



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: May 24, 2018
TO: Groundfish Committee
FROM: Groundfish Plan Development Team
SUBJECT: **Initiation of Framework Adjustment 58**

The Groundfish Plan Development Team (PDT) met on May 22, 2018, in Falmouth, Massachusetts to discuss Framework Adjustment 58 (FW58) – to be initiated at the June Council meeting. Anticipated implementation of FW58 is May 1, 2019.

Draft scope, objectives, and likely range of alternatives

Based on the Council priorities for 2018, the PDT drafted the scope, objectives, and likely range of alternatives for FW58.

The **scope** is to set specifications for FY2019 for US/Canada stocks (Eastern Georges Bank (GB) cod, Eastern GB haddock, and GB yellowtail flounder), to revise/establish rebuilding plans for several stocks (ocean pout, GB winter flounder, witch flounder, Gulf of Maine(GOM)/GB (Northern) windowpane flounder, and Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder), to address Status Determination Criteria when analytic assessments fail, to provide additional guidance on sector overages, and to revise other management measures, if necessary.

The **objectives** are to meet regulatory requirements to prevent overfishing, ensure rebuilding, and help achieve optimum yield in the commercial groundfish fishery.

The **likely range of alternatives** include:

1. Updates to status determination criteria, rebuilding plans, and annual catch limits
 - Status Determination Criteria
 - Rebuilding Plans
 - Annual Catch Limits
2. Fishery administration
 - Guidance on sector overages

At present, no “other management measures” have been identified.

Preliminary PDT Discussion

The PDT anticipates Scientific and Statistical Committee (SSC) review and recommendations for options developed for status determination criteria, rebuilding plans, and catch limits for Georges Bank (GB) yellowtail flounder. Council staff are working to schedule the SSC review, which will likely occur over the summer.

1. Status Determination Criteria

A 2018 Council priority states: *address Status Determination Criteria issue when analytic assessments fail*. Recently, analytic assessments for several stocks failed peer review: GB yellowtail flounder (2014), GB cod (2015), Atlantic halibut (2015), and witch flounder (2016). Historical information could be used to evaluate overfished status in the absence of other criteria. A simple approach for examining overfishing status could be comparing catches to the overfishing limit (OFL) or acceptable biological catch (ABC). Similar approaches were examined by recent peer reviews and NMFS in rule-making for FW56 and FW57.

2. Rebuilding Plans

A 2018 Council priority states: *revise rebuilding plans as needed*. In an August 31, 2017 letter from GARFO to NEFMC (see attachment), several stocks were identified as making inadequate progress toward rebuilding following the 2015/2016 stock assessments: ocean pout, GB winter flounder, witch flounder, Northern windowpane flounder, and SNE/MA yellowtail flounder. The letter explains that the Council must implement a new or revised rebuilding plan for these stocks within 2 years of the date of notice (i.e., by August 31, 2019).

The PDT plans to construct rebuilding plan options for stocks with projections (GB winter flounder and SNE/MA yellowtail flounder) consistent with the approach outlined in FW51 (i.e., GOM cod and American plaice rebuilding plans). The approach was to develop rebuilding plans in which catch advice is not initially limited by F_{rebuild} . Using F_{rebuild} would produce lower catch advice than $75\%F_{\text{MSY}}$ according to the control rule. The use of F_{rebuild} is also not desirable because F_{rebuild} is determined using long term projections and past PDT work has shown that long term projections are unreliable. The FW51 approach also used the ABCs that were already put in place at the time. Following this approach, we would use the FW57 ABCs from 2018 to 2020 that are already in place within the rebuilding projections. Revisiting changes to the ABCs from 2019 to 2020 is not warranted for the development of new rebuilding plans. Under this approach two candidate rebuilding schedules alternatives can be developed. One being the shortest time to rebuild the stock under a $75\%F_{\text{MSY}}$ projection with a 50% probability and the second is the maximum of 10 years with a 50% probability. Under the shortest rebuilding schedule F_{rebuild} may be implemented with the next operational update if the stock has not improved. The longer rebuilding schedule will allow for a lower reduction in catch if the stock does not improve with the next assessment, since F_{rebuild} is less likely to be limiting using the control rule.

Three (ocean pout, witch flounder, and Northern windowpane flounder) of the five stocks do not have a projection model. In the absence of projections, one option for these stocks might be setting the rebuild by date to 10 years. Under the control rule, most stocks should rebuild in 10 years according to the projections fishing at $75\%F_{\text{MSY}}$.

In a follow-up letter dated February 18, 2018 from GARFO to NEFMC regarding the 2017 assessments (see attachment), they determine GB winter flounder continues to make inadequate rebuilding progress. Furthermore, GARFO explains that:

Consistent with section 304(e)(7) of the MSA, we are evaluating whether adequate rebuilding progress is being made by other stocks currently in a rebuilding plan, based on the results of the 2017 assessment updates. We will notify the Council of our determination as soon as possible, so that the Council can work on revising or developing new rebuilding plans for applicable stocks simultaneously.

GARFO has not yet notified the Council as to whether any additional stocks are making inadequate rebuilding progress based on the 2017 assessments.

3. Annual Catch Limits

A 2018 Council priority states: *set ABCs/ACLs for US/CA stocks*. The PDT expects to adjust annual catch limits for GB yellowtail flounder, GB cod, and GB haddock. If time permits, the PDT plans to conduct a subcomponent review, based on additional data, and may recommend changes to state and other sub-components for all stocks. At a minimum, the PDT suggests the subcomponent review be completed for GB cod and Atlantic halibut given recent management measures. Measures adopted in FW57 included a recreational catch target for FY2018-FY2020 for GB cod and Regional Administrator authority to adjust measures for GB cod for FY2018 and FY2019. Recent changes to recreational management of GB cod in federal and state waters for FY2018 are intended to limit the likelihood of overages of the total annual catch limit (ACL). FW58 included changes to Atlantic halibut fishery management for federally managed fisheries. Subsequent actions by the State of Maine also aimed to limit the likelihood of overages of the total ACL for Atlantic halibut.

4. Guidance on Sector Overages

A 2018 Council priority states: *additional guidance on sector overages*. Recent overages by Northeast Fishery Sector IX and the subsequent change in rosters between Sector IX and Sector VII were beyond the situations contemplated in the development of Amendment 16 (A16) and the Council may wish to revise the current guidance.

The current guidance on sector overages was stated in A16 on pp. 102-103 (Section 4.2.3.3.2) and pp. 187 (Section 5.2.3.3.2) and repeated here verbatim.

4.2.3.3.2 Guidance on Sector Overages

Amendment 13 addressed sector overages in broad terms but did not address the situation if a sector disbands or members leave a sector the year following an overage. To be clear, in the subsequent discussion the term “sector overage” means exceeding a TAC in year one after any ACE transfers have occurred with the result that the sector will receive a deduction of ACE in year two.

This action adopts Option 1, the alternative to No Action to address the treatment of overages should a sector a sector member leave the sector the year following an overage or if the sector completely disbands following an overage. This option expands on the current guidance.

- In the first situation, a vessel (or small number of vessels) leaves the sector but the remaining vessels have enough ACE to cover the overage deduction. Any impacts on departing members be specified and addressed by the sector operations plan and sector contract rather than by regulation. This provides the most flexibility and can be done

through indemnification provisions and other legal constructs. Existing sectors have already incorporated provisions that address this situation (such as limiting fishing activity by the vessel if it leaves the sector the year after the overage). It also simplifies administration for NMFS.

- In the second, a sector disbands completely and no sector exists to cover the overage deduction, or there is insufficient ACE in year two to cover the year one overage. In this case, in order to account for the overharvested fish, individual permit holders are held responsible for reducing their catch the appropriate amount in the subsequent fishing year (rather than the sector, since it no longer exists). The deduction follows the individual permits. If an individual permit joins another sector, the overage penalty follows that permit into the other sector. Each permit is responsible for part of the overage penalty, calculated as simply the overage penalty divided by the number of vessels. If a permit does not join a sector the permit receives a DAS penalty. Each permit receives a percentage reduction in DAS equal to the maximum percentage overage of the sector. Example; the sector goes 5% over on stock A and 10% on stock B each permit receives a 10% DAS reduction.

Rationale: If a sector exceeds its ACE in any given year, its allocation in the subsequent year is reduced to account for the overage. This section specifies how exit of vessels from the sector affects the overage provision.

5.2.3.3.2 Guidance on Sector Overages

Amendment 13 addressed sector overages in broad terms but did not address the situation if a sector disbands or members leave a sector the year following an overage. To be clear, in the subsequent discussion the term “sector overage” means exceeding a TAC in year one after any ACE transfers have occurred with the result that sector will receive a deduction of ACE in year two.

No Action

Under No Action, the only guidance for addressing sector overages would be that contained in Amendment 13. This guidance merely states that if a sector exceeds its allocation the overage is deducted in the following year.

Rationale: If a sector exceeds its ACE in any given year, its allocation in the subsequent year is reduced to account for the overage. This section specifies how exit of vessels from the sector affects the overage provision.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
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AUG 31 2017

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

Dear John:

The Northeast Fisheries Science Center published final results of the stock assessment updates for the 20 groundfish stocks in October 2015. The Center also published the final report for a benchmark assessment for witch flounder in January 2017. Based on the results of these assessments, NOAA's National Marine Fisheries Service (NMFS) updated the stock status for a number of stocks and determined that several stocks are not making adequate rebuilding progress or are in need of a rebuilding plan. This letter serves as official Council notification of our determinations under sections 304(e)(2) and (7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). With this notification, the Council should take action for each of the following stocks, as outlined below:

- Ocean pout;
- Georges Bank (GB) winter flounder;
- Witch flounder;
- Northern windowpane flounder;
- Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; and
- White hake.

Stock status updates

The attached table summarizes the current stock status for all 20 stocks. Below are details for stocks with status changes:

- SNE/MA yellowtail flounder is now subject to overfishing and is overfished. The Council must implement a new rebuilding plan for this stock within 2 years.
- GB winter flounder is now subject to overfishing and is overfished. This stock is currently in a rebuilding plan, and we have determined that the stock is not making adequate rebuilding progress. We discuss our determination and make recommendations for revising the rebuilding plan for GB winter flounder under the "Rebuilding progress reviews" section below.
- Stock status improved for northern windowpane flounder. The stock is still overfished, but overfishing is not occurring. This stock is currently in a rebuilding plan, and we have determined that the stock is not making adequate rebuilding progress. We discuss



our determination and make recommendations for revising the rebuilding plan for northern windowpane flounder under the “Rebuilding progress reviews” section below.

- Stock status is unchanged, but more uncertain, for GB cod and Atlantic halibut. The assessments for these stocks were not accepted as a basis for management. However, the assessment review panel determined that available information indicates these stocks are still in poor condition and that stock size has not increased. Therefore, the panel recommended that, the status remain overfished for both stocks, consistent with the information from previous assessments. However, in the absence of fishing mortality estimates to compare to the overfishing thresholds, the panel recommended using an unknown overfishing status for both stocks.

Although the review panel concluded that the overfishing status should be unknown for GB cod and Atlantic halibut, NMFS has determined that the stock status for GB cod will remain overfished, with overfishing occurring, consistent with the determination from the 2013 GB cod benchmark assessment, and that the status for Atlantic halibut will remain overfished, with overfishing not occurring, consistent with the 2012 assessment update for this stock. This aligns with the national approach for making official status determinations that are reported in the annual Report to Congress on the Status of U.S. Fisheries. Under this approach, where a known determination had previously been provided and a new assessment is rejected or the results are inconclusive, the known stock status will continue to be the official stock status. This approach relies on a valid prior determination as long as there were no errors in calculations or methodology, and the best available science at the time was used. These status determinations will remain until an assessment can provide new reference points and/or numerical estimates of existing status determination criteria or the Council implements alternative status determination criteria.

- Witch flounder remains overfished. However, it is now unknown whether the stock is subject to overfishing. The assessment peer review panel rejected the 2016 witch flounder benchmark assessment model, as well as the previous benchmark assessment model updated with 2015 data.

Although we could not use the assessment to estimate stock size relative to a reference point, there is other information in the assessment that suggests that the witch flounder stock remains in poor condition. For example, the swept-area biomass approach used to generate catch advice indicated that stock biomass was at historical low levels. In addition, the fishery landings and survey catch data show truncation of age structure and a reduction in the number of old fish in the population. These indicators support maintaining the overfished status. Unlike the overfished status, we do not have reliable indicators for overfishing status. Thus we are changing the overfishing status to unknown. While we cannot specify an overfishing status determination criterion for this stock, catch for the last five years has been below the annual catch limit (ACL). The lack of reliable indicators, the rejection of the previous stock assessments, and the fact that catch has remained below the ACL, support changing the overfishing status of this stock to unknown.

Rebuilding progress reviews

We reviewed the assessment results to determine whether groundfish stocks in rebuilding plans were making adequate rebuilding progress under section 304(e)(7) of the Magnuson-Stevens Act. The criteria in the revised National Standard 1 (NS 1) guidelines state that the Secretary may find that a stock is not making adequate rebuilding progress if either:

1. The fishing mortality rate (F) required to rebuild the stock within the rebuilding timeframe (F_{rebuild}) or the ACL associated with F_{rebuild} is exceeded, and accountability measures (AMs) are not correcting the operational issue that caused the overage, nor addressing any biological consequences to the stock or stock complex resulting from the overage when it is known; or
2. The rebuilding expectations of a stock or stock complex are significantly changed due to new and unexpected information about the status of the stock.

After reviewing all 20 stocks, we determined that several stocks are not making adequate rebuilding progress. Those stocks have either not reached or approached their rebuilding targets by the end of their rebuilding period, or are not expected to rebuild by their rebuilding end dates, even in the absence of fishing mortality. Below, we summarize our determinations and recommend specific conservation and management measures the Council should take to rebuild each stock.

Ocean pout

Ocean pout did not rebuild by its target rebuild date of 2014. We acknowledge the Council's efforts to support stock rebuilding. The regulations have prohibited possession of ocean pout since May 2010. The Council has also consistently set catch levels to promote rebuilding. Despite the Council's efforts to reduce fishing mortality for this stock, the 2015 stock assessment indicated that biomass was at 6 percent of the rebuilding target, continuing a decreasing trend. The final rule for the revised NS 1 guidelines discusses that cases where stock biomass is not increasing despite maintaining catch levels at or below F_{rebuild} levels would be unexpected. Because ocean pout is not rebuilding in spite of low catch levels and conservative management measures, this stock meets the second criterion of the NS 1 guidelines criterion for not making adequate rebuilding progress. The lack of stock growth suggests uncertainty in our assessments or catch estimates, including unaccounted for management factors, biological factors, or environmental factors that could be limiting rebuilding progress.

The Council must implement a new rebuilding plan for ocean pout within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). A benchmark assessment for ocean pout is not scheduled for the near future. In the meantime, the Council should continue to use the available assessment information to set catch levels, and consider further conservation and management measures that may achieve adequate progress. In addition, we will work with the Council to prioritize additional research to determine why low catch levels have not supported stock growth, and develop other management measures that may be appropriate for the stock.

Georges Bank winter flounder

We implemented the GB winter flounder rebuilding plan in 2010, with a target rebuild date of 2017. The stock assessments in 2011 and 2012 showed the stock was making adequate rebuilding progress, and in 2012, the stock was estimated to be approximately 86 percent of its rebuilding target. However, the 2015 assessment significantly changed our understanding of stock status, and the stock is not expected to rebuild by 2017, even in the absence of fishing. The stock is now estimated to be only 43 percent of its rebuilding target. This change is not due to a significant decline in biomass, but rather the emergence of a major retrospective pattern that led to previous overestimates of stock biomass. As a result, this stock meets the second criterion of the NS 1 guidelines for determining that a stock is not making adequate rebuilding progress.

The Council must revise the rebuilding plan for GB winter flounder within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). We recommend the Council explore whether additional management measures, such as the expansion of selective gear requirements or area closures, or changes to the current method of setting catch levels, would support additional growth for this stock.

Witch flounder

We implemented the rebuilding plan for witch flounder in 2010, with a target rebuild date of 2017. The 2012 and 2015 assessment updates indicated that biomass was at 41 and 22 percent of the biomass target, respectively. Based on the 2015 assessment, the stock was not expected to rebuild by 2017, even in the absence of fishing. The Center performed a benchmark assessment of this stock in 2016. The assessment peer review panel rejected the 2016 benchmark assessment model and was unable to generate model-based reference points to determine stock status. Without biological reference points, we are no longer able to evaluate stock size relative to the current rebuilding target, and as a result the rebuilding expectations for the stock have significantly changed. Therefore, this stock meets the second criterion of the NS 1 guidelines for not making adequate rebuilding progress. As noted previously in this letter, available data still suggest this stock is in poor condition, and in need of rebuilding measures.

The Council must develop a new rebuilding plan for witch flounder within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). Recognizing that the 2016 benchmark assessment was not able to generate reference points for witch flounder, we recommend that the Council explore developing a rebuilding plan that monitors available data sources as proxies for rebuilding progress. This could include indicators such as: 1) increases in exploitable biomass from surveys using the empirical approach that the peer review panel developed; 2) expansion in size or age structure in fishery-dependent and independent data sources; and 3) tracking and monitoring the progress of year classes over time.

Northern windowpane flounder

We implemented the rebuilding plan for Northern windowpane flounder in 2010, with a target rebuild date of 2017. Although the 2015 assessment indicated that overfishing is no longer occurring, stock biomass was at 34 percent of the biomass target. Catch exceeded the ACL

every fishing year since ACLs were first put in place (2010). To date, the AMs have not fully corrected the operational issues that caused overages and, as a result, may not have addressed the potential biological consequences to the stock. As a result, this stock meets the first criterion of the NS1 guidelines for not making adequate rebuilding progress.

The Council must revise the rebuilding plan for northern windowpane flounder within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). We recently approved measures in Framework 56 that are intended to correct an operational issue that contributed to some of the recent ACL overages. A scallop fishery sub-ACL for this stock will hold the scallop fishery accountable for its catch contribution and provide incentive for this fishery to reduce its bycatch of the stock. Additionally, we anticipate that associated scallop fishery AMs (to be implemented in a future action) will further bolster management efforts to prevent future ACL overages. When revising the rebuilding plan for northern windowpane flounder, we recommend the Council explore additional conservation and management measures, taking Framework 56 into account, that will support stock growth and improve the probability of rebuilding success.

White hake

We implemented the white hake rebuilding plan in 2004, with a target rebuild date of 2014. Stock biomass has steadily increased since we implemented the rebuilding plan, and is now estimated to be at 88 percent of the rebuilding target. Stock projections in the 2015 assessment show that this stock is expected to continue growing, and the stock will rebuild by 2022. Additionally, catch has been below the ACL in all fishing years since we established ACLs for this stock, so we have not needed to implement AMs.

Although the rebuilding plan ended in 2014, because of the positive gains in stock biomass and the expectation that it will continue to rebuild, we determined that white hake is making adequate rebuilding progress. Consistent with the NS 1 guidelines and the Council's ABC Control Rule, the Council should continue to set catch limits to maintain fishing mortality at 75 percent of F at maximum sustainable yield until the stock is rebuilt.

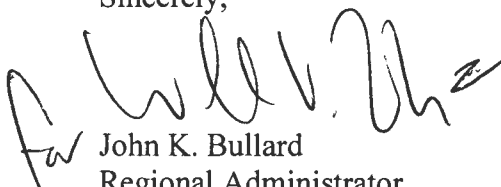
Next steps

The Council has 2 years from the date of this letter to prepare and implement new rebuilding plans for SNE/MA yellowtail flounder due to the revised status determination for this stock. The Council also has two years to prepare and implement new rebuilding plans for ocean pout and witch flounder, and to revise the rebuilding plans for GB winter flounder and northern windowpane flounder. We acknowledge that the Council used the most recent assessment information to set catch limits that prevent overfishing for each of these stocks for the 2017 and 2018 fishing years until new rebuilding plans can be developed. Based on the 2017 groundfish operational assessments, we also expect the Council to revise the current 2018 specifications using the updated information. Beyond setting appropriate catch limits and working to develop or revise rebuilding plans for these stocks, we encourage the Council to continue to make progress on the Groundfish Monitoring Amendment. Improved fishery information can reduce uncertainty that may contribute to the retrospective patterns in the assessments.

We will continue to provide advice and collaborate on the development and implementation of rebuilding programs through our participation on the Groundfish Plan Development Team, the Groundfish Committee, and the Council. We also previously provided advice on developing rebuilding plans in a letter dated April 13, 2012, and have attached that letter for reference to help respond to questions about the timing for, and analysis of, rebuilding measures.

If you have any questions about this guidance, or the development of rebuilding plans for these stocks, please contact Michael Pentony, Assistant Regional Administrator for Fisheries for the Greater Atlantic Regional Fisheries Office, at (978) 281-9283.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Bullard", with a stylized flourish at the end.

John K. Bullard
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service

Cc: Chris Oliver, Assistant Administrator for Fisheries, National Marine Fisheries Service
Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service
Tom Neis, Executive Director, New England Fisheries Management Council
Dr. Jon Hare, Director, Northeast Fisheries Science Center
Alan Risenhoover, Director, Office of Sustainable Fisheries

Attachments

**Summary of changes to stock status based on 2015 Groundfish Operational Assessments
and 2016 Witch Flounder Assessment**

Stock	Previous Assessment		2015/2016 Assessment		Rebuilding Program Start Date	Planned Rebuilding End Date
	Overfishing?	Overfished?	Overfishing?	Overfished?		
GB Cod	Yes	Yes	Yes	Yes	5/1/2004	2026
GOM Cod	Yes	Yes	Yes	Yes	5/1/2004	2024
GB Haddock	No	No	No	No	5/1/2004	Rebuilt
GOM Haddock	No	No	No	No	5/1/2004	Rebuilt
GB Yellowtail Flounder	Unknown	Unknown	Unknown	Unknown	11/22/2006	2032
SNE/MA Yellowtail Flounder	No	No	Yes	Yes	5/1/2004	Rebuilt
CC/GOM Yellowtail Flounder	Yes	Yes	Yes	Yes	5/1/2004	2023
American Plaice	No	No	No	No	5/1/2004	2024
Witch Flounder	Yes	Yes	Unknown	Yes	5/1/2010	2017
GB Winter Flounder	No	No	Yes	Yes	5/1/2010	2017
GOM Winter Flounder	No	Unknown	No	Unknown	N/A	N/A
SNE/MA Winter Flounder	No	Yes	No	Yes	5/1/2004	2023
Acadian Redfish	No	No	No	No	5/1/2004	Rebuilt (2010)
White Hake	No	No	No	No	5/1/2004	2014
Pollock	No	No	No	No	5/1/2010	Rebuilt (2009)
Northern Windowpane Flounder	Yes	Yes	No	Yes	5/1/2010	2017
Southern Windowpane Flounder	No	No	No	No	5/1/2004	Rebuilt (2010)
Ocean Pout	No	Yes	No	Yes	5/1/2004	2014
Atlantic Halibut	No	Yes	No	Yes	5/1/2004	2056
Atlantic Wolffish	No	Yes	No	Yes	5/1/2010	In rebuilding, data poor; end date not defined.



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FEB - 8 2018

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

Dear John:

The Northeast Fisheries Science Center published final results of the stock assessment updates for 19 groundfish stocks in October 2017. Based on the results of these assessments, NOAA's National Marine Fisheries Service updated the stock status for Georges Bank (GB) winter flounder to reflect that the stock is no longer overfished and no longer subject to overfishing. The status of the other stocks remain unchanged (see enclosure). The stock status change for GB winter flounder is positive; however, the improvement in stock status does not change our determination in the attached August 31, 2017, letter that the stock is not making adequate rebuilding progress.

We implemented a rebuilding plan for GB winter flounder in 2010, with a target end date of 2017. The 2017 GB winter flounder assessment estimated that stock biomass increased from 43 percent of its target biomass in the 2015 assessment update to 52 percent of its target biomass. According to the GB winter flounder status determination criteria in the Northeast Multispecies Fishery Management Plan, the stock is considered overfished when biomass is less than 50 percent of the target, and a stock must reach 100 percent of the biomass target for us to declare it rebuilt. Because the stock is at 52 percent of the target biomass, it is no longer considered overfished, but it is not rebuilt and remains in a rebuilding program.

As explained in our August 31 letter from last year, we determined the stock was not making adequate rebuilding progress. The 2015 assessment results significantly changed our understanding of stock status, and the stock was not expected to rebuild by 2017, even in the absence of fishing. This was due to the emergence of a major retrospective pattern that led to previous overestimates of stock biomass, rather than a significant decline in biomass. The results of the 2017 assessment update do not change this determination. Thus, the Council must still revise the rebuilding plan for GB winter flounder by August 31, 2019, consistent with section 304(e)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Consistent with section 304(e)(7) of the MSA, we are evaluating whether adequate rebuilding progress is being made by other stocks currently in a rebuilding plan, based on the results of the 2017 assessment updates. We will notify the Council of our determination as soon as possible, so that the Council can work on revising or developing new rebuilding plans for applicable stocks simultaneously.



If you have any questions about this guidance, or the development of rebuilding plans for GB winter flounder or other stocks in the Northeast Multispecies FMP, please contact Sarah Heil, Groundfish Team Lead at the Greater Atlantic Regional Fisheries Office, at (978) 281-9257.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Pentony", with a large, stylized initial "M" and "P".

 Michael Pentony
Regional Administrator

Cc: Chris Oliver, Assistant Administrator for Fisheries
Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs
Tom Nies, Executive Director, New England Fisheries Management Council
Dr. Jon Hare, Director, Northeast Fisheries Science Center
Alan Risenhoover, Director, Office of Sustainable Fisheries

Enclosures

Summary of changes to stock status based on 2017 Groundfish Operational Assessments

Stock	Previous Assessment		2017 Assessment		Rebuilding Program	
	Overfishing	Overfished	Overfishing	Overfished	Rebuilding Plan Start	Planned Rebuilding Date
GB Cod	Yes	Yes	Yes	Yes	5/1/2004	2026
GOM Cod	Yes	Yes	Yes	Yes	5/1/2004	2024
GB Haddock	No	No	No	No	5/1/2004	Rebuilt
GOM Haddock	No	No	No	No	5/1/2004	Rebuilt
GB Yellowtail Flounder	Unknown	Unknown	Yes	Yes	11/22/2006	2032
SNE/MA Yellowtail Flounder	Yes	Yes	Yes	Yes	5/1/2004	Rebuilt
CC/GOM Yellowtail Flounder	Yes	Yes	Yes	Yes	5/1/2004	2023
American Plaice	No	No	No	No	5/1/2004	2024
Witch Flounder	Unknown	Yes	Unknown	Yes	5/1/2010	2017
GB Winter Flounder ¹	Yes	Yes	No	No	5/1/2010	2017
GOM Winter Flounder	No	Unknown	No	Unknown	N/A	N/A
SNE/MA Winter Flounder	No	Yes	No	Yes	5/1/2004	2023
Acadian Redfish	No	No	No	No	5/1/2004	Rebuilt (2010)
White Hake	No	No	No	No	5/1/2004	2014
Pollock	No	No	No	No	5/1/2010	Rebuilt (2009)
Northern Windowpane Flounder	No	Yes	No	Yes	5/1/2010	2017
Southern Windowpane Flounder	No	No	No	No	5/1/2004	Rebuilt (2010)
Ocean Pout	No	Yes	No	Yes	5/1/2004	2014
Atlantic Wolffish	No	Yes	No	Yes	5/1/2010	In rebuilding, data poor; end date not defined.

¹GB winter flounder is no longer overfished or subject to overfishing.