacts on other species. This option would not be expected to lead to any changes in catches of other species, and would not affect the management of those species.

7.1.2.2.2 Option 2: Prohibition on the possession of GOM cod

Impacts on regulated groundfish

This option would prohibit possession of GOM cod by all commercial and recreational vessels (i.e. all vessels would be required to discard all GOM cod). Option 2 retains allocations of GOM cod for the groundfish fishery, and fishing effort is expected to be a function of the allocated ACL. In theory, this measure would not allow fishing effort to increase because commercial and recreational fisheries would continue to operate under strict catch limits and AMs. While landings and possession would be prohibited, all catch, in theory, would be accounted for, however there are additional considerations.

The prohibition on the possession of GOM cod is likely to have differing effects for commercial and recreational fisheries (see Economic Impacts section XXX). Under Option 2, there is a potential loss of information on GOM cod (i.e., collection of biological samples from landed fish) and zero possession could increase uncertainty of catch estimates. The general lack of biological data and increases in the discards could result in higher uncertainty with the removals and degrade the stock assessment and knowledge with regards to potential changes in future stock status. No possession will likely further increase the concerns with observer effects and unaccounted for mortality. In addition, previous work on the discard monitoring showed that trimming of large tows from the estimator will result in a large bias in the discard estimate (http://nefsc.noaa.gov/groundfish/discard/). The discard estimation methodology review did not recommend omitting observed large or low discard tow information from the data stream in the discard estimator when monitoring the discards. The biological impacts may be similar on paper between Option 1\No Action and Option 2 since the theoretical catch limit is the same, but under no possession as in Option 2 the uncertainty on whether the mortality target will be achieved increases since there are increases in the uncertainty associated with the estimated catch. Uncertainty increases in Option 2, because what would have been known landings under Option 1\No Action are now being converted into a discard estimate. In addition, there is uncertainty in the assumed discard mortality rates associated with the different gear types. The true mortality associated with discarding from different gear types is not well known since there are very few survival rate studies on GOM cod. Uncertainty with regards to the true mortality on GOM cod will be higher in Option 2 relative to Option 1\No Action. Therefore, Option 2 would have negative impacts on GOM cod when compared to Option 1\No Action.

However, it is possible that Option 2 may deter fishing on the GOM cod stock by both commercial and recreational fishermen in federal waters. If fishermen and anglers are able to adjust their behavior and move to areas with lower concentrations of GOM cod, fishing mortality would be reduced. If that occurs, Option 2 would be expected to have low positive impacts on GOM cod when compared with Option 1/No Action. Likewise if fishermen and angler avoid GOM cod, Option 2 is expected to have low positive impacts on other regulated groundfish species co-caught with GOM cod when compared to Option 1/No Action.

Impacts on other species

This option would not be expected to have any direct impacts on other species. This option would not be expected to lead to any changes in catches of other species, and would not affect the management of those species.

7.1.2.3 Observer Requirements in the Gulf of Maine

7.1.2.3.1 Option 1: No Action

Impacts on regulated groundfish

The No Action alternative would make no changes to regulations, and reporting requirements that are currently in place for all limited access groundfish vessels. Option 1 is not expected to change behavior in the fishery, in and of itself, and therefore is expected to have a neutral impact on regulated groundfish.

Impacts on other species

This option would not be expected to have any direct impacts on other species. This option would not be expected to lead to any changes in catches of other species, and would not affect the management of those species.

7.1.2.3.2 Option 2: Revised Observer Requirements on trips in the GOM

Impacts on regulated groundfish

The Option 2 would prohibit all limited access groundfish vessels that conduct fishing activity west of 70 15 W longitude in the GOM broad stock reporting area (BSA 1) from fishing in multiple broad stock reporting areas with the intent of improving accountability of catches of GOM cod. Option 2 would add an additional VMS reporting requirement and would prohibit vessels that fish to the west of 70 15 W longitude from fishing in multiple broad stock reporting areas unless carrying and observer.

Analysis of commercial cod catch in the GOM using VTRs suggests that the majority of that catch comes from 30 minute blocks 124 and 132 (Michael Palmer personal communication; Palmer 2014; Richardson et al. 2014). More recently there is some evidence for higher relative cod catch coming from the eastern edge of the GOM closure in blocks 132 and 138 as the fleet moved further offshore to avoid cod with the reductions in the GOM cod ACL). However the highest catch rates still show that the heart of the GOM cod population is still within blocks 124 and 132. For comparison, the 70 15 W line bisects blocks 124 and 132. The significance of 70 15 W is that it is the western boundary of the WGOM closure. While 70 15 W bisects 124 and 132, it only really affects a small portion in the southeastern quadrant of 124, and historically, there has not been a substantial removal of GOM cod from this area.

To the extent that there will be additional reporting requirements for vessel's conducting fishing activity without at-sea observers on board, there may be improved information regarding GOM cod and other regulated groundfish species. However, Option 2 has the capability to invalidate the unbiased nature of the discard estimation procedures currently in use. The provision increases the likelihood that the sample of vessels covered by observers will have a different spatial distribution from unobserved vessels. For example, consider a sector that traditionally fishes broadly throughout the Gulf of Maine and Georges Bank regions (i.e., many of the trips declare into multiple BSAs). If high discards of GOM cod occur west of 70°15' W, then the discards rates from observed trips will be higher than those of unobserved trips, resulting in the sample not being representative of the population.

This provision it is intended to reduce the misreporting of inshore GOM cod catches. Unfortunately, it will potentially bias discard estimates for trips that intend to fish in multiple BSAs. Option 2 would result in an increased potential for observer bias, thus having a negative impact on all groundfish species when compared with Option 1\No Action.

Impacts on other species

This option would not be expected to have any direct impacts on other species. This option would not be expected to lead to any changes in catches of other species, and would not affect the management of those species.

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7.1.2.4 Rollover of Groundfish Specifications

7.1.2.4.1 Option 1: No Action

Impacts on regulated groundfish

In the absence of specifications for a stock due to a delay in rulemaking, fishing would not be allowed in the broad stock area for that stock. There are currently no provisions within the Northeast Multispecies FMP that allow for specifications to be rolled forward into the next fishing year to enable fishing to begin of time at the start of the fishing year (e.g. from FY 2014 to FY 2015). In the event of a delay in rulemaking, the No Action would decrease fishing effort in all broad stock reporting areas (GOM, GB, SNE) at the start of the fishing year, which is expected to reduce overall fishing morality on regulated groundfish, and would have a positive impact on the resource.

Impacts on other species

In the event of a delay in rulemaking, the No Action would decrease fishing effort in all broad stock reporting areas (GOM, GB, SNE) at the start of the fishing year, , which is expected to reduce overall fishing morality on regulated groundfish, and would have a positive impact on other species co-caught with regulated groundfish.

7.1.2.4.2 Option 2: Percentage Rollover Provisions for Specifications

The Council may select either sub-option A, B, or C.

Option 2 would allow the FY to begin on time in the event of a delay in rulemaking by rolling forward specification values from one fishing year into the next (e.g. from FY 2014 to FY 2015). Sub-options A, B, and C would roll forward a percentage of the prior year's stock specific ACL up to a value that may not exceed the stock's acceptable biological catch (ABC) for the upcoming fishing year. The default rollover ACL would be replaced by new, updated specifications upon rulemaking. This is an administrative measure that, in and of itself, is not expected to impact fishing effort or behavior over the course of an entire fishing year. However, varying percentages would allow varying levels of fishing effort – and subsequent fishing mortality – in the event of a major delay in rulemaking.

Sub-Option A: Rollover 35% of all groundfish stocks to the following FY.

Impacts on regulated groundfish

Sub-Option A is less conservative than Sub-Options B and C. These default rollover measures would have may have slightly negative impact on regulated groundfish species when compared to Sub-Options B and C because this option would allow the fishery to catch up to 35% of the prior year's ACL before new specifications are adopted.

Sub-Option A would have a slightly negative impact on regulated groundfish species when compared to Option 1\No Action because the No Action would reduce significantly reduce fishing effort and therefore reduce fishing mortality.

Impacts on other species

Sub-Option A is less conservative than Sub-Options B and C. These default rollover measures may have slightly negative impact on other species co-caught with regulated groundfish when compared to Sub-Options B and C because this option would allow the groundfish fishery to catch up to 35% of the prior year's ACL before new specifications are adopted. Sub-Option A would have a slightly negative impact on other species co-caught with regulated groundfish when compared to Option 1\No Action.

Sub-Option B: Rollover 20% of all groundfish stocks to the following FY.

Impacts on regulated groundfish

Sub-Option B is the more conservative than Sub-Option A, but less conservative than Sub-Option C. These default rollover measures would have slightly positive impacts on regulated groundfish species when compared to Sub-Option A, and a slightly negative impact when compared to Sub-Option C because this would allow the fishery to catch up to 20% of the prior year's ACL before new specifications are adopted. Sub-Option B would have a slightly negative impact on groundfish species when compared to Option1\No Action because the No Action would reduce significantly reduce fishing effort and therefore reduce fishing mortality. .

Impacts on other species

Sub-Option B is the more conservative than Sub-Option A, but less conservative than Sub-Option C. These default rollover measures would have slightly positive impacts on other species co-caught with regulated groundfish when compared to Sub-Option A, and a slightly negative impact when compared to Sub-Option C because this would allow the groundfish fishery to catch up to 20% of the prior year's ACL before new specifications are adopted. Sub-Option B would have a slightly negative impact on other species co-caught with regulated groundfish when compared to Option1\No Action.

Sub-Option C: Rollover 10% of all groundfish stocks to the following FY.

Impacts on regulated groundfish

Sub-Option C is the most conservative of the default rollover measures under consideration, and would have may have slightly positive impacts on regulated groundfish species when compared to Sub-Options A or B because this would only allow the fishery to catch up to 10% of the prior year's ACL before new specifications are adopted. Sub-Option C would have a slightly negative impact on regulated groundfish species when compared to the Option 1\No Action because the No Action would reduce significantly reduce fishing effort and therefore reduce fishing mortality. .

Impacts on other species

Sub-Option C is the most conservative of the default rollover measures under consideration, and would have may have slightly positive impacts on other species co-caught with regulated groundfish when compared to Sub-Options A or B because this would only allow the groundfish fishery to catch up to 10% of the prior year's ACL before new specifications are adopted. Sub-Option C would have a slightly negative impact on other species co-caught with regulated groundfish when compared to the Option 1\No Action.

7.1.2.5 Sector ACE Carryover

7.1.2.5.1 Option 1: No Action

Impacts on regulated groundfish

The No Action alternative would continue to allow groundfish sectors to carry over up to 10% of their unused sector ACE, as outline in Amendment 16. However, the 10% could not be implemented based on the U.S. District Court for the District of Columbia's April 4, 2014 ruling on NMFS' carryover-related measures included in the Framework Adjustment 50 rulemaking, which invalidated and vacated the FY 2013 carryover measures. The ruling also specified that a 'total potential catch' (the total ACL plus 10% unused ACE carryover) cannot exceed the ABC for any stock. This revision is necessary to cap the amount of carryover that can be harvested to ensure that the 'total potential catch' (i.e., total ACL + max. carryover) does not exceed the ABC for the fishing year in which the carried over ACE may be harvested. Option 1/No Action may lead to changes in catches of regulated groundfish species if carryover on regulated groundfish stocks is not implemented and fishing is reduced as a consequence. Therefore, No Action would have low positive impacts on regulated groundfish stocks when compared with Option 2.

Impacts on other species

This option would not be expected to have any direct impacts on other species. This option may lead to any changes in catches of other species if carryover on regulated groundfish stocks is not implemented and fishing is reduced as a consequence. Therefore, No Action would have low positive impacts on other species when compared with Option 2.

7.1.2.5.2 Option 2: Modification to Sector ACE carryover

Impacts on regulated groundfish

Option 2 would modify Sector carryover provisions in Amendment 16. Carryover effectively increases the total amount of allocation a sector can catch in the following fishing year.

Option 2 would allow groundfish sectors to carry forward up to 10% of unused ACE provided that the total unused sector ACE carried forward for all sectors from the previous FY does not exceed the ABC level minus the ACL for the fishing year in which the carryover would be landed. This provision keeps catches within the prescribed acceptable biological catch, and in and of itself, is not expected to change fishing effort or behavior. This is an administrative alternative and is not expected to have an impact regulated groundfish species. With a reduced, and unknown (will it be 10% or less this year?), possibility to carry over quota, sectors may be more inclined to attempt to fully fish their ACE, including any reserve, to avoid the risk of losing quota.

Impacts on other species

Option 2 reduces the overall amount of ACE that may be carried over from one fishing year to the next, and may lead to reductions in fishing effort, and therefore may reducing impacts on other species. Therefore, No Action would have low negative impacts on other species when compared with Option 2.

Gulf of Maine Cod and Haddock: Review of Recreational Bioeconomic Model, Potential AMs for FY 2015, and Recreational Fishery Economic Impacts of Measures in FW 53

Analysis of Potential Recreational Fishing Accountability Measures for FY 2015

A bioeconomic model, developed by the Northeast Fisheries Science Center's Social Sciences Branch, was used to estimate FY 2015 recreational Gulf of Maine cod and haddock mortality under alternative size and possession limit accountability measures (AMs). The model predicts that under a zero possession limit Gulf of Maine (GOM) cod mortality will exceed the recreational sub-ACL under consideration in Option 2 (121 mt), section 4.1.2.2 (*Revised Annual Catch Limit Specifications*) of Framework Adjustment 53 (FW 53) in FY 2015. Discard mortality is estimated to account for approximately 85-90% of total GOM cod mortality, with the remainder attributed to noncompliance. Model results are shown for four potential combinations of size and possession limit AMs for both GOM cod and haddock. AMs for both GOM cod and haddock are considered simultaneously in the model because both species are often caught on a given recreational fishing trip. Model results also indicate that status quo recreational GOM haddock AMs would need to be adjusted to keep mortality from exceeding the haddock recreational sub-ACL under consideration in Option 2 (372 mt). A quantitative assessment of the proposed GOM cod spawning protective measures on the recreational fishing industry, section 4.2.1.2 (*Additional GOM Cod Spawning Protection Measures*), is not possible given data limitations, so the effect of the spawning protective measures is discussed qualitatively as well as ideas for different AMs that could potentially be implemented in FY 2015 to further reduce recreational discard mortality of both GOM cod and haddock.

Bioeconomic Model Overview

The recreational bioeconomic model used for the analysis was reviewed by a panel consisting of SSC members representing both the NEFMC and the MAFMC and outside experts in September, 2012. Following the review, the model has been used by NMFS to develop AMs for GOM cod and haddock in FY 2013 and FY 2014.

The bioeconomic model takes into account how changes in the biophysical and regulatory environments reflect changes in angler behavior and fishing mortality. The model uses angler behavioral data collected from an angler stated preference conjoint survey, biological information about the current and projected stock structures of Gulf of Maine cod and haddock, and historical recreational catch and effort data. The model accounts for length-based selectivity by anglers, is dynamic, and is characterized by feedback loops between stock structures and angler participation. Monte Carlo simulations are conducted and the model aggregates from the micro-level choice occasion up to the fishing year level to estimate the costs and benefits of alternative fisheries policies and the probability that those policies will achieve short-run conservation objectives (meeting ACLs) and long-run conservation objectives (rebuilding depleted fish stocks). For this assessment, the model was used to estimate how alternative size limits, possession limits, and/or closed seasons will affect recreational fishing mortality and angler effort during FY 2015 for both GOM cod and haddock.

Evaluation of Model Predictions

Final FY 2013 recreational mortality of GOM cod was estimated by the NEFSC to be 639 mt and recreational mortality in FY 2014 is estimated at 422 mt (Table 1). The model-generated predictions of recreational mortality were 36% lower for FY 2013 and 31% lower for FY 2014. Although the reasons for the disparities are still being evaluated, several modifications were recently made to the model which should reduce the discrepancies in FY 2015. First, the model now incorporates both size limit and bag limit noncompliance according to historical noncompliance rates developed from MRIP data. These data were derived from sampled angler-trips and likely provide a lower bound estimate of noncompliance. Noncompliance varies by year, wave, mode, and species and is a function of regulations and encounter rates, among other things. For the FY 2015 assessment, noncompliance rates were derived from available FY 2014 MRIP data on GOM cod and haddock catch. Secondly, and more importantly, the algorithm for how angler trips are retained in the simulations was modified. After comparing model projections to actual MRIP effort data it was found that the simulation approach underestimated the total number of angler trips that targeted or caught GOM cod and haddock in FY 2013 and FY 2014, and hence underestimated total mortality as well. For the FY 2015 assessment, the algorithm in the simulations was adjusted to account for the rate of effort underestimation found in FY 2013 and FY 2014. In combination, these changes will result in higher model-generated estimates of angler effort and mortality and should improve the predictive capability of the model for evaluating FY 2015 AMs.

FY 2015 Mortality Projections Under Status Quo AMs

The current AMs for recreational GOM of cod and haddock are shown in Table 2. The projected effect that these measures would have on mortality of GOM cod and haddock in FY 2015 are shown in Figure 1. Recreational GOM cod mortality is estimated to be 549 mt under status quo AMs. Approximately 68% of the cod mortality is projected to be from landings and the remaining 32% from discard mortality (assumes a 30% discard mortality rate). Recreational GOM haddock mortality is estimated to be 511 mt under status quo AMs, with 42% estimated to be from landings and 58% from discards (assumes a 50% discard mortality rate). The current haddock minimum size of 21" results in a high degree of discards.

The resulting mortality estimates associated with status quo measures are considerably higher than the recreational sub-ACLs under consideration in Option 2 for GOM cod (121 mt) and haddock (372 mt), section 4.1.2.2. In fact, the model predicts that the status quo measures have a zero percent chance of keeping mortality below the Option 2 targets for both GOM cod and haddock.

FY 2015 Mortality Projections Under More Restrictive Size, Season, and Possession Limits

In addition to an assessment of status quo measures for FY 2015, more restrictive AMs were analyzed in attempt to uncover measures that would have at least a 50% probability of achieving the conservation objectives for FY 2015. Out of 25 scenarios analyzed with varying combinations of size limits, possession limits, and closed seasons for GOM of cod and haddock, only two scenarios resulted in haddock mortality below the Option 2 (section 4.1.2.2) FY 2015

haddock recreational sub-ACL. None of the 25 scenarios resulted in cod mortality below the Option 2 FY 2015 cod recreational sub-ACL, even with a possession limit of 0 cod for all of FY 2015. Table 3 shows the results of the two scenarios that have a high probability of keeping haddock mortality below the Option 2 FY 2015 recreational sub-ACL and two other scenarios that help to explain the projections.

Scenario 1 in Table 3 shows the mortality projections assuming a zero possession limit of cod for all of FY 2015 and a three fish possession limit for haddock during a 4-month open season (May 1 through August 31). These accountability measures are projected to result in 280 mt of GOM cod mortality and 480 mt of GOM haddock mortality, based on the median values from 100 model simulations. The projected probability that these accountability measures will keep mortality below the Option 2 FY 2015 recreational sub-ACLs is zero.

Scenario 2 shows the mortality projections assuming the same AMs as Scenario 1, except the haddock possession limit is reduced from three to two fish. This set of AMs is slightly more restrictive for GOM haddock, so the model predicts a small decrease in recreational fishing trips relative to Scenario 1. The small decline in recreational fishing trips causes GOM cod mortality to decline marginally to 276 mt and GOM haddock mortality to decline to 415 mt; levels that still exceed the Option 2 FY 2015 recreational sub-ACLs for both species. The projected probability that these accountability measures will keep mortality below the Option 2 FY 2015 recreational sub-ACLs is also zero according to the simulations.

Scenario 3 shows the mortality projections assuming the same AMs as Scenario 2, except the haddock minimum size is reduced from 21" to 19". The reduction in the minimum size for haddock results in a slightly higher estimates of angler effort, due to the less restrictive size limit, but haddock mortality actually declines to 357 mt due to anglers discarding fewer fish. The model predicts that these measures would have a 99% probability of keeping haddock mortality below the FY 2015 recreational sub-ACL value shown in Option 2 (372 mt). However, the measures do little to change projected GOM cod mortality and the simulated probability that the AMs would result in cod mortality below the Option 2 FY 2015 sub-ACL remains at zero.

Scenario 4 maintains the same AMs as Scenario 3, except the haddock minimum size is reduced from 19" to 17". Projected GOM haddock mortality declines even further under this reduction to 326 mt. The probability that these AMs would keep haddock mortality below the Option 2 FY 2015 recreational sub-ACL is also 99% according to the model simulations. GOM cod mortality on the other hand, under these measures, remains well above the target sub-ACL value of 121 mt.

The remaining scenarios that were analyzed, but not shown here, considered different combinations of 2-month wave openings for GOM haddock in conjunction with 21", 19", and 17" size limits. A zero possession limit for GOM cod was assumed for all model runs. None of the additional model runs had at least a 50% probability of achieving the mortality targets set for under Option 2.

In summary, the AMs analyzed under Scenario 3 and 4 have a high probability of keeping haddock mortality below the Option 2 recreational sub-ACL according to the model. The

median projected haddock mortality is lower under Scenario 3 than Scenario 4 though. In contrast, projected GOM cod mortality is considerably higher than the Option 2 recreational sub-ACL even under a zero possession policy for all of FY 2015. Therefore, in addition to a zero possession limit, further AMs may be warranted to reduce GOM cod mortality in FY 2015.

FY 2015 Model Projection Uncertainty

As with any model, the further removed from prevailing conditions the less certain the projections. The model is based on angler behavior under prevailing conditions and is designed to predict behavioral responses associated with the implementation of different AMs (i.e., increase/decrease in the number of angler trips). However, retention of cod has never been prohibited to the degree assessed in the projections. Thus, there is no way to compare the model's predictions with historical data.

Additionally, although the model predicts aggregate changes in the number of angler trips associated with varying the AMs in FY 2015, it assumes that anglers' trip taking behavior will remain constant. In other words, the model does not consider potential avoidance behavior. If anglers are able to adjust their behavior and move to areas with lower concentrations of GOM cod, discard mortality will be lower than projected.

On the other hand, mortality associated with noncompliance is likely underestimated. The projections assume noncompliance rates derived from available FY 2014 MRIP data will continue in FY 2015. During FY 2014, the possession limit for GOM cod is 9 fish. Only 12% of modeled angler trips that target or catch cod are estimated to be encountering more than 9 fish in FY 2014. That means that 88% of cod angler trips in FY 2014 are estimated to be unaffected by the 9 fish possession limit. This percentage will drop considerably if anglers are prohibited from retaining GOM cod in FY 2015. Under a zero possession limit, all anglers that encounter a GOM cod in FY 2015 will be affected by the prohibition; raising the likelihood that noncompliance will increase.

Lastly, uncertainty associated with the MRIP data, the biological projections, and the underlying behavioral model may affect the FY 2015 mortality projections as well.

Proposed GOM Spawning Closure Areas to Recreational Bottom Fishing

Potential recreational mortality savings from implementation of the proposed GOM cod spawning closure areas (section 4.2.1.2) is not quantifiable. Although the proposed spawning closures would reduce angler effort and therefore mortality, a substantial number of recreational bottom fishing trips that catch cod and/or haddock would likely continue west of 70 degrees W longitude in FY 2015.

The proposed spawning closures encompass the principal recreational bottom fishing locations in the GOM and the majority of the recreational fishing access points in the GOM. As a result, all three state management agencies will likely be unwilling to prohibit recreational fishermen from bottom fishing in their waters. A prohibition on any type of rod and reel recreational fishing

activity has never been adopted by any state fishery management agency in the U.S. to reduce mortality.

Approximately 85-90% of GOM cod and haddock mortality generally occurs in Federal waters though. If anglers only catch GOM cod and haddock in state waters during FY 2015, a mortality reduction would likely occur from the proposed spawning closures. The larger unknown, however, is the level of noncompliance that will occur in federal waters under the spawning closures. Even marginal differences in state and federal regulations increase noncompliance, so an unprecedented change of prohibiting bottom fishing in federal waters, but allowing anglers to continue to bottom fish in state waters, will almost certainly increase noncompliance in federal waters during FY 2015 – thereby reducing the conservation benefit of the spawning closures.

The proposed prohibition on recreational bottom fishing in the closed areas will also generally be unenforceable. Currently, virtually all enforcement of recreational fishing regulations is conducted in state waters by State Law Enforcement Agencies. The United States Coast Guard (USCG) has legal authority to enforce federal recreational fishing laws, but principally only performs safety checks aboard recreational fishing boats in state waters. NOAA's Office of Law Enforcement also has legal authority to enforce federal recreational fishing laws, but their focus is almost exclusively on compliance with commercial fishing regulations. Thus, since enforcement mainly occurs only in state waters, where anglers will most likely be allowed to bottom fish in FY 2015 during the proposed spawning closures, the potential for noncompliance in the closed areas will be high. Some of the noncompliance will be deliberate, but most will likely be from private boat anglers that are simply unaware of the prohibition on bottom fishing. The level of noncompliance associated with the closed areas is impossible to predict, but if it is high the conservation benefit of the closures will be further eroded.

The economic consequences of the rolling closures on the for-hire industry and businesses that support the recreational fishing industry in the GOM would be extensive. Table 4 shows the average annual percent of for-hire landings derived from the spatial and temporal proposed spawning closure areas by species. The averages are based on for-hire VTR landings from 2010 through September, 2014. Landings during the proposed closure areas accounted for approximately ¾ of annual for-hire landings of Atlantic cod, haddock, pollock, white hake, and redfish. Although possession of GOM cod could be prohibited in FY 2015, with or without implementation of the closure areas, catch of the remaining species over the past 5 years is clearly concentrated in the areas and time periods under consideration for closures. This high degree of concentration implies that it will be difficult for for-hire businesses to move to alternative areas that hold bottom fish for their customers.

The sheer size of the proposed spawning closed areas will also make it difficult for for-hire vessels, particularly the larger head boat vessels, to steam up to 60 miles through the closed areas to open water fishing sites. The travel time required to traverse through the closed areas will exceed the total time allotted for the most common type of for-hire trip offered by for-hire businesses in the GOM: 4 or 6 hour fishing trips. Thus, implementation of the proposed spawning closures would likely have a devastating effect on for-hire businesses operating in the GOM.

The impact of the closures on private boat fishing in the GOM is less certain. Spatial data on fishing locations are not available for private boat anglers, so the extent to which private boat anglers fish in the proposed closed areas to bottom fish is unknown. However, since approximately 80-85% of private boat catch of GOM cod and haddock takes place in federal waters, it is likely that the vast majority occurs in the proposed spawning closures. Although the closures would legally exclude private boat anglers from bottom fishing within the closed areas, some level of bottom fishing will likely continue by private boat anglers within the closed areas in FY 2015. Private boat anglers would also still be allowed to use pelagic gear to target bluefish, striped bass, etc. within the proposed closures, thereby exacerbating the enforcement problem. Ultimately, overall private boat fishing effort will likely decline, at least somewhat, if recreational bottom fishing is prohibited in the proposed closed areas. The magnitude of the decline though is unknown.

Businesses that support the recreational fishing industry will also be impacted if recreational fishing effort declines because of the prohibition of bottom fishing in the closed areas. Bait and tackle shops, marinas, boat repair shops, convenience stores, restaurants, hotels, and many other indirectly affected businesses would face revenue declines due to lower angler spending.

Ideas for Different AMs

The primary source of GOM cod recreational fishing mortality in FY 2015, under any of the options being proposed, will be from discards. Approximately 85% of the GOM cod mortality associated with the zero possession limit scenarios is estimated to be discard mortality (see Table 3). The discard mortality rate used in the analysis is 30%, the same rate used in the most recent updated assessment. If measures could be taken that reduce the discard mortality rate to 10% in FY 2015, the simulation model predicts that GOM cod mortality would be lower than the Option 2 recreational sub-ACL of 121 mt (section 4.1.2.2) under both Scenario 3 and 4 shown in Table 3.

The first proposed alternative AM that would help reduce cod discards is simply to increase public awareness of the FY 2015 measures. All saltwater anglers fishing in New England waters are now required to obtain a valid state-issued fishing permit. Name, mailing address, phone number, and email address are requested during sign-up. Information about current regulations could be displayed during on-line sign-ups and distributed to licensing agents across the GOM.

Monthly email blasts could also be sent to new permit holders and/or pamphlets mailed to home addresses showing current regulations in state and federal waters. To date, the permit data base has not been utilized to increase public awareness of management regulations by the three state management agencies responsible for implementing regulations in the GOM or by NMFS.

The largest source of noncompliance by recreational fishermen is likely due to misunderstood regulations. Simple email blasts, etc. sent out to permit holders would almost certainly go a long way towards minimizing noncompliance due to ignorance. This is an inexpensive measure that could have a large effect on reducing cod and haddock mortality in FY 2015, and unlike the proposed spawning closure areas, would likely garner support from all three state management agencies.

Another relatively inexpensive AM that could be implemented during FY 2015 to reduce discard mortality is to require all anglers to use circle hooks for bait rigs and j-hooks for jigs while bottom fishing in the GOM. Circle hooks have a long history of use (reviewed in Cooke and Suski 2004) and have been shown to result in a very high incidence of mouth hook-ups, which translate into higher survival rates of released fish. Since 2008, state and federal regulations in the Gulf of Mexico require all recreational anglers fishing for any reef fish species in the Gulf of Mexico to use circle hooks.

In addition to bait rigs, jigs are often used to bottom fish in the GOM. A switch from treble hooks to j-hooks while jigging could also translate into reduced discard mortality. The vast majority of studies that have investigated the effects of different hook designs on hooking injury and mortality have found that treble hooks resulted in significantly greater mortality than other hook types (for two examples see Ayvazian et al. 2002 and Diodati and Richards 1996).

Some anglers fishing in the GOM have been using circle hooks on bait rigs and j-hooks on jigs for years. Most anglers bottom fishing in the GOM, however, have not made the switch. Again, unlike the proposed measure to prohibit bottom fishing within specified time/area closures, this gear modification would also likely garner support from all three state management agencies.

The final proposed alternative AM that would decrease recreational discard mortality in FY 2015 is to encourage or require anglers to utilize barotrauma descender devices when visible signs of barotrauma are present. When fish are brought up from depth, decreasing pressure allows gas to expand in the swim bladder which may cause injury and prevent the fish from returning to depth under its own power. Visible symptoms of gas expansion include a swollen and tight belly, stomach protruding past the gullet and into the mouth, and distended and/or "crystallized" eyes. Miraculously, studies have shown that many fish can recover from barotrauma if they are properly released to their respective depths as soon as possible (see Jarvis and Lowe 2008 and Hannah and Matteson 2007). Barotrauma descender devices are inexpensive, widely available, and allow for rapid recompression of fish. These devices are utilized widely on the west coast to reduce discard mortality of Pacific rockfish, and are currently being utilized by some for-hire businesses in the GOM.

Given that all for-hire owners are familiar with the symptoms of barotrauma and some are currently using barotrauma descender devices in the GOM to reduce release mortality, this AM could be required aboard for-hire boats in FY 2015 with minimal disruption or added expense. In contrast, many private boat anglers are likely not as familiar with barotrauma or the visible signs of barotrauma so requiring private boat anglers to utilize descender devices is likely not practical in FY 2015 without at least some level of education. Private boat anglers would be encouraged, but not required, to use descender devices at least in early years of implementation.

In combination, or even in isolation, any of the inexpensive and practical AMs presented here would likely have a substantial effect on reducing discard mortality of cod and all other bottom caught fish by recreational fishermen in the GOM. Quantitatively, a decrease in the discard mortality rate of GOM cod from the assumed level of 30% to 10% translates into 117 mt of total GOM cod estimated mortality under Scenario 3 in Table 3 and 116 mt of total GOM cod estimated mortality under Scenario 4 in Table 3. If the discard mortality was reduced as such,

this means that a zero possession limit for GOM cod in combination with a 2-fish possession limit for haddock and minimum fish size of 17-19" during the months of May-Aug, results in estimated FY 2015 cod mortality that is lower than the Option 2 recreational sub-ACL of 121 mt. Model results for these scenarios, assuming a GOM cod discard mortality rate of 10% and a haddock discard mortality rate of 30% are shown in Table 5. Under the conditions shown, the AMs are estimated to have a 60-67% probability of keeping GOM cod recreational mortality below its sub-ACL of 121 mt and a 100% probability of keeping GOM haddock recreational mortality below its sub-ACL of 372 mt.

Although it is impossible to quantify the exact effect of the alternative AMs described in this section on discard mortality, adoption of one or more of the measures would reduce discards and ultimately discard mortality. Model results show that in combination with a zero possession limit, a reduction in the discard mortality rate of GOM cod from 30% to 10% would negate the need for additional time/area closures.

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TABLES

Table 1- Evaluation of GOM Cod Mortality Projections.

GOM cod	Actual (mt)	Model (mt)
FY 2013	639	409 (36% lower)
FY 2014	609[a]	422 (31% lower)

[a] Mortality in FY 2014 was estimated from preliminary MRIP data for wave 3 (May-Jun) and wave 4 (July-Aug) and model predictions for wave 5 (Sept-Oct) and wave 2 of 2015 (April 16 – April 30). No mortality was assumed for wave 6 based on historical MRIP data.

Table 2- FY 2014 GOM Cod and Haddock AMs.

Species	Possession Limit	Minimum Size Limit	Season (Open)
GOM cod	9	21"	April 16 – Aug 31
GOM haddock	3	21"	May 1 – Aug 31, Dec 1 – Feb 28

Table 3- FY 2015 Simulation Projections Under Varying Size and Possession AMs.

Scenario	Cod Bag	Haddock Bag	Haddock Min	Haddock Season (Open)	Angler Trips (Median)	% Under Cod ACL (out of 100 trials)	% Under Haddock ACL (out of 100 trials)	Cod Mortality mt (Median)	Haddock Mortality mt (Median)
1	0	3	21	May – Aug	211,982	0	0	280	480
2	0	2	21	May – Aug	210,389	0	0	276	415
3	0	2	19	May – Aug	211,409	0	99	275	357
4	0	2	17	May – Aug	211,946	0	99	274	326

Table 4- Average Annual Percent of For-Hire Landings Derived from the Proposed Spatial and Time Area Closures by Species[a]

Species	Option 2 Proposed GOM Spawning Closure Areas and WGOM
Atlantic cod	75%
Haddock	77%
Pollock	73%
White hake	68%
Redfish	79%
Winter flounder	22%
Yellowtail flounder	12%

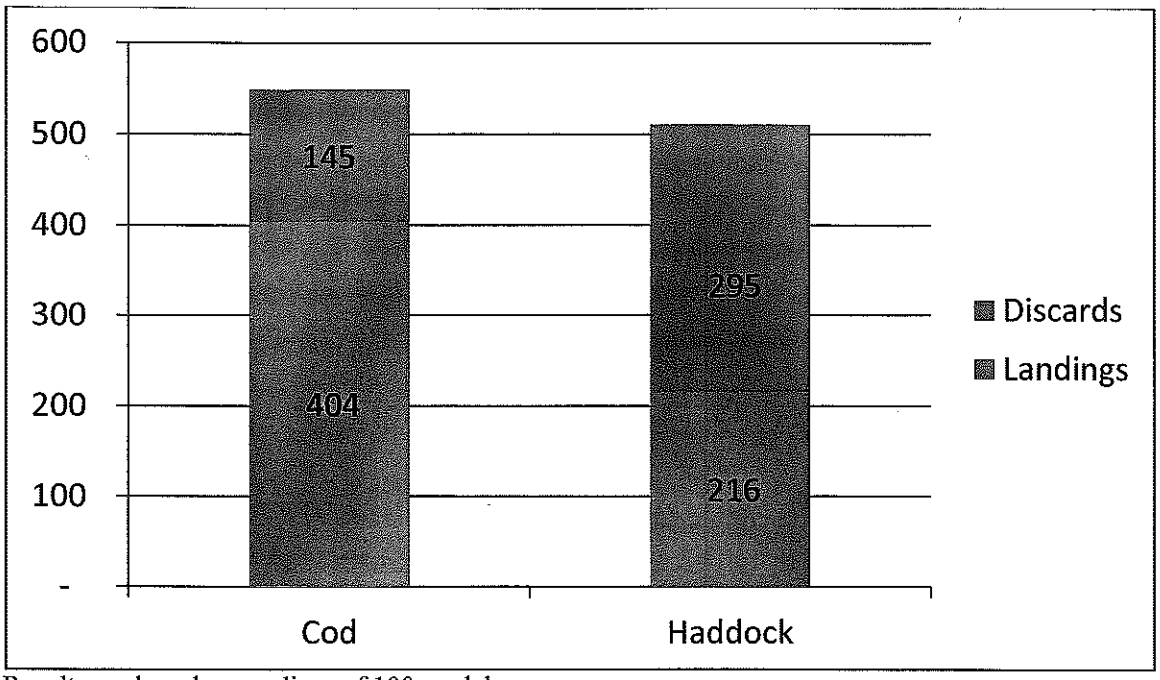
[a] Based on average annual VTR landings (numbers of fish) from 2010-2014

Table 5- FY 2015 Simulation Projections Under Varying Size and Possession AMs (assumes a 10% discard mortality rate for GOM cod and a 30% discard mortality rate for GOM haddock).

Scenario	Cod Bag	Haddock Bag	Haddock Min	Haddock Season (Open)	Angler Trips (Median)	% Under Cod ACL (out of 100 trials)	% Under Haddock ACL (out of 100 trials)	Cod Mortality mt (Median)	Haddock Mortality mt (Median)
1	0	3	19	May – Aug	211,409	60	100	117	301
2	0	2	17	May – Aug	211,946	67	100	116	285

FIGURES

Figure 1- FY 2015 Status Quo Mortality Projections.



Results are based on medians of 100 model runs

Table 1. Gulf of Maine Recreational Catch Estimates by Fishing Year[1]

	FY2012	FY2013	FY2014[3]
Angler Trips[2]	194,589	194,912	181,622
Cod Catch (numbers, a+b1+b2)	957,497	729,541	680,445
Cod Kept (numbers, a+b1)	367,485	273,181	183,477
Cod Released (numbers, b2)	590,012	456,360	496,968
Cod Removals (numbers, a+b1+(0.3*b2))	544,489	410,089	332,567
Cod Removals (weight[4], mt)	758	610	561
Cod Avg. Catch Per Trip (numbers)	4.9	3.7	3.8
Cod Avg. Kept Per Trip (numbers)	1.9	1.4	1.0
Cod Avg. Released Per Trip (numbers)	3.0	2.3	2.7
Cod Avg. Weight of Kept Fish (weight[4], lbs)	3.8	4.1	5.3
Haddock Catch (numbers, a+b1+b2)	455,898	601,846	810,643
Haddock Kept (numbers, a+b1)	215,458	121,863	129,978
Haddock Released (numbers, b2)	240,440	479,983	680,665
Haddock Removals (numbers, a+b1+(0.5*b2))	335,678	361,855	470,311
Haddock Removals (weight[4], mt)	420	422	505
Haddock Avg. Catch Per Trip (numbers)	2.3	3.1	4.5
Haddock Avg. Kept Per Trip (numbers)	1.1	0.6	0.7
Haddock Avg. Released Per Trip (numbers)	1.2	2.5	3.8
Haddock Avg. Weight of Kept Fish (weight[4], lbs)	3.9	4.0	3.7

[1]Source: Available MRIP data as of Jan. 2, 2015

[2]Angler trips = number of trips that targeted and/or caught cod or haddock

[3]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

[4]All weights are based on round weights calculated from MRIP length frequencies and length to weight equations used in the assessments.

Table 2. Gulf of Maine Cod Catch by Fishing Year and Mode (numbers of fish)

	Harvest (a+b1)			Released (b2)			Total Catch (a+b1+b2)		
Mode	FY2012	FY2013	FY2014*	FY2012	FY2013	FY2014*	FY2012	FY2013	FY2014*
Headboat	55,437	57,993	30,078	71,112	66,429	75,060	126,549	124,422	105,138
Charterboat	158,192	34,469	50,920	168,646	57,647	120,859	326,838	92,116	171,780
Privateboat	153,856	180,719	102,478	350,253	332,032	301,049	504,109	512,751	403,527
Shore	0	0	0	0	253	0	0	253	0
	367,485	273,181	183,476	590,011	456,361	496,968	957,496	729,542	680,445

*Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 3. Gulf of Maine Haddock Catch by Fishing Year and Mode (numbers of fish)

	Harvest (a+b1)			Released (b2)			Total Catch (a+b1+b2)		
Mode	FY2012	FY2013	FY2014*	FY2012	FY2013	FY2014*	FY2012	FY2013	FY2014*
Headboat	48,272	15,102	42,157	62,711	127,963	247,674	110,983	143,065	289,831
Charterboat	115,824	20,078	39,434	61,259	49,431	141,246	177,083	69,509	180,680
Privateboat	51,362	86,684	48,387	116,469	302,588	291,744	167,831	389,272	340,131
Shore	0	0	0	0	0	0	0	0	0
	215,458	121,864	129,978	240,439	479,982	680,664	455,897	601,846	810,642

*Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 4. Gulf of Maine Cod Catch in Fishing Year 2014 by Mode and Wave* (numbers of fish)

	Wave				
	2	3	4	5	6
Head					
Harvest (a+b1)	1,028	19,088	9,872	90	0
Released (b2)	1,942	33,041	38,194	1,882	0
Total (a+b1+b2)	2,970	52,129	48,066	1,972	0
Charter					
Harvest (a+b1)	0	30,924	19,996	0	0
Released (b2)	0	84,636	33,352	2,871	0
Total (a+b1+b2)	0	115,560	53,348	2,871	0
Private					
Harvest (a+b1)	0	48,706	53,169	603	0
Released (b2)	0	147,404	138,483	15,162	0
Total (a+b1+b2)	0	196,110	191,652	15,765	0
Shore					
Harvest (a+b1)	0	0	0	0	0
Released (b2)	0	0	0	0	0
Total (a+b1+b2)	0	0	0	0	0
All Modes					
Harvest (a+b1)	1,028	98,718	83,037	693	0
Released (b2)	1,942	265,081	210,029	19,915	0
Total (a+b1+b2)	2,970	363,799	293,066	20,608	0

*Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 5. Gulf of Maine Haddock Catch in Fishing Year 2014 by Mode and Wave* (numbers of fish)

	Wave				
	2	3	4	5	6
Head					
Harvest (a+b1)	1,359	29,747	10,117	934	0
Released (b2)	5,660	137,332	91,776	12,906	0
Total (a+b1+b2)	7,019	167,079	101,893	13,840	0
Charter					
Harvest (a+b1)	0	26,497	12,817	120	0
Released (b2)	0	94,305	39,975	6,966	0
Total (a+b1+b2)	0	120,802	52,792	7,086	0
Private					
Harvest (a+b1)	0	19,422	28,965	0	0
Released (b2)	0	133,761	139,311	18,671	0
Total (a+b1+b2)	0	153,183	168,276	18,671	0
Shore					
Harvest (a+b1)	0	0	0	0	0
Released (b2)	0	0	0	0	0
Total (a+b1+b2)	0	0	0	0	0
All Modes					
Harvest (a+b1)	1,359	75,666	51,899	1,054	0
Released (b2)	5,660	365,398	271,062	38,543	0
Total (a+b1+b2)	7,019	441,064	322,961	39,597	0

*Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 6. Gulf of Maine Cod Average Catch per Angler Trip[1] by Fishing Year and Mode (numbers of fish)

	Avg. Catch (a+b1+b2)		
Mode	FY2012	FY2013	FY2014[2]
Headboat	2.2	2.5	1.5
Charterboat	7.7	7.3	8.2
Privateboat	5.3	3.9	4.4
Shore	0	0	0

[1]Angler trips = number of trips that targeted and/or caught cod or haddock

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 7. Gulf of Maine Haddock Average Catch per Angler Trip[1] by Fishing Year and Mode (numbers of fish)

	Avg. Catch (a+b1+b2)		
Mode	FY2012	FY2013	FY2014[2]
Headboat	2.0	2.9	4.2
Charterboat	4.2	5.5	8.6
Privateboat	1.8	2.9	3.7
Shore	0	0	0

[1]Angler trips = number of trips that targeted and/or caught cod or haddock

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 8. Directed Gulf of Maine Angler Trips[1] by Fishing Year and Mode

	Angler Trips		
Mode	FY2012	FY2013	FY2014[2]
Headboat	56,249	49,678	69,334
Charterboat	42,642	12,632	21,029
Privateboat	95,698	132,350	91,246
Shore	0	252	13
	194,589	194,912	181,622

[1]Angler trips = number of trips that targeted and/or caught cod or haddock

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 9. All Gulf of Maine Angler Trips[1] by Fishing Year and Mode

	Angler Trips		
Mode	FY2012	FY2013	FY2014[2]
Headboat	85,307	104,442	132,518
Charterboat	94,969	91,475	78,167
Privateboat	1,267,652	1,607,619	1,339,474
Shore	1,097,018	734,628	1,052,651
	2,544,946	2,538,164	2,602,810

[1]Angler trips = all angler trips in Gulf of Maine

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 10. Directed Gulf of Maine Angler Trips[1] by Fishing Year and Wave

	Wave					
	2	3	4	5	6	
FY2012	26,006	63,610	76,869	26,845	1,257	194,587
FY2013	2,629	53,947	72,530	65,807	0	194,913
FY2014[2]	2,629	77,801	91,468	9,723	0	181,621

[1]Angler trips = number of trips that targeted and/or caught cod or haddock

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 11. All Gulf of Maine Angler Trips[1] by Fishing Year and Wave

	Wave					
	2	3	4	5	6	
FY2012	35,251	901,593	1,175,250	420,345	12,507	2,544,946
FY2013	14,045	697,942	1,097,035	690,268	38,873	2,538,163
FY2014[2]	14,045	541,285	1,461,148	547,456	38,873	2,602,807

[1]Angler trips = all angler trips in Gulf of Maine

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 12. Wave 5 (Sept-Oct) Directed Gulf of Maine Angler Trips[1] by Fishing Year and Mode

	Angler Trips		
Mode	FY2013	FY2014[2]	% Change
Headboat	16,914	4,381	-74%
Charterboat	3,168	616	-81%
Privateboat	45,725	4,726	-90%
Shore	0	0	0%
	65,807	9,723	-85%

[1]Angler trips = number of trips that targeted and/or caught cod or haddock

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 13. Wave 5 (Sept-Oct) All Gulf of Maine Angler Trips[1] by Fishing Year and Mode

	Angler Trips		
Mode	FY2013	FY2014[2]	% Change
Headboat	25,143	8,222	-67%
Charterboat	5,941	4,717	-21%
Privateboat	452,731	214,960	-52%
Shore	206,453	319,557	55%
	690,268	547,456	-21%

[1]Angler trips = all angler trips in Gulf of Maine

[2]Data available for wave's 3, 4, and 5 in FY2014. Data from wave 2, 2014 and wave 6, 2013 used as proxies.

Table 14. Example Length-Weight* Conversions for FY2014

	Cod	Haddock
Length (inches)	Round Weight (lbs)	
16	1.53	1.63
17	1.84	1.95
18	2.19	2.30
19	2.59	2.70
20	3.04	3.14
21	3.53	3.62
22	4.08	4.16
23	4.68	4.74
24	5.34	5.38
25	6.05	6.07
26	6.84	6.81

*All weights are based on round weights

③

Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281 – 9315

www.greateratlantic.fisheries.noaa.gov/
Date Issued: 1/14/2015

GROUNDFISH FISHERMEN

NOAA Fisheries Approves Framework 52 to the Groundfish Plan
Southern Windowpane Flounder Restricted Gear Area Reduced in Size
Effective Date: January 14, 2015, through April 30, 2015

NOAA Fisheries has approved Framework Adjustment 52 to the Groundfish Fishery Management Plan. Framework 52 contains two new measures allowing fishery managers to adjust accountability measures (AMs) for southern and northern windowpane flounder. Now, we can reduce the size of the AM restricted gear use area if the windowpane flounder stock is determined to be healthier than expected under certain criteria. We can also shorten the duration of the restricted gear use area if the fishery is able to reduce its harvest so that an underage of the windowpane flounder annual catch limit occurs the year following an overage.

Because of this approved Framework 52 criteria, the Large AM Area currently in place in southern New England is being reduced to the Small AM Area for the rest of fishing year 2014 (through April 30, 2015). We are not modifying the current gear restricted areas for northern windowpane flounder because none of the qualifying criteria included in Framework 52 were met. A map and coordinates of the windowpane flounder AM areas are included below.

Frequently Asked Questions	
Where can I find additional information?	Information on Framework 52 can be found at www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies under the "Federal Register Actions" tab. Additional information can be found on the New England Fishery Management Council's website at www.nefmc.org/management-plans/detail/northeast-multispecies.
How is it you can reduce the size of the Southern Windowpane Flounder AM?	AMs are management controls to prevent annual catch limits from being exceeded and to correct or mitigate catch overages. The first measure reduces the size of the AM area restriction from large to small if two criteria are met: 1) The stock is considered rebuilt; and 2) the "biomass criterion" is greater than the fishing year catch. If the biomass criterion is greater than the fishing year catch, it suggests the Large AM Area is unnecessary because the impacts of the overage on the stock may not be as substantial as originally expected. In other words, we can reduce the AM from the Large to the Small AM Area to mitigate the overage in a way that takes into account a greater biomass in relation to fishing effort. Southern windowpane flounder meets both of these requirements, while northern windowpane flounder does not.
What is the "biomass criterion?"	"Biomass criterion" is defined as the 3-year average of the catch per tow from the three most recent fall surveys multiplied by 75 percent of F_{msy} (fishing mortality at maximum sustainable yield) of the most recent stock assessment.

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.

jc/jp -1/21/15

Southern and Northern Windowpane Flounder AM Areas Through April 30, 2015.

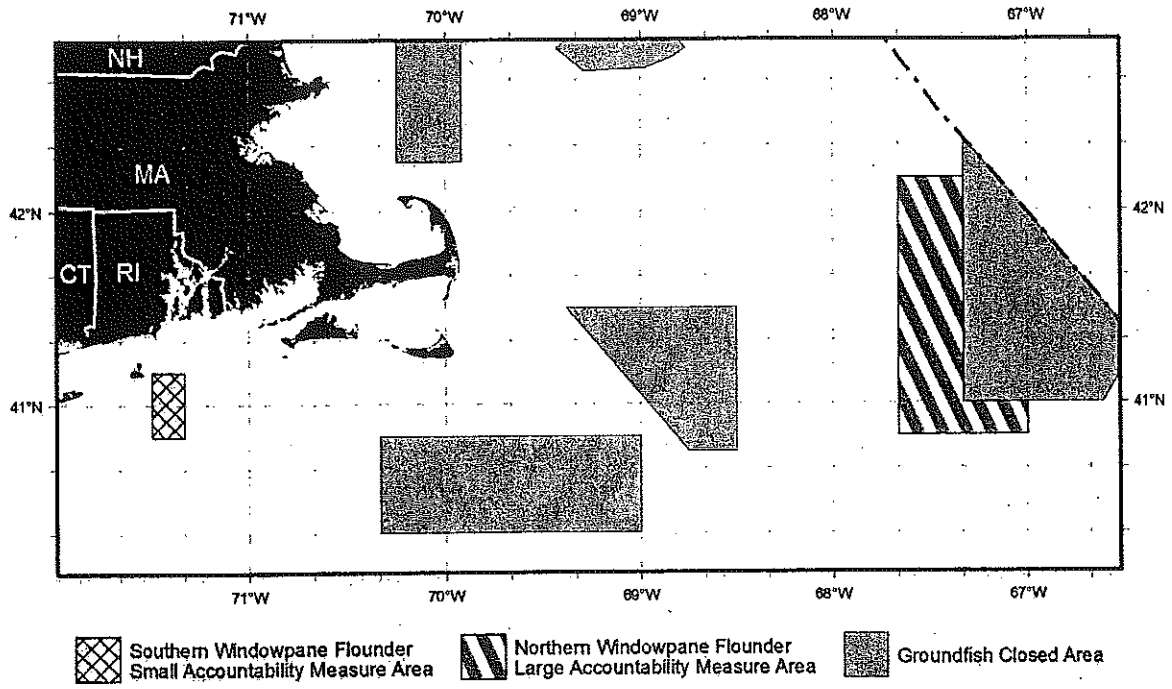
Northern Windowpane Flounder Large AM Area

Point	N. Latitude	W. Longitude
1	42°10′	67°40′
2	42°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	42°10′	67°40′

Southern Windowpane Flounder Small AM Area

Point	N. Latitude	W. Longitude
1	41°10′	71°30′
2	41°10′	71°20′
3	40°50′	71°20′
4	40°50′	71°30′
1	41°10′	71°30′

Gear Restricted Areas for Windowpane Flounder Through April 30, 2015



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

JAN 14 2015

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JAN 19 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

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
for Regional Administrator

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

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*

January 16, 2015

Mr. John Bullard
GARFO Regional Administrator
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

RE: Submission of Framework Adjustment 53 to the Northeast Multispecies FMP

Dear John:

On January 16, 2015, my staff electronically submitted Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan (FMP), including the Environmental Assessment and associated appendices, to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fisheries Office. The measures proposed in Framework 53 recommend changes in to status determination for Georges Bank yellowtail flounder, specifications for several groundfish stocks for FY 2015- FY 2017, and modifications to commercial and recreational management measures (including measures to protect Gulf of Maine cod while allowing access to healthy groundfish stocks, to establish default groundfish specifications, and to modify sector ACE carryover provisions).

Please note that the following changes will be addressed prior to the final submission of the action:

- Section 6.56: Fishing Communities - update Tables 42, 52-55- in the Affected Environment -using the FY 2013 Groundfish Performance Report
- Section 7.4: Economic Impacts- split off the methods into an appendix and reformat the section in the main document to reflect this change
- Section 8.11: Regulatory Impact Review- complete entire section

Upon review of the Framework 53 document, please communicate any comments and/or need for further document revision directly to me. Please contact me if you have questions.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

(3)

Mr. John Bullard
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930-2276

January, 16, 2015

Dear Mr. Bullard:

I am the owner of the charter fishing boat RELENTLESS and fish out of Green Harbor, and Boston, MA. I am writing to you regarding the proposed bag limits and minimum sizes for Gulf of Maine haddock. I am extremely concerned with the economic consequences if any of the current draft proposals are put into place. In the Memorandum dated November 10th, 2014 by Jamie M. Cournane, PhD, Groundfish Plan Coordinator to the Groundfish Committee , ***Biological and Economic Impacts Analysis for Framework Adjustment 53 (FW 53) to the Multispecies (Groundfish) Fishery Management Plan*** (attached), she makes a few excellent recommendations.

Under the Amendment 53 draft proposal, it recommends bag limits of two to three haddock per angler and size limits from 17" to 21" depending on the options and models with only a four month season from May through August. It is my understanding these proposals are partially based on the Gulf of Maine Catch Estimates for fishing years, 2012, 2013 and 2014 (attached). I have reviewed the catch numbers of both landings and discards and have to seriously dispute the accuracy of the data. An example of this is in Table 1, the haddock catch numbers in 2014 indicate an increase of 208,797 fish while the season was shortened by a full two months and the average catch per angler per trip was 0.7 fish. Another example is in Table 9 (All Gulf of Maine Angler Trips By Fishing Year and Mode) indicates 78,167 angler trips on charter boats during FY 2014. This would mean on a typical six pack charter boat with six anglers there would be seventy-two charter boats fishing every day for six months from mid April through mid November. The number of private boat angler trips increases substantially to 1,339,474 during FY 2014 which is impossible.

The data also indicates during 2014 there was 680,4453 haddock caught based on the total of landed and released fish. Of those 129,978 were kept and 680, 665 were released resulting in the landings being 19% of all caught fish. This is clearly a result of the 22" minimum size limit.
Using these figures from the attached documents based on unrealistic flawed Marine Recreational Information Program (MRIP) data to determine bag and size limits is unacceptable. It clearly shows there is a problem with both the MRIP Data and the assumed 50 percent mortality discard rate.
In the 59th SAW Assessment Summary Report, Gulf of Maine Haddock Assessment Summary for 2014 states ***"This assessment has assumed a 50% mortality rate of recreational discards. While the assessment results were shown to be relatively insensitive to this assumption, it does have implications for management and catch allocation between the commercial and recreational fleets. Experimental work is needed to reduce the uncertainty of this 50% mortality assumption".*** It is critical that

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funding be allocated to conduct studies to determine a more realistic discard rate on Gulf of Maine Haddock.

I agree with Dr. Jamie Cournane in her memorandum that discards can be reduced by using circle hooks when using bait and single J hooks on jigs when fishing for cod and haddock.

The charter party fleet is in distress right now and I know many who are honestly selling off and going out of business. The historical base of customers, many who have fished in the GOM for cod and haddock for decades are now targeting other areas to fish. Even if regulations are relaxed during FY 2016, 2017 or beyond these customers WILL NOT RETURN. Once they fish in another location, this will become the norm. Charter and party boats are in business and not a private recreational vessel. They are not much different than a commercial vessel except they do not sell their catch and are the resource to provide the public with access to a public resource. They have boat mortgages, high liability insurance, advertising costs, maintenance, dockage and other expenses to be profitable. A charter boat or party boat can't survive with a four month season and low bag limits.

My recommendations are it is imperative to get a handle on the actual landings and discards of GOM haddock and cod. It is clear there are major issues with the MRIP data based on the number of angler trips taken. I have seen my customers asked how many fish were caught, released etc and honestly they have no idea. They ask each one and the surveyor writes the information down, I fill out my VTR and get called at night for additional information during the week. How many times this single trip ran or he fish landed or released being reported? I believe it is multiple time and it is wrong. I have heard council members and Mr. Bullard state, we know there are problems but it is the best data we have. I find this unacceptable to be using questionable data to make management decisions which result in someone being able to stay in business.

Educate anglers or put regulations in place to have anglers use circle hooks with bait and a single J hook on jigs when fishing for GOM cod and haddock.

Substantially reduce discards by reducing the minimum size limit from 22" to 17" which will result in anglers throwing back less fish.

Create a bag limit which will attract customers allowing charter and party boats to stay in business. I recommend a twelve fish bag limit at 17". This does not mean anglers will catch twelve fish but provide the perception to bring them on board. If there needs to be a smaller bag limit for the private boater who has the opportunity to fish multiple times compared to the for hire customer who only goes a single time a year it will allow the for hire boat to stay afloat. This is already in effect for several species around the country.

In summary I am asking you not to implement small bag limits of two to three haddock based on flawed MRIP data and to help the boats in the charter/party industry attract customers and continue in a fishery that is decades old. It will also help the private

boater with an increase in the bag limit and decrease in size. Please consider removing the two month closure on GOM haddock during September and October which will at least give the owners of for hire vessels a chance to remain in business.

If you have any questions regarding my comments, please feel free to contact me anytime.

Respectfully,

Dave Waldrip
Charter Boat RELENTLESS

Copy: Mr. Barry Gibson
Mr. Terry Stockwell
Mr. Frank Blount
Mr. Tom Nies
Dr. Jamie Cournane
Dr. David Pierce
Mr. Terry Alexander

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

JAN 14 2015

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
for Regional Administrator

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

jc/jp 1/20/15

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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55 Great Republic Drive
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JAN 14 2015

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New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, Massachusetts 01950

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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
for 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

Marine House
1-3 Snow Hill
London
EC1A 2DH
United Kingdom
Tel: +44 (0)207 246 9800
Fax: +44 (0)207 246 9801

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	24th 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 2nd surveillance audit from January 13th (30 days from the last day of the site visit) to February 12th 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.

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	*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'*
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 a 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

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

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NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

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.

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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,

Russell W. Brown for

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

cc: R. Beal
J. Bullard
C. Moore

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

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JAN 09 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

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 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 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.

	USA					Canada			Distant Water Fleet				Total	
	Commercial		Recreational		Total			Total						
Year	Landings	Discards	Landings	Discards	Catch	Landings	Discards	Catch	USSR	Spain	Poland	Other	Landings	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.

	Spring				Autumn				DFO			
	Number		Weight		Number		Weight		Number		Weight	
Year	catch	CV	catch	CV	catch	CV	catch	CV	catch	CV	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

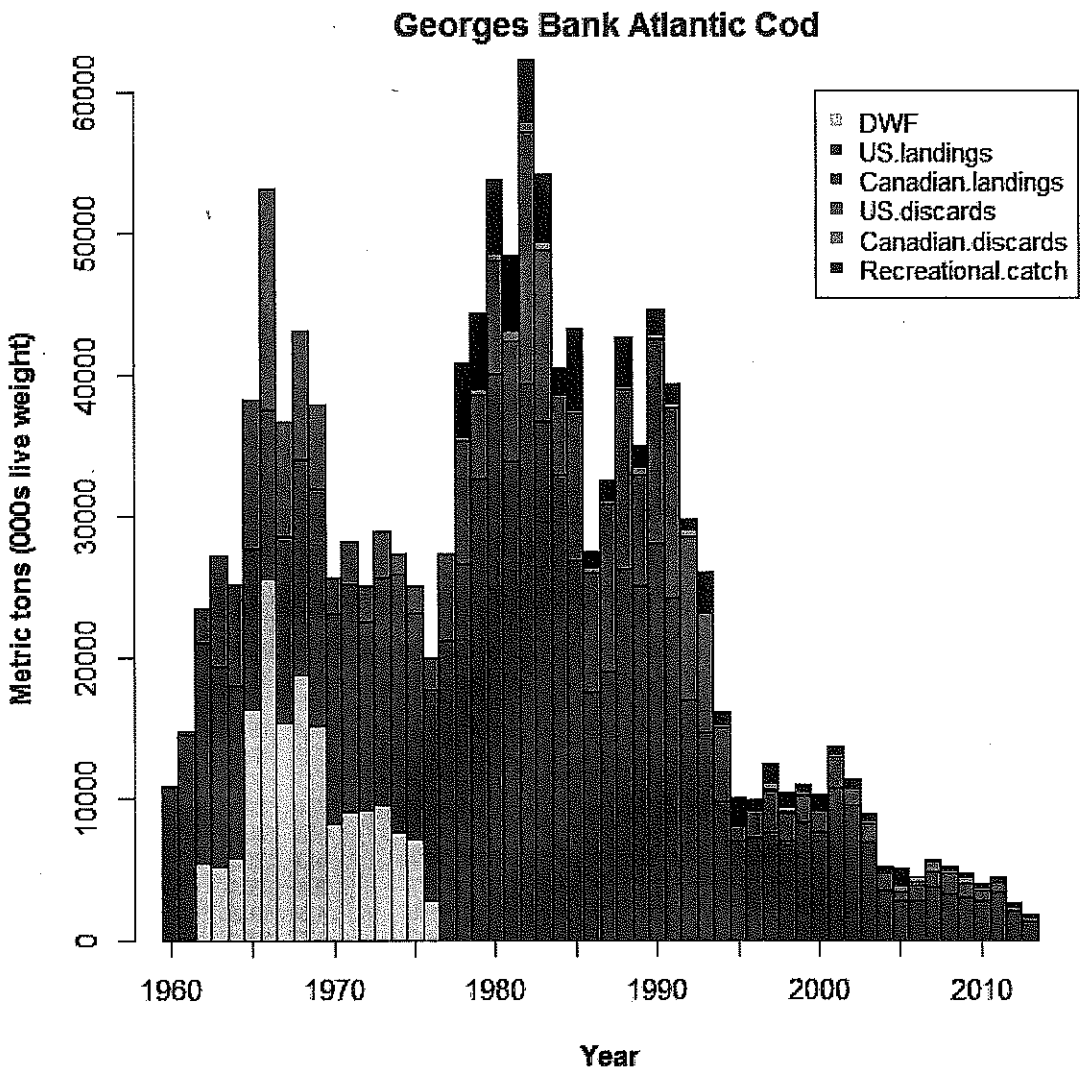
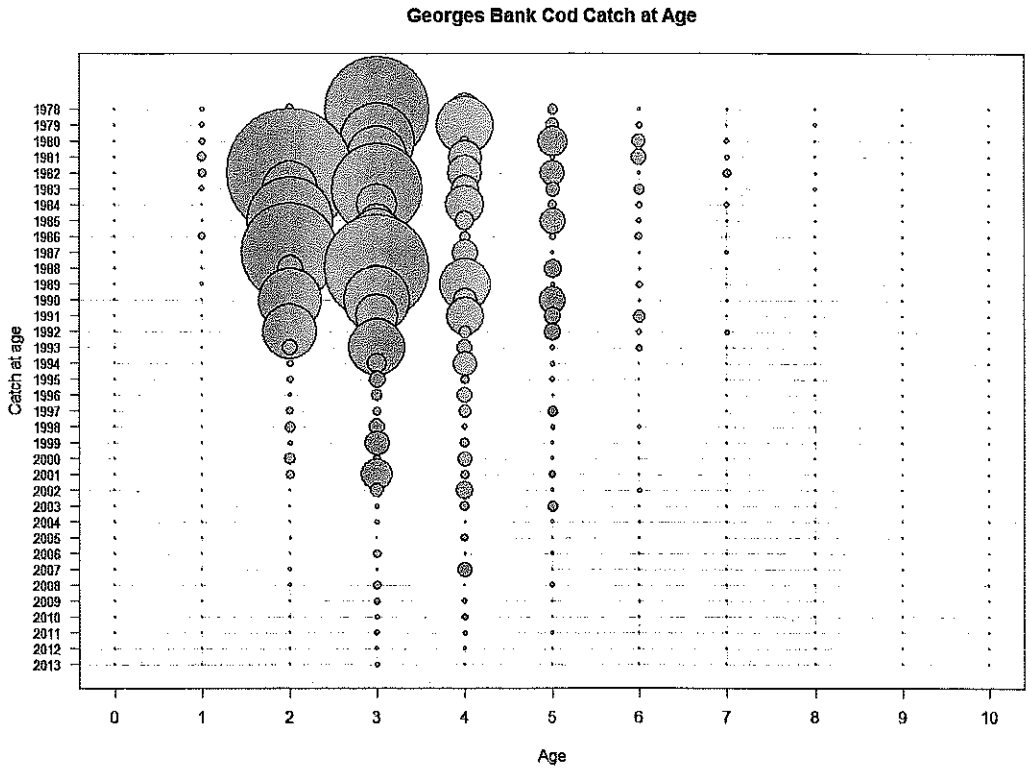


Figure 1. Total catch of Georges Bank Atlantic Cod by distant water fleets (DWF), US and Canadian commercial fishery landings and discards, and US recreational catch during 1960-2013.



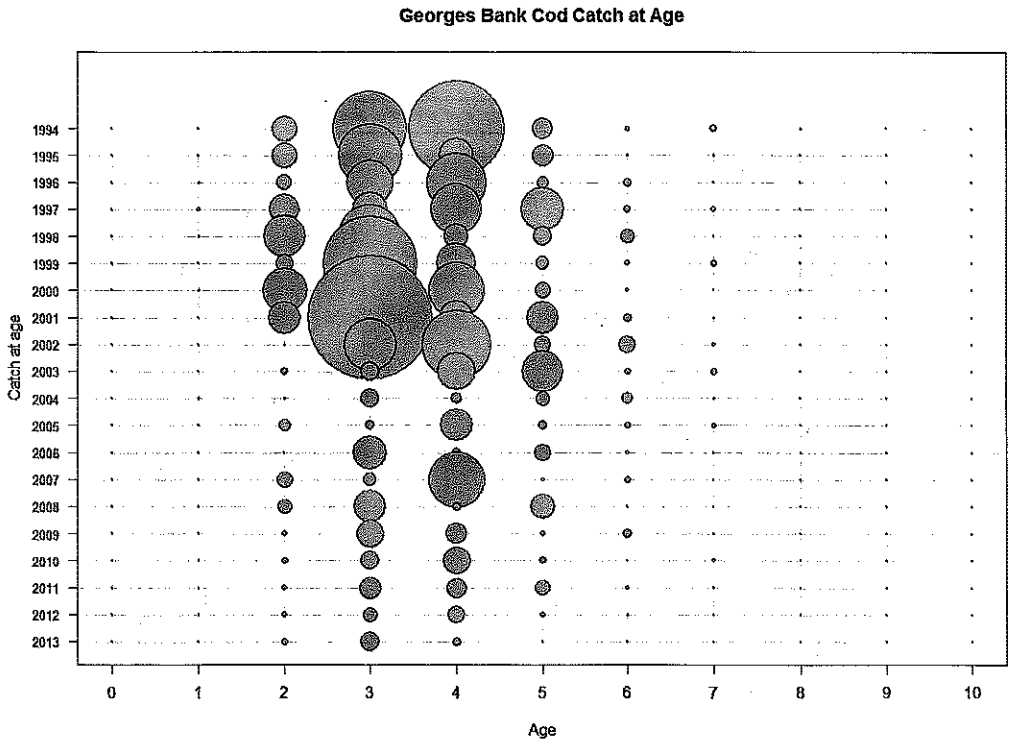
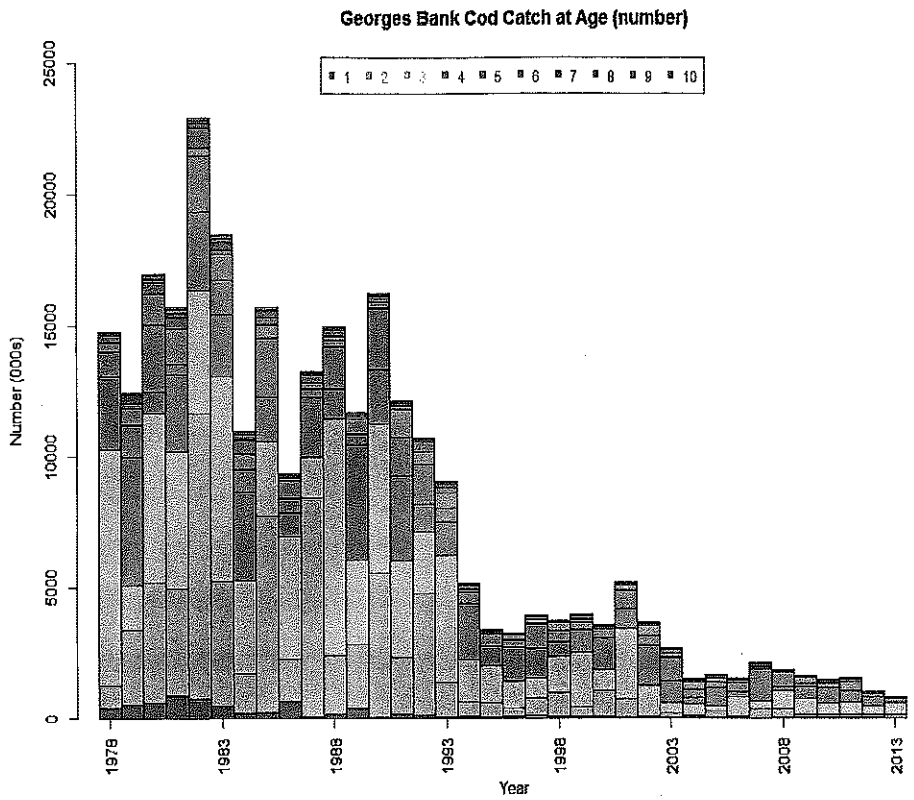


Figure 2. Total combined catch at age (US and Canadian commercial fishery landings and discards, and US recreational catch) for Georges Bank Atlantic Cod, 1978-2013 (upper panel) and 1994-2013 (lower panel, same data, different scale).



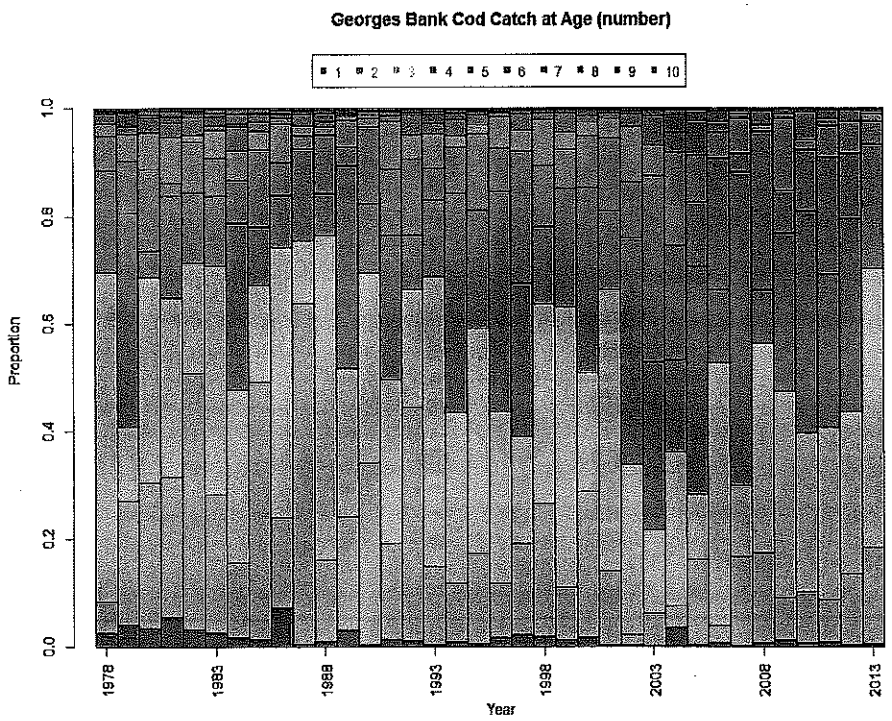


Figure 3 Total combined (US and Canadian commercial fishery landings and discards, and US recreational catch) catch at age in numbers (000s fish, upper panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1978-2013.

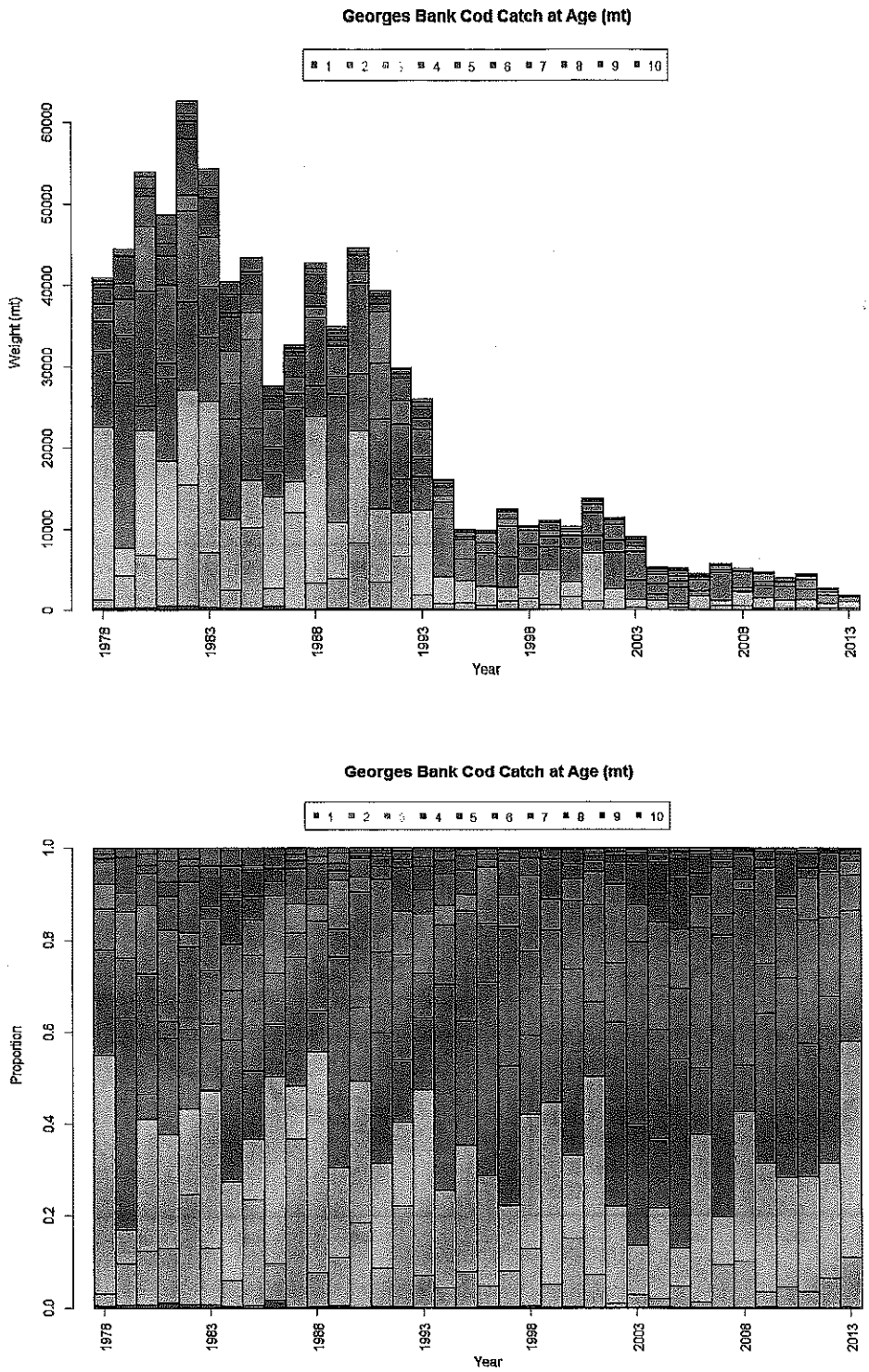


Figure 4. Total combined (US and Canadian commercial fishery landings and discards, and US recreational catch) catch at age in weight (mt, upper panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1978-2013.

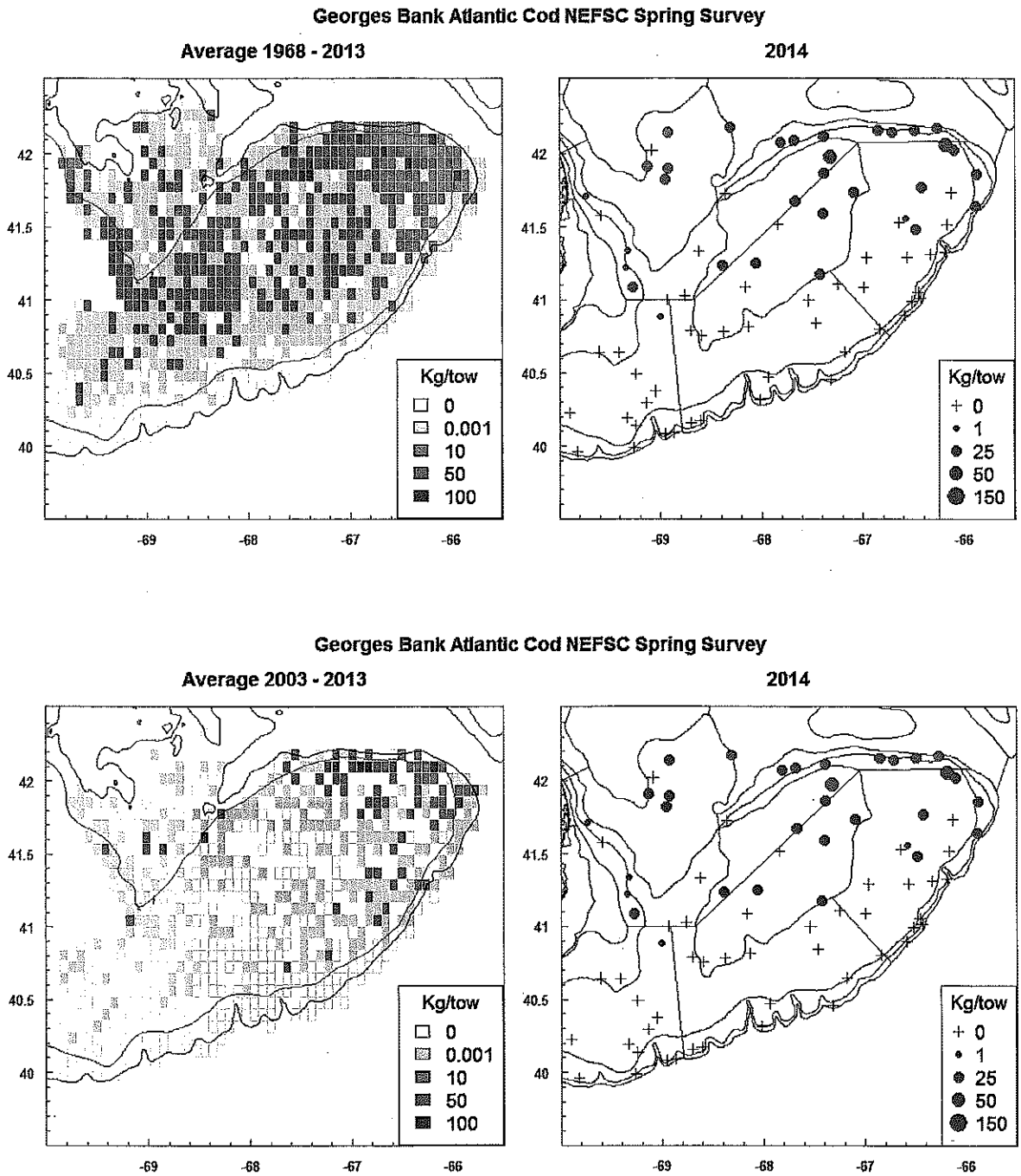


Figure 5a. Distribution of Georges Bank Atlantic Cod (kg/tow) sampled during NEFSC spring surveys during 1968-2013 (upper left panel), 2003-2013 (lower left panel), and 2014 (upper and lower right panel).

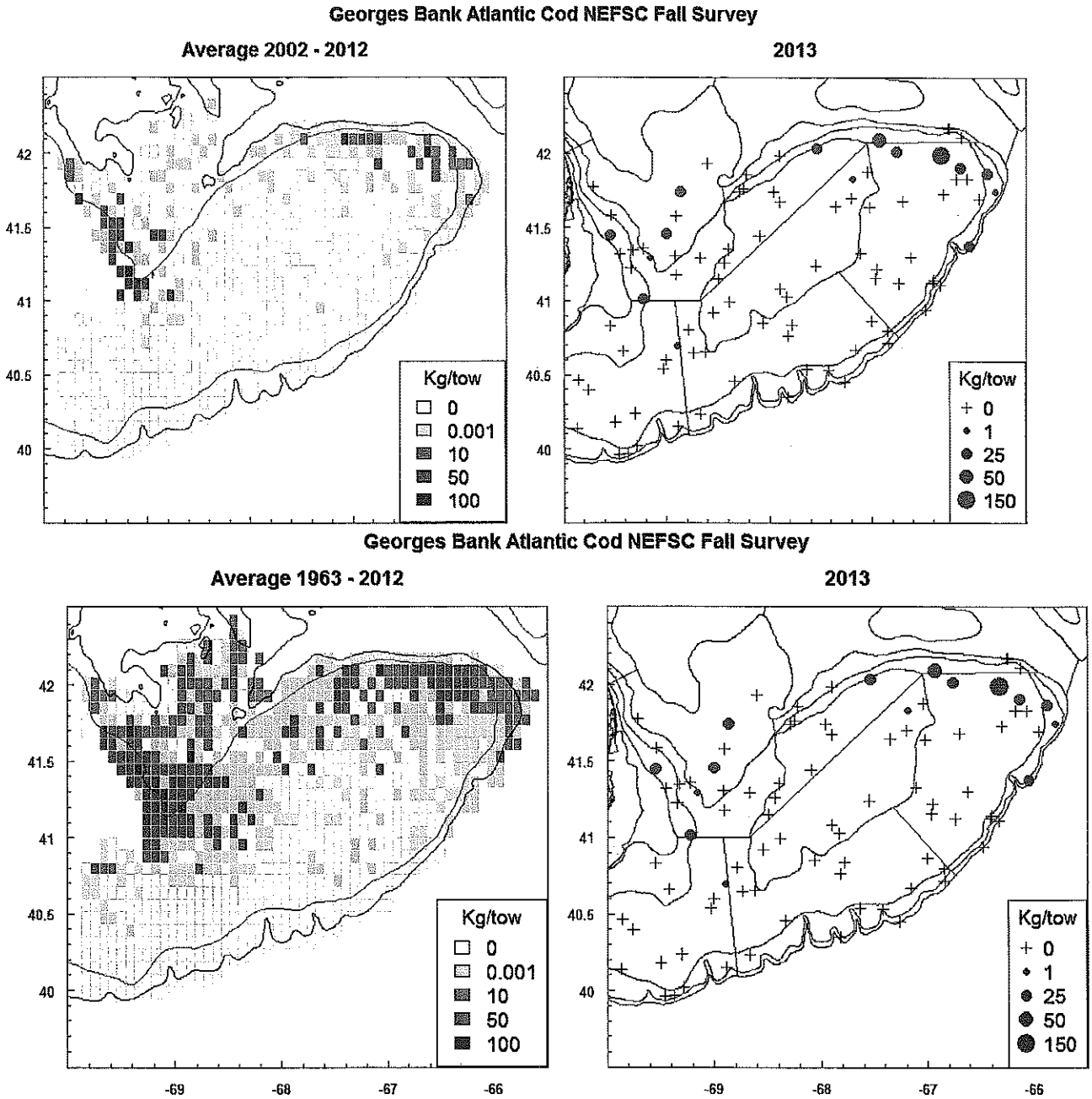


Figure 5b. Distribution of Georges Bank Atlantic Cod (kg/tow) sampled during NEFSC autumn surveys during 1963-2012 (upper left panel), 2002-2012 (lower left panel), and 2013 (upper and lower right panel).

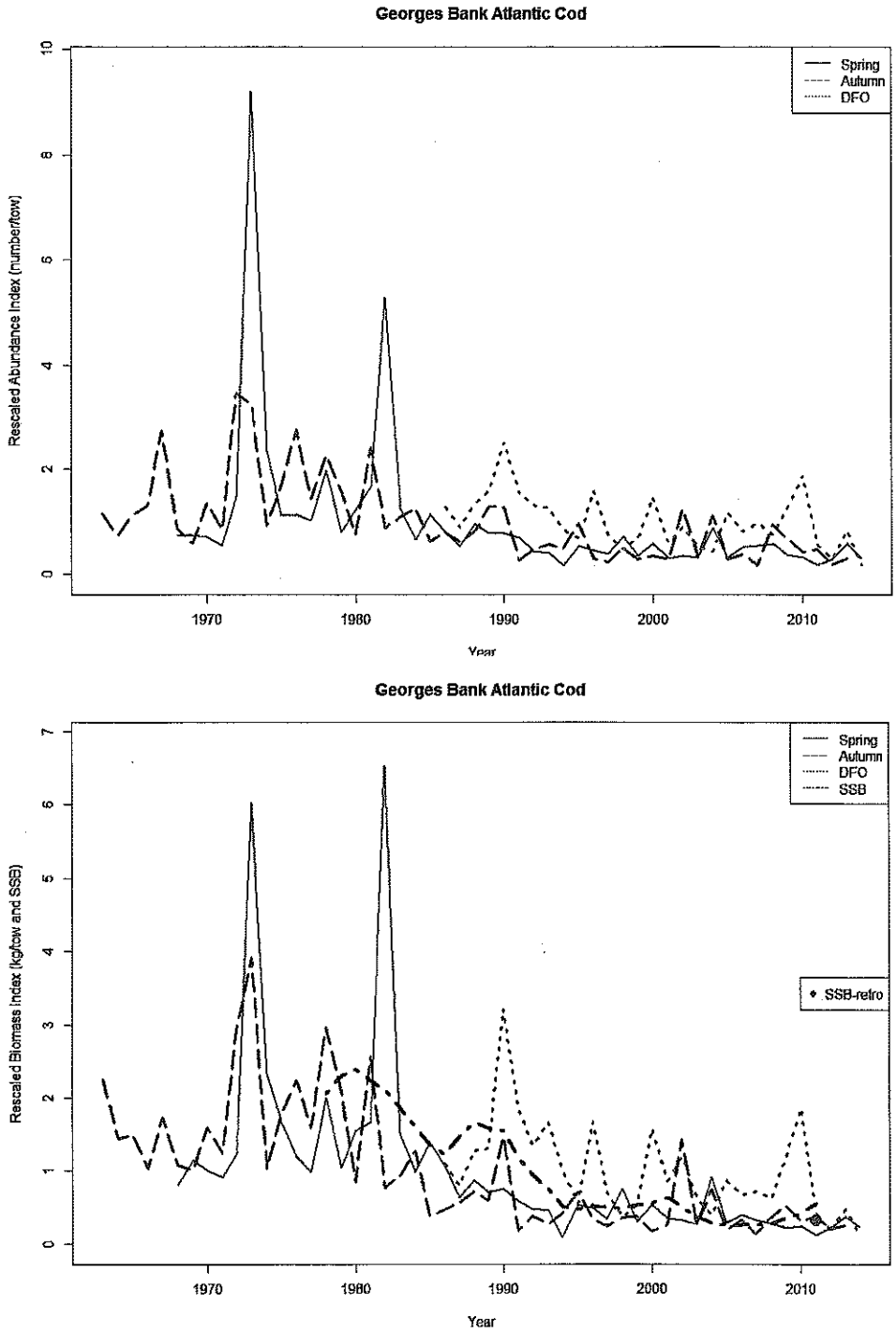


Figure 6. Abundanace (upper panel) and biomass (lower panel) rescaled to the respective time series mean for the spring and autumnn NEFSC and DFO research bottom trawl survey. The lower panel has the 2012 ASAP spawning stock biomass (SSB) estimates and the retropsective adjusted 2011 SSB point estimate.

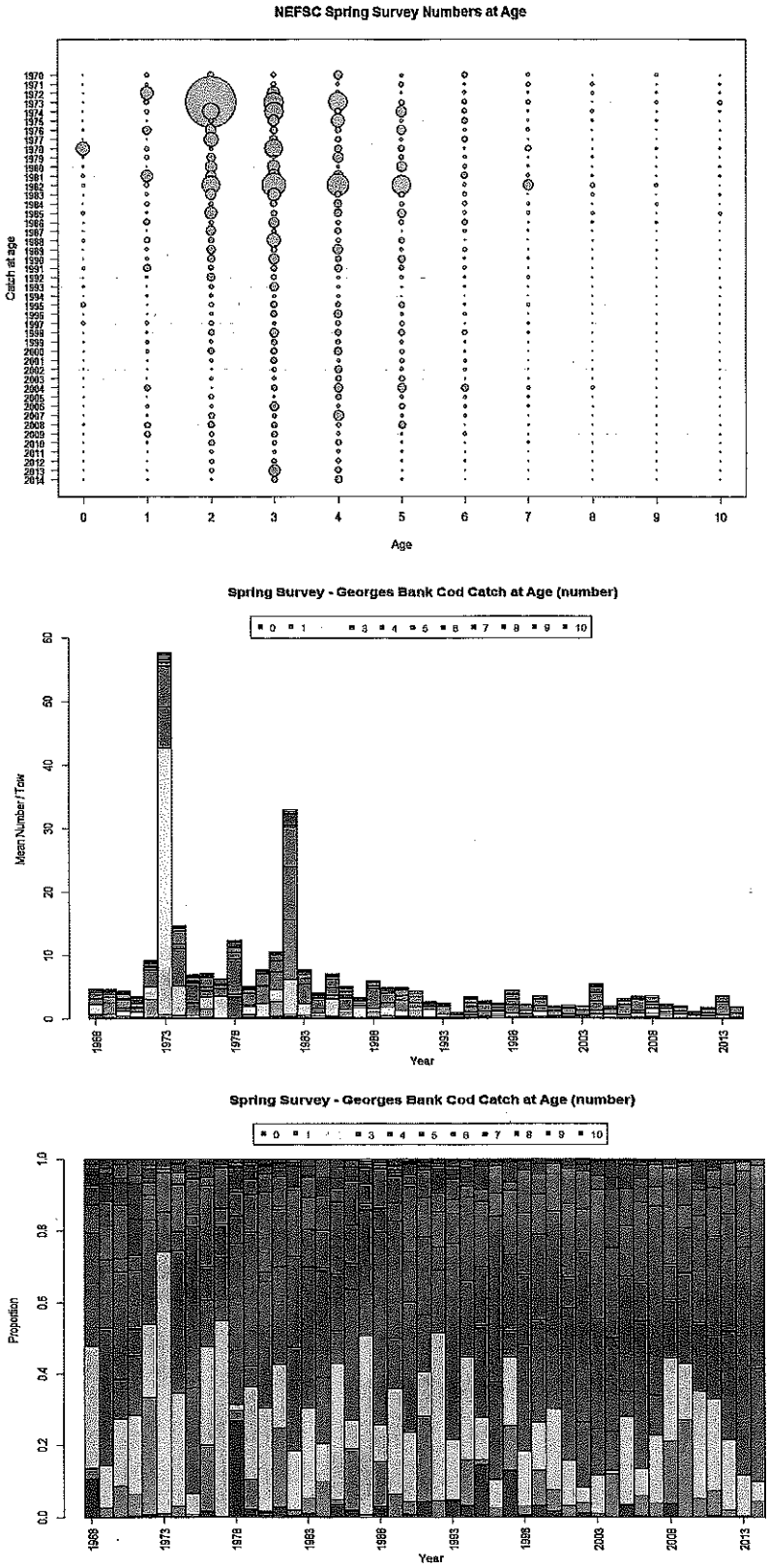


Figure 7a. NEFSC spring survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1968-2014.

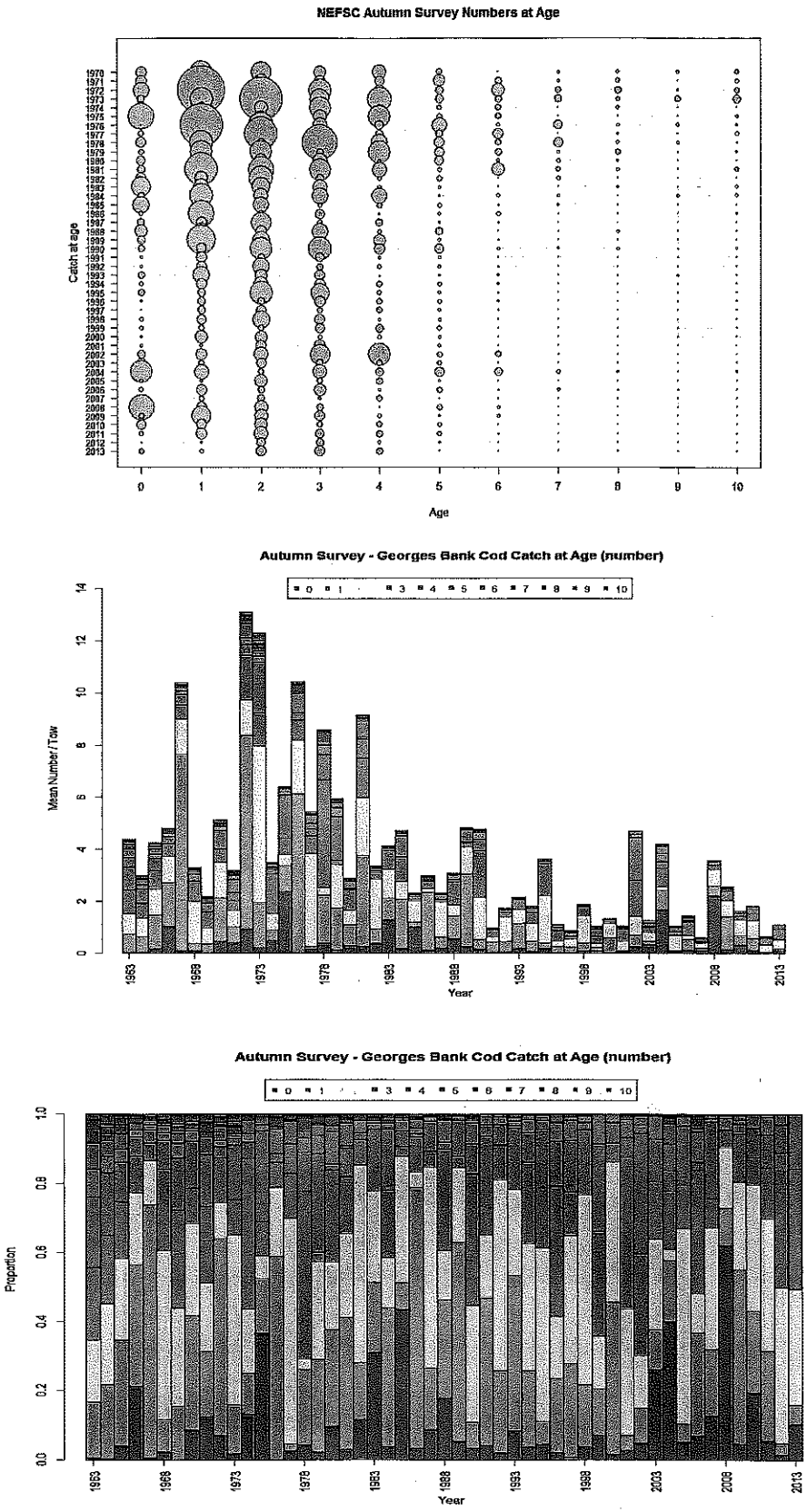


Figure 7b. NEFSC autumn survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1968-2014.

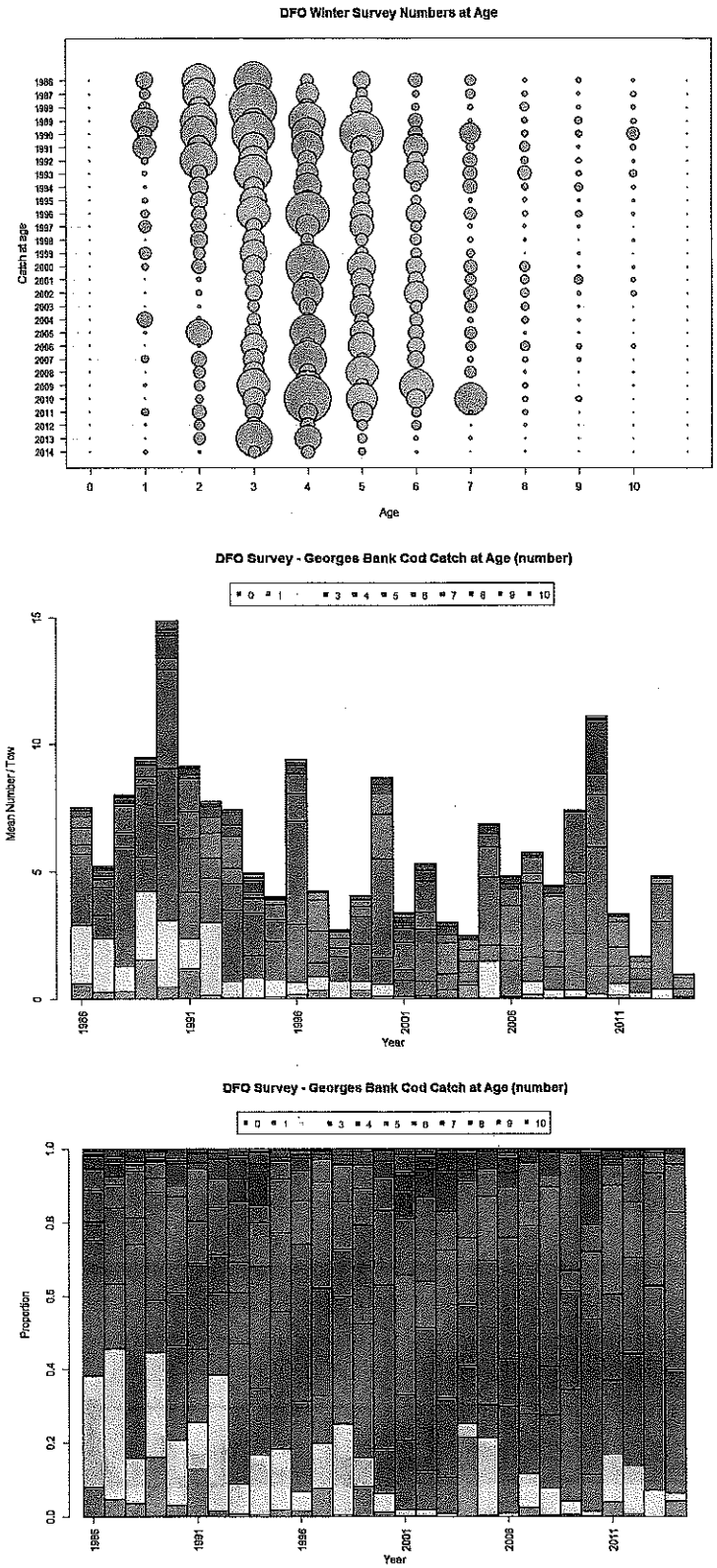
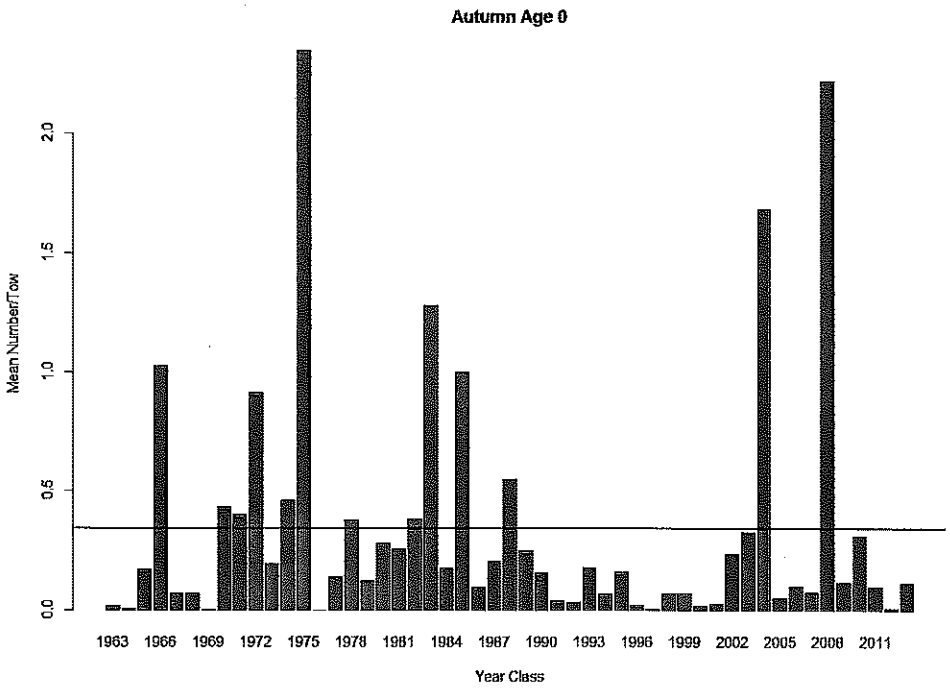


Figure 7c. DFO survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1986-2014.



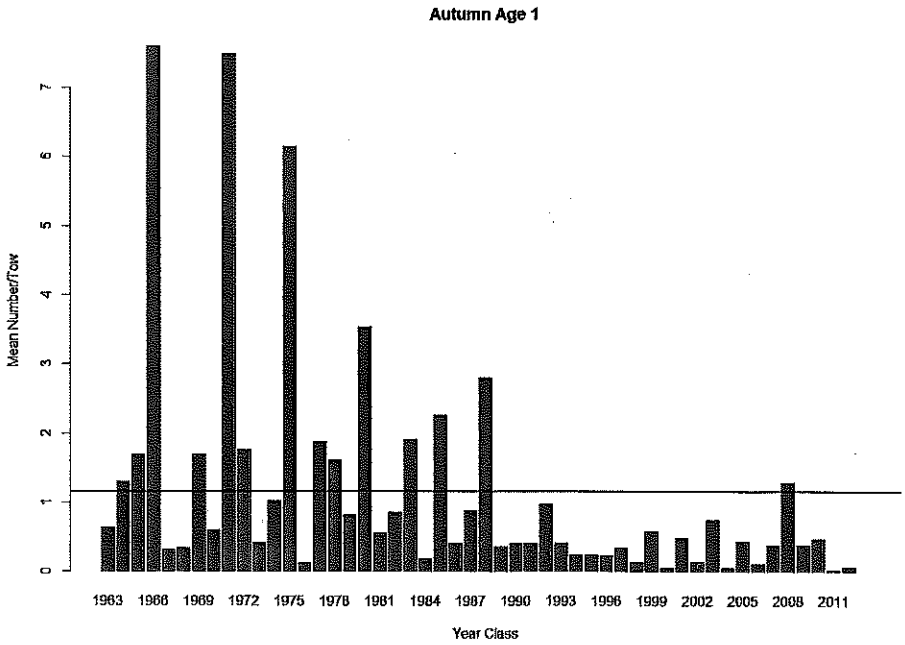
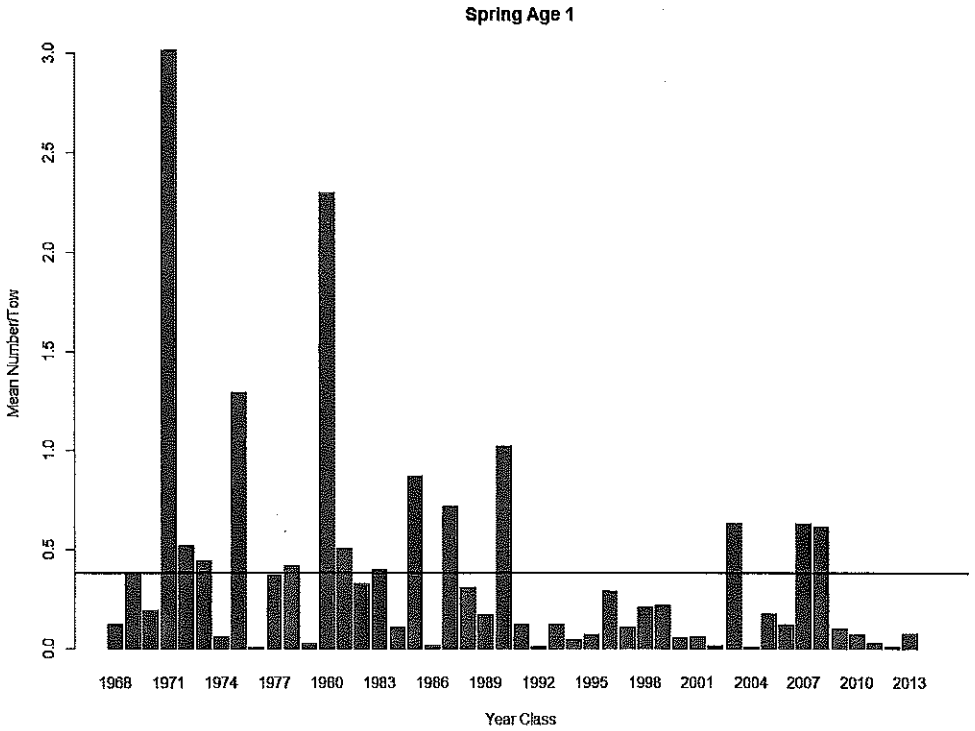


Figure 8a. NEFSC autumn survey catch (mean number/tow) at age 0 (upper panel) and age 1 (lower panel) for Georges Bank Atlantic Cod year classes, 1963-2013. Solid horizontal line is the time series average.



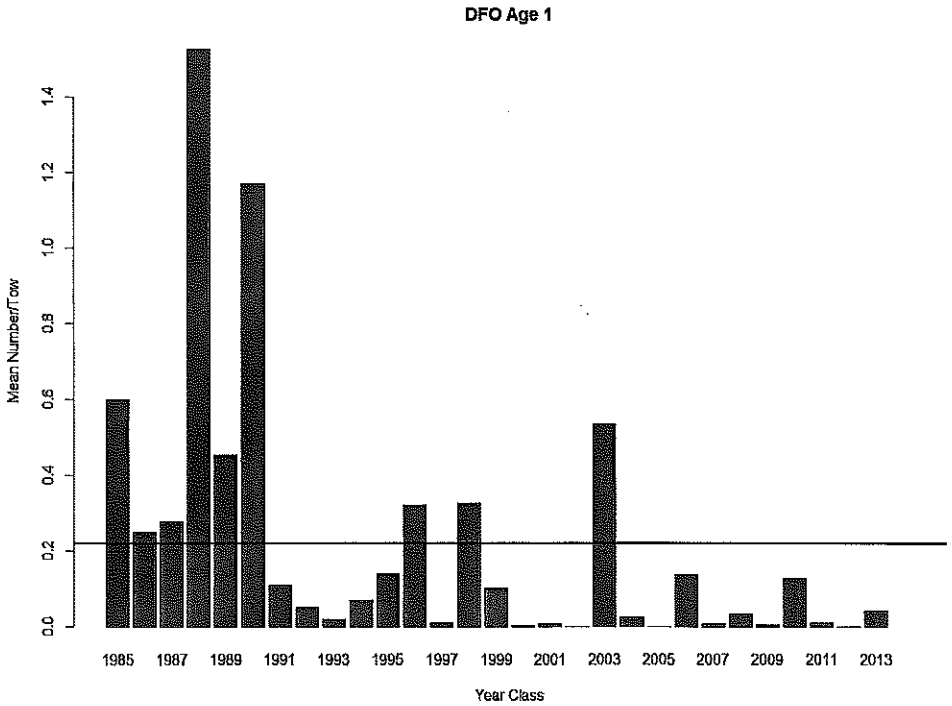
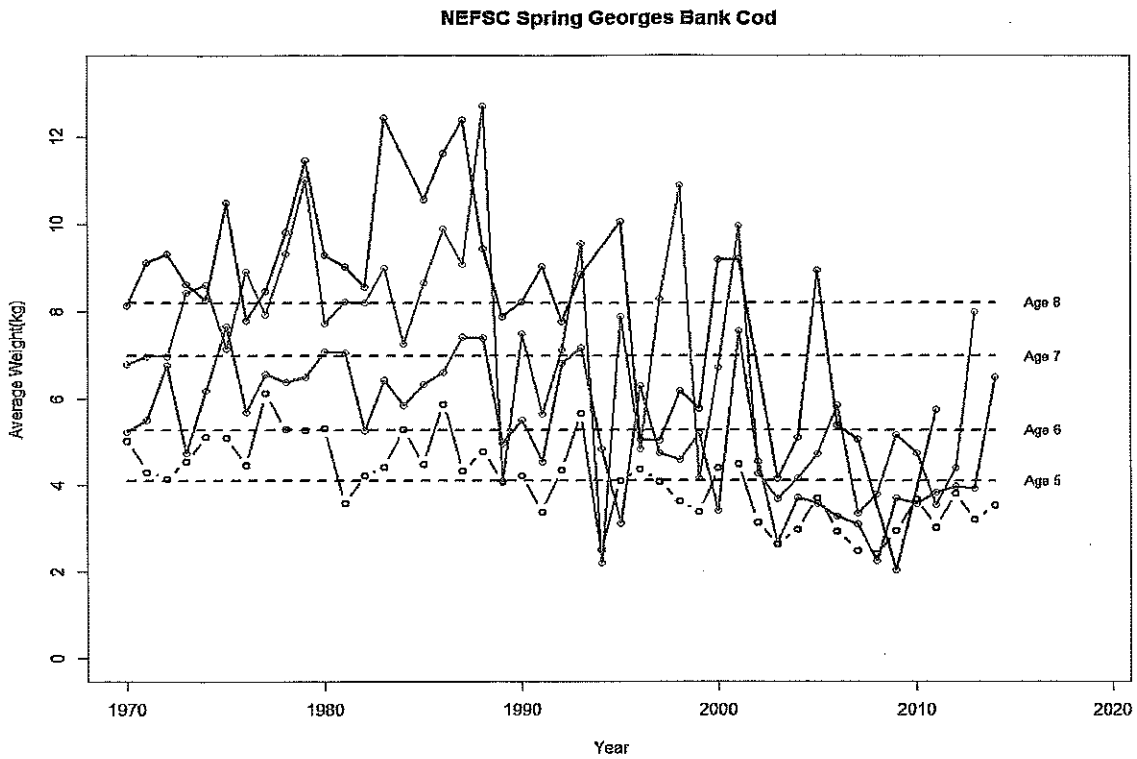


Figure 8b. NEFSC spring (upper panel) and DFO (lower panel) survey catch (mean number/tow) at age 1 for Georges Bank Atlantic Cod year classes, 1968-2013. Solid horizontal line is the time series average.



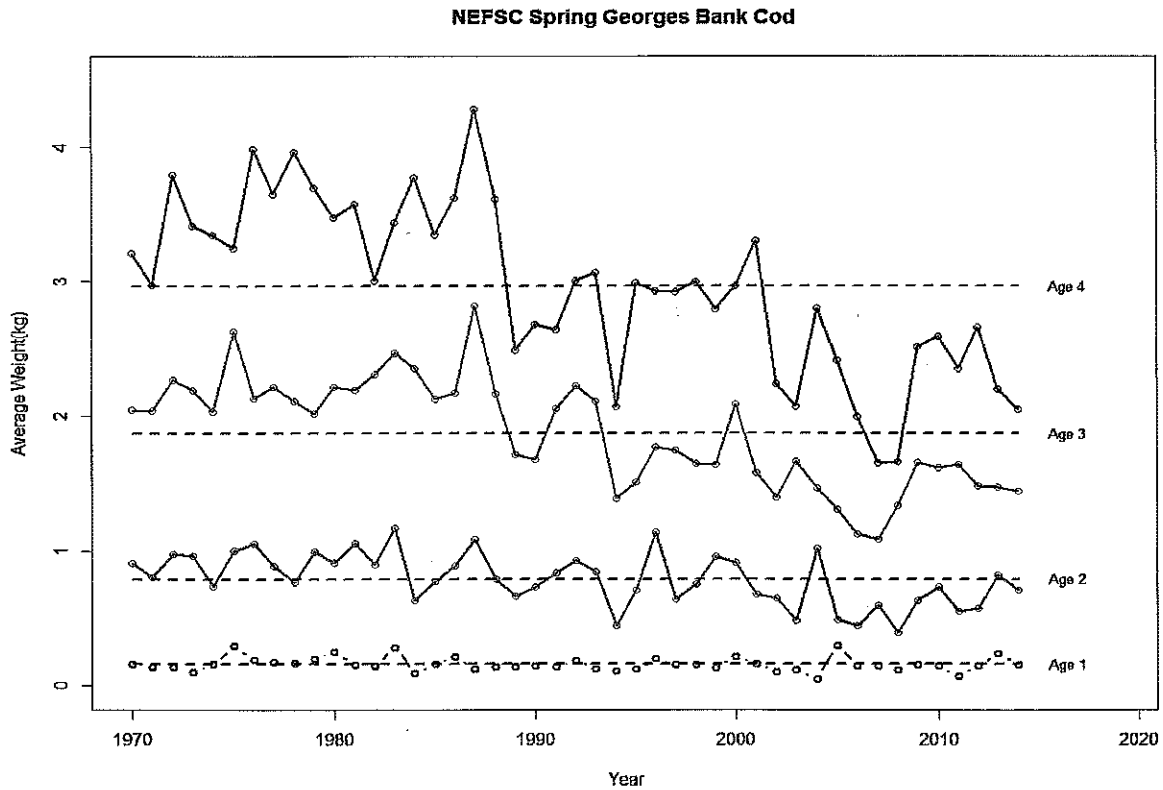
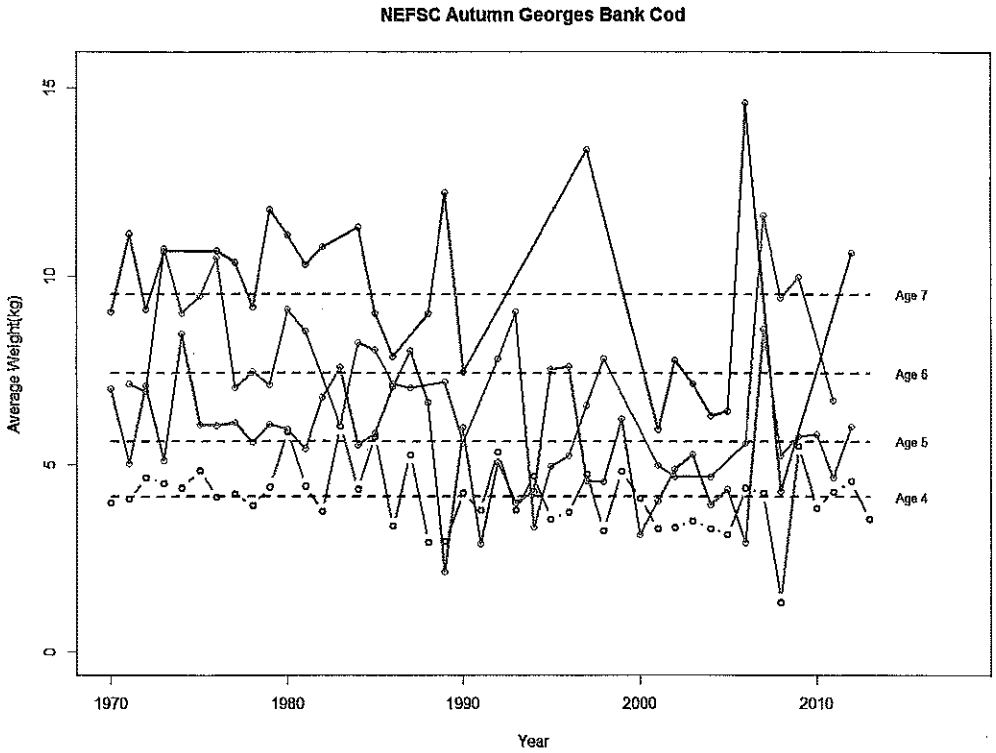


Figure 9a. NEFSC spring bottom trawl survey average weight at ages 1-4 (lower panel) and for ages 5-8 (upper panel) for Georges Bank cod, 1970-2014.



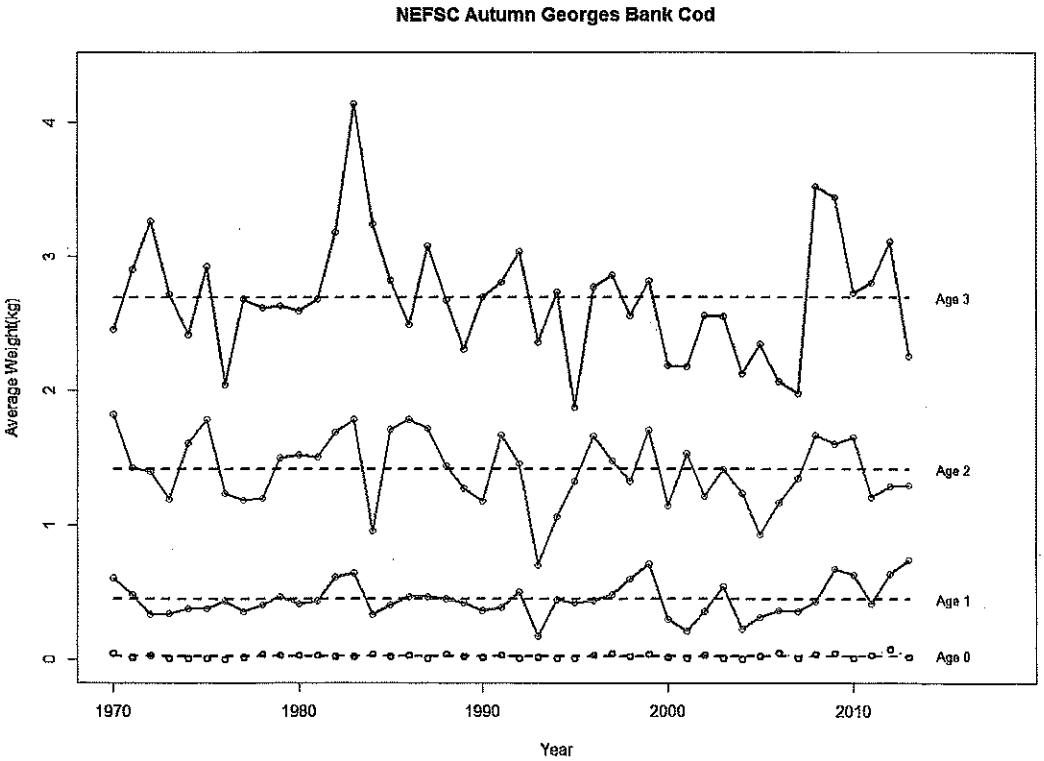


Figure 9b. NEFSC autumn bottom trawl survey average weight at ages 0-3 (lower panel) and for ages 4-7 (upper panel) for Georges Bank cod, 1970-2013.

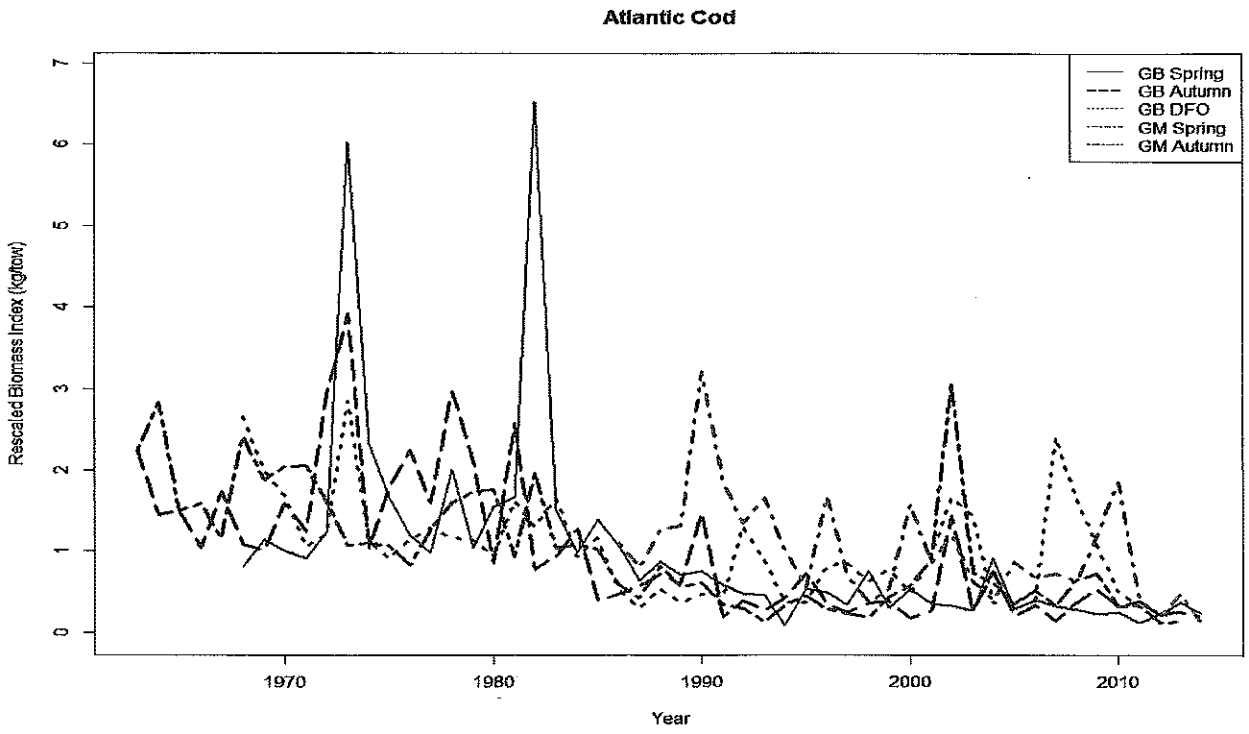


Figure 10. Biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod from the from the NEFSC spring and autumn surveys, and from the Georges Bank DFO survey, 1963-2014.

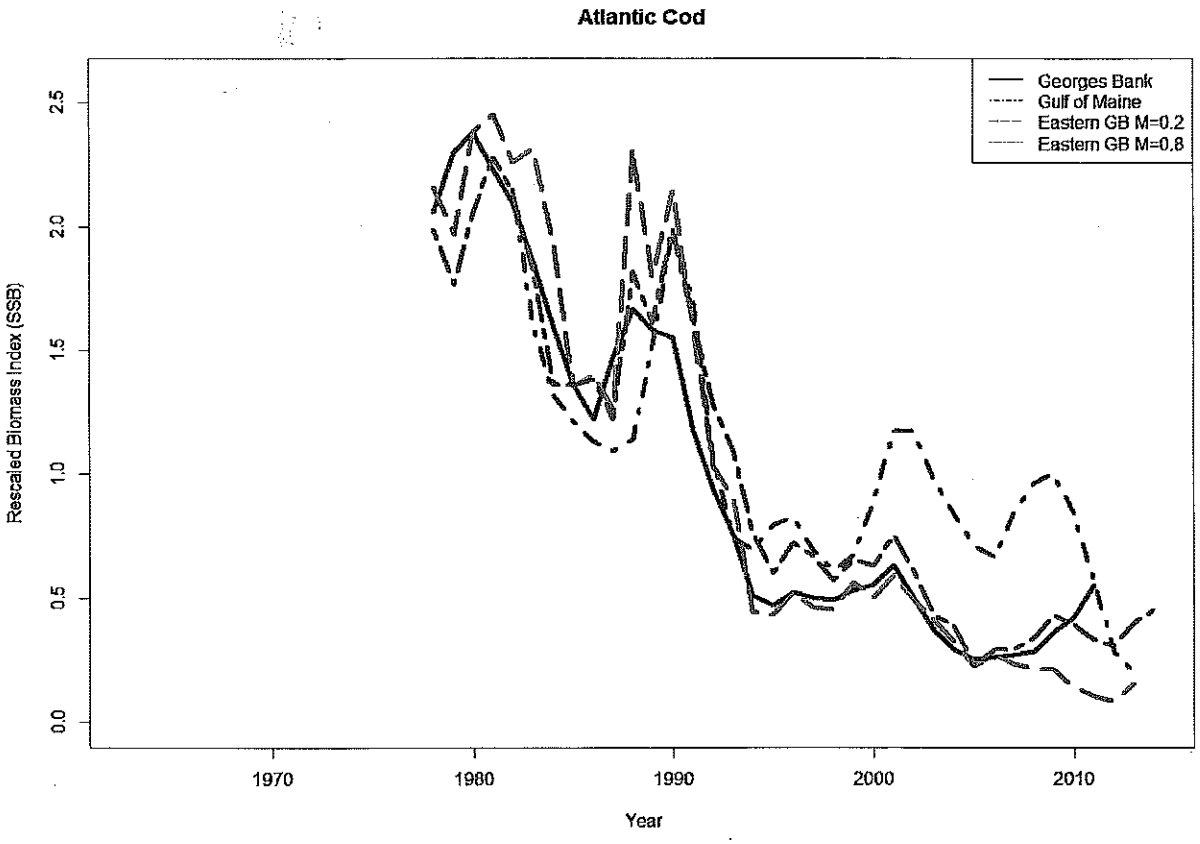


Figure 12. Spawning stock biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod stocks, and for the management unit Eastern Georges Bank from the ASAP model with natural mortality (M) = 0.2 and the VPA model with M=0.8 for ages 6+ from 1994 onward (otherwise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

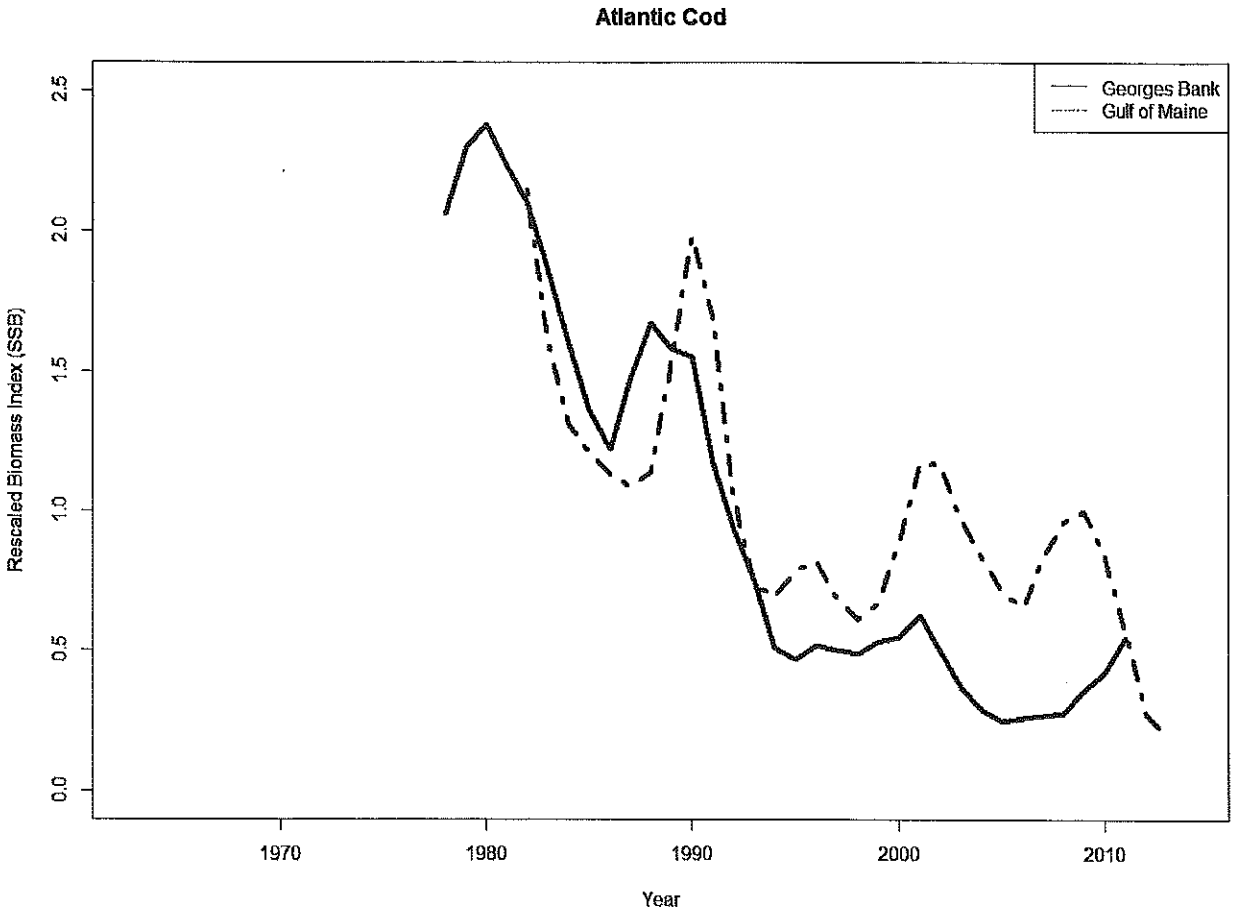


Figure 11. Spawning stock biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod stocks, 1978-2013.

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:

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.

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 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 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.

	USA					Canada			Distant Water Fleet				Total	
	Commercial		Recreational		Total			Total						
Year	Landings	Discards	Landings	Discards	Catch	Landings	Discards	Catch	USSR	Spain	Poland	Other	Landings	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.

	Spring				Autumn				DFO			
	Number		Weight		Number		Weight		Number		Weight	
Year	catch	CV	catch	CV	catch	CV	catch	CV	catch	CV	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

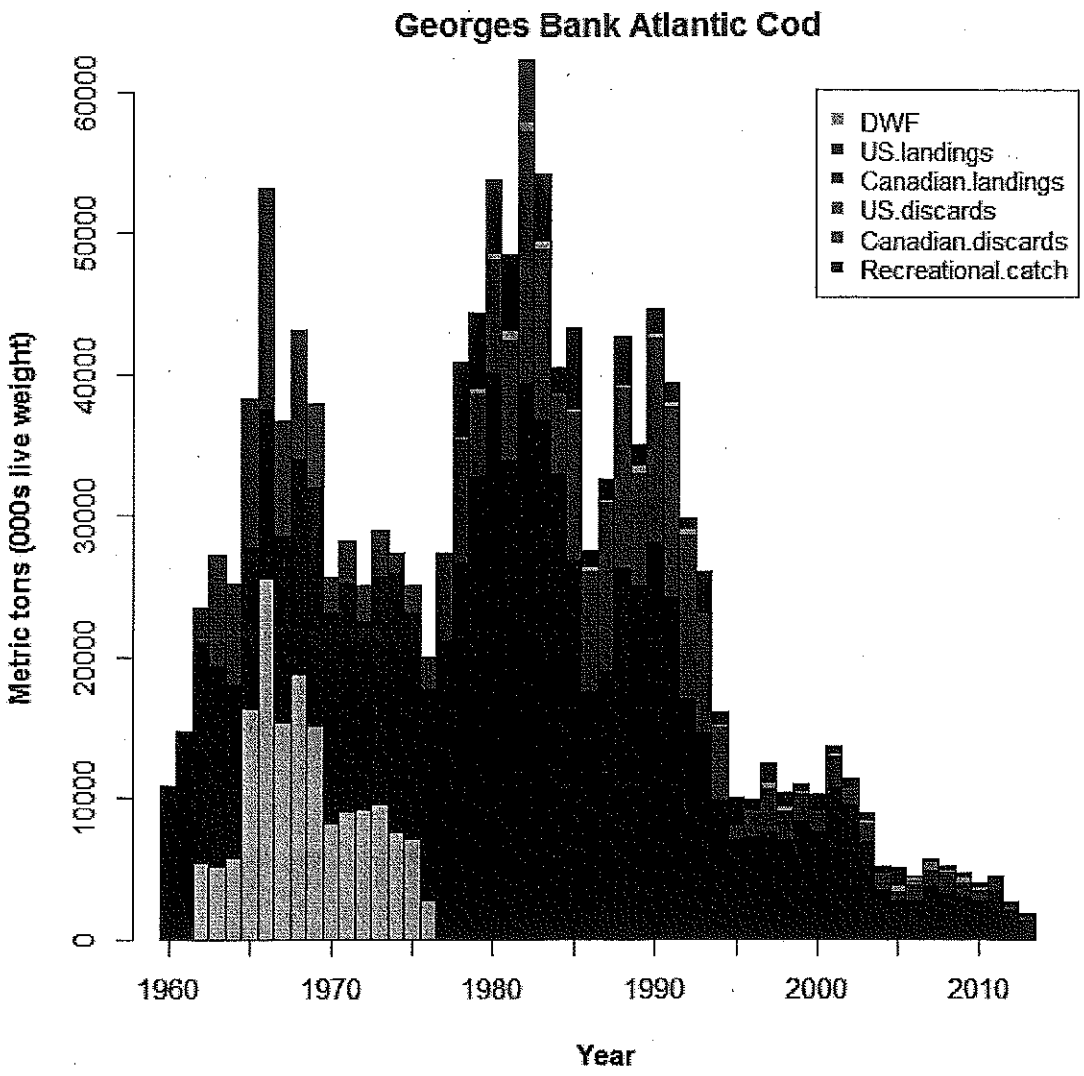
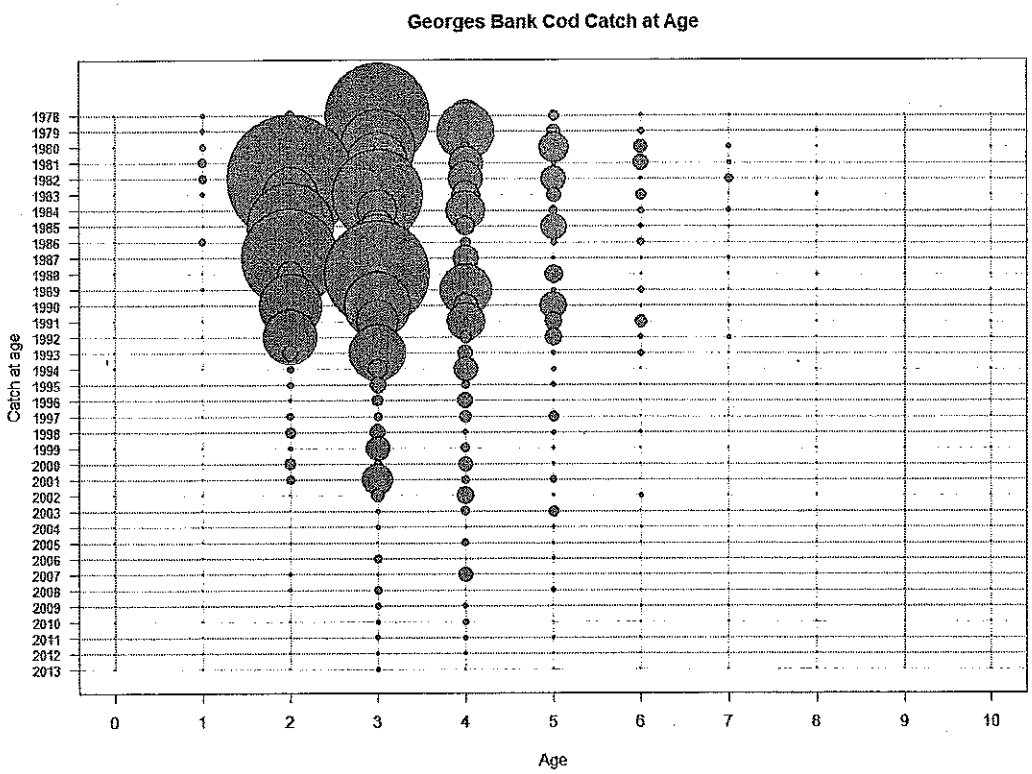


Figure 1. Total catch of Georges Bank Atlantic Cod by distant water fleets (DWF), US and Canadian commercial fishery landings and discards, and US recreational catch during 1960-2013.



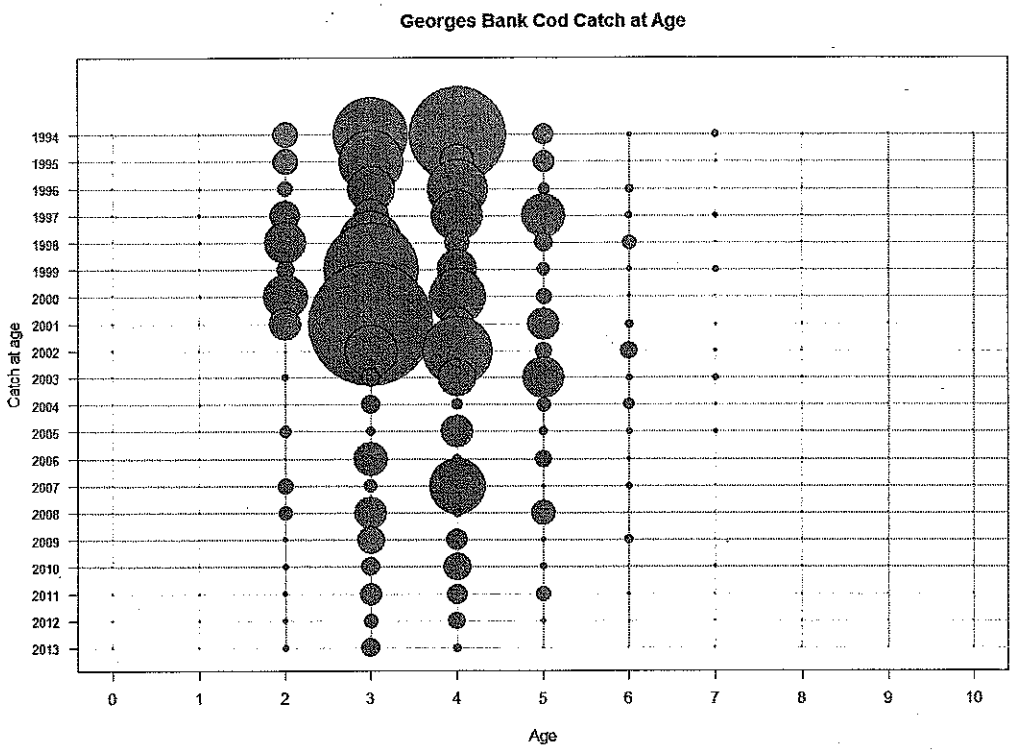
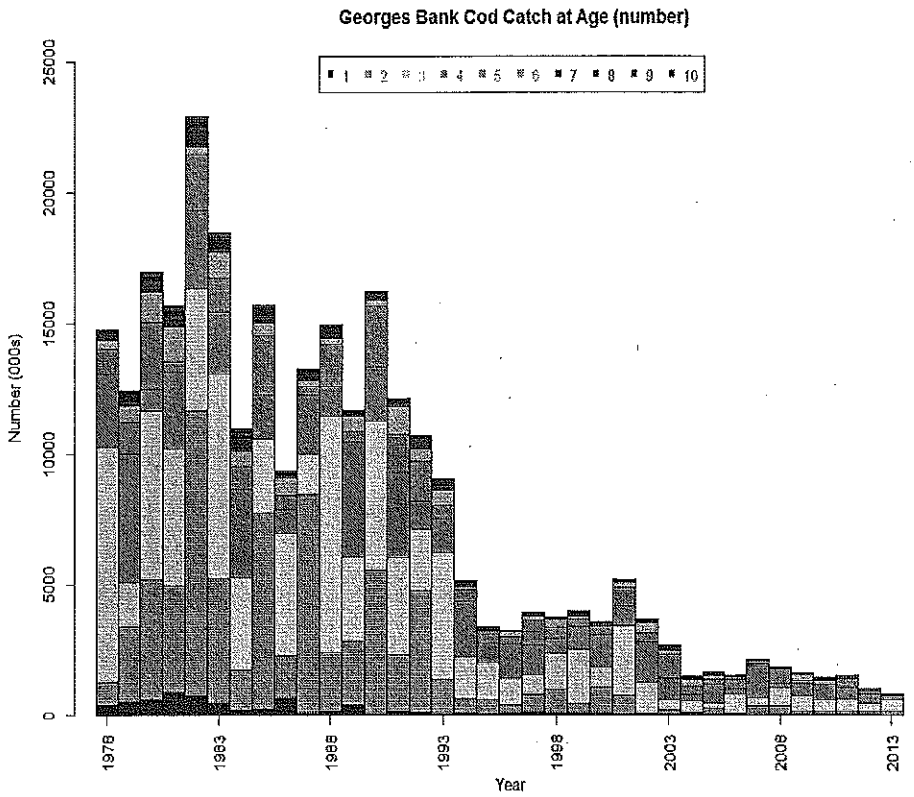


Figure 2. Total combined catch at age (US and Canadian commercial fishery landings and discards, and US recreational catch) for Georges Bank Atlantic Cod, 1978-2013 (upper panel) and 1994-2013 (lower panel, same data, different scale).



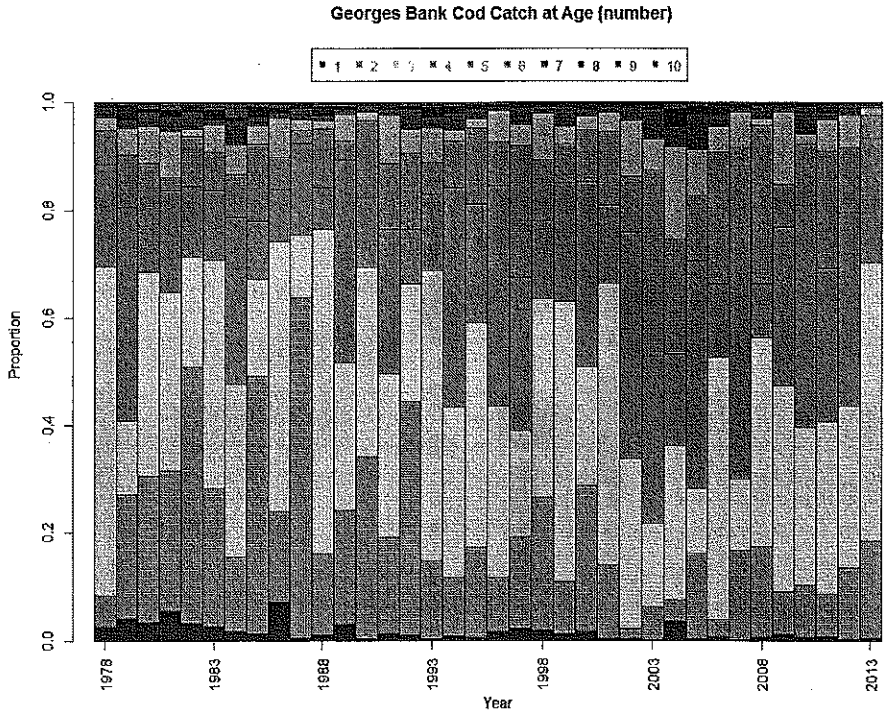
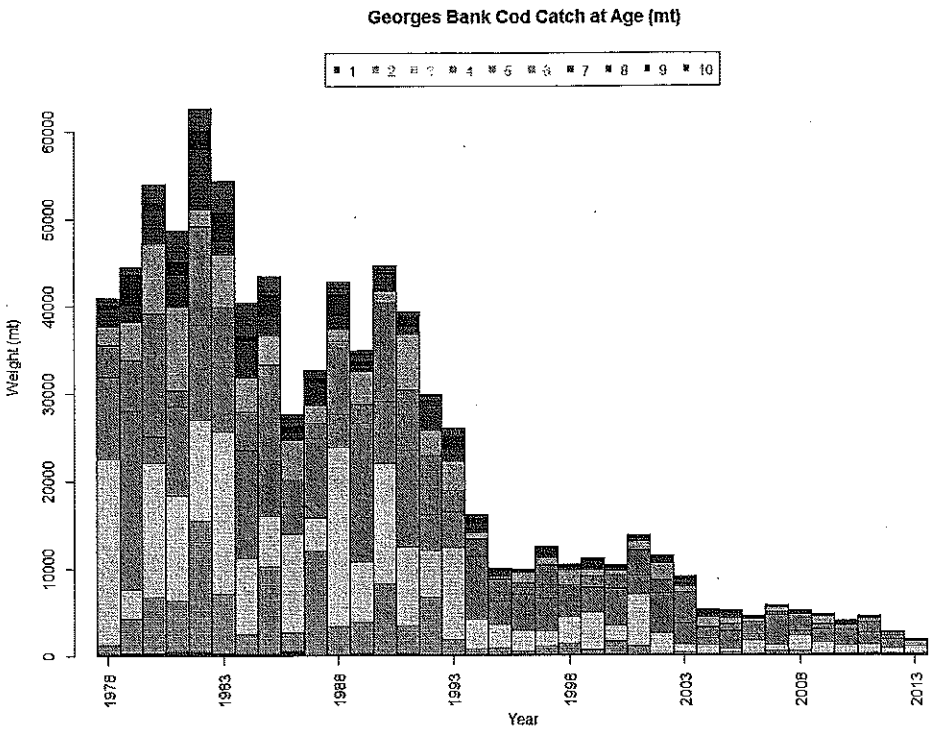


Figure 3 Total combined (US and Canadian commercial fishery landings and discards, and US recreational catch) catch at age in numbers (000s fish, upper panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1978-2013.



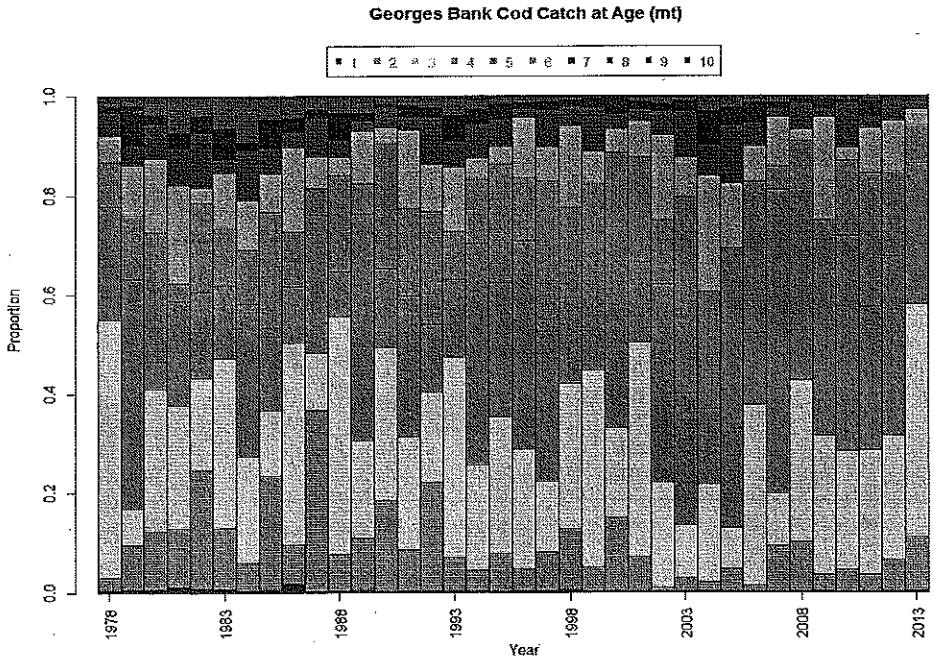


Figure 4. Total combined (US and Canadian commercial fishery landings and discards, and US recreational catch) catch at age in weight (mt, upper panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1978-2013.

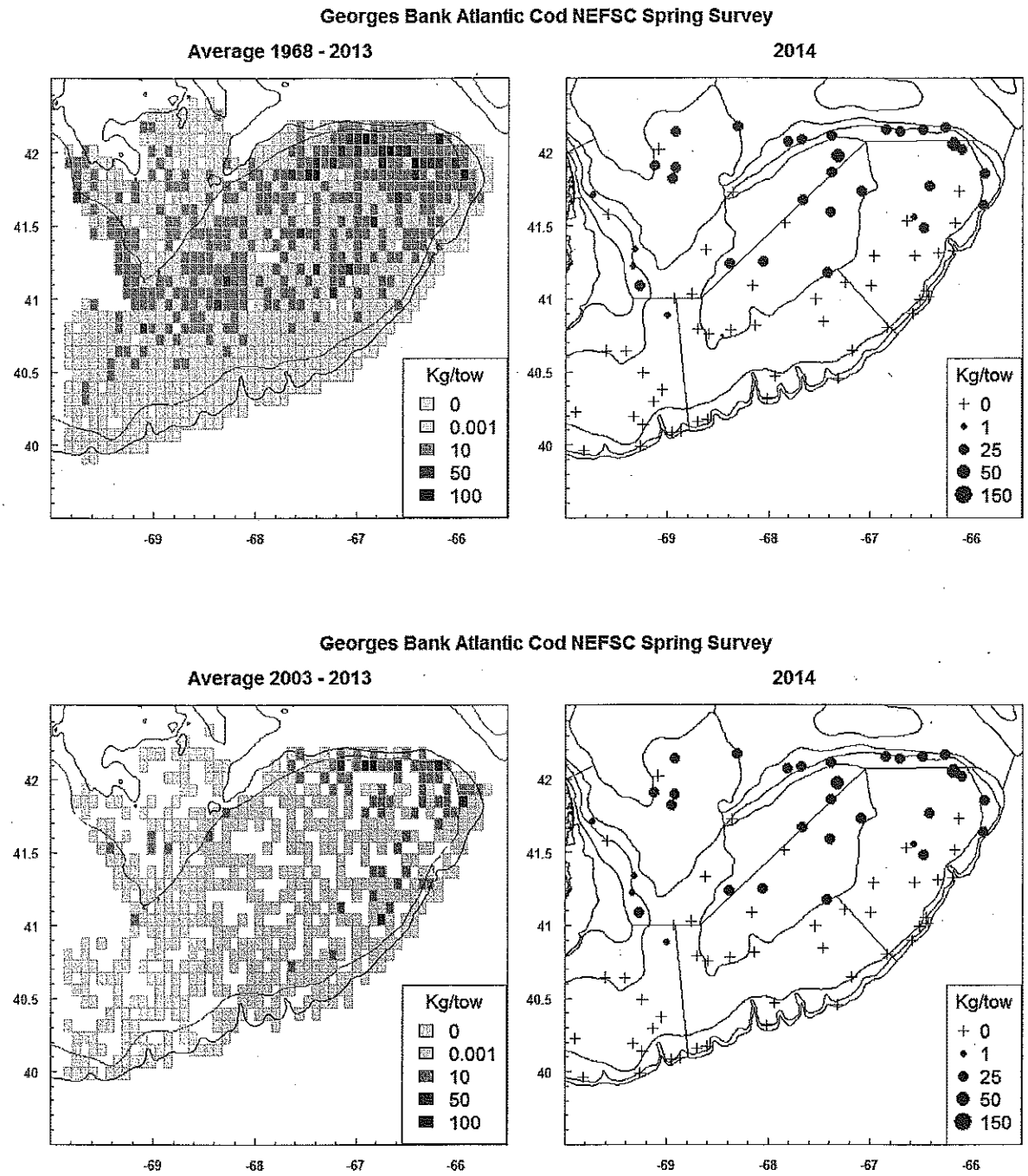


Figure 5a. Distribution of Georges Bank Atlantic Cod (kg/tow) sampled during NEFSC spring surveys during 1968-2013 (upper left panel), 2003-2013 (lower left panel), and 2014 (upper and lower right panel).

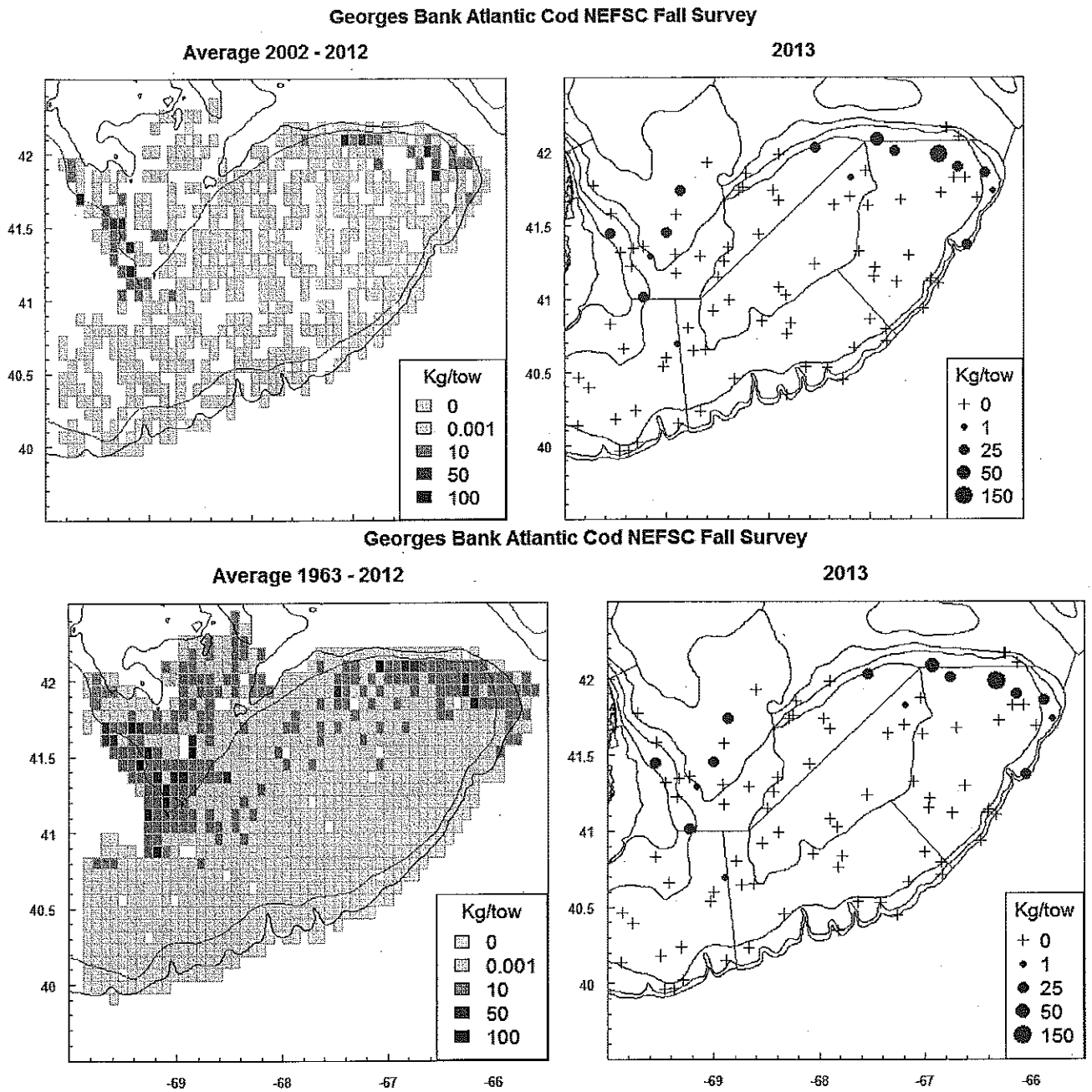


Figure 5b. Distribution of Georges Bank Atlantic Cod (kg/tow) sampled during NEFSC autumn surveys during 1963-2012 (upper left panel), 2002-2012 (lower left panel), and 2013 (upper and lower right panel).

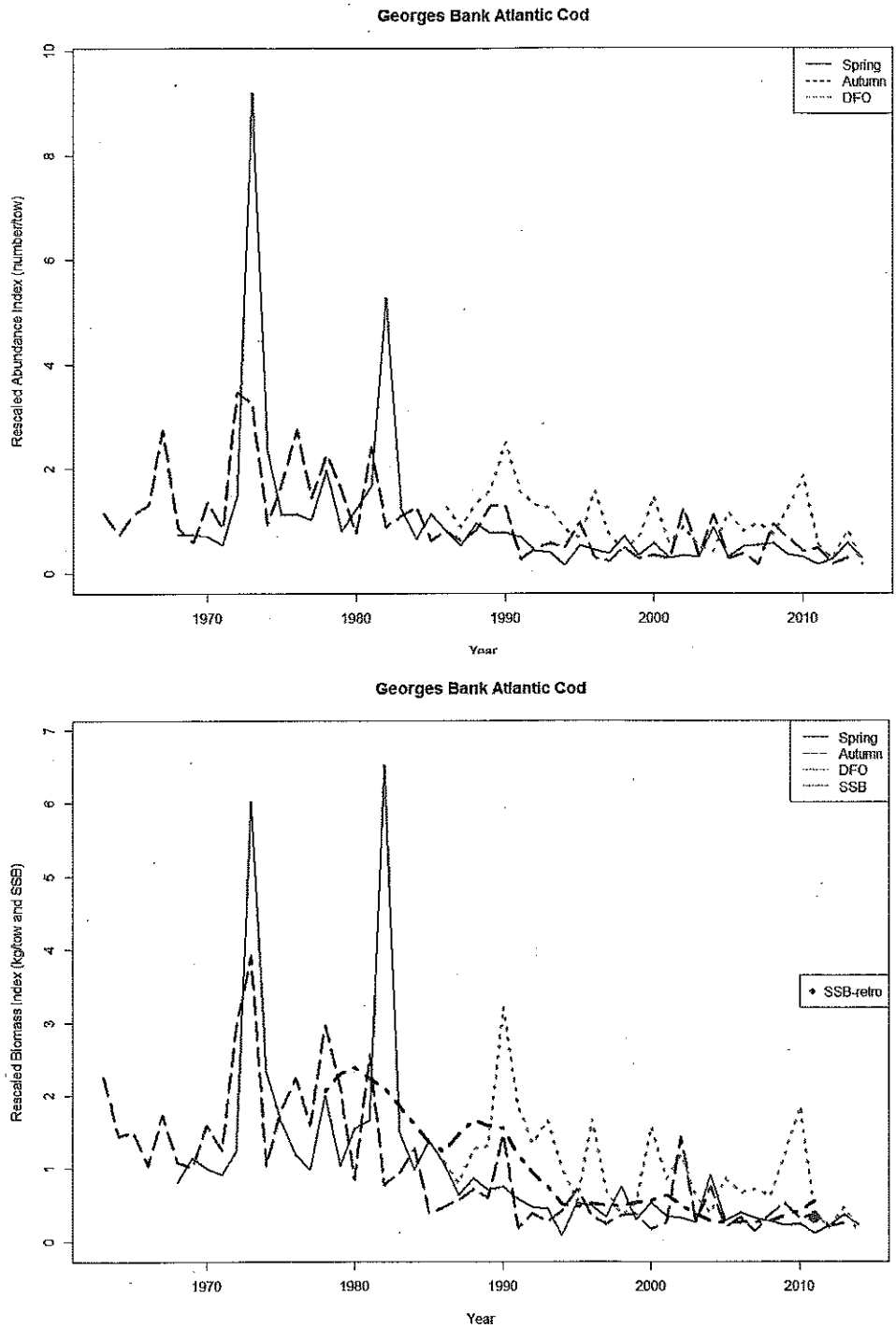


Figure 6. Abundanace (upper panel) and biomass (lower panel) rescaled to the respective time series mean for the spring and autumnn NEFSC and DFO research bottom trawl survey. The lower panel has the 2012 ASAP spawning stock biomass (SSB) estimates and the retropsective adjusted 2011 SSB point estimate.

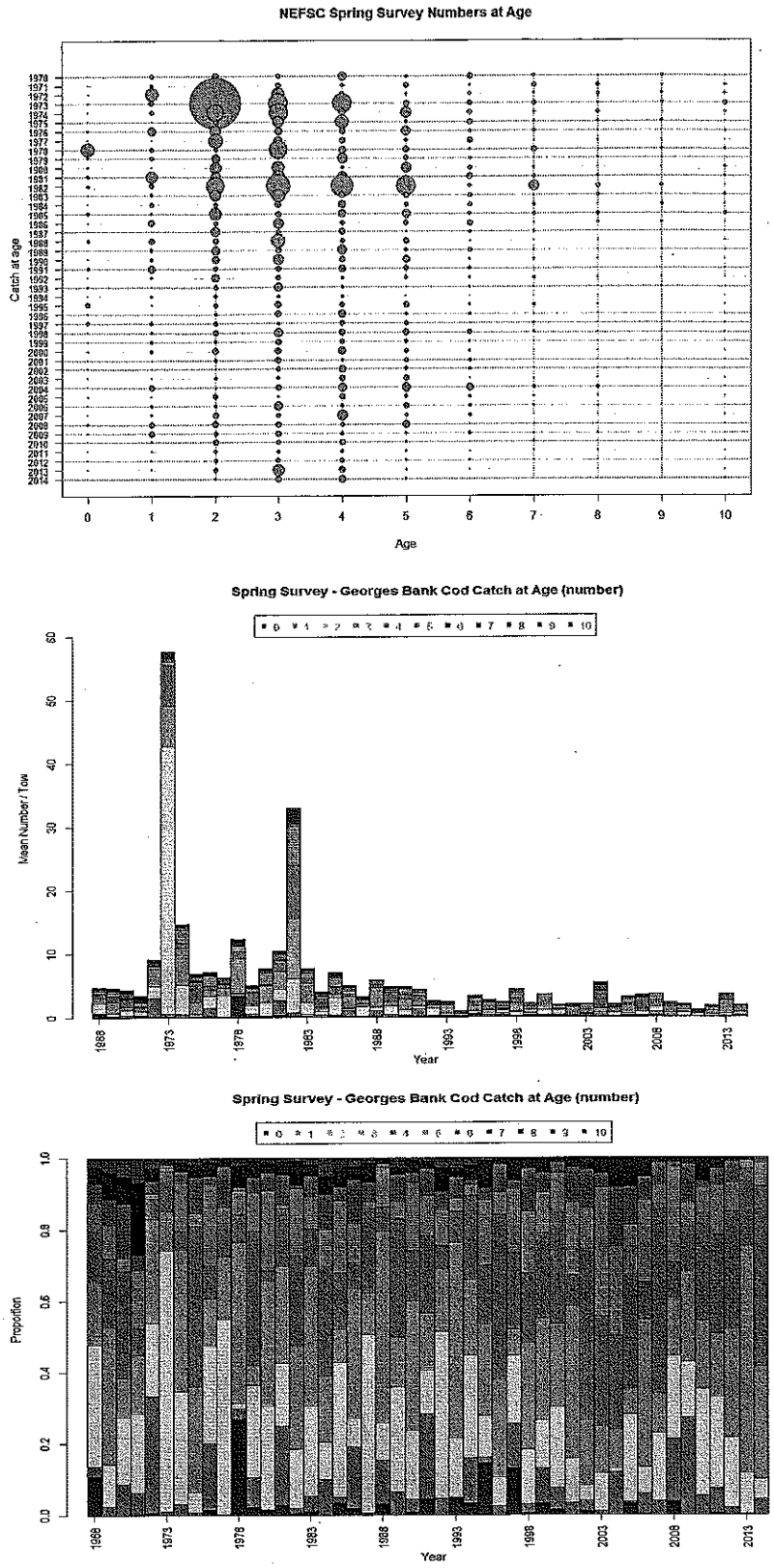


Figure 7a. NEFSC spring survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1968-2014.

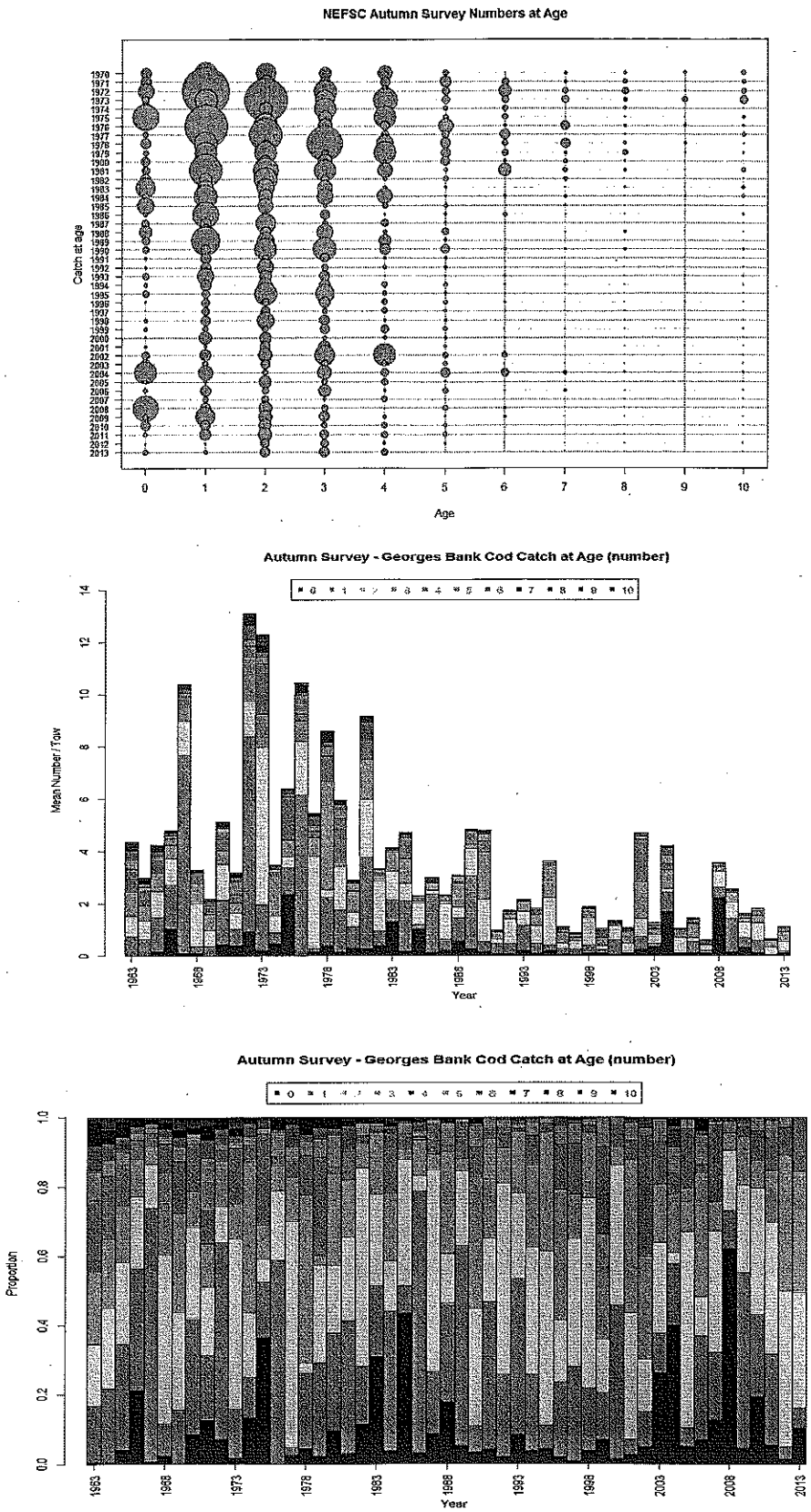


Figure 7b. NEFSC autumn survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1968-2014.

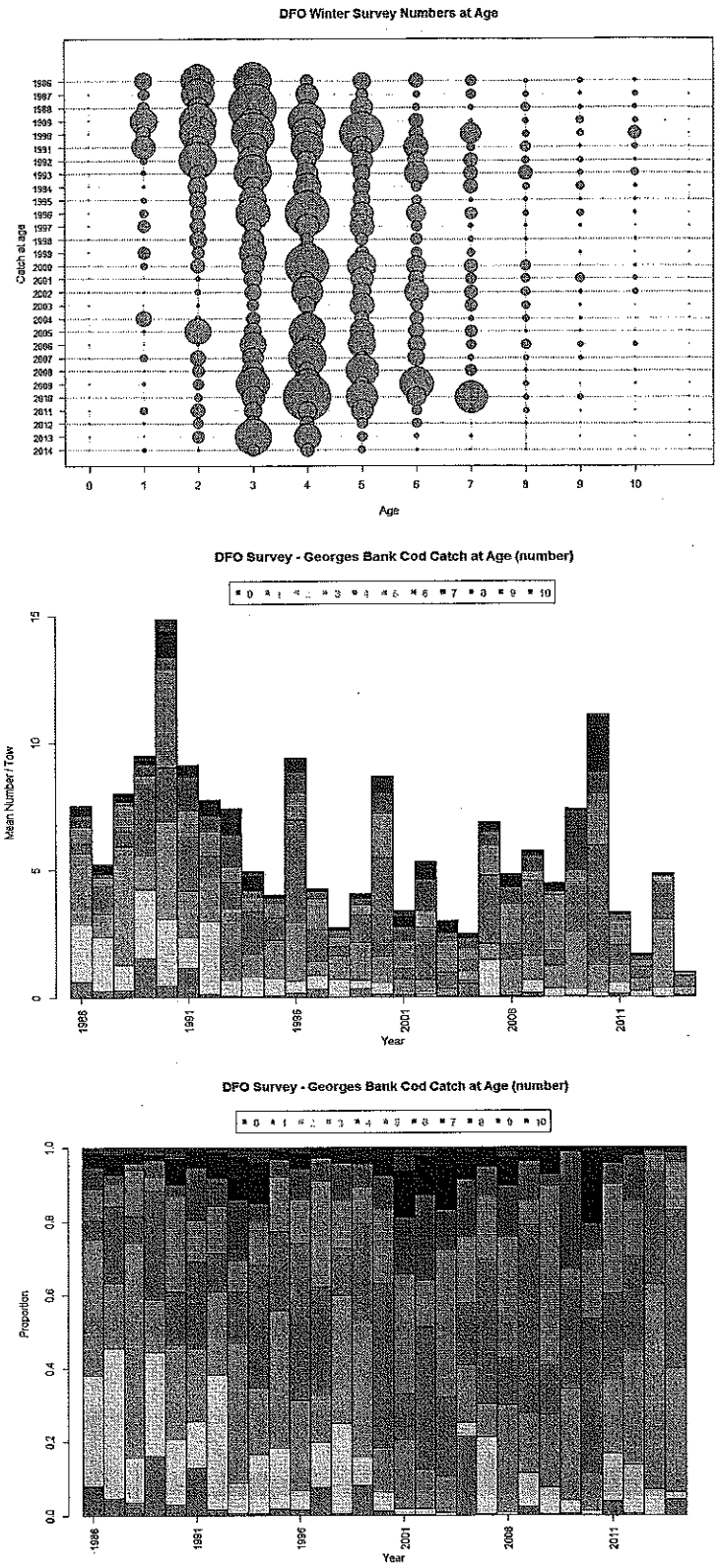
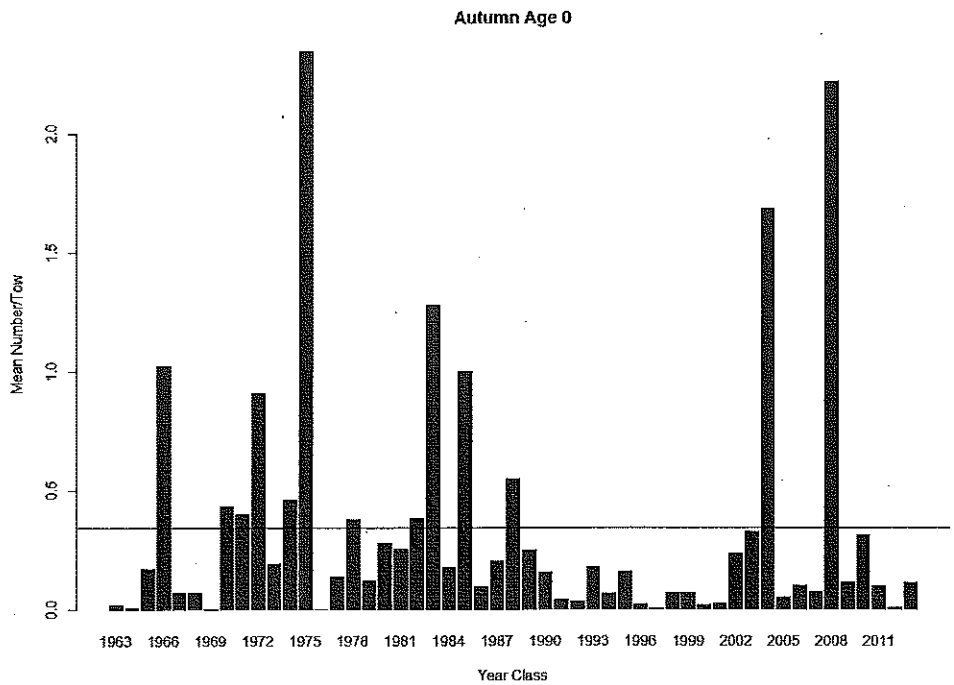


Figure 7c. DFO survey catch at age in numbers (mean number/tow, upper and middle panel) and by proportion (lower panel) for Georges Bank Atlantic Cod, 1986-2014.



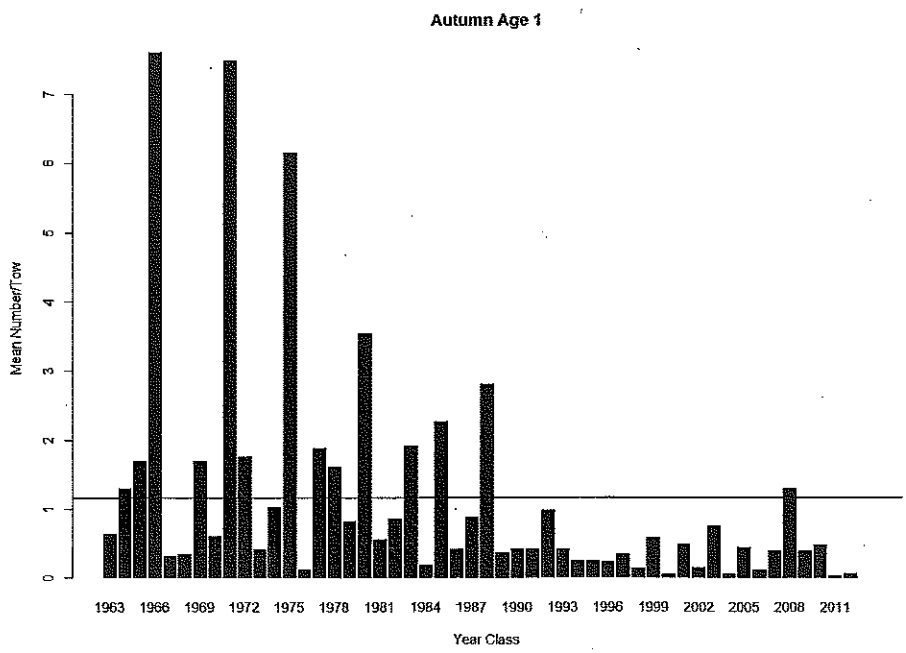
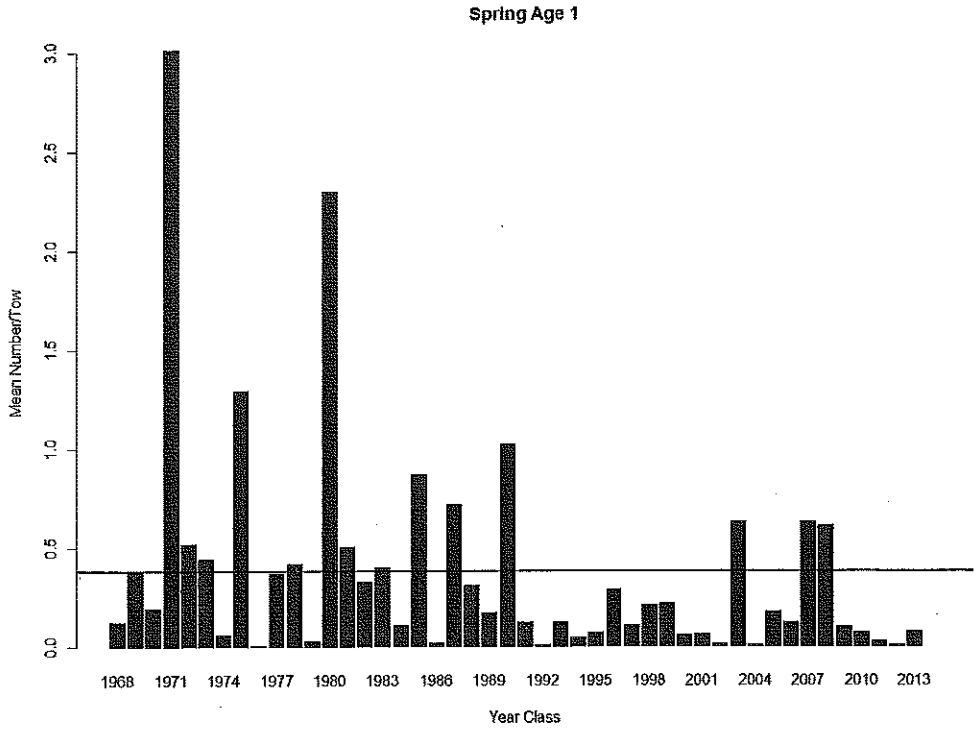


Figure 8a. NEFSC autumn survey catch (mean number/tow) at age 0 (upper panel) and age 1 (lower panel) for Georges Bank Atlantic Cod year classes, 1963-2013. Solid horizontal line is the time series average.



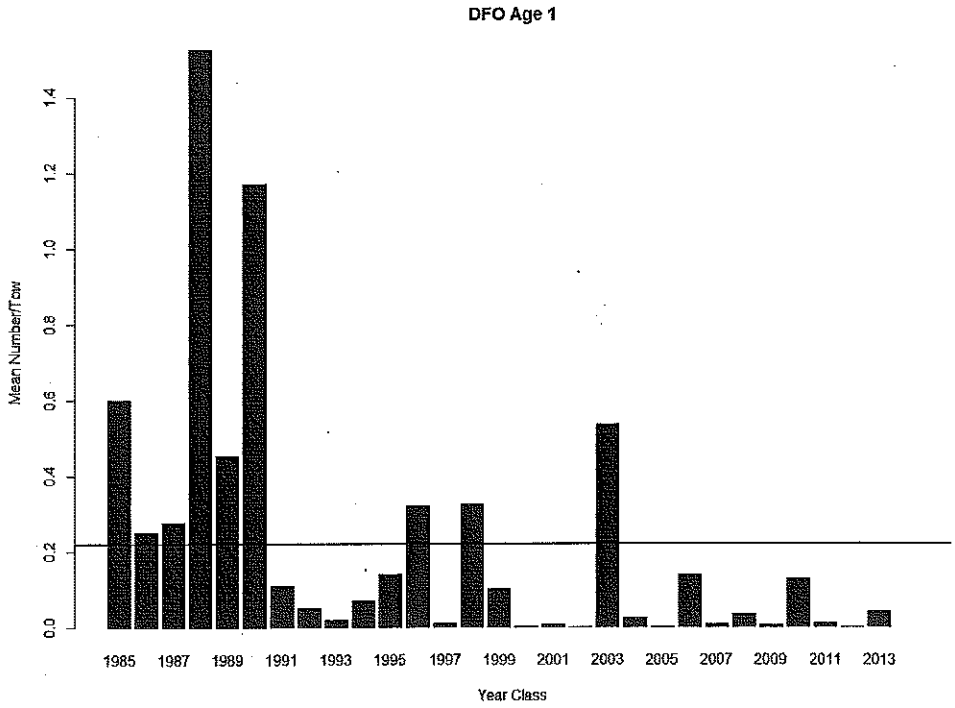
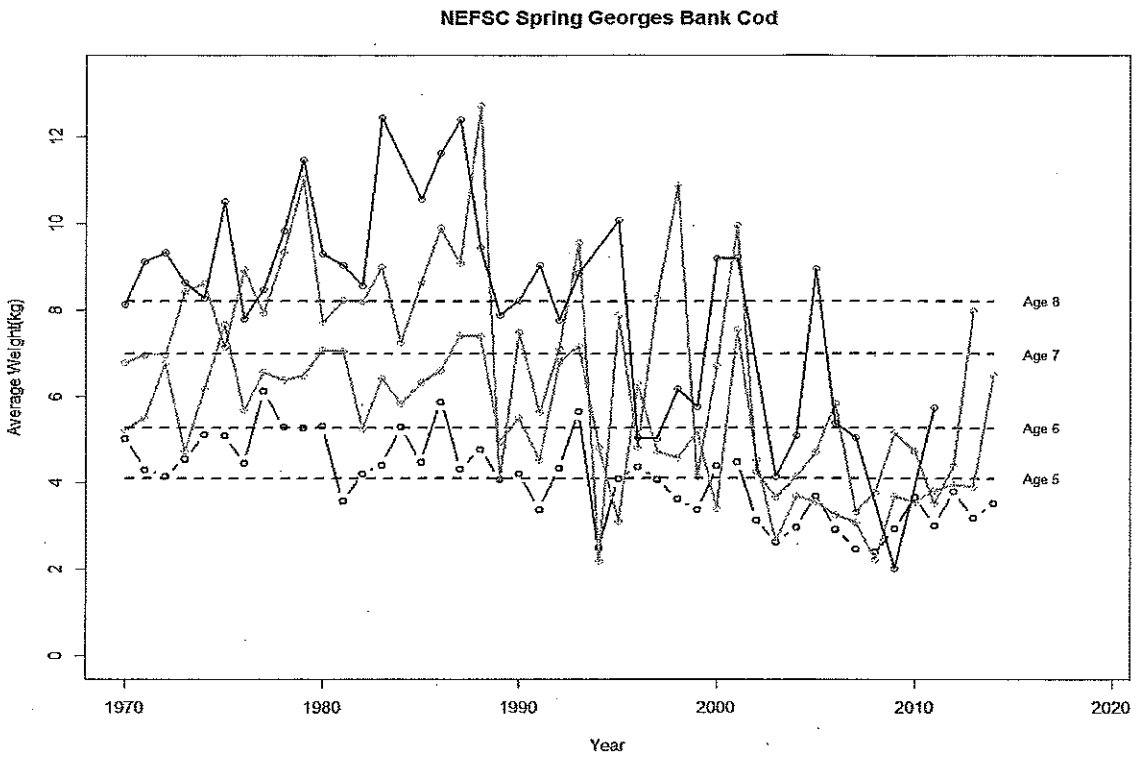


Figure 8b. NEFSC spring (upper panel) and DFO (lower panel) survey catch (mean number/tow) at age 1 for Georges Bank Atlantic Cod year classes, 1968-2013. Solid horizontal line is the time series average.



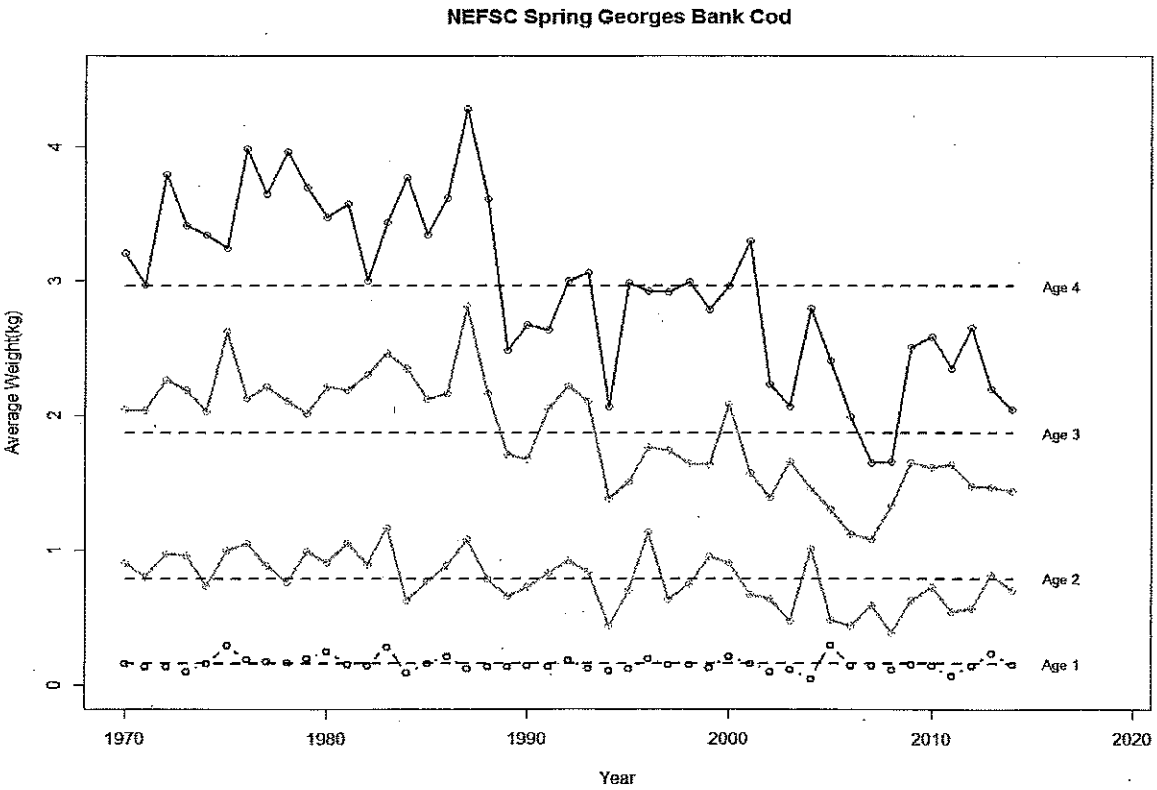
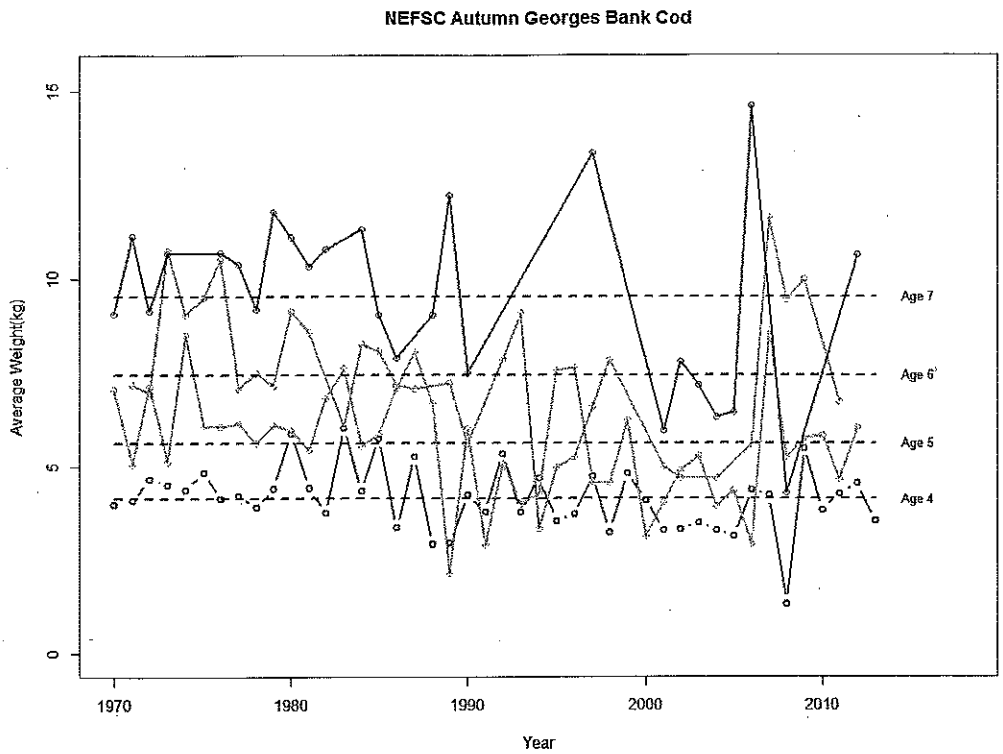


Figure 9a. NEFSC spring bottom trawl survey average weight at ages 1-4 (lower panel) and for ages 5-8 (upper panel) for Georges Bank cod, 1970-2014.



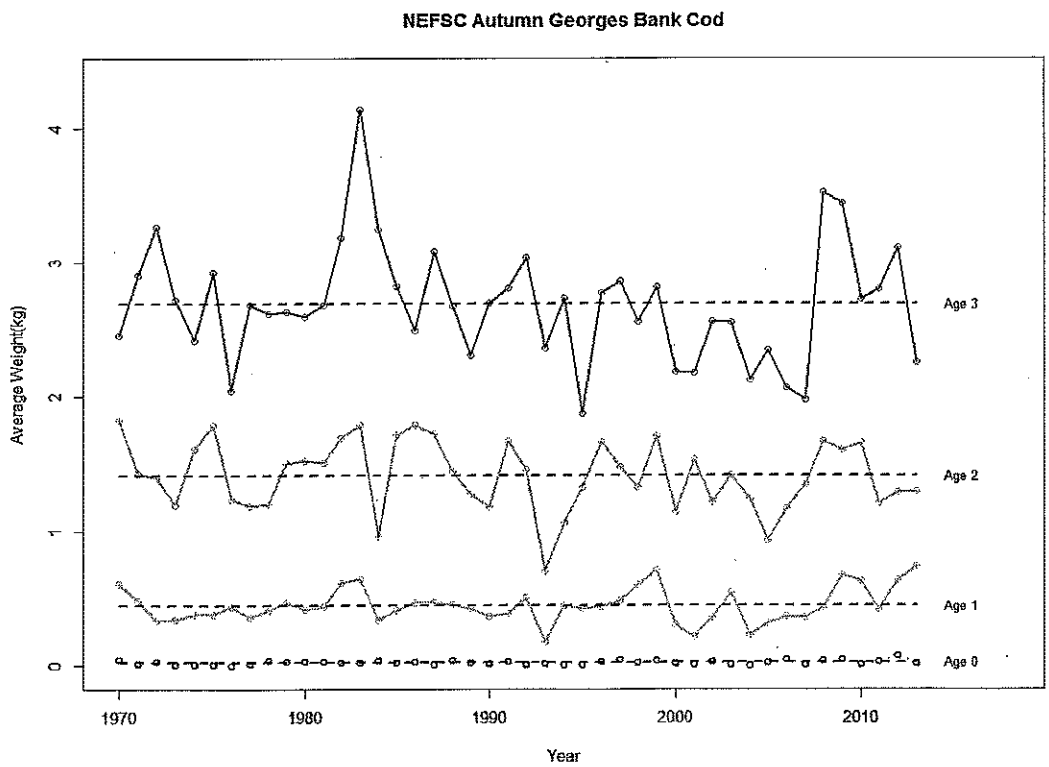


Figure 9b. NEFSC autumn bottom trawl survey average weight at ages 0-3 (lower panel) and for ages 4-7 (upper panel) for Georges Bank cod, 1970-2013.

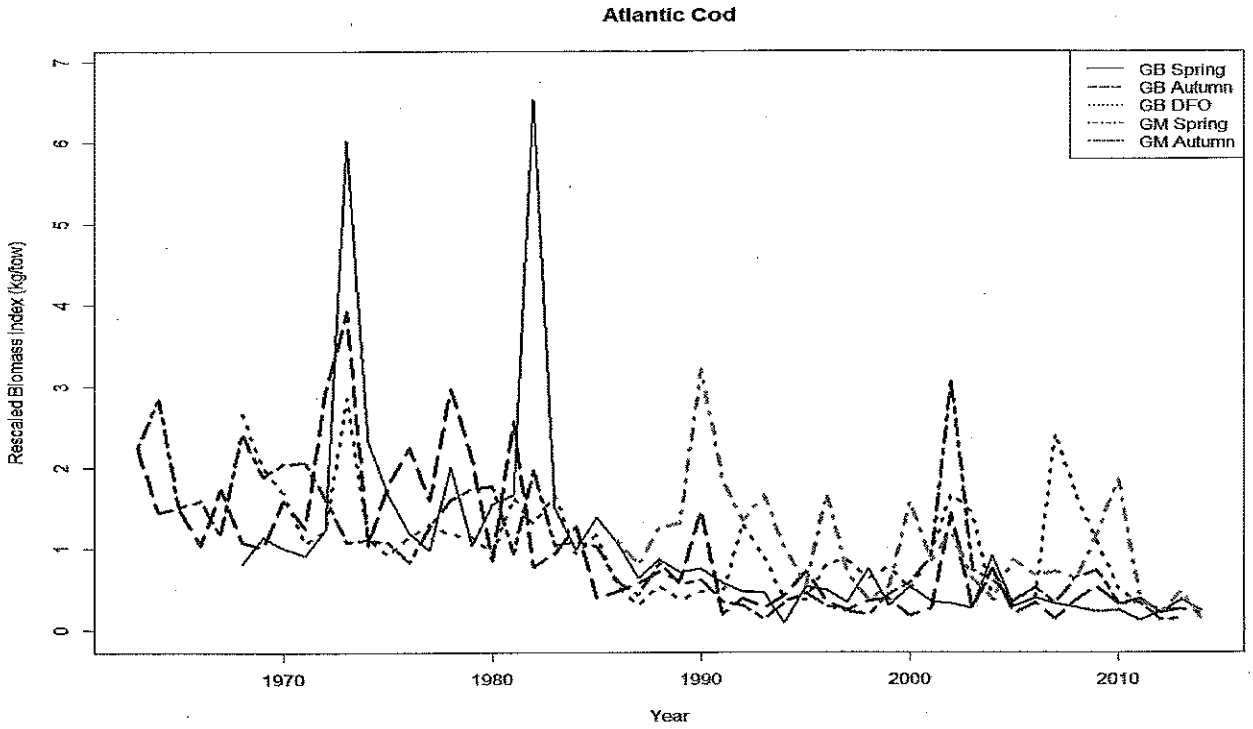


Figure 10. Biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod from the from the NEFSC spring and autumn surveys, and from the Georges Bank DFO survey, 1963-2014.

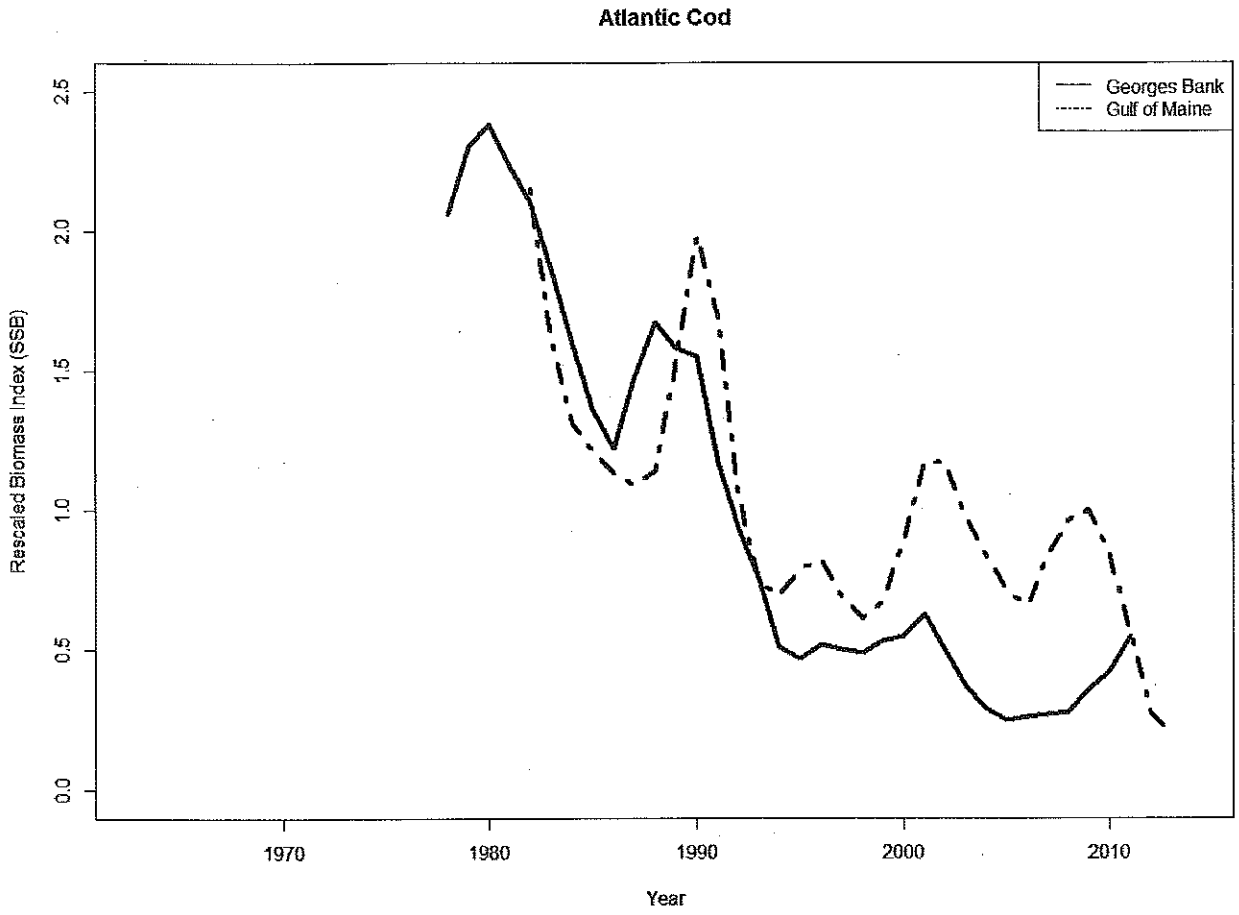


Figure 11. Spawning stock biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod stocks, 1978-2013.

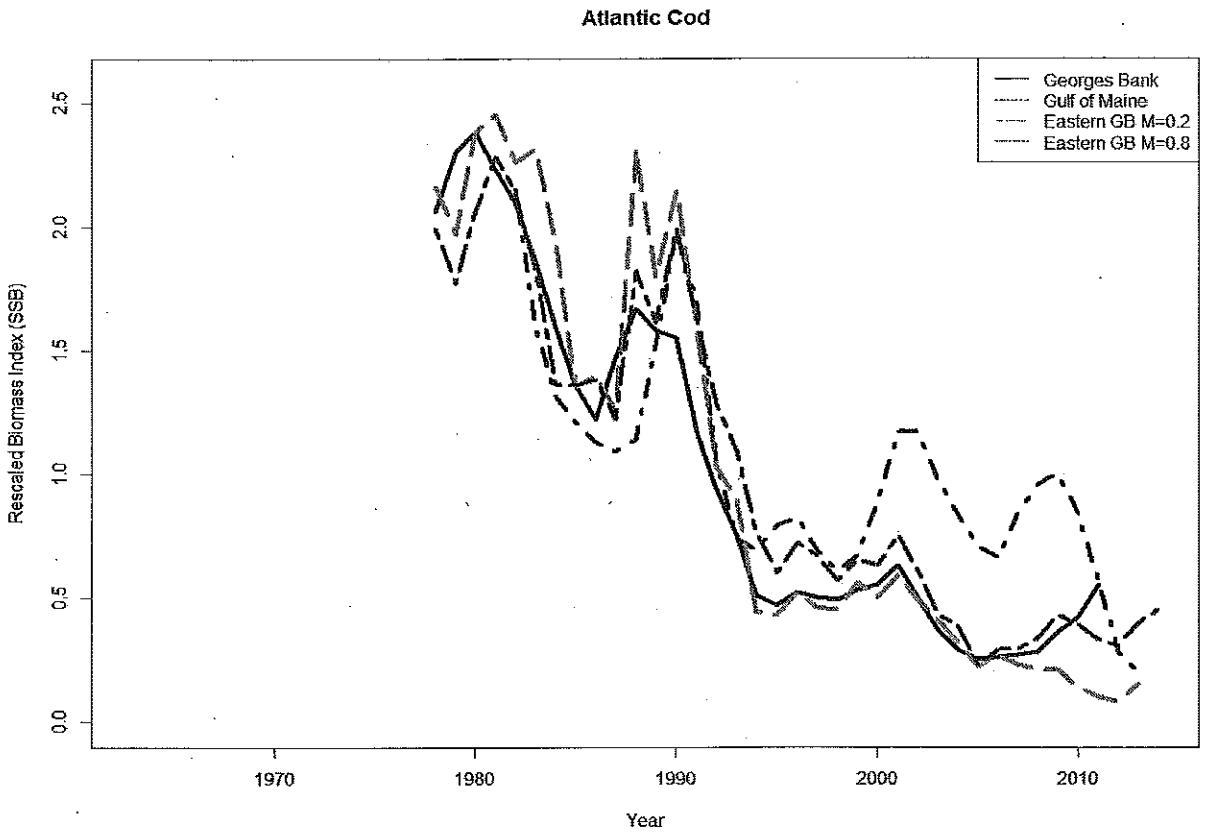


Figure 12. Spawning stock biomass index (rescaled to respective time series mean) of Georges Bank and Gulf of Maine Atlantic Cod stocks, and for the management unit Eastern Georges Bank from the ASAP model with natural mortality (M) = 0.2 and the VPA model with M=0.8 for ages 6+ from 1994 onward (otherwise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

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

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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

(3)

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.

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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) and303(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

(3)

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. <u>This confirmation must be retained on board the vessel when fishing under a NE multispecies Category A, E, or F permit with gillnet gear</u>.

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*	Roundfish nets 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	All nets 6.5" (16.5 cm) mesh; 50-net allowance; 2 tags/net	All nets 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net	Roundfish nets 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net
	Flatfish nets 6.5" (16.5 cm) mesh; 100-net allowance; 1 tag/net			Flatfish nets 6.5" (16.5 cm) mesh; 75-net allowance; 2 tags/net
NE Multispecies Trip Gillnet Category*	All nets 6.5" (16.5 cm) mesh	All nets 6.5" (16.5 cm) mesh	All nets 6.5" (16.5 cm) mesh	All gillnet gear 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 _____ Federal Permit # _____

Documentation #
or State Registration # _____

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

OMB Control # 0648-0202 OMB Expiration Date 07/31/2016

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.

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,

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

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.

> Motion: "that the Council send a letter to GARFO in response to the revised Gulf of Maine haddock ACL set through EA for FY 2014 asking that the Gulf of Maine haddock ACL be set consistent with the most recent SSC advice."
> 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/ACL[2]. 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

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

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

③

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

jc/jp/pmf

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,

John K. Bullard
for Regional Administrator

MAINE
Lobstermen's Association, Inc.
203 Lafayette Center * Kennebunk, ME 04043
207-967-4555 * 866-407-3770 * www.mainelobstermen.org

Terry Stockwell, Chair
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

November 17, 2014

Dear Chairman Stockwell and members of the NEFMC:

The Maine Lobstermen's Association (MLA) has been closely following the Council's discussions of groundfish emergency measures and the development of Framework 53 due to the recent scientific findings of Gulf of Maine cod stock's poor condition. This is a difficult challenge for all involved as every option poses extreme hardship on the groundfish industry.

The MLA is concerned that the daunting task of identifying management actions which support the recovery of cod stocks has led some Council stakeholders to consider management approaches that are not based on sound science and reach beyond the Council's jurisdiction. Of grave concern to the MLA is the recent recommendation of the Groundfish Committee to restrict fishing with or using lobster pot gear in the spawning closure area options outlined in Section 4.2 of Framework 53.

As a coastal species, lobster is managed through the Atlantic States Marine Fisheries Commission (ASMFC) under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (the Act). The Act provides that responsibility for managing Atlantic coastal fisheries, including the lobster fishery, rests with coastal States working through the ASMFC's cooperative program of fishery oversight and management. The Act further provides that the Federal Government has responsibility to support AFSMC's cooperative interstate management of coastal fishery resources. Thus, management recommendations related to the lobster industry are developed through the ASMFC interstate process.

Lobster traps are a passive, baited gear, designed to capture prey alive. In the rare instances of known cod bycatch in lobster traps, lobstermen report that fish are in good condition and are returned to the sea alive. If data on the incidence of cod bycatch in lobster traps indicate a level that could potentially impact the recovery of cod stocks, then studies on the survivability of those cod must be undertaken.

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The MLA has serious concerns regarding the science used to characterize the level of cod bycatch in the lobster fishery and by the lack of peer-reviewed research on the impact this bycatch may have on cod stock recovery in the Gulf of Maine. The lobster fishery is executed in discrete spatial-temporal patterns; any data relating to cod bycatch in the lobster fishery thus must be analyzed on a spatial-temporal scale that corresponds to lobster fishing activities. Further, in order to characterize the incidence of bycatch, sample size must be representative of the fishery.

The MLA strongly urges the Council to refer any concerns regarding the potential impact of the lobster fishery on the recovery of cod stocks to the ASMFC for analysis by the Lobster Technical Committee. In addition, MLA notes that any management recommendations from the Council should be referred to the Lobster Board and should include broad input from lobster industry stakeholders.

The MLA stands willing to work with the scientific community to collect data on the incidence of cod bycatch in lobster traps and the survivability rates of those fish in order to inform future management discussions.

Thank you for your consideration.

Sincerely,

Patrice McCarron

Patrice McCarron
Executive Director

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 Karp

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

cc: C. Moore
J. Bullard

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STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PAUL R. LEPAGE
GOVERNOR

PATRICK C. KELIHER
COMMISSIONER

November 17, 2014

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

Dear Terry,

The Maine Department of Marine Resources (DMR) is keenly aware of the concerns raised by the New England Fishery Management Council's Groundfish Committee regarding the potential impact of cod bycatch in lobster traps. We have been following this discussion closely and recognize the clear interest from groundfish industry in pursuing management action. We take these concerns very seriously, and I immediately responded by tasking Department staff to begin analyzing available data to better understand the potential implications.

The key point of concern has been the number of cod estimated to be caught in the Maine lobster fishery, based on an estimate included in the Marine Stewardship Council's (MSC) assessment of the Maine lobster fishery. This number was generated from raw data provided by DMR, but the analysis and extrapolation was not conducted by DMR staff. This very cursory analysis was the work product of the third party certifier for MSC, and as such should not be used to make management decisions.

DMR believes this work is a substantial overestimate of the actual bycatch of cod in the Maine lobster fishery and vastly oversimplifies any spatial and temporal components. A more sophisticated analytical approach is now made possible by refinements in our sea sampling dataset as well as trip level landings for all trips and effort information from 10% of harvesters, which DMR has collected since 2008.

DMR strongly urges the Council to support additional work to better understand the interactions between these two fisheries prior to taking any management action. Furthermore, I would suggest that any additional lobster bycatch analysis from the Groundfish PDT be done in conjunction with the Atlantic States Marine Fisheries Commission's (ASMFC) Lobster Technical Committee. Additionally, I would request that any future management action affecting the lobster fishery be considered through the ASMFC and its Lobster Management Board.

I want to reiterate that my staff and I take this issue very seriously, and fully appreciate the need to protect juvenile and spawning cod through measures developed in Framework 53 and any trailing actions. My staff and I look forward to working closely with the Council, the Groundfish PDT and our colleagues at the ASMFC to ensure that this information is fully analyzed as quickly and accurately as possible.

Sincerely,

Patrick Keliher, Commissioner

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