



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

June 10, 2020

Dr. John F. Quinn, Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, Massachusetts 01950

Dear John:

On February 13, 2020, the Conservation Law Foundation (CLF) submitted a petition for rulemaking to the Secretary of Commerce to implement all necessary and appropriate conservation and management measures to end overfishing of Atlantic cod immediately and rebuild the fishery (see enclosure). I am requesting that the Council carefully consider the petition, and if it determines there is merit to the petition, that it include appropriate management and conservation measures in an upcoming action.

In its petition, CLF asserts that the Council has failed to prepare and submit a plan or amendment for Atlantic cod that achieves the goals of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and fails to comply with several of the Magnuson-Stevens Act's national standards. CLF asserts that the management measures in place will fail to rebuild cod by the time the existing rebuilding plans are set to expire. Based on these claims, CLF asserts that NOAA's National Marine Fisheries Service (NMFS) must prepare an amendment that provides meaningful and effective conservation and management measures to immediately end overfishing of Gulf of Maine (GOM) cod and Georges Bank (GB) cod and rebuilds the stocks in as short a time as possible. CLF recommends a set of management measures to NMFS to include in the rulemaking. Specifically, CLF calls for NMFS to implement emergency regulations and interim measures necessary to end overfishing of GOM cod, including a prohibition on further directed commercial or recreational fishing, a 100-percent monitoring requirement for commercial groundfish trips, spawning protections, and a requirement to use modified fishing gear in the GOM cod stock area.

At its core, the Magnuson-Stevens Act authorizes regional fishery management councils to develop fishery management measures, and specifically vests the Council with the authority to manage GOM and GB cod stocks. In recent actions, the Council has adopted conservation and management measures for cod, including protection closures, quota reductions, and a new rebuilding plan for GOM cod in 2014. Also, the Council has considered several of CLF's proposed measures in recent years. Nevertheless, we are unaware of CLF submitting to the Council a request for this array of specific actions. Given this, it is appropriate to work through the Council process when considering this petition for rulemaking. In its review of the petition, the Council should also consider the likelihood of meeting rebuilding requirements and periods for both cod stocks when it develops its fishing year 2021 framework action. We also expect to



provide formal guidance to the Council this summer on rebuilding progress for several groundfish stocks.

We intend to take into account the Council's decision on addressing the CLF petition when we determine (1) whether the petition has merit, and (2) whether to proceed with rulemaking through Secretarial action. If we determine that a Secretarial action is necessary, we may consult with the Council, but development, approval, and implementation would be NMFS's responsibility. I look forward to discussing this at upcoming Council meetings and working with the Council on this request. If you have any questions, please contact Pete Christopher, Groundfish Branch Chief, at 978-281-9288.

Sincerely,



Michael Pentony
Regional Administrator

Cc: Tom Nies, Executive Director, New England Fishery Management Council
Dr. Jon Hare, Director, Northeast Fisheries Science Center

Enclosure