

#5

CORRESPONDENCE

January 13, 2017

Dr. John Quinn, Chair
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Dear Dr. Quinn,

This letter is intended for members of the Scientific and Statistical Committee (SSC) in advance of setting 2017 - 2019 catch limits for witch flounder. Please also include this letter in the correspondence provided to the Groundfish Plan Development Team, Groundfish Oversight Committee and New England Fishery Management Council.

NSC and AFM submitted letters to the SSC regarding witch flounder last winter (see attached). The fishery experience as detailed in our letters is even more relevant today as the inshore and offshore groundfish fleets continue to encounter an abundance of witch flounder that is grossly misaligned with the current catch limits (based on a VPA model with a time series split and a Rho adjustment).

Placing our process issues aside for the purpose of this letter, we are supportive of the SARC's decision to reject the ASAP model run with Rho Adjustment and to utilize an Empirical Approach for setting catch advice

As noted in a letter dated November 22, 2016 from the NSC, GFCPF and AFM to the NEFSC (see attached), there is agreement among a multitude of independent indicators that signal a biomass and historical availability that is significantly different from the biomass estimates generated by the VPA or ASAP models (or for that matter, the trawl survey indices). Recent catches have been severely constrained by the ABC's that have been the product of the VPA model that has seen split series and Rho Adjustments that have had enormous downward impacts on perceived stock size.

Therefore, we believe that the decision to limit the range of target exploitation rates for setting 2017-2019 ABC's to just the recent years of severely constrained catches is not only unnecessary but inappropriate. We say this for several important reasons.

- The SARC report specifically states that no biological reference points can be specified using an Empirical Approach. The SARC determined that biological reference points from the VPA or ASAP models cannot be used to determine stock status or catch advice. Empirical swept area biomass values are not comparable to model based reference points even if SARC did not reject them. In short, there is no way to determine stock status.
- Any information provided to the SSC by the PDT that references historical biomass or exploitation rates during the Albatross time series (pre-2009) should be ignored because the Albatross series is inflated directly from the calibration factor of 3.25 : 1. The combination of this highly suspect calibration factor and the updated catchability values from the sweep study produces high swept area biomass and therefore low exploitation during the Albatross series. NSC, GFCPF and AFM assert that it is entirely implausible that a virtually unrestricted fleet of

vessels could only achieve an 16% average exploitation on such a large biomass series. The fleet was at least 10 times larger than it is today and mesh sizes were considerably smaller.

- The SARC explicitly directed the PDT to use only the Bigelow series primarily due to their determination that the *BIG / ALB Calibration is a significant source of uncertainty*. The SARC recommended that the calibration be further examined for its efficacy. Any references or graphics that include the calibrated Albatross empirical values will be misleading and inconsistent with the SARC's decision.
- The two LPUE studies completed and accepted for use during the SAW both indicate high availability of witch flounder even while the catch has been severely constrained by extraordinarily low ABCs.
- There appears to be no relationship between exploitation rates and subsequent biomass responses. In other words, the empirical biomass / exploitation data does not indicate a pattern of directional biomass response from either low or high exploitation rates.
- The recommended exploitation rates are a fraction of any previously set biological reference points for Fmsy proxies. What is the basis for this?

ABC Control Rule

Additionally, in the years we've been participating we cannot recall instances when the significance of the ABC control rule has been explained to a SARC. Certainly, we did not hear or see this during the SAW / SARC 62. Instead, the acronyms are alternately referred in all of the background documents and the SARC is essentially "guided" by terminology.

We view the catch streams used to determine exploitation rates as catch and not OFL. The issue of OFL or ABC should be considered to be entirely within the discretion of the SSC and we hope the SSC agrees that the control rule does not apply because there is no way to specify an OFL (one developed using the typical methods for finding Fmsy) in this empirical approach. We contend that the SSC deliberation is meant to arrive at an ABC directly.

Request / Recommendation

Again, the fishery is experiencing a high availability of witch flounder and the LPUE series corroborates this observation. The empirical biomass is roughly 16,000 mt. The data, including Albatross series, shows no reliable correlation between exploitation rates and biomass response. It is prudent to consider another approach that equally considers the known damages from a protracted period of economically unsustainable ACL's with the completely uncertain endeavor to manipulate a stock through single digit exploitation rates.

We would like to respectfully point out that the choice of exploitation rate on a witch flounder biomass of 16,000 mt is a policy decision that the Council should weigh in on for the purpose of guiding the SSC's choice of an ABC. The exploitation rates offered by the NEFSC / PDT during the SARC process are far outside any previous Fmsy proxies. Once the SARC determined that the Albatross series should not be used, the evaluation of stock status needs to be constrained to the Bigelow series only. The Bigelow series does not show a high or low biomass, it only shows a stable biomass. In that context we believe the decision to restrict exploitation to the 9 year mean is arbitrary because the relative size of the stock

to a reference point is unknown. This results in a profound policy decision that has not been vetted by the Council.

However, in the absence of policy direction provided from the Council, the NSC, GFCPF and AFM recommend the SSC support an exploitation rate of 10%. This percentage is nearly half of the rate that would come from an Fmsy proxy and is what might be expected for a natural mortality value. This would produce an ABC that would sustain the fishery and the limited number of remaining participants.

Thank you in advance for your careful consideration.

Sincerely,

Jackie Odell

Northeast Seafood Coalition

Vito Giacalone

Gloucester Fishing Com. Pres. Fund

Maggie Raymond

Associated Fisheries of Maine

ATTACHMENTS

November 22, 2016

Dr. James Weinberg, Chair
Northeast Regional Stock Assessment Workshop (SAW)
Northeast Fisheries Science Center
NOAA Fisheries Northeast Region
166 Water Street
Woods Hole, MA 02543

Dear Jim,

We are writing to express our serious concern with the ASAP model (ASAP Run 9_5_v2) selected by the Witch Flounder Working Group (WG) for consideration and approval by the SARC.

The numerical value for SSB 2016-2017 that result from the ASAP Run 9_5_v2 (3,250mt) is significantly lower than the Swept Area Biomass as calculated from the NEFSC Bigelow survey (9,800 to 16,000 mt) using the recent chain sweep study results that were accepted by the WG.

It appears to us that there exists broad agreement across a multitude of independent indicators that were accepted as valid pieces of information to be used in this assessment. The Chain Sweep Study (F/V Karen Elizabeth / NEFSC catchability study) and the resulting Empirical and RY model Swept Area Biomass estimates for 2016/2017, the SCAA model runs that did not display significant retrospectives, the LPUE studies and the persistent testimony of industry all seem to substantiate a witch flounder biomass and level of historical availability that is significantly different than the WG recommendation.

The ASAP model recommended by the WG contains a major retrospective pattern. In order to address the retrospective, a very large adjustment (down scale of the biomass via a Mohn's rho approach) was required. This led to a large reduction in SSB and an increase in fishing mortality rate estimates. These adjustments led to a change in the overfishing status for witch flounder per the 2015 terminal year.

A retrospective pattern has been evident in the witch flounder assessment for over the past ten years. This pattern was evident in the prior VPA assessment model used and now the ASAP model as recommended. Although the source of the retrospective pattern continues to be vetted and sensitivity analysis conducted to consider a range of plausible sources has been conducted, a heightened focus has been placed upon underreported catch.

Although it is evident that some members of the WG were influenced by underreported catch as the source of the retrospective, there have been no data, formal reports, white papers or analysis to the specific issue of underreported catch presented or made available by the NEFSC to date. To account for the retrospective in the ASAP model the level of unreported catch would have to inflate the current understanding of catch by a factor of four or more. We emphatically assert that this is not plausible.

Unlike several other groundfish stocks, the catch of witch flounder has never been constrained by possession limits in the commercial fishery. Until 2010 vessels could target witch flounder without limitation. The constraint on quota only began for the commercial fishery, operating under the

groundfish sector program, in 2012 when a severe ABC reduction was implemented. The reporting frequency, reconciliation and at sea monitoring levels within the sector program are exponentially greater than any other fishery in the entire Northeast region. Additionally, the market for witch flounder has been stable with price remaining consistently high when compared to other groundfish stocks. The stock is also a unit stock whereby stock boundaries would not be considered a factor with reporting.

To conclude, alternative analytical models and empirical approaches were discussed by the WG which better align with other indicators. These approaches do not require such a significant retrospective adjustment. We are hopeful the SARC will be presented with all available information to make an informed decision.

Thank you for your time and attention,

Jackie Odell
Northeast Seafood Coalition

Maggie Raymond
Associated Fisheries of Maine

Vito Giacalone
Gloucester Fishing Community
Preservation Fund

Cc: Dr. Jon Hare, Science and Research Director, NEFSC
Dr. Patrick Sullivan, Scientific and Statistical Committee, NEFMC (SARC Chair)

Witch Flounder Utilization in the Sustainable Harvest Sectors

Allocation & Use

Witch flounder is a high-demand stock. Under five years of sector management, the fleet has caught most of its annual allocation, exceeding 100% in FY2013, when a lawsuit filed by environmental firm Conservation Law Foundation forced the NMFS to retroactively reduce the fleet's ACE late in the fishing year (Table 1).

Table 1: Sectors' Witch Utilization Rates

FY	SECTOR ALLOCATION	CATCH	PCT CAUGHT
2010	852	725.3	84%
2011	1236	997.1	82%
2012	1448	983.3	69%
2013	610	642.3	107%
2014	610	515.4	86%
2015 (est)	610	530	87%
<i>2016 (SSC)</i>	<i>277 (approx)</i>		

Witch is harvested not only for its own value, but as an important bycatch component for trawlers targeting monkfish in the Northern Fishery Management Area. When targeting monkfish (which at times can add 20% to the value of a groundfish trip), witch bycatch is largely unavoidable. Of the Sustainable Harvest Sector's (SHS) 350 trawl trips which landed 1,000 pounds or more of monkfish in FY14, 99% landed some amount of witch as well (Table 2).

Table 2: Witch Bycatch in the SHS Trawl Directed Monk Fishery, FY14

Trip Median Catch – Monkfish: 2,130 pounds Trip Median Catch – Witch: 600 pounds Witch Leverage Ratio: 3.5 : 1
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Witch is also of increasing importance to the inshore fleet, whose opportunities to harvest other stocks have diminished under sector management. Our <50 ft vessels are very reliant on plaice, conducting 120 trips last year which caught at least 100 pounds of plaice. Just one of those trips had no witch catch (Table 3).

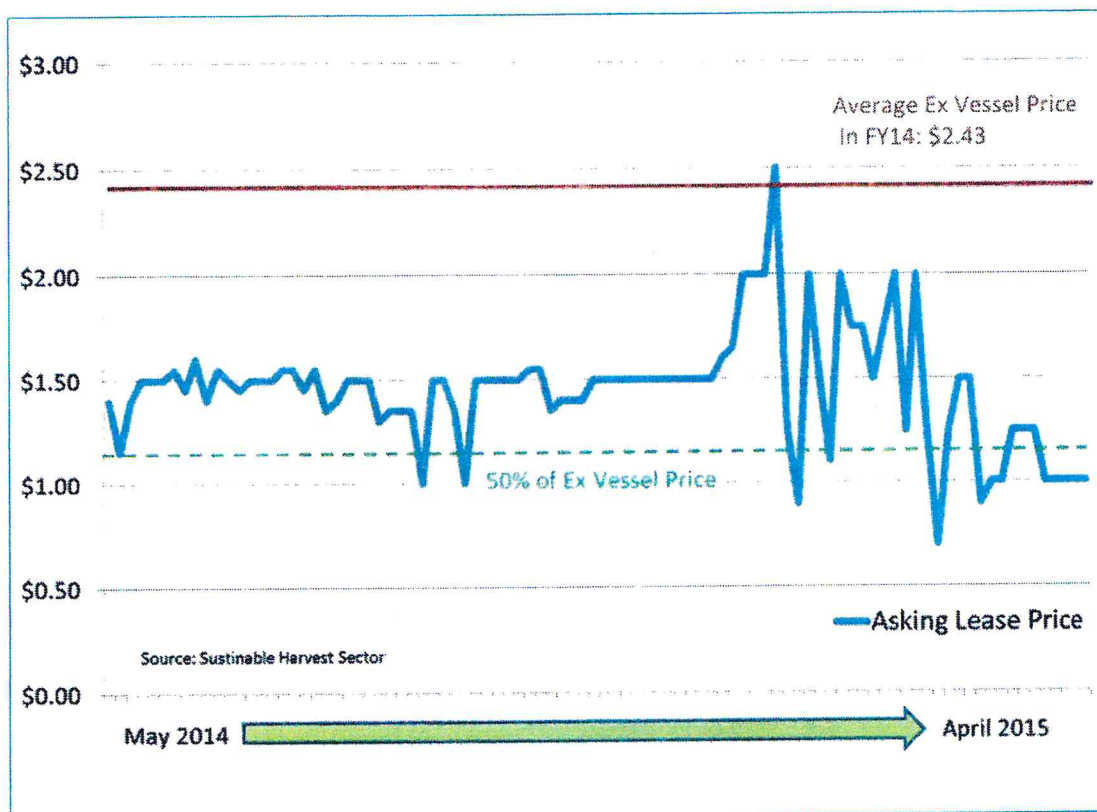
Table 3: Witch Bycatch in the SHS <50 ft Plaice Fishery, FY14

Trip Median Catch – Plaice: 1,430 pounds Trip Median Catch – Witch: 450 pounds Witch Leverage Ratio: 3.2 : 1
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Witch Flounder Utilization in the Sustainable Harvest Sectors

Lease demand for ACE is high. Lease prices for witch are among the top five of the seventeen tradeable stocks¹, a function of both the ex-vessel value of the fish and its high utilization. The NMFS estimates witch ACE prices range from 25%-50% of the ex-vessel price¹ from 2010-2013; our recent experience suggests that ratio has increased (Figure 1).

Figure 1: Witch ACE Lease Price Offers in the SHS, FY14



In summary, witch allocation is in high demand, nearly fully utilized, and sought for both its value as a standalone stock, and to leverage the harvest of several million dollars of other stocks annually.

¹ Source: 2013 Final Report on the Performance of the Northeast Multispecies (Groundfish) Fishery, <http://www.nefsc.noaa.gov/publications/crd/crd1502/>.

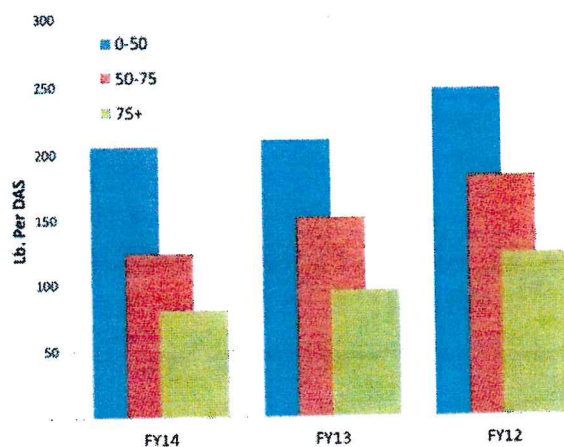
Witch Flounder Utilization in the Sustainable Harvest Sectors

SHS Landings

In FY14, 88% of our sector's total trawl trips landed some amount of witch. There were about 1,000 trips; nearly all fished in Broad Stock Areas 1, 2 and 3.

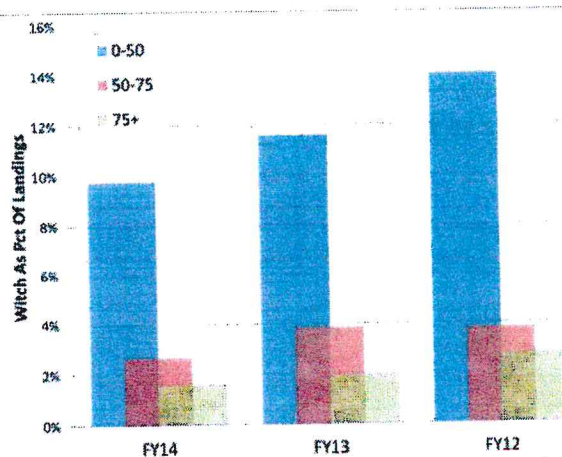
Our small boats are more reliant on the witch resource than larger boats, with the smallest vessel class generally catching twice as much as the largest class, per day fished (Figure 2).

Figure 2: SHS Vessel Witch Catch Per DAS, By Vessel Length



Witch also comprises a greater percent of landings of the smallest vessels, which is logical: they are unable to pursue in commercial quantities several stocks available to their larger brethren (e.g. redfish; the eastern Georges stocks) (Figure 3).

Figure 3: SHS Vessel Witch Landings As Pct of Total Landings, By Vessel Length
[Includes non-groundfish stocks caught on groundfish trips]



Witch Flounder Utilization in the Sustainable Harvest Sectors

As allocations are cut, the small boat fleet is running out of opportunity stocks. The FY14 variability of groundfish landings by vessel size in our sector illustrates the issue. Two of our <50 ft. fleet's top three landed stock ACEs (GOM cod and witch) are or will be set at near-moratorium levels (Figure 4).

Figure 4: SHS <50 ft Trawl Vessel Diversity of Landings, FY14
[Groundfish only]

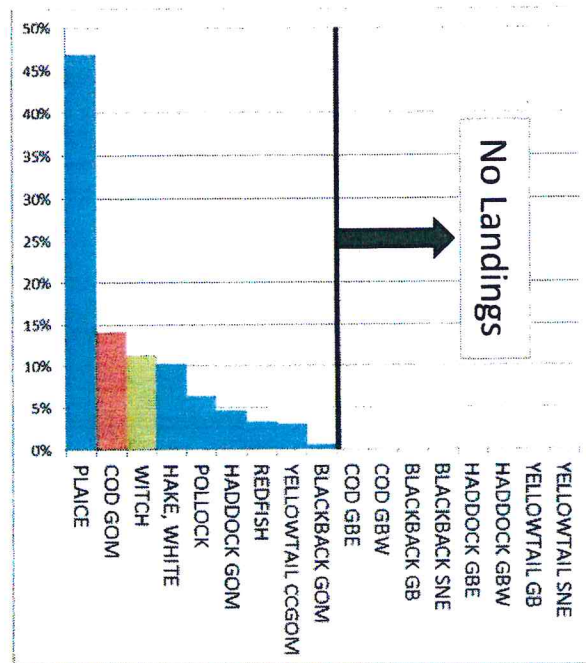


Figure 4 shows FY14's catch composition, which included GOM cod catch under a quota which was four times higher than this year's. This fleet's reliance on plaice and witch has likely increased in FY15.

Witch Flounder Utilization in the Sustainable Harvest Sectors

Distribution

The SHS encounters witch throughout the Gulf of Maine and on Georges Bank, both in and offshore. Over the last four years, observers have monitored 3,400-5,400 of our vessels' tows annually, with similar encounter rates (Table 4).

Table 4: Sustainable Harvest Sector | Observed Trawl Tows | FY10-FY14
Percent Of Tows Where Some Witch Was Encountered

BSA	Stat Area	FY11	FY12	FY13	FY14		Avg Annual Tows
1	464	44%	49%	41%	26%		54
1	465	82%	100%	95%	92%		43
1	511	100%	100%	88%	86%		26
1	512	94%	98%	86%	88%		153
1	513	93%	93%	96%	92%		552
1	514	71%	65%	78%	73%		599
1	515	78%	67%	72%	62%		1,116
2	521	67%	51%	59%	52%		865
3	522	67%	83%	68%	72%		508
3	525	6%	0%	0%	4%		30
3	561	57%	27%	33%	50%		80
3	562	6%	0%	0%	0%		9

As a 'unit' stock, witch is harvested in all four broad stock areas. In Figure 5 below, the statistical areas shaded in grey represent a reasonable facsimile of where most of the catch occurs. The total of those grey areas encompasses 73,000 square miles of fishing grounds (less the 8,300 square miles of the five permanently closed areas) (Figure 5, next page).

In FY15, the commercial fleet is allocated 610 MT (1,345,000 pounds) of witch flounder. This is the equivalent of 18 pounds of allocation per square mile, higher only than Georges Bank yellowtail at 16 pounds per square mile (even Gulf of Maine cod fares better, at 23 pounds per square mile of fishing ground) (Table 5, next page).

Witch Flounder Utilization in the Sustainable Harvest Sectors

Figure 5: Groundfish Catch Stock Attribution

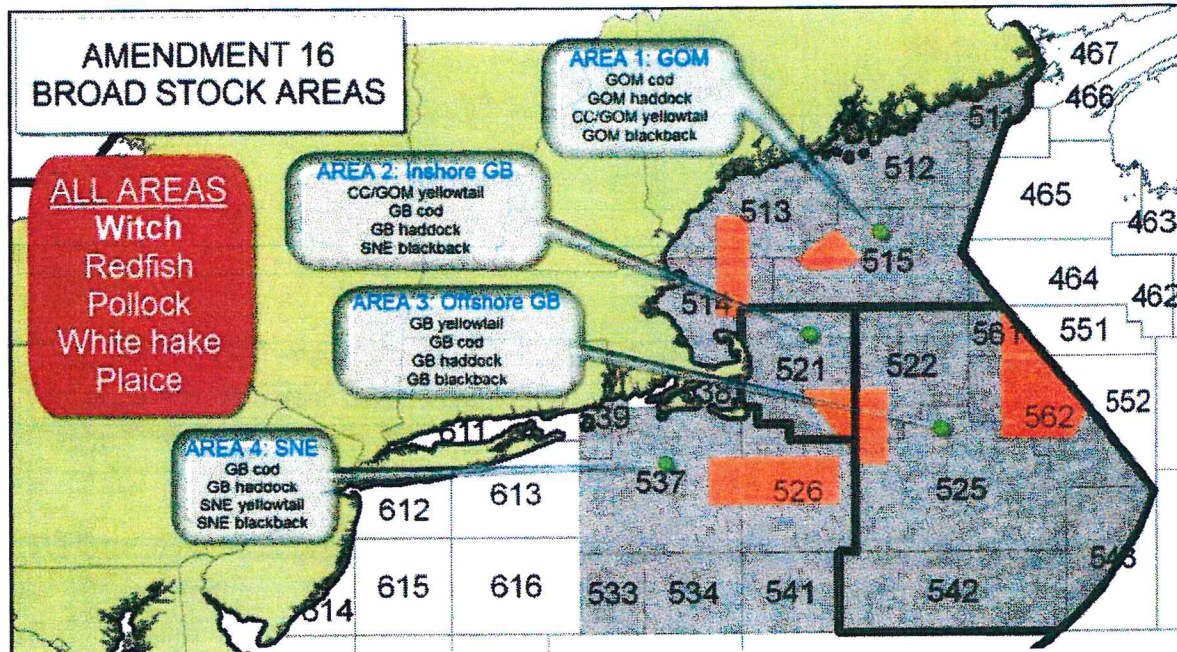


Table 5: FY15 Allocation Availability Per Square Mile of Fishing Grounds

Stock	Available Harvest Area in Square Miles	FY15 Commercial Allocation - MT	FY15 Commercial Allocation - Lb	Allocation Available Per Square Mile
HADDOCK GB	53,100	21,759	47,978,595	903
POLLOCK	73,000	13,720	30,252,600	414
REDFISH	73,000	11,034	24,329,970	333
BLACKBACK GB	27,100	1,891	4,169,655	154
HAKE, WHITE	73,000	4,343	9,576,315	131
BLACKBACK SNE	26,100	1,306	2,879,730	110
HADDOCK GOM	19,900	958	2,112,390	106
COD GB	53,100	1,787	3,940,335	74
YELLOWTAIL SNE	21,500	557	1,228,185	57
BLACKBACK GOM	19,900	392	864,360	43
PLAICE	73,000	1,408	3,104,640	43
YELLOWTAIL CCGOM	24,500	458	1,009,890	41
COD GOM	19,900	207	456,435	23
WITCH	73,000	610	1,345,050	18
YELLOWTAIL GB	27,100	195	429,975	16

An allocation of witch flounder of 277 MT to sectors next year is the equivalent of about 8 pounds of ACE per square mile.

[END]



January 15, 2016

Dr. Jacob Kritzer, Chair
New England Fishery Management Council
Scientific and Statistical Committee
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Dr. Kritzer,

We are writing to offer the Scientific and Statistical Committee (SSC) a groundfish fishery perspective on the availability and utilization of witch flounder based upon our experience with Northeast Seafood Coalition (NSC) fishing members that operate out of the Northeast Fishery Sectors.

NSC members enrolled in the Northeast Fishery Sectors include fishing vessels that fish inshore as well as vessels that have a broader range which operate offshore and in multiple broad stock areas (BSAs). In terms of the witch flounder fishery, NSC members participate in the two key components that comprise of this fishery, the inshore Gulf of Maine and offshore Gulf of Maine / Georges Bank.

For NSC members and non-members, CPUE has remained high in all areas where witch flounder is an expected component of catch. Put another way, from a historical perspective the witch flounder fishery footprint within the overall stock area has not constricted and CPUE at the fringes remains dangerously high relative to the recent commercial ACLs and resulting individual and fleet allocations.

For the offshore fleet this is especially problematic because the fleet is already avoiding the areas within the footprint that are producing highest CPUEs of witch flounder because the 2013-2015 ACLs have presented a witch flounder avoidance scenario for the mobile gear fleet in recent years. For the inshore fleet, witch flounder continues to be readily available and comprises an ever increasing proportion of total catch due to dramatically reduced catch reductions of other inshore stocks.

For most of the fishery, witch flounder shares a fishery footprint that is similar to other important groundfish stocks as well as monkfish. Notably, american plaice, white hake, pollock and monkfish share huge overlaps of their respective fishery footprints to the extent that the catch of any of these species can be directly constrained by the ACL of one of the others. The extent to which the fishery is constrained is largely a function of the ability of the assessment to come close to correctly estimating the true state of nature for a particular stock among the mix of stocks that co-exist.

4 PARKER STREET, STE. 202, GLOUCESTER, MA 01930
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NORTHEASTSEAFOODCOALITION.ORG

NSC has consistently stated that large ABC reductions that result from a truly smaller stock should not present an insurmountable fishery constraint. This is because the overall CPUE within the historical fishery footprint should decline proportionally to the reported stock status and fishermen should find it relatively easy to avoid any known concentrations.

Unfortunately, for many stocks in the groundfish complex this is not the case. Witch flounder is a prime example of a stock that suffers from a pessimistic assessment concurrent to completely contradictory signals in the fishery throughout the full footprint areas both inshore and offshore.

At the Groundfish Committee Meeting on Thursday January 14, 2016, catch projection results provided by the Plan Development Team shown to the Committee revealed an ABC of 521 metric tons in FY 2016 has a corresponding biomass of 3,234 metric tons. A constant quota approach using an ABC of 521 metric tons in FY 2017 would result in a corresponding biomass of 4,210 metric tons.

Alternatively, an ABC of 399 metric tons in FY 2016 has a corresponding biomass of 3,253 metric tons and a constant quota utilizing an ABC of 399 metric tons in FY 2017 results in a corresponding biomass of 4,342 metric tons.

NSC views the difference in these corresponding biomass values as insignificant and, thus, fully supports the Council's willingness to accept an ABC for witch flounder that is up to 521 metric tons.

To conclude, in this instance, there are far greater risks to the groundfish fishery than to the resource. With no correlating negative signals being generated by the commercial fishery the 2015 updated assessment included a substantial downward retrospective adjustment (approximately 50%). For this reason and recognizing there will be a benchmark assessment in 2016, NSC fully encourages the reconsideration of an ABC up to the OFL.

Sincerely,



Jackie Odell
Executive Director



Vito Giacalone
Policy Advisor, Board of Directors

Table 1: Range of lease prices from fishing years 2010-2015 for two sample Northeast Fishery Sectors and Average Ex-Vessel Price for that corresponding fishing year

FY	Lease Price Range NEF Sector A	Lease Price Range NEF Sector B	Average Ex-Vessel Price
2010	(not available)	\$1 - \$1.60	\$2.34
2011	\$.45 - \$.85	\$.65 - \$.925	\$1.96
2012	\$.50 - \$.65	\$.50 - \$.625	\$2.03
2013	\$.90 - \$1.20	\$1.18 - \$1.30	\$2.20
2014	\$.85 - \$2.50	\$1.50 - \$1.65	\$2.60
2015*	\$1.20 - \$1.35	\$1.35 - \$1.43	\$2.42

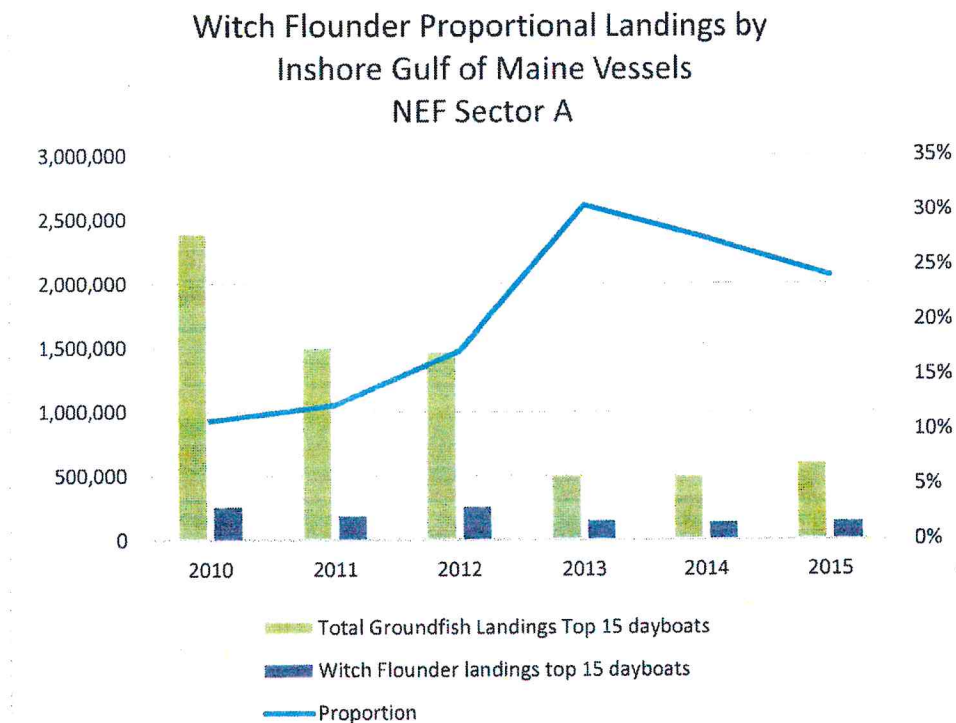
* 2015 Partial year data May 1, 2015 through December 31, 2015

Lease prices reflect those where witch flounder has been specified not those wrapped

Note 1: into package deals

Note 2: Ex-Vessel price incorporates price for large, medium and small gray sole

Chart 1: Witch Flounder Proportional Landings by Inshore (dayboat) Gulf of Maine Vessels



- In 2010, the inshore Gulf of Maine top 15 ranked vessels that landed witch flounder (from NEF Sector A) landed a total of approximately 2.4 million lbs of groundfish of which 260,000 lbs was witch flounder. This represents an 11% proportion of witch flounder to their total groundfish landings.
- By 2015, to date, these top 15 ranked vessels landed a total of 590,000 lbs of groundfish of which 142,000 lbs. is witch flounder representing 24% of their total landings.
- The total groundfish landings of these 15 top ranked inshore Gulf of Maine vessels is down 66% from FY 2010 through 2015 to date.

Additional Information:

Additional information not shown in Chart 1 above.

In 2010, the offshore top 12 ranked vessels that landed witch flounder (from NEF Sector A) landed a total of approximately 15.7 million lbs of which 264,000 lbs was witch flounder. This represents a 2% proportion of witch flounder to total groundfish landings.

By 2015, to date, the offshore top ranked 9 vessels have landed under 6 million lbs of groundfish of which 38,000 lbs is witch flounder which represents 1% of total landings.

Note: the 2013 fishing year was an off year for all fishing (the entire Georges Bank and Gulf of Maine systems were off)



Greater Atlantic Region Bulletin

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

For Information Contact:
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www.greateratlantic.fisheries.noaa.gov

Date Issued: 1/9/2017

Northeast Multispecies Common Pool Vessels

Closure of the Trimester Total Allowable Catch Area
and Possession Prohibition for Georges Bank Cod
Effective Date: January 9, 2017, through April 30, 2017

Effective at 0845 hours on January 9, 2017, statistical areas 521, 522, 525, and 561 are closed for the remainder of the fishing year through April 30, 2017, to all common pool vessels on a groundfish trip fishing with trawl, sink gillnet, or longline/hook gear. This closure is required because the Trimester 3 Total Allowable Catch (TAC) for Georges Bank (GB) cod has already been caught. This area will reopen at the beginning of next fishing year, at 0001 hours, May 1, 2017.

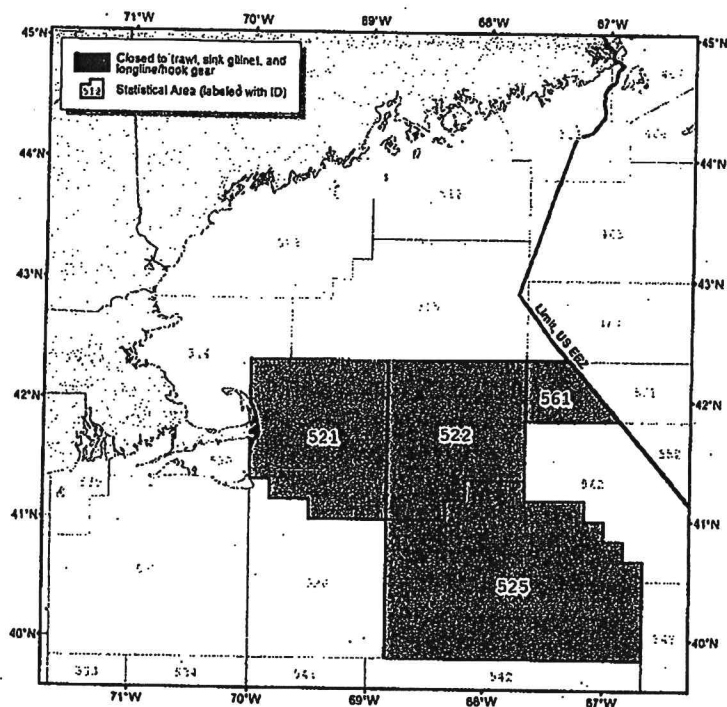
Effective January 9, the possession of GB cod by any common pool vessel is prohibited. This includes inshore and offshore Georges Bank as well as Southern New England:

Permit/Program	Previous GB Cod Limits (Effective December 22, 2016)	New Limit (Effective January 9, 2017)
A DAS* (outside of the Eastern U.S./Canada Area)	25 lb per DAS up to 50 lb per trip	Possession of GB cod is prohibited (including Offshore GB, Inshore GB, and Southern New England)
A DAS (Eastern U.S./Canada Area)	25 lb per DAS up to 50 lb per trip	
A DAS (Special Access Programs)	50 lb per trip	
Handgear A	25 lb per trip	
Handgear B	25 lb per trip	
Regular B DAS Program	25 lb per DAS up to 50 lb per trip	
Small Vessel Category (<30 ft)	300 lb of cod, haddock, and yellowtail flounder combined	300 lb of cod, haddock, and yellowtail flounder combined
	Maximum of 25 lb of cod and 200 lb of GOM haddock within the 300-lb combined trip limit	Possession of GB cod is prohibited (including Offshore GB, Inshore GB, and Southern New England), Maximum of 25 lb of GOM cod and 200 lb of GOM haddock within the 300-lb combined trip limit

*DAS = Day-at-sea

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.

Map of Current Common Pool Closures, by Gear Type



The closure applies to all common pool vessels on a groundfish trip fishing with trawl, sink gillnet, or longline/hook gear. If you have crossed the vessel monitoring system demarcation line and are currently at sea on a groundfish trip, you may complete your trip in all or part of the newly closed areas and are not subject to the new GB cod possession prohibition for this trip. Vessels that have set gillnet gear prior to 0845 hours on January 9, 2017, may complete their trip by hauling such gear and also are not subject to the new GB cod possession prohibition for that trip.

<i>Frequently Asked Questions</i>	
Why is this action being taken?	We are required to close the Trimester TAC Area to gear capable of catching a stock when we project that 90 percent of the Trimester TAC is caught. Because overages in Trimester 1 and 2 must be subtracted from the quota in Trimester 3, catch of GB cod has already exceeded the Trimester 3 quota. The Trimester TAC closure and prohibition on possession of GB cod is necessary to prevent the common pool from further exceeding its quota.
How much of the quota has been caught?	Based on recent data, we estimate that 102.7% of the annual quota for GB cod has been harvested. Quota monitoring reports are updated on the internet at: http://www.greateratlantic.fisheries.noaa.gov/ .
What happens now that the annual quota has been exceeded?	Because the 2016 fishing year quota has been exceeded, the amount of the overage will be deducted from the common pool's quota next year (i.e., fishing year 2017).
Does this closure affect handgear vessels?	Yes, this closure applies to all common pool groundfish vessels, including those fishing with a Handgear A (limited access), Handgear B (open access), or Small Vessel Category permit.



Greater Atlantic Region Bulletin

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

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www.greateratlantic.fisheries.noaa.gov
Date Issued: 12/22/2016

Northeast Multispecies Common Pool Vessels

Possession and Trip Limit Modifications for Georges Bank Cod and Southern New England/Mid Atlantic Yellowtail Flounder

Effective Date for SNE/MA Yellowtail: December 22, 2016, through April 30, 2017

Effective Date for GB Cod: January 1, 2017, through April 30, 2017

Effective December 22, 2016, the possession and trip limits for Southern New England/Mid Atlantic (SNE/MA) yellowtail flounder is increased for all common pool vessels to **500 lb per day at sea, and 1,000 lb per trip** for the remainder of the 2016 fishing year. If you are currently at sea, you may land the increased limit of SNE/MA yellowtail flounder.

Effective January 1, 2017, the possession and trip limits for Georges Bank (GB) cod in Trimester 3 for common pool vessels are as follows:

Permit	GB Cod Trimester 3 Limits (effective January 1, 2017)
A DAS* (outside of the Eastern U.S./Canada Area)	25 lb per DAS up to 50 lb per trip (unchanged)
A DAS (Eastern U.S./Canada Area)	25 lb per DAS up to 50 lb per trip (unchanged)
A DAS (Special Access Programs)	50 lb per trip (unchanged)
Handgear A	25 lb per trip (unchanged)
Handgear B	25 lb per trip (unchanged)
Regular B DAS Program	25 lb per DAS up to 50 lb per trip (unchanged)
Small Vessel Category (≤ 30 ft)	300 lb of cod, haddock, and yellowtail flounder combined Maximum of 25 lb of cod and 200 lb of GOM haddock within the 300-lb combined trip limit

*Day-at-sea (DAS)

Frequently Asked Questions

Why are these actions being taken?	As of December 1, 76% of the annual quota for GB cod has been caught. We are modifying the Trimester 3 trip limits to prevent an area closure or a quota overage for this stock. Less than 5% of the annual quota for SNE/MA yellowtail flounder has been caught. We are increasing the trip limit to increase fishing opportunities for the SNE/MA yellowtail flounder stock
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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.

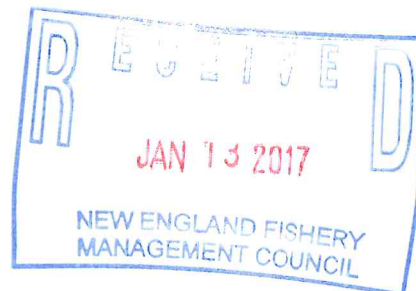
Is there a chance that the trip limits will change again?	If the quota for either stock is projected to be caught, we would consider closures to prevent quota overages. Quota monitoring reports are updated on the internet at: http://www.greateratlantic.fisheries.noaa.gov/ .
What will happen with the area closures in Trimester 3?	All common pool closures will re-open at the beginning of Trimester 3, effective 0001 hours, January 1, 2017.
Will GB cod limits increase at the start of Trimester 3?	No, this action overrides the previously scheduled possession and trip limit increases for GB cod. This action is necessary to keep the common pool from exceeding the annual quota for the stock.



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

PATRICK C. KELIHER
COMMISSIONER

January 10, 2017



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

Dear Tom;

I am responding to your letter dated November 21, 2016 regarding the New England Fishery Management Council's (NEFMC) September 21, 2016 motion asking you to explain [to the State of Maine] the impacts to the federal commercial groundfish fishery if the acceptable biological catch for Atlantic halibut is exceeded. Your letter then goes beyond the motion and asks the State of Maine to, "*consider this information, and make adjustments to the state management of the 2017 Atlantic halibut fishery in order to prevent the overall ABC from being exceeded*".

I am aware of the issues related to both the state and federal water fisheries and I reiterate my previous comment that the State of Maine will work collaboratively towards finding a path forward. However, at this time I am not willing to make any changes to the management of our state waters fishery until there is updated peer reviewed information related to the stock so that a thorough review of the management and accountability measures can be conducted. We also believe that the federal halibut management measures should be amended in order to address the Accountability Measures (AM) developed as part of Frameworks 47 and 48 and that a more detailed analysis is necessary to consider modifying and or relocating the defined areas within the AM.

It is clear that Maine's state waters landings have increased, as have landings from federal waters. I view the increased halibut landings as a stock rebuilding success story resulting from conservative and effective state and federal fisheries management measures. Based on the strong catch, I believe that Maine and NEFMC have a science problem rather than a stock status problem. As you are aware, an independent scientific peer review panel rejected the Northeast Fisheries Science Center's (NEFSC) 2015 Atlantic halibut assessment update. It is my understanding that the Northeast Regional Coordinating (NRCC) has not scheduled another NEFSC update or benchmark, but the NEFMC has funded an alternative Atlantic halibut assessment update due to be peer reviewed in September 2017.

The State of Maine fully supports NEFMC's commitment to fund an updated stock assessment and I will commit staff time towards that effort. In particular we will be happy to assist with the analyses of DMR's long term tagging program in order to provide data for the update, and to address the inaccuracies of the 100% assumed discard mortality rate.

Finally, to address the concerns raised by Greater Atlantic Regional Fisheries Office and the groundfish industry, as well as the significant amount of in-state pressure to liberalize the existing state halibut regulations, DMR plans to host a halibut information seminar at the upcoming Maine Fishermen's Forum in early March 2017. This seminar will provide an overview of state and federal management as well as an update on the status of current science and management efforts needed to move ahead the next benchmark assessment. I appreciate your willingness to allow Jamie to participate on the panel, and would encourage the members of the NEFMC to attend this session.

As always, please contact me with any questions.

Sincerely,



Patrick C. Keliher
Commissioner

Cc: John Quinn, New England Fishery Management Council
John Bullard, Greater Atlantic Regional Fisheries Office, NOAA
Jamie Cournane, New England Fishery Management Council
Sarah Heil, Greater Atlantic Regional Fisheries Office, NOAA
Terry Stockwell, Maine Department of Marine Resources

