

ADDITIONAL CORRESPONDENCE



June 18, 2025

Dr. Cate O'Keefe
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Rick Bellavance
Council Chair
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Amendment 25 disapproval

Dear Dr. O'Keefe and Mr. Bellavance,

Conservation Law Foundation (CLF) submits the following comments to the New England Fishery Management Council (Council) for consideration during its Groundfish Committee discussion scheduled for June 25th. In light of NMFS's disapproval of Amendment 25, as well as subsequent events (including NMFS's failure to publish a proposed rule for Framework 69), it is our view today that the best path forward is for the Council to repackage and resubmit Amendment 25 along with all of the Atlantic cod measures contained in Framework 69. We strongly urge the Council to take this action at its June meeting so that measures are effective at the start of the 2026 Fishing Year.

All four Atlantic cod stocks were identified as overfished in August 2023, with two stocks subject to overfishing, and any further delay in initiating rebuilding plans will only make meeting statutory mandates more difficult. During the Council's development of Amendment 25 and Framework 69, these issues were debated in an open and transparent forum, ensuring that stakeholders had an opportunity to contribute. CLF is deeply concerned that the Council's failure to repackage these measures could lead to a secretarial action that is less transparent and exacerbates the overfishing already occurring, rather than ending the overfishing immediately as required by law. Further, there is no certainty that the Secretary will initiate a secretarial amendment, that the measures will mirror those developed in Amendment 25 and Framework 69, or that such an action will be implemented in a timely fashion.

We recognize that, unfortunately, the disapproval of Amendment 25 will impact the ability of the Council and the Agency to complete previously identified priorities regardless of which entity leads the action. The urgency of the situation, however, requires both the Council and NMFS to make Atlantic cod a top priority. After careful consideration, the Council process, even in a situation where the Amendment 25 and Framework 69 measures are simply repackaged

and resubmitted, offers more transparency and consistency, as well as greater Council control over exactly what measures are developed, than a secretarial amendment in the current political climate. To increase the likelihood that it will be approved, the Council could request enhanced agency consultation in any resubmission.

Alternatively, if the Council chooses to forego repackaging, we urge it to provide NMFS with a request for secretarial action that describes *with specificity* the Atlantic cod measures developed in Amendment 25 and Framework 69. Clear communication of your preferences maximizes the likelihood that such measures are actually finalized and implemented, thereby reducing the risk of overfishing, improving the likelihood that cod stocks will rebuild, and supporting sustainable fisheries management.

We thank the New England Council for the opportunity to provide these comments.

Sincerely,

Elizabeth Etrie
Erica Fuller
Gareth Lawson

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