CORRESPONDENCE

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

January 5, 2023

Tom Nies
Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Tom,

We are writing to inform the Council of an error that we detected in our recent Management Track stock assessment for Atlantic Halibut. The Atlantic Halibut assessment was updated through the Northeast Region Coordinating Council's Management Track Assessment process in 2022. The Management Track assessment received a Level 2 review based on the recommendations of the Assessment Oversight Panel. The assessment was reviewed by the Management Track peer review panel (September 2022), NEFMC Plan Development Team (October-November 2022) and the NEFMC's Scientific and Statistical Committee (October 26-27, 2022). Final action on catch advice was taken at the December 2022 NEFMC meeting.

We recently discovered that the discard mortality estimate was inadvertently applied twice, resulting in an underestimated discard time series and incorrect catch used in the assessment. The 2021 catch used in the assessment (174 mt) was 11 mt (6%) lower than it should have been. Carrying through the correct catch value, the 2022 catch advice would increase by 11 mt from 149 to 160 mt (7% increase).

We initially informed the NEFMC Multispecies Plan Coordinator, Dr. Jamie Cournane, of this error on December 13, 2022 via email and this letter is formal confirmation of this issue. We are committed to working with the Council and GARFO relative to this issue.

Sincerely,

Jon Hare, Ph.D.
Science and Research Director

Cc M. Pentony
P. Christopher
J. Cournane
M. Simpkins
T. Trinko Lake
R. Brown
D. Hennen

From: jackie northeastseafoodcoalition.org <jackie@northeastseafoodcoalition.org>
Sent: Monday, January 9, 2023 5:20 PM
To: Tom Nies <tnies@nefmc.org>; Michael Pentony <michael.pentony@noaa.gov>; Jon Hare <jon.hare@noaa.gov>; Eric Reid <ericreidri@gmail.com>
Cc: vitofish1@gmail.com; Kevin Norton <fvyankeerose@gmail.com>
Subject: Brewing GOM haddock situation

Hi Jon, Mike, Eric and Tom:

In preparation for the upcoming Executive Committee meeting, I wanted to share the photo that Kevin Norton (F/V Miss Emily - Scituate) shared with me today.

Over the past few weeks, GOM haddock have been showing up -becoming increasingly available to the fishery.

Our concerns noted during the December Council meeting are starting to play out sooner than we expected. Unfortunately, this will become an even greater situation over the course of the upcoming year ...

The Council just approved the 2023-2025 OFL / ABC / ACLs for GOM haddock under FW 65, which are based on the terminal year 2021 in the assessment. Unfortunately, the 2023-2025 specs do not adequately factor in the more recent - strong 2020-year class.

Yet - the strong year class is now entering the fishery - the same time as the ABC is slated to be reduced by roughly 80%. The model and assumptions that assume a sharp decline are based on a phasing out of the strong 2013-year class - with recruitment assumptions that are not adequately factoring in this year class. With no schedule for change - a management crisis is brewing - similar to what managers encountered 10 years ago as the 2013-year class was recruited into the fishery.

If there is anything that can be done to closely monitor this year class in real time and respond proactively - we would strongly encourage and support doing so. I know Kevin has been using his EM equipment to track, measure, record what he is witnessing. We need this kind of real time data review - with a timely response through our science / management process.

Thanks in advance for your attention to this brewing issue - and Happy New Year!

Sincerely, Jackie

Jackie Odell
Executive Director
Northeast Seafood Coalition

From: "Terry Alexander" <jlinc1000@aol.com>
To: "jcournane@nefmc.org" <jcournane@nefmc.org>, "rickbellavance@gmail.com" <rickbellavance@gmail.com>
Sent: Wed, Jan 11, 2023 at 4:46 PM

Subject: Observer coverage

Hi Guys,

I would like to draw to the attention of the GF committee and the Council on observer coverage. There are some of the boats getting 100% and some that haven't had an observer this year. That's all well and good for now because there is money to pay for them. But what happens when that money runs out and the crews are looking at the settlement sheet and for a 7 day trip they see a charge of $5500.00 of which half of that comes out of them.

I don't know what the answer is but we should have individual target for the boats. If fleet wide we need 80% like this year each boat should have to have 80% of their trips covered. I said that during our amendment 23 discussions but it didn't get any traction. Maybe now that the plan has been implemented and we see what's happening its time to bring it up again.

Thanks
Terry Alexander

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Eric Reid, Chair | Thomas A. Nies, *Executive Director*

December 13, 2022

Ms. Janet Coit
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Room 14636
Silver Spring, MD 20610

Dear Ms. Coit:

Thank you for providing the opportunity to comment on the National Saltwater Recreational Fishing Policy (Policy). On the whole, we find the 2015 Policy well-written but in need of updates to reflect current conditions. We've seen numerous changes since 2015 that should be addressed in an updated policy. We offer the following comments for your consideration.

The 2015 Policy illustrates clearly how the challenges facing recreational fishermen have changed in only seven years: the word "climate" does not appear at all, nor does any mention offshore wind, aquaculture, or other competing ocean uses. An updated policy needs to explicitly recognize these challenges. We suggest that this be addressed in several ways:

- The revised Policy should acknowledge the management challenges caused by the effects of warming temperatures on the productivity and distribution of stock. As fish move into new areas, there will be a need for adjustments to measures such as bag limits and seasons. In some areas, increased availability may lead to a relaxing of measures, while areas that lose species may need more restrictive regulations. Recreational fishermen often detect these changes as they happen; a mechanism is needed to get these observations into the management system.
- Similarly, more efforts should be made to have recreational fishermen provide useful, valid observations that can be incorporated into stock assessment and management. Whether this takes the form of a citizen's science program or more forma EFPs, the recreational fishery provides a large source potential observation platform to augment other data collection efforts.
- The disparate management applied to fish and some other species has led to areas where there is an imbalance. This is partially attributable to the single-species approach to

management, where interactions among species are not explicitly taken into account. The revised strategy should support the application of ecosystem principles in management.

- The scientific and management challenges caused by the development of offshore wind and aquaculture should be discussed. While in some cases offshore wind may increase opportunities if the structures function as artificial reefs, there may be a loss of fishery-independent data if surveys cannot be conducted or replace. The impacts of structures on currents and sediment distribution may also affect species targeted by recreational fishermen. The potential impacts of offshore wind and aquaculture need to be examined and considered in any offshore development – not just during construction, but during the operational phase as well.

In support of our comments, we attach a redline version of the 2015 Policy which includes text that addresses these issues. Thank you for the opportunity to comment. Please contact me if there are questions.

Sincerely,

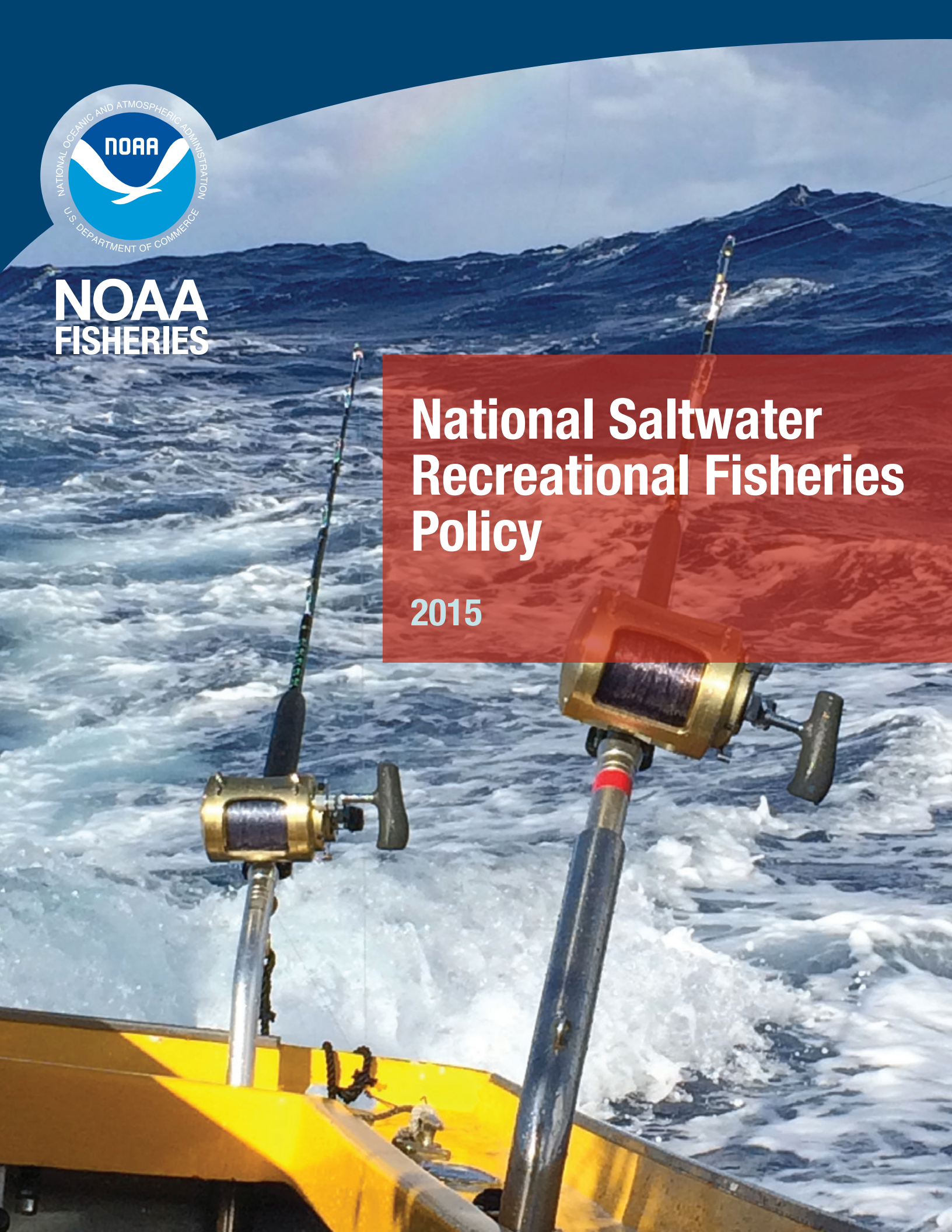
Thomas A. Nies
Executive Director

Enclosure: Draft Redline Saltwater Recreational Fishing Policy

NOAA FISHERIES

National Saltwater Recreational Fisheries Policy

2015



Introduction

Saltwater recreational fishing is a traditional American pastime integral to social, cultural, and economic life in coastal communities across the nation. This time-honored activity allows millions access to America's great outdoors each year, while generating billions of dollars in economic activity.

Traditionally shaped by commercial forces, demographic, market, and ecological shifts are changing the nature of U.S. fisheries. Our nation's expansive coastal and ocean resources face increasing pressure as coastal populations grow, and more people pursue recreational opportunities in ecologically important marine and estuarine areas.

Beginning with its roots as the Commission of Fish and Fisheries in 1871, NOAA's National Marine Fisheries Service (NMFS) has played a continuous leadership role in science-based stewardship of our nation's living marine resources. NMFS is responsible for maintaining healthy marine and coastal ecosystems capable of supporting sustainable and productive fishery resources for the long-term use and benefit of the nation.

In so doing, NMFS recognizes the substantial benefits to the nation associated with saltwater recreational fishing and is committed to pursuing a collaborative stewardship approach promoting safe public access to fishery resources, fishery sustainability, and regulatory accountability suited to the unique nature of recreational fisheries. To this point, NMFS recognizes the inherent differences between recreational and commercial fisheries and the need for stewardship approaches able to best accommodate each while achieving fishery conservation and management goals.

In February 2014, the non-governmental Morris-Deal Commission published a report highlighting a series of concepts to improve stewardship of saltwater recreational fisheries, including formulation of a national policy. In April 2014, NMFS and the Atlantic States Marine Fisheries Commission conducted the second National Saltwater Recreational Fisheries Summit with constituents from across the nation. NMFS announced its intent to transparently develop a recreational fisheries policy statement for release early in 2015 at the conclusion of the summit.

Policy Purpose, Goals, and Scope

The purpose of this policy is to provide guidance for Agency consideration in its deliberations pertaining to development and maintenance of enduring and sustainable high quality saltwater recreational fisheries. This policy identifies goals and guiding principles to be integrated into NMFS' planning, budgeting, decision-making, and activities, and includes examples of implementation concepts and strategies supported by NMFS.

Consistent with, and in furtherance of, the purposes of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other applicable federal statutes, the goals of this policy are to: 1) support and maintain sustainable saltwater recreational fisheries resources, including healthy marine and estuarine habitats that considers that climatic shift of our stocks with the recreational community being provided a mechanism to provide scientifically valid data to assess catch to manage our stocks as well as to assess baseline and ongoing impacts associated with Wind Turbines and aquaculture operations.; 2) promote saltwater recreational fishing for the social, cultural, and economic benefit of the nation; and, 3) enable enduring participation in, and enjoyment of, saltwater recreational fisheries through science-based conservation and management.

This policy pertains to non-commercial activities of fishermen who fish for sport or pleasure, as set out in the MSA definition of recreational fishing, whether retaining (e.g., consuming, sharing) or releasing their catches, as well as the businesses and industries (e.g., the for-hire fleets, bait and tackle businesses, tournaments) which support them.

This policy recognizes the authorities and responsibilities of other federal natural resource management agencies, regional fishery management councils, interstate marine fisheries commissions, states, tribes, and advisory bodies.

Policy Statement and Guiding Principles

It is the policy of NMFS to foster, support, and enhance a broadly accessible and diverse array of sustainable saltwater recreational fisheries for the benefit and enjoyment of the nation. The following six principles will guide NMFS decision-making and activities in the execution of its stewardship responsibilities.

1. Support ecosystem conservation and enhancement.

NMFS recognizes a wide range of approaches to restore, maintain, and build diverse healthy marine ecosystems that are foundational to high quality recreational fisheries. Examples of strate-gies that NMFS supports include:

- Restoration and conservation of habitats that benefit recreational and other fish stocks
- Development and application of best practices to support anglers as stewards of a sustainable environment
- Science-based habitat enhancement activities, including artificial reefs and natural habitats in accordance with Agency policy, which contribute to the conservation and management of recreational fisheries
- Conservation of abundant and resilient forage fish stocks integral to healthy ecosystems and recreational fisheries
- Development and application of aquaculture tools and technologies that support recreational fisheries consistent with existing agency policy (e.g., stock restoration, production of baitfish, shellfish seed for habitat restoration)

2. Promote public access to quality recreational fishing opportunities.

NMFS recognizes the fundamental importance of broad public access to healthy and sustainable fisheries resources to recreational fishing. Examples of strategies that NMFS supports include:

- Decision-making that fully considers climatic shift of our stocks and subsequent impact to seasons and bag limits as well as social, cultural, economic, and ecological factors
- Continued evaluation and assessment of the impact to the recreational fishery resulting from the construction and ongoing operation of wind turbines and aquaculture operations.
- Recurring evaluation of fishery allocations to facilitate equitable distribution of fishing opportunities as fisheries develop and evolve
- Expanding fishing opportunities (e.g., longer-fishing seasons, increased allowable catch levels), when appropriate, based on demonstrated conservation gains
- Understanding and addressing factors affecting angler participation and satisfaction

3. Coordinate with state and federal management entities.

NMFS recognizes that improving fisheries science and management is best achieved through collaboration and partnership with state and federal management entities. Examples of strategies that NMFS supports include:

- Aligning program goals and implementation strategies in support of sustainable recreational fisheries considering the climatic shift of our stocks and impact to seasons and bag limits
- Enhancing regulatory compliance by improving public awareness and understanding of recreational regulations and through effective enforcement
- Reducing redundancy, leveraging resources, and exploring opportunities for co-management of recreational stocks
- Supporting equitable representation of recreational fisheries interests in decision-making forums

4. Advance innovative solutions to evolving science, management, and environmental challenges.

NMFS recognizes its responsibility to lead and facilitate development of innovative approaches and solutions to evolving stewardship challenges in rapidly changing fisheries environments. Examples of strategies that NMFS supports include:

- Promote and support scientifically based research by the recreational community to assess catch in order to rely on such data for use in stock assessments, population dynamics and climatic shift of our stocks.
- Developing and supporting cutting-edge scientific tools and approaches to increase knowledge of recreational fisheries and the marine ecosystems (e.g., acoustic and hi-resolution video surveys, next generation stock assessments)
- Exploring management approaches that have the potential to better accommodate the unique nature of recreational fisheries while achieving conservation mandates
- Encouraging and incentivizing development and use of new gear technology that provides conservation gains (e.g., improves release survival)
- Applying creative approaches to problem solving and embracing expertise outside of the Agency (e.g., crowdsourcing, on-the-water experience, external partnerships)

5. Provide scientifically sound and trusted social, cultural, economic, and ecological information.

NMFS recognizes its pivotal role in providing world class science to facilitate informed decision-making and effective stewardship. Examples of strategies that NMFS supports include:

- Partnering with the fishing, academic, non-governmental, and management communities to develop and implement cooperative research activities on recreational fisheries and integrating defensible results into management
- Collecting recreational catch and effort, social, and economic data that support transparent and participatory management and conservation of saltwater recreational fisheries
- Considering recreational fisheries needs in the prioritization of Agency science activities

6. Communicate and engage with the recreational fishing public.

NMFS recognizes the need to build public confidence and expand understanding of science and management processes. Examples of strategies that NMFS supports include:

- Communicating, in plain language, the basis for and implications of regulatory actions, and the details and results of relevant scientific programs and research
- Listening, understanding, and responding to recreational angler issues and perspectives
- Empowering recreational anglers with information to become resource stewards and effectively engage in the fishery management process

Implementation

The NMFS National Policy for Saltwater Recreational Fisheries is effective upon release and supersedes previous agency policy guidance for saltwater recreational fisheries. This policy will, henceforth, guide NMFS' approach to saltwater recreational fisheries until such time as it is amended or rescinded by the NOAA Assistant Administrator for Fisheries.

The policy will be implemented through consideration and integration of policy goals and supporting principles at all levels within the Agency including office and program level planning, budgeting, and decision-making. NMFS Regional Administrators, Center Directors, and headquarters Office Directors will play a critical role in successful policy implementation, as Agency representatives to the regional fishery management councils and interstate marine fisheries commissions, principal liaisons to state and other federal agencies, and managers of personnel who interact with the public on a daily basis. In addition, the Agency will develop and update national and regional saltwater recreational fisheries implementation plans.

In implementing this policy, it is incumbent upon NMFS to execute its stewardship responsibilities in a manner that minimizes disruptions to, and burdens on, the regulated community while improving public understanding of, and participation in, the regulatory process.

Authorities and Responsibilities

NMFS' headquarters directorate and office directors, regional leadership (Regional Administrators and Science Directors), and the National Policy Advisor for Recreational Fisheries are responsible for Agency-wide implementation of this policy.

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees or agents or any other person.

U.S. Secretary of Commerce
Penny Pritzker

Under Secretary of Commerce for Oceans and Atmosphere
NOAA Administrator
Kathryn Sullivan, Ph.D.

Assistant Administrator for NOAA Fisheries
Eileen Sobeck

February 2015

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: January 13, 2023

TO: Scientific and Statistical Committee

CC: Groundfish Committee

FROM: Groundfish Plan Development Team

SUBJECT: **OFLs/ABCs for Atlantic halibut based on corrected stock assessment**

The Groundfish Plan Development Team (PDT) met December 15, 2022 and January 11, 2023, by webinar and discussed the corrected fall 2022 stock for Atlantic halibut. The discussion at the December meeting was brief. The lead assessment biologist for Atlantic halibut attended the January meeting and answered the PDT's questions.

The Center informed the Council of an error in the 2022 management track stock assessment for Atlantic halibut[1]. Correcting the error results in a possible acceptable biological catch (ABC) of 160 mt (rather than 149 mt). **The PDT supports using the corrected Atlantic halibut assessment to determine ABCs for fishing year 2023 through 2025.**

OFLs/ABCs:
Table 1 provides possible overfishing limits (OFLs) and ABCs for FY2023- FY2025 for Atlantic halibut based on the corrected stock assessment.

ABC = 2021 catch (185 mt) X 0.87 multiplier = 160 mt.

Table 1. Possible OFLs and ABCs (mt) for FY2023- FY2025 for Atlantic halibut, under a constant approach, using the corrected stock assessment.

Fishing Year	Possible OFL (mt)	Possible ABC (mt)
2023	Unknown	160
2024	Unknown	160
2025	Unknown	160

See the PDT's memo to the SSC in 2022[2] for additional information.

[1] See Document #2 under Groundfish available at: https://www.nefmc.org/calendar/jan-20-2023-ssc-meeting
[2] See Document #8 available at: https://www.nefmc.org/calendar/nov-9-2022-ssc-webinar

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January 13, 2023

Mr. Michael Pentony
Regional Administrator
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Mr. Robert Beal
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Dr. Jonathan Hare
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166 Water Street
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Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
Suite 201, 800 N. State Street
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Dear Mike, Jon, Bob and Chris:

The Council requests that a management track assessment for white hake be conducted in the fall of 2023. We believe a Level III assessment is warranted, but recognize the ultimate decision will be made by the Assessment Oversight Panel.

At its December 2022 meeting, the Council passed the following motion:

> *That the Council supports a modification in the stock assessment schedule to accommodate a white hake management track update in 2023. The white hake update should follow a Level 3 Enhanced Review to accommodate the recommendations under the 2022 Management Track Peer Review Panel Report and the Scientific and Statistical Committee report dated November 23, 2022.*

White Hake was assessed in the fall of 2022. While the assessment concluded the stock was not subject to overfishing and was not overfished, the Peer Review Panel and subsequent Scientific and Statistical Committee reports for white hake indicate a number of important uncertainties in the stock assessment. In particular the SSC wrote of white hake[1]:

> *The SSC noted several uncertainties including poor characterization of catch and numbers-at-age, low sampling levels, missing 2020 surveys, and a major retrospective pattern. The retrospective error was reduced in the 2022 Management Track assessment compared to the previous 2019 assessment, partially due to the addition of the shrimp survey index.*

[1] SSC Report available at: https://www.nefmc.org/library/nov-9-2022-ssc-report-re-groundfish

The SSC noted that the SSB_{MSY} reference point is based on a cumulative distribution function (CDF) of recruitment estimates from 1963-2019, whereas the projections are based on a CDF of recruitment estimates from 1995-2019. The SSC highlighted that the use of different recruitment time stanzas may not be appropriate for the stock and leads to uncertainty about the outcomes of catch advice.

The SSC highlighted the high utilization rate of white hake and the potential for the stock to become a choke species for the groundfish fishery. The SSC commented that the mixed signals for white hake presented challenges to set catch advice within the constraints of the current ABC control rule. The SSC recommended exploration of internal consistency between biological reference points and projections and consideration of change point analysis or recruit-per-spawner analysis to inform recruitment time stanzas. The SSC recommended exploration of the conflicting trends in biomass and recruitment and potential sources of uncertainty. The SSC reiterated recommendations from the 2022 Management Track Peer Review Panel to explore splitting the survey time series between the Albatross and Bigelow and continue explorations of the utility of the Bottom Longline Survey. The SSC commented that the importance of this stock and the uncertainty in the assessment may warrant an earlier than scheduled assessment update.

Furthermore, representatives from the commercial fishery indicate encountering a consistent level of availability and abundance of white hake while targeting other stocks. The catch of white hake is critical to the catch of other target stocks (e.g., pollock, redfish, monkfish).

Thank you for considering the Council's request. Please contact me if you have questions.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director