



New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

March 24, 2015

Mr. John Bullard
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

RE: Framework Adjustment 53 Proposed Rule (80 Federal Register 12394)

Dear John:

On March 9, 2015, a Proposed Rule was published that requests comments on Framework Adjustment 53 (FW 53) to the Northeast Multispecies (Groundfish) Fishery Management Plan (80 Federal Register 12394). In general, the Proposed Rule matches the Council's intent.

The Federal Register notice seeks comments on several provisions that were included in Framework 53. This letter will provide comments on three of these provisions: the SSC's determination of the Gulf of Maine (GOM) cod catch limit, the monitoring provisions for the GOM cod annual catch limit (ACL), and the removal of April rolling closures through the proposed GOM cod protection measures.

GOM Cod Catch Limit

The proposed rule raises concerns about the SSC's and Council's recommendation for the GOM cod catch limit. The agency seeks comment on whether the ABC recommendation adequately addressed the potential for the stock to rebuild and the use of the best available scientific information and the scientific uncertainty associated with the assessment and catch projections. The notice provides a summary of the SSC discussion on this ABC. This was a thorough, detailed discussion by a diverse group of expert scientists from government, academic, and environmental organizations and from multiple disciplines. They deliberated these specific issues with the recent NEFSC stock assessments of GOM cod including the peer review reports, in hand, along with information provided by the Council's Groundfish Plan Development Team (PDT) and the fishing industry. Opportunities to examine these issues in full occurred at the peer review of the stock assessment, several Groundfish PDT meetings, two SSC meetings, two Groundfish Committee meetings, and two Council meetings, all of which were public meetings. From the standpoint of process, it is not clear to the Council how individual public comments on the ABC received during the comment period will be weighed against this comprehensive, transparent public process established by the Council and its partners on the Northeast Regional Coordinating Council. National Standard 2 guidelines require that the scientific information used for management should be developed in a manner that is transparent and open, and that allows for an inclusive, objective discussion of the issues. It is not clear how those standards will be met. I urge you to give great weight to the SSC's recommendations.

The SSC's recommendation of 386 mt for the GOM cod ABC for FY 2015- FY 2017 is supported by the information the SSC examined, including the stock assessment and PDT analyses of F_{rebuild} . As was thoroughly debated by the SSC using a range of possible ABCs to consider, two scenarios project that GOM cod would rebuild by 2024, while one scenario projects rebuilding would not be possible with no fishing at all. In addition, the SSC concluded that it would revisit the FY 2016 ABC for GOM cod following the 2015 groundfish updates. The Agency expressed concern that the proposed ABC may adversely affect rebuilding of this stock. For informational purposes, I provide the rebuilding catch and associated fishing mortality assuming a 2015 ABC of either 200 mt or 386 mt (see Table 1 and Table 2). Tables 1 and 2 illustrate that – subject to all of the uncertainties that have been noted with projections – there is very little difference between the scenarios in either future catches or future biomass.

Monitoring Provisions for the GOM Cod ACL

In light of concerns raised by the Agency regarding the apportionment of cod catch to the correct stock area, the proposed rule notes that you intend to further consult with the Council to explore additional reporting requirements, such as daily VMS catch reports for commercial groundfish vessels. While further discussions are welcome, the Council required daily VMS catch reporting through area-specific reporting requirements adopted in its October 16, 2009 final submission of Amendment 16 (see Section 4.2.4.1, p. 121). In the Amendment 16 proposed rule, the Agency acknowledged this proposal but proposed requiring trip-level VMS catch reports instead of daily VMS catch reports.

GOM Cod Protection Measures

The proposed rule suggests that supporting analysis was not available when the Council adopted the GOM cod protection measures. To clarify, in advance of the final Council meeting, the Groundfish PDT analyzed the impacts of several spawning closure configurations and zero possession of GOM cod for both the commercial and recreational fleets. The Council used this information to weigh the tradeoffs of implementing different management measures for each fleet. The proposed GOM cod protection measures include modifications to rolling closures for the commercial fleet and no possession of GOM cod by the recreational fleet in order to protect cod from mortality in certain times and areas, allow for protection of spawning cod particularly in the winter and spring, and allow the fleets to access healthy stocks. There was extensive information provided to the Council which characterized the likely impacts of the proposal.

In addition, the notice speculates on specific future Council actions after the 2015 assessment updates if the GOM cod does not improve. While the Council has a long record of taking action to rebuild GOM cod, it is premature to speculate on the specific measures that will be adopted. As is the purview of the Council, it may or may not consider modified closures to address any additional concerns raised about the GOM cod stock.

Thank you for considering these comments. Please feel free to call me with any concerns.

Sincerely,



Thomas A. Nies
Executive Director

cc: Allison Murphy, GARFO

Table 1- Rebuilding trajectory using 386 mt catch for FY2015. From the 2014 update stock assessment of GOM cod, SSBMSY for the M=0.2 model is 47,184 mt (32,903 - 67,045) and for the M-ramp model is 69,621 me (53,349 - 89,302).

Fmsy (F40%=Fmsy=0.18-->75%=0.14), recruitment modelled from CDF of 1982-2011 (model 21: hinge SSBused SARC55 hinge values, M=0.2: 6.3 kmt, M-ramp: 7.9 kmt); MCMC used geomean of 2009-2013 for t+1 recruitment
 2024 = rebuilding horizon, Frebuild based on 50% probability

Harvest strategy	Year	Input	M=0.2 model			M-ramp model					
			No retro adjustment			M=0.2			M=0.4		
			Catch (mt)	Spawning stock biomass (mt)	F _{full}	Catch (mt)	Spawning stock biomass (mt)	F _{full}	Catch (mt)	Spawning stock biomass (mt)	F _{full}
2015 catch 386	2013	Model result	1,715	2,063	1.33	1,715	2,432	1.24	1,715	2,432	1.24
	2014	Assumed catch	1,470	2,690	0.80	1,470	3,009	0.76	1,470	2,832	0.85
	2015	catch	386	3,388	0.13	386	4,079	0.11	386	3,073	0.16
	2016	Frebuild	259	4,856	0.06	319	6,315	0.06	0	3,944	0.00
	2017	Frebuild	367	6,966	0.06	480	9,492	0.06	0	5,194	0.00
	2018	Frebuild	532	10,135	0.06	724	14,160	0.06	0	6,712	0.00
	2019	Frebuild	768	14,669	0.06	1,063	20,891	0.06	0	8,602	0.00
	2020	Frebuild	1,123	21,073	0.06	1,589	30,386	0.06	0	11,240	0.00
	2021	Frebuild	1,481	27,029	0.06	2,137	39,510	0.06	0	13,869	0.00
	2022	Frebuild	1,879	33,629	0.06	2,768	49,957	0.06	0	17,114	0.00
	2023	Frebuild	2,296	40,755	0.06	3,373	59,887	0.06	0	20,418	0.00
2024	Frebuild	2,694	47,511	0.06	3,953	69,883	0.06	0	23,431	0.00	

Table 2- Rebuilding trajectory using 200 mt catch for FY2015. From the 2014 update stock assessment of GOM cod, SSBMSY for the M=0.2 model is 47,184 mt (32,903 - 67,045) and for the M-ramp model is 69,621 me (53,349 - 89,302).

Fmsy (F40%=Fmsy=0.18-->75%=0.14), recruitment modelled from CDF of 1982-2011 (model 21: hinge SSBused SARC55 hinge values, M=0.2: 6.3 kmt, M-ramp: 7.9 kmt); MCMC used geomean of 2009-2013 for t+1 recruitment
 2024 = rebuilding horizon, Frebuild based on 50% probability

Harvest strategy	Year	Input	M=0.2 model			M-ramp model					
			No retro adjustment			M=0.2			M=0.4		
			Catch (mt)	Spawning stock biomass (mt)	F _{full}	Catch (mt)	Spawning stock biomass (mt)	F _{full}	Catch (mt)	Spawning stock biomass (mt)	F _{full}
2015 catch 200	2013	Model result	1,715	2,063	1.33	1,715	2,432	1.24	1,715	2,432	1.24
	2014	Assumed catch	1,470	2,690	0.80	1,470	3,009	0.76	1,470	2,832	0.85
	2015	catch	200	3,425	0.07	200	4,115	0.06	200	3,111	0.08
	2016	Frebuild	269	5,025	0.06	329	6,484	0.06	0	4,090	0.00
	2017	Frebuild	378	7,147	0.06	491	9,672	0.06	0	5,330	0.00
	2018	Frebuild	544	10,347	0.06	736	14,380	0.06	0	6,859	0.00
	2019	Frebuild	784	14,965	0.06	1,079	21,213	0.06	0	8,798	0.00
	2020	Frebuild	1,146	21,486	0.06	1,614	30,820	0.06	0	11,526	0.00
	2021	Frebuild	1,506	27,481	0.06	2,164	39,970	0.06	0	14,182	0.00
	2022	Frebuild	1,904	34,059	0.06	2,795	50,404	0.06	0	17,433	0.00
	2023	Frebuild	2,322	41,142	0.06	3,396	60,266	0.06	0	20,728	0.00
2024	Frebuild	2,719	47,876	0.06	3,974	70,220	0.06	0	23,690	0.00	