

## CORRESPONDENCE



January 16, 2026

Submitted to comments@nefmc.org

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Re: Scientific and Statistical Committee reconsideration of White Hake

Dear Dr. O'Keefe and Mr. Salerno,

Conservation Law Foundation (CLF) submits the following comments for SSC consideration during its reconsideration of its white hake ABC recommendations for the next five fishing years (FY 2026-2030). White hake is not currently overfished and overfishing is not occurring. However, the stock is in a 10-year rebuilding plan, declining, not expected to meet its rebuilding target, and predicted to return to overfished status by FY 2026. The current rebuilding plan specifies Frebuild of 70% Fmsy.<sup>1</sup> While there are regulatory actions that could modify the rebuilding plan, the Council neither developed nor completed one and the agency has not declared the stock rebuilt. The SSC should maintain its previous recommendation—70% Fmsy is consistent with the rebuilding plan while also recognizing some practical and socioeconomic realities facing the groundfish fishery.

Founded in 1966, CLF is a non-profit, member-supported organization with offices located in Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and Connecticut. CLF uses the law, economics, science, and policy to design and implement strategies that conserve natural resources, protect public health, and promote thriving, resilient communities in our region. CLF and its members are dedicated to the protection of the marine ecosystem in the Northeast and the coastal communities that rely upon it. CLF has a decades-long history of advocating for conservation and management measures necessary to recover fish populations to healthy sustainable levels.

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<sup>1</sup> *Framework Adjustment 61*, 86 Fed. Reg. 40,353, 40,354 (July 28, 2021).

### *Legal Requirements*

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and NOAA’s National Standards guidelines establish binding requirements for developing and implementing management and rebuilding plans. Among other things, the statute requires that fishery management plans prevent overfishing, rebuild overfished stocks, and protect the long-term health and stability of the fishery.<sup>2</sup> Stocks identified as overfished must have a rebuilding plan prepared that specifies rebuilding within the shortest possible timeframe (taking into account various factors), generally not to exceed ten years.<sup>3</sup> The plan must specify objective, measurable criteria for determining when a fishery is overfished,<sup>4</sup> and the Council must take action to end overfishing immediately upon notification.<sup>5</sup> Notably, the MSA prioritizes conservation of fisheries over short-term economic interests. *Nat. Resources Def. Council v. Nat'l Marine Fisheries Serv.*, 421 F.3d 872, 879 (9th Cir. 2005).

The SSC’s purpose is to provide the Council with information necessary for fishing management decisions. 16 U.S.C. § 1852(g)(1)(A). Framework adjustments, such as FW61 establishing the white hake rebuilding plan, “are intended to respond to new data, to ensure that the fishery achieves optimum yield on an ongoing basis,” and “to achieve FMP objectives.” *Oceana, Inc. V. Evans, et al.*, 384 F. Supp. 2d 203, 255 (D. D.C. 2005) (citing 50 C.F.R. § 48.55).

### *Rebuilding White Hake*

White hake is a chronically overfished stock. The prior rebuilding plan was implemented in Amendment 13 (2004) and failed to rebuild by 2014.<sup>6</sup> Because it appeared the stock was making adequate rebuilding progress in the 2015 assessment, a new plan was not developed but following the 2019 assessment the Council was notified again that the stock was overfished. Overly optimistic stock assessments have plagued the groundfish fishery for decades.

Two years later (2021), NOAA approved Framework Adjustment (FW) 61 establishing another rebuilding plan and setting the rebuilding fishing mortality rate (Frebuild) equal to 70%

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<sup>2</sup> 16 U.S.C. § 1851(a)(1)(A).

<sup>3</sup> *Id.* at § 1854(e)(4).

<sup>4</sup> *Id.* at § 1853(a)(10).

<sup>5</sup> *Id.* at § 1853(e)(3)(A); 50 C.F.R. §600.310(j)(2)(i) (2026).

<sup>6</sup> See January 14, 2026 Memorandum from Groundfish PDT to the SSC:

[https://d23h0vhsm26o6d.cloudfront.net/2\\_260114-GF-PDT-memo-to-SSC-re-white-hake-FY2026-2030-OFLs-and-ABCs.pdf](https://d23h0vhsm26o6d.cloudfront.net/2_260114-GF-PDT-memo-to-SSC-re-white-hake-FY2026-2030-OFLs-and-ABCs.pdf).

Fmsy, using the Council’s ABC control rule. This plan was projected to achieve an 87% probability of rebuilding by 2031.<sup>7</sup> FW 61 stated that “the Frebuild would be in place for the 10 years of the plan, unless the Council was notified by NMFS that white hake is rebuilt, or the rebuilding plan was modified.”<sup>8</sup>

In 2023 the SSC was asked, for the first time, to revisit its white hake ABC advice and consider whether 75%Fmsy could replace the Frebuild of 70% Fmsy. At that time, the stock was at 69% of SSBmsy and generally trending upward, with rebuilding analyses suggesting the stock could still be rebuilt by 2031 under either 70% or 75% Fmsy. The SSC ultimately concluded that increasing the fishing rate to 75% Fmsy for two fishing years, would not increase the likelihood that hake would fail to meet its rebuilding timeline relative to 70% Fmsy, and “would slightly increase the economic and social benefits to the fishery in the short term with a low likelihood of negative consequences in the long term.”<sup>9</sup>

### *Current Reality*

None of those conditions hold true today. The stock biomass is trending downward according to the most recent assessment, and rebuilding analyses suggest it cannot be rebuilt on time even if fishing is set at  $F=0$ . Yet, no new information has been provided to justify deviating from the rebuilding plan and liberalizing catch specifications for another five years. Further, the SSC is now being asked to increase the fishing rate without modifying the plan. If the SSC were to recommend a 75% Fmsy to the Council, it will not be using the best available science and will be providing advice that conflicts with Framework 61.<sup>10</sup>

We are at a critical turning point for white hake, and the latest information suggests the more stringent control rule Option C is warranted. While Option C arguably represents the most accurate application of the ABC control rule for a stock in decline, we recognize it is unlikely the SSC will choose to select this option now.

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<sup>7</sup> 86 Fed. Reg. at 40,354.

<sup>8</sup> NEFMC, *Framework Adjustment 61* (June 14, 2021), at 27, available at: [https://d23h0vhsm26o6d.cloudfront.net/210614\\_Groundfish\\_FW61.pdf](https://d23h0vhsm26o6d.cloudfront.net/210614_Groundfish_FW61.pdf).

<sup>9</sup> NEFMC, *Groundfish Framework 66: Appendix I – SSC Reports* (Dec. 4, 2023),

[https://d23h0vhsm26o6d.cloudfront.net/A1\\_231204\\_Groundfish\\_FW66\\_Appendix\\_I\\_SSC\\_Reports.pdf](https://d23h0vhsm26o6d.cloudfront.net/A1_231204_Groundfish_FW66_Appendix_I_SSC_Reports.pdf).

<sup>10</sup> 16 U.S.C. § 1851(a)(2); 86 Fed. Reg. at 40,353-54 (establishing FW61 as “necessary to achieve the goals and objectives” of the FMP).

*Conclusion*

The Council has offered no legally or scientifically defensible rationale for asking the SSC to increase the fishing rate above the one set in the rebuilding plan for another five years. Five years is an unreasonably long time in the face of considerable uncertainty, and such a time period not only undermines rebuilding efforts<sup>11</sup> but it jeopardizes the long-term health of this fishery. CLF urges the SSC to ask for a plan revision and provide advice based on Option C or alternatively reiterate its prior ABC recommendations for white hake.

Sincerely,

Elizabeth “Libby” Etrie  
Director Ocean Policy  
Conservation Law Foundation

Erica Fuller  
Senior Counsel  
Conservation Law Foundation

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<sup>11</sup> 16 U.S.C. § 600.310(a).



January 16, 2026

Dr. Cate O'Keefe  
Executive Director  
New England Fishery Management Council  
50 Water Street  
Newburyport, MA 01950

Dear Dr. O'Keefe,

The Northeast Seafood Coalition (NSC) is writing to members of the Scientific and Statistical Committee (SSC) to offer our support for white hake ABCs for fishing year 2026-2030 based on 75%F<sub>MSY</sub>.

Rationale:

This approach is consistent with the Council's Plan Development Team (PDT) report dated January 14, 2026 to the SSC. On page 15 (pasted below) of this report the PDT states the biological differences are likely within the error of the assessment yet the positive impacts toward the immediate needs of the fishery are significant. As articulated in the Quota Change Model (QCM) section of the PDT report, the positive economic effects of any additional white hake ABC are likely underestimated because the QCM model cannot account for all of the additional harvests of other stocks that are harvested with white hake. NSC notes this includes other allocated groundfish stocks as well as monkfish.

*"Given the limitations of the assessment's ability to discern biological differences between setting catch advice based on 75%F<sub>MSY</sub> or 70%F<sub>MSY</sub>, the SSC should make its decision based on risk tolerance and the immediate effects on the fishery, rather than predicted biological effects that are likely within the error of the assessment. Justifying the small increase in catch advice provided by 75%F<sub>MSY</sub> requires accepting a slightly higher risk to the stock's likelihood of rebuilding. Given the minimal difference in rebuilding potential, increasing the catch advice effectively concludes that the assessment results are overly pessimistic. However, it is difficult to predict whether future assessments will be more optimistic or pessimistic. Improvements in indices of abundance trends would need to occur to produce more optimistic assessments in the future. In conclusion, a decision to increase the risk of the stock not rebuilding by basing ABCs on 75%F<sub>MSY</sub> instead of 70%F<sub>MSY</sub> (F<sub>Rebuild</sub>) could be made based on the immediate needs of the fishery, but the projected effects on rebuilding are likely within the error of the assessment and therefore are not a reliable measure of biological effects."*

For further information please find the NSC letter to the SSC dated October 16, 2025 attached hereto. This letter offers fishery performance and utilization information that is critical to SSC deliberations.

Sincerely, *Vito Giacalone*

Vito Giacalone, Policy Director, Northeast Seafood Coalition

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October 16, 2025

Dr. Cate O'Keefe  
Executive Director  
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Dear Dr. O'Keefe,

The Northeast Seafood Coalition (NSC) offers the following recommendations to the Scientific and Statistical Committee (SSC) as they discuss OFLs and ABCs for a host of newly assessed groundfish stocks and the Transboundary Management Guidance Committee (TMGC) recommendations for U.S. / Canada transboundary stocks. NSC comments specifically focus on the OFL/ABC recommendation for white hake and TMGC guidance recommendations. NSC also offers some general commentary and concerns in regards to the continued lack of using fishery catch and fishery performance to assist in decision-making.

Recommendation #1:

NSC urges the SSC to reconsider the OFL/ABC being recommended by the Groundfish PDT for white hake. The recommendations set forth do not take into account fishery catch data, which portrays consistency in abundance and high availability to the fishery. Since fishing year 2020, the utilization Sector sub-ACL of white hake has ranged between 89% and 97% (93% average). This utilization is occurring while the number of participating vessels is shrinking. Sector vessels are collectively using approximately 6,000 Days at Sea annually. At the time Sectors began in 2010 the fully active groundfish fleet was 4 times larger and the fleet Days at Sea use was also 4 times greater. While the data is available if someone were to know where to find it, it really should be a standard item in every report to peer reviewers and to the SSC.

Effort is down by as much as 75% yet this fractional fleet is consistently harvesting the 13 year average catch of 1,873 mt. White hake is and has been one of the highest utilized stocks in the groundfish sector program. With effort so low, how can catch continue to be at the historical average if the stock has declined as the assessment and PDT suggest?

High utilization rates drive lease costs upward. Contrary to the Quota Change Model's foundational approach, lease prices are not driven by ex-vessel values at the dock. Instead, they are driven by the relationship between ABC's and true stock size. When an assessment is overly pessimistic and is not ground-truthed with data external to the model (ie fishery dependent indicators) and resulting in multi-year ABC's that are not remotely reflective of the truth, lease prices on quota will skyrocket as fishermen compete to secure sufficient quota to account for incidental catches while targeting other stocks such as monkfish, American plaice, witch flounder and pollock. This has been precisely the case with white hake throughout the period and now steadily since 2020 to today.

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The lease price quite often exceeds the ex-vessel price for white hake. Leased quota is purchased and transferred in “live weight”. White hake are headed and gutted at sea. The landed weight to live weight conversion factor on white hake is approximately 1.33. See page 31 of the PDT report for 2012 to 2024 Sub-ACLs, catches, utilization rates and revenues from white hake. Also, a graph of 2020-2024 lease prices. If the Sub-ACL is reduced as recommended by the PDT the reduced GROSS revenues resulting from lease price and landed to live weight conversion will be near net zero.

The Council’s newly adopted Risk Policy recognizes the need for fishery performance and socio-economic considerations. The Risk Policy also addresses the need for stability in annual catch specifications to avoid abrupt shifts in fisheries management and impacts to communities. Annual catches of White hake in the groundfish sector program have ranged between 1,800 and 2,000 mt.. The ABC of 1,393 mt for 2026 proposed by the Groundfish PDT is a 350 mt reduction from recent catches and 500 mt lower Sub-ACL. Future years having a further reductions in the ABCs. There appears to be noise or other variables contributing to this surprising assessment. As described above, there haven’t been any negative or corroborating signals in the fishery.

Additionally, NSC has grave concerns with setting such a low catch on a highly utilized stock for up to five years to allow for “management flexibility”. In the case of white hake, setting such low limits in an assessment that does not remotely reflect the signals from the fishery would be disastrous for the entire groundfish sector program.

#### Recommendation #2:

NSC supports the TMGC guidance recommendations for Georges Bank cod and Georges Bank haddock. We encourage the SSC to support this recommendation. However, we strongly advise the SSC to request a more thorough investigation into the biomass apportionment methodology. This methodology has been completely disconnected from fishery catch information and has resulted in a far greater loss to the United States fishery than had been adequately presented to the SSC during its July 2024 meeting. (See NSC letter to the TMGC).

#### Additional Comments:

NSC continues to be dismayed over the lack of attention to fishery performance and fishery catch data in the science and management process.

For example, the biomass apportionment for Georges Bank haddock recommended and approved for this current 2025 fishing year resulted in a fishery disaster on Georges bank. It was subsequently learned that the apportionment methodology did not use the full list of survey strata used for the total Georges Bank haddock assessment. In fact, the very strata where most of the US fishery catches of Georges Bank haddock occur were the very strata omitted from the 2025 method used for apportioning the Total Georges Bank haddock biomass. This resulted in a 0% West to 100% East biomass apportionment. Such little quota has remained for the entire United States fishery for this 2025 fishing year. For the first time, since the start of the sector program, there is now a lease price for Georges Bank haddock.

NSC fishing members have been operating under the groundfish sector program since 2010. Sectors have operations plans, weekly reporting, yearly ACE reconciliation with GARFO, annual report and monitoring plan requirements. Sectors have governance structures, Board of Directors, and staff, Sector Managers. Fishermen enrolled under the sector program have been fishing with high levels of monitoring, with up to 100% at sea monitoring (cameras and humans) since 2023.

Catch accounting under the groundfish sector program far exceeds most fisheries in the region and nationally. Yet, the scientific and management process continues to not use fishery dependent information to ground truth assessment model results. We urge the SSC in their decision-making to consider important fishery metrics such as days at sea, numbers of highly active vessels, spatial and temporal catches and their respective relevance toward seeking agreement, or not, with an assessment that indicates a significant change in scale.

Sincerely, *Vito Giacalone*

Vito Giacalone, Policy Director, Northeast Seafood Coalition