



New England Fishery Management Council

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

MEMORANDUM

DATE: January 8, 2020
TO: Scientific and Statistical Committee
FROM: John F. Quinn, J.D., Ph.D.
SUBJECT: **Council Remand of Recommended Groundfish Acceptable Biological Catches (ABCs)**

I thought it would be helpful if I elaborated on the reasons that the Council is remanding your recommendations for four ABCs.

After receiving the report from the SSC's October 2019 meeting on groundfish stocks, the Council accepted most of the ABC recommendations without further discussion. Council members did express concern about the recommendations for five stocks: GOM Cod, GOM haddock, GB haddock, American Plaice, and Pollock. Ultimately, the Council voted to remand the ABC recommendation of four of those stocks back to the SSC – we did not remand the GOM cod ABC. All four stocks are rebuilt; none is subject to overfishing; yet for all four stocks the SSC recommended a constant ABC based on the lowest ABC in a three-year projection.

As noted in the background for this meeting, the Council's remand is based on the SSC not complying with its terms of reference. The Council believes the SSC did not correctly apply the ABC Control Rule and the Council's Risk Policy. I would like to briefly explain the Council's concerns. But first, I think it important to make clear that the Council recognizes that the SSC can deviate from the ABC control rules established by the Council. Indeed, the SSC has done so numerous times for groundfish stocks over the last nine years, and this has not led to Council remands. Our concern is that for these four stocks the SSC did not take into account the specific circumstances.

The Council's Risk Policy states to "... take account of both the probability of an undesirable outcome and the negative impact of the outcome. The probability of outcomes that have a long-term negative impact on ecosystem function should be low." In the case of these stocks – that are not overfished and that have low fishing mortalities – it would seem that, even if the ABCs are not held constant for two years, the likelihood of negative impacts is low, and the probability of a long-term negative impact on ecosystem function is minimal. It is not clear that factored into the SSC's deliberations.

It is difficult for the Council to understand why the SSC believes the ABC for a rebuilt stock like GOM haddock (several times larger than its target biomass) should be established the same way

as the ABC for a stock like white hake that is overfished. While it is certainly true that generally groundfish assessments have not performed well, in the case of the four remanded stocks the performance of recent projections does not indicate a bias and the realized fishing mortality has been generally consistent with what would be expected for the realized catch.

In the past, the SSC's advice carefully considered specific factors for each stock when setting ABCs. For example, even though the plaice assessment has always had a retrospective pattern, the SSC never used a constant ABC approach because the stock was in good condition. By way of contrast, in previous years GB haddock did not have a retro pattern yet a constant ABC was used on several occasions because of uncertainty of unusual recruitment estimates and the resulting growth.

With this set of ABCs, the Council is concerned the SSC may have spent less time on stock specific circumstances in the interests of adopting a consistent application of the control rule. While the consistent application of a constant ABC approach may be attractive, we should not forget that this ad hoc approach was primarily adopted to address problems with ending overfishing and rebuilding specific overfished stocks. It is important to the management system that we recognize when stocks are in good condition and provide the industry opportunities to access them.

I urge you to carefully address the Council's concerns. I am sure members of the industry who are present will comment on the economic benefits that increases in the ABCs may provide.

One last comment. For some time the SSC has urged the Council to consider changes to the groundfish ABC control rules. We finally listened. At the end of the meeting the Executive Director will brief you on a process to do that. We look forward to your input.