



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

### MEMORANDUM

**DATE:** January 18, 2013  
**TO:** Groundfish Oversight Committee  
**FROM:** Groundfish Plan Development Team (PDT)  
**SUBJECT:** **FY 2013 Specifications Action**

1. The PDT held conference calls on January 8, January 11, and January 15 to prepare ABC recommendations for GOM cod, GB cod, and SNE/MA winter flounder. The findings from those calls are provided in a report to the Scientific and Statistical Committee. The PDT met January 18, 2013 to discuss the FY 2013 specifications action. Participating in these discussions were Tom Nies and Fiona Hogan (NEFMC), Chad Demarest, Paul Nitschke, Evan Bing-Sawyer (NEFSC), Steve Correia (Mass. DMF), Sally Sherman (Maine DMR), Michael Ruccio, Sarah Heil, Dan Caless, Melissa Hooper, and Tim Cardiasmenos (NERO).

#### **FY 2013 – 2015 Specifications Action**

2. At the December 20, 2013 Council meeting, the Council decided to remove the FY 2013 – 2015 specifications from FW 48 and vote on them as a separate action at the January Council meeting. The Council also passed this motion:

“that consistent with guidance provided by NMFS in its May 30, 2012 letter to the Council, recommend that the Council replace current measures for SNE/MA winter flounder with similar interim measures that include:

- ☐ setting an ACL below the OFL of 2,637 mt but no less than 1,400 mt that will prevent overfishing and mitigate the impacts of the catch reductions for other stocks in fishing year 2013;
- ☐ anticipating an ACL in excess of 1,400 mt will eliminate the prohibition on possession and change the status of SNE WFL to an allocated stock as specified in Amendment 16 and;

☐ request that the SSC provide a revised ABC estimate based on these terms of reference.”

3. Subsequent to the Council meeting, staff discussed the action with NERO. NERO advised that in order to modify the current management approach for SNE/MA winter flounder, the rebuilding strategy would have to be revised. In order to revise the rebuilding strategy, a framework action is necessary.

### **SNE/MA Winter Flounder Rebuilding Strategy**

4. The PDT considered rebuilding strategies for this stock. The current strategy is to rebuild by 2014 with a median probability of success. This cannot be achieved, so at present the Council is basing management on reducing fishing mortality to as low a level as possible in order to rebuild as quickly as possible. This is the No Action alternative for this action.

5. If a revised strategy is adopted by this action, it will be implemented in 2013. Because the stock will rebuild by 2019 in the absence of all fishing, the maximum rebuilding period is ten years. The suggested alternative strategy is:

Rebuild SNE/MA winter flounder by 2023 with a median probability of success. Short-term catch advice during the rebuilding period may be reduced below the projected rebuilding catch in order to account for uncertainty in stock projections.

6. The proposed alternative strategy targets the maximum rebuilding period but divorces short-term catch advice during the period from strict adherence to Frebuild. Considerable evidence has demonstrated that many groundfish stock projections over-estimate stock growth. Given the relative infrequency of assessments, there is often a considerable lag between the terminal year in the assessment and the year for the catch advice. As a result, when catches are based only on Frebuild, they are often based on assumptions used in the projection rather than any real evidence the stock has increased. This rebuilding strategy explicitly acknowledges this issue and leaves open the possibility short-term catch advice may be less than that resulting from Frebuild in order to account for uncertainty. If an assessment indicates the stock is rebuilding more rapidly than originally predicted when the rebuilding plan is adopted, Frebuild would be recalculated and catches could be increased. Charts showing the various  $SSB_{MSY}$  rebuilding trajectories are shown in Figure 1.

### **SNE/MA Winter Flounder ACLs**

7. The Council motion includes a statement that, depending on interpretation, is inconsistent: “setting an ACL below the OFL of 2,637 mt but no less than 1,400 mt that will prevent overfishing and mitigate the impacts of the catch reductions for other stocks in fishing year 2013.” It is not clear if the Council meant the overall ACL should exceed 1,400 mt, or that the groundfish sub-ACL should exceed 1,400 mt.”

8. If the Council meant the groundfish sub-ACL should be at least 1,400 mt, under the current distribution of SNE/MA winter flounder to various components of the fishery it is not possible to have an ABC less than the OFL. The minimum ABC that would lead to a 1,400 mt groundfish sub-ACL would be 2,894 mt, which exceeds the OFL of 2,637 mt.

9. If the Council meant the overall ACL should be at least 1,400 mt, then an ABC of about 1,460 mt will result in a total ACL of 1,400 mt.

10. The current distribution of SNE/MA winter flounder assumes 28 percent will be caught in state waters fisheries and 20 percent will be caught by other sub-components. These values are the result examining how much was caught in recent years, evaluating what will be caught in the ABC year, and then determining what percent of the FY 2013 ABC that would amount to. While changes in catch might be expected due to changes in stock size, what is being proposed in this action a change in catch due to a change in management strategy. It can be argued that this should not change the amount of catch that is expected in the other sub-components category since most of that catch is incidental to other fishing activity. The argument is not as convincing for state waters catches, however, as it is possible state managers might allow increased state waters landings if federal catches are allowed to increase. Table 5 and Table 6 provide information supporting this recommendation.

11. Nevertheless, an adjustment to the percentage allowed for state waters and other sub-component catches seems warranted. The PDT recommends that the state waters catch be assumed to be 14 pct of the ABC and the other sub-components catch to be 10 percent of the ABC. This results in a slight increase in the amount allowed in FY 2013 for these components when compared to No Action. Table 1 compares the current FY 2013 specifications for SNE/MA winter flounder and the possible specifications assuming the ABC and distribution are revised.

## **Other Issues**

12. The specifications action also needs to revise the regulations so that SNE/MA winter flounder can be landed and needs to address AMs for both sector and common pool vessels. The PDT drafted the text to modify the AM for sector vessels to be consistent with the AM for other allocated stocks. For common pool vessels, the PDT retained the area-based AM proposed in FW 48, but clarified that the AM would be implemented if the common-pool sub-ACL is exceeded.

13. Is it possible that the ABC for this stock will not be sufficient for the Committee to want to allocate it to sectors. In that case, an alternative to allocating the stock to sectors might be to allow sectors and common pool vessels to land a small amount by using a trip limit as a control. This would provide a small economic benefit to the fishery. In this case the area-based AM would need to be retained. The trip limit would need to be small so that it would not lead to targeting of this stock. State possession limits are currently at 50 pounds, adopted for similar reasons. This may be an appropriate trip limit if the stock is not allocated and there is a desire to allow some landings. The Committee may want to allow the Regional Administrator to adjust the trip limit as necessary.

14. Given the ABCs will not be known until after the SSC meets on January 23, the economic analysis may not be updated in time for the Committee meeting.

**Figure 1 - Projected median SSBMS (top) and catch (bottom) for SNE/MA winter flounder rebuilding strategies**

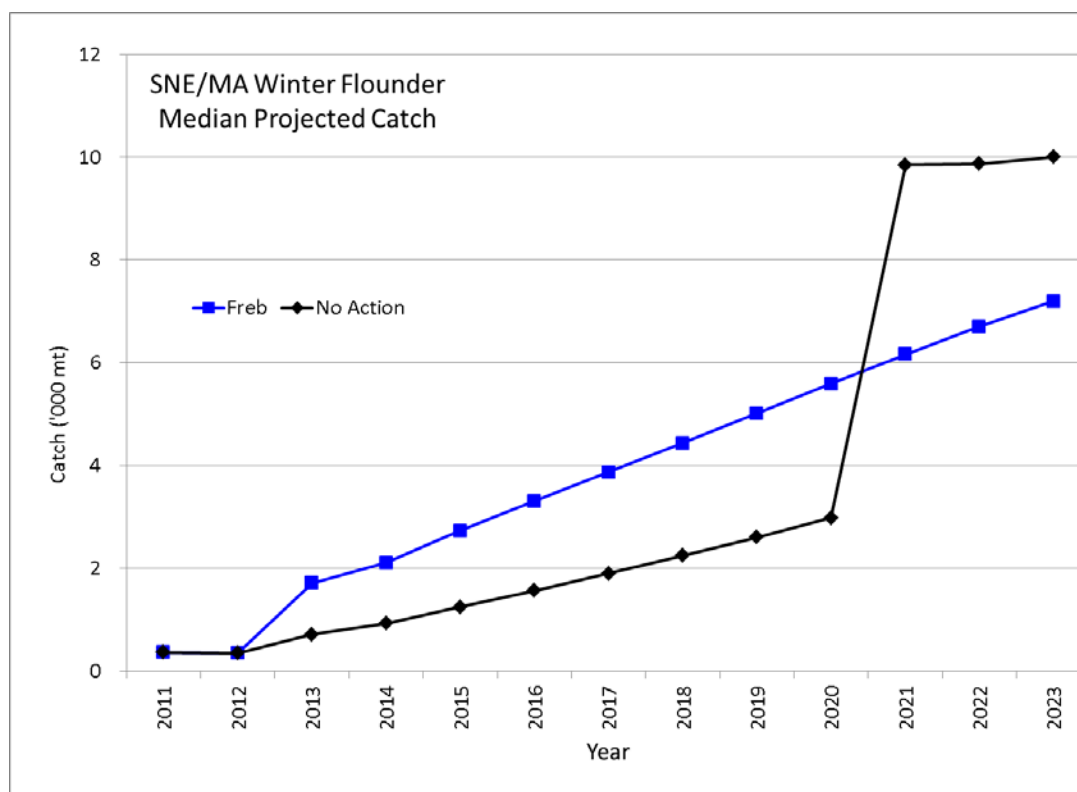
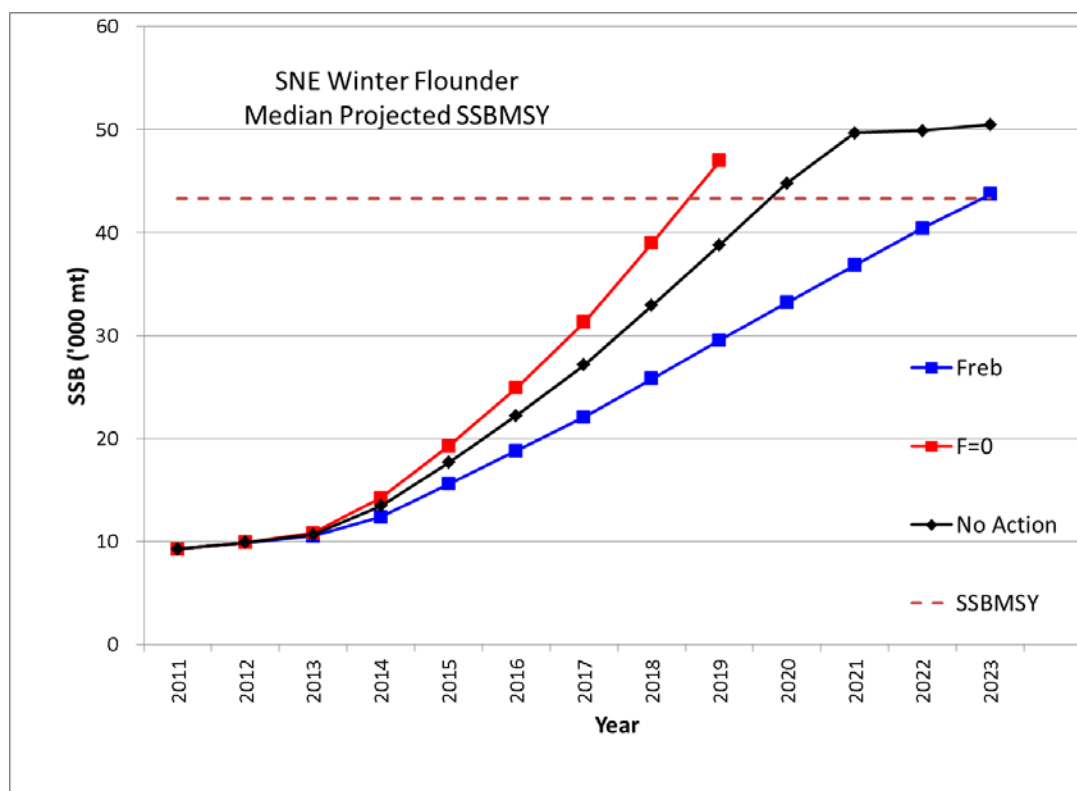


Table 1. FY 2010-2011 State Waters and Other sub-Component Catch (mt live weight). Note that state waters catch estimates for SNE/MA winter flounder do not include discards.

Stock	State Waters Catch			Other sub-component catch		
	FY 10	FY 11	Average	FY 10	FY 11	Average
GB cod	27.7	38.9	33.3	171.4	90.2	130.8
GOM cod	190.3	216.4	203.3	57.8	28.8	43.3
GB Haddock	1.6	3.9	2.7	131.0	305.8	218.4
GOM Haddock	8.5	4.9	6.7	1.6	8.4	5.0
GB Yellowtail Flounder	0.0	0.0	0.0	34.4	43.2	38.8
SNE/MA Yellowtail Flounder	6.7	1.1	3.9	23.1	26.7	24.9
CC/GOM Yellowtail Flounder	33.2	38.5	35.8	41.6	8.1	24.8
Plaice	25.1	12.1	18.6	46.2	12.6	29.4
Witch Flounder	23.5	22.5	23.0	83.7	166.4	125.0
GB Winter Flounder	0.0	0.0	0.0	140.1	59.4	99.7
GOM Winter Flounder	64.2	113.3	88.8	23.2	13.2	18.2
<b>SNE/MA Winter Flounder</b>	<b>181.0</b>	<b>40.0</b>	<b>110.5</b>	<b>141.8</b>	<b>164.9</b>	<b>153.3</b>
Redfish	10.5	3.6	7.1	5.2	10.2	7.7
White Hake	25.3	2.6	13.9	59.6	4.4	32.0
Pollock	1,059.8	694.0	876.9	871.1	757.6	814.4
Northern Windowpane	0.0	0.0	0.0	9.1	34.8	21.9
Southern Windowpane	31.0	16.6	23.8	430.3	376.0	403.1
Ocean Pout	0.0	0.0	0.0	37.1	29.5	33.3
Halibut	6.6	7.1	6.8	1.8	2.5	2.2
Wolffish	0.0	0.0	0.0	0.1	0.1	0.1

Table 2. Summary of ABC Distribution to state and other sub-components (percent of ABC shown)

Stock	State sub-component			Other sub-component		
	FW 44 (FY 10-11)	FW 47 (FY 12)	SPECS (FY13-15)	FW 44 (FY 10-11)	FW 47 (FY 12)	SPECS (FY13-15)
GB cod	0.01	0.01	0.01	0.04	0.04	0.04
GOM cod	0.10	0.10	0.10	0.05	0.05	0.05
GB Haddock	0.01	0.01	0.01	0.04	0.04	0.04
GOM Haddock	0.01	<b>0.02</b>	0.02	0.04	<u>0.03</u>	0.03
GB Yellowtail Flounder	0.00	0.00	0.00	0.05	<u>0.04</u>	<b>0.18</b>
SNE/MA Yellowtail Flounder	0.01	0.01	0.01	0.04	0.04	0.04
CC/GOM Yellowtail Flounder	0.01	<b>0.03</b>	<b>0.06</b>	0.04	<u>0.02</u>	0.02
Plaice	0.01	0.01	<b>0.02</b>	0.04	0.04	<u>0.02</u>
Witch Flounder	0.01	<b>0.03</b>	0.03	0.04	0.04	<b>0.15</b>
GB Winter Flounder	0.00	0.00	0.00	0.05	0.05	<u>0.03</u>
GOM Winter Flounder	0.25	0.25	0.25	0.05	0.05	0.05
<b>SNE/MA Winter Flounder</b>	<b>0.08</b>	<b>0.28</b>	<u>0.14</u>	<b>0.05</b>	<b>0.20</b>	<u>0.10</u>
Redfish	0.01	0.01	0.01	0.04	0.04	<u>0.02</u>
White Hake	0.01	<b>0.02</b>	<u>0.01</u>	0.04	<b>0.03</b>	<u>0.02</u>
Pollock	0.06	<u>0.05</u>	<b>0.06</b>	0.06	<b>0.09</b>	<u>0.07</u>
Northern Windowpane	0.01	0.01	0.01	0.29	<u>0.19</u>	<b>0.29</b>
Southern Windowpane	0.01	<b>0.10</b>	0.10	0.29	<b>0.70</b>	0.70
Ocean Pout	0.01	0.01	0.01	0.04	<b>0.09</b>	0.09
Halibut	0.50	0.50	<u>0.40</u>	0.05	0.05	0.05
Wolffish	0.01	0.01	0.01	0.04	0.04	0.04

Note: Changes in the percentage relative to the previous year are shown in bold font as follows: red/italic text indicates increase to sub-component percentage; green/underlined text indicates decrease.

**Table 3 – SNE/MA Winter Flounder catch distribution for three ABC scenarios. Components for the two alternatives to No Action are as described in text (State waters: 14 pct; other sub-components: 10 pct)**

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Groundfish Sub-ACL	Comm Groundfish Sub-ACL	Rec Groundfish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_A CL	Total ACL
SNE/MA Winter Flounder No Action	2013	2,637	697	195	139	0	337		0	0	337	0	672
	2014	3,471	912	255	182	0	441		0	0	441	0	879
	2015												
SNE/MA Winter Flounder 2,000 ABC	2013	TBD	2,000	280	200	0	1,414		0	0	1,414	0	1,894
	2014	TBD	2,000	280	200	0	1,414		0	0	1,414	0	1,894
	2015	TBD	2,000	280	200	0	1,414		0	0	1,414	0	1,894
SNE/MA Winter Flounder 1,676 ABC	2013	2,732	1,676	235	168	0	1,185		0	0	1,185	0	1,587
	2014	3,372	1,676	235	168	0	1,185		0	0	1,185	0	1,587
	2015	4,439	1,676	235	168	0	1,185		0	0	1,185	0	1,587