



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

#4h

October 23, 2020

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

Dear Tom:

On July 6, 2020, you sent us a letter on behalf of the Council requesting that we issue a rule reverting the Redfish Exemption Area to its fishing year 2019 Redfish Exemption Area. Your letter also asks that we work collaboratively with sectors to understand the nature of the redfish fishery and develop modifications for future rulemaking. We have reviewed the Council's request, sector and industry representatives' comments, and the redfish fishery's performance under the new exemption area.

We have determined that the Council did not provide sufficient justification to revise the Redfish Exemption Area this fishing year. Notably, the Council's request to revert to the fishing year 2019 Redfish Exemption Area relied solely on sectors' and industry representatives' critique of the process we used, but did not provide any new analysis to support its request. We are therefore maintaining the Area as modified through the 2020 interim final rule.

In your letter, the Council encouraged us to collaborate with sectors in the exemption review process. We understand that sectors are disappointed with the approach that we took to implement the changes for 2020. My staff and I are committed to working closely with sectors in the upcoming months to address the sectors' concerns about the Redfish Exemption and find solutions for fishing year 2021 and beyond. We plan to engage sector managers to learn more about their members' experiences in the redfish fishery, to identify additional data and analyses to help review the exemption, and to evaluate potential revisions to the exemption. We hope to engage with vessel owners and operators who use, or wish to use, the exemption to learn more about their redfish operations and interest in the redfish fishery. Any changes that result from these efforts would be implemented through the 2021 sector rulemaking process.

The Council notes in its letter that the redfish stock is rebuilt, and it urges us to allow sectors to access a healthy resource to help feed the American public. The Council further states that allowing sectors to continue accessing healthy stocks is consistent with a U.S. Department of Agriculture Section 32 food purchase in response to the COVID-19 National Emergency. The Council also notes that the Council's recommendation to revert the Area is consistent with Executive Order 13921, Promoting American Seafood Competitiveness and Economic Growth. We share the goal of enabling fishermen to target healthy fish stocks and maintain a supply of sustainable U.S. seafood. Our adjustment of the Redfish Exemption Area has not hindered this



goal. The revised Redfish Exemption Area is intended to give fishermen the flexibility to target redfish while more effectively avoiding catch of other groundfish stocks, consistent with the FMPs goals and objectives. It does that effectively currently. Since we revised the Redfish Exemption Area, average redfish efficiency (redfish to other groundfish) has increased fifteen percent to 87 percent, all sectors remain in compliance with monitoring thresholds, and redfish catch on exemption trips has remained high. Nevertheless, we are committed to continuing to monitor the Redfish Exemption's performance and consider changes that remain consistent with the goals of the Redfish Exemption and improve its overall performance.

We appreciate the Council's comments regarding the Redfish Exemption Area. If you have further comments or questions on the Redfish Exemption Area, please contact Pete Christopher, Groundfish Branch Chief, at (978) 281-9288.

Sincerely,

A handwritten signature in blue ink that reads "Michael Pentony". The signature is written in a cursive, flowing style.

Michael Pentony
Regional Administrator