



December 13, 2014

John K. Bullard, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: Comments on the GOM cod Interim Action

Dear John,

The Northeast Seafood Coalition (NSC) submits the following comments for the Interim Measures for Gulf of Maine cod. Thank you for your serious consideration.

General Comments:

NSC remains quite dissatisfied with the lack of process and transparency surrounding the recent assessment for GOM cod. Please refer to the NSC and GFCPF letter dated October 17, 2014 (attached) to you and Dr. Karp where we express our concerns and note that such "trial" assessments should not occur again without a well-established and vetted process. We highlight in the letter that there is a substantial difference between a transparent process of presenting and informing managers and the affected industry with updated data, and a completely non-transparent process wherein the Agency unilaterally initiated and completed a stock assessment and then secured an adhoc peer review, all of which led to the statutory triggering of devastating management responses.

During the New England Fishery Management Council meeting where an Emergency Action for Gulf of Maine cod was debated extensively and eventually recommended by the Council, NSC and other members of the Council questioned whether the Agency had indicated the level of mortality reduction that was required under the law or the conservation benefits that would be achieved, to warrant in season management measures for Gulf of Maine cod. At the time of the Council deliberation, no figures were presented or offered by the Council's technical teams or the Agency.

Furthermore, it is our understanding that no statutory requirement exists that would mandate this Interim Action. Instead this action is based on the Secretary's discretionary authority to respond to the Council's non-unanimous vote to request an emergency action with measures to reduce overfishing pursuant to MSA section 305(c)(2)(B). The only non-discretionary statutory mandate is to end overfishing under a specified timeframe which was done separately by the Council under Framework 53. Additionally, this latest action approved by the Council assumed a catch of 1,440 mt for this fishing year when setting the revised ABC and ACLs under Framework 53. It also is critical to note that any conservation benefits achieved under this Interim Rule fall completely upon the commercial sector because the Agency recently reported that the recreational Sub-ACL for this fishing year has already been exceeded.

The Environmental Assessment (EA) now accompanying the Interim Action shows that the conservation gain achieved by the measures implemented by the Agency is approximately 200 mt. This conservation gain seems insignificant when compared to the economic losses which largely include the loss of optimum yield on all other groundfish stocks in the Gulf of Maine that will occur from these measures proposed for GOM cod. Furthermore, NSC is baffled by the Agency's return to and embrace of management tools that it previously claimed did not rebuild GOM cod. The fishery has transitioned to an

output based management system that the Agency promoted, endorsed and now appears to be abandoning. The Agency thus far has failed to seek alternative approaches to securing a change in the output control for GOM cod without causing massive disruption that would have come from a universal in-season ACL reduction.

At the conclusion of these comments you'll find NSC's support for a sector-based solution developed in response to industry comment and a motion passed by the Council to request "GARFO analyze the possibility of taking away some unused ACE rather than have the 200 lb. trip limit." Prior to describing our support for that sector-based solution, NSC offers the following in response to the measures presently implemented by the Agency.

Specific Comments on Emergency Actions:

1. Time and area closures applicable to federally permitted vessels using commercial and recreational fishing gear capable of catching GOM cod.

- **Safety Issues:**

The Interim Measures implemented by the Agency coupled with the existing WGOM closed area raise safety concerns for both small and large vessels. Small vessels are now forced to fish around or beyond the extensive interim and existing closures during the winter months with few options within 50 miles of port after January 1st. The vast majority of the entire day boat fleet in New Hampshire and Massachusetts are our NSC members. Portsmouth, Rye, Seabrook NH, vessels berthed within the Merrimack River, Rockport, Gloucester, Boston, Scituate, Green Harbor and Plymouth MA day boat fleets are all trapped by this suite of closures with no safe place to make a living. NSC strongly urges the agency to place this safety and economic reality at the forefront when considering modifications requested here and in other comments.

The safety concern is not limited to small vessels in the winter months. Larger vessels which often take shelter in near shore waters during severe winter weather are now forced to ride out heavy sea conditions or continue to fish at least 50 miles from the closest port in order to complete a trip. For Portland, Gloucester and Boston vessels the areas closed by this action removes an important historical safe haven.

National standard 10 requires, to the extent practicable, any management measure developed and implemented by the Agency (and the Councils) to promote the safety of life at sea.

The National Standard 10 Guidelines at 50 CFR 600.355 are very instructive as to how this Standard should be applied to the current action. We have found this action to be profoundly inconsistent with these Guidelines.

In these guidelines the Agency has clearly recognized that fishing is inherently a dangerous occupation, but at the same time it has clearly committed itself (and the Councils) to taking actions that reduce, not increase safety risks in achieving conservation objectives.

As with all National Standards and conservations measures in the Act, the intent of Congress is for the Agency to strike an appropriate balance between competing or inconsistent

objectives. In this case, the mandate is to achieve an appropriate balance between achieving conservation objectives for GOM cod, and preventing any new safety risks to fishermen.

“(b)(1) The standard directs Councils to reduce that risk in crafting their management measures, so long as they can meet the other national standards and the legal and practical requirements of conservation and management.”

As stated above in this comment, the Agency’s action substantially increases safety risks for both small and large vessel groundfish operations in the Gulf of Maine. This reality cannot be overstated. As these comments also expose, the net conservation benefit of this action is only 200mt of GOM cod. This reality does not even approach achieving an appropriate balance between conservation and safety objectives of the Act.

The Guidelines further state:

“(b)(2) The qualifying phrase “to the extent practicable” recognizes that regulation necessarily puts constraints on fishing that would not otherwise exist. These constraints may create pressures on fishermen to fish under conditions that they would otherwise avoid. This standard instructs the Councils to identify and avoid those situations, if they can do so consistent with the legal and practical requirements of conservation and management of the resource.” (emphasis added)

The Agency has not avoided creating a new safety risk and clearly, that risk is not justified by the minimal conservation benefit of a 200mt savings. Still, the Agency is required to consider what the legal and practical requirements are for achieving its GOM cod conservation objectives. In this case we strongly recommend that the Agency can meet those legal and practical requirements for conserving GOM cod by providing legitimate opportunity for small vessels to fish after January 1st and before May 1st 2015.

“(c) Safety considerations. The following is a non-inclusive list of safety considerations that should be considered in evaluating management measures under national standard 10.

(1) Operating environment. Where and when a fishing vessel operates is partly a function of the general climate and weather patterns of an area. Typically, larger vessels can fish farther offshore and in more adverse weather conditions than smaller vessels. An FMP should try to avoid creating situations that result in vessels going out farther, fishing longer, or fishing in weather worse than they generally would have in the absence of management measures. Where these conditions are unavoidable, management measures should mitigate these effects, consistent with the overall management goals of the fishery.” (emphasis added)

The Agency’s action creates the very situation the Agency is directed to avoid with respect to the small vessel - inshore fleet. Further, the Agency has not included any management measures that mitigate these effects whatsoever.

In fact, the Guidelines provide specific recommendations for how the Agency can mitigate safety risks of management actions. Ironically, this includes the following:

“(e) Mitigation measures. There are many ways in which an FMP may avoid or provide alternative measures to reduce potential impacts on safety of human life at sea. The following is a list of some factors that could be considered when management measures are developed:

(8) Implementing management measures that reduce the race for fish and the resulting incentives for fishermen to take additional risks with respect to vessel safety.”

The Agency’s action has perversely reversed the very safety mitigation benefits achieved by the sector management system which ended the race for fish.

- **Optimum Yield (OY) Issues:**

NSC acknowledges the difficulty of estimating economic impacts when such a profound digression to input controls is contemplated. In totality, the combination of closures, the BSA restriction and the trip limits is causing now and will ultimately result in far greater losses of yields than is estimated. Although the EA does project severe losses to inshore vessels, it concludes that overall revenues for the fleet will be relatively small. NSC contends that this will not be the case. The near total loss of the redfish fishery and constraints on the pollock fishery alone have likely exceeded the estimated 1.1 million change in revenues and the rule has only been in place for less than 30 days.

The day boat fleet is shut down as of January 1st. Losses of day boat businesses have skyrocketed since 2013 as a result of the ACL reductions in cod, yt, GOM haddock, witch flounder and American plaice. The dangerously weakened state of the barely surviving day boat fleet coupled with the suite of closures chosen in this action will have the cumulative effect of long term, permanent loss of businesses in the day boat fleet. Although it may be nearly impossible to model what that means in terms of economic losses, it is obvious that fleet diversity has fallen off of the Agency’s priority list even though the Agency continues to push Amendment 18 through the Council process as they also take fish away from the inshore fishery.

Truthfully, NSC has not seen a sincere effort by the Agency to make inshore vessels economically viable. Only efforts to make small fishing businesses with greater fishing ranges and larger vessels unprofitable have emerged to date. This action is further validation of that observation. NSC reiterates that the management of this fishery through policies that do nothing to help small vessels while continuously vilifying larger vessels has served the industry, it’s communities and the nation poorly because OY cannot be achieved under this direction.

The fact that this action prevents achievement of the National Standard 1 mandate to achieve Optimum Yield is not just an academic matter of principle and inconsistency with the law; although it is every bit that. GOM cod has long been the core stock on which the Gulf of Maine inshore and offshore fisheries and communities are founded. Not only has the Agency in this action failed to mitigate the loss of this economic foundation of the GOM fisheries, communities and region, it has magnified the impacts of this action by

constraining access to and preventing achievement of the Optimum Yield of other stocks (redfish, pollock). National Standard 1 requires the Agency's action to achieve the OY for all fisheries, not just the GOM cod fishery. In this same context, we note that the Agency's action and analyses ignore the National Standard 8 requirement to consider the cumulative effects of multiple layers of catch and operational limits for other stocks as mentioned above.

2. A 200-lb (90.7 kg) GOM cod trip limit both the common pool and sector vessels:

Unless a possession limit was used as an upper end limit to serve primarily for an economic purpose-- perhaps requested by industry and proven to not create a potential discard problem-- possession limits have absolutely no place in this system. The management system currently in place was designed to work under full retention of legal sized fish.

- The gear selectivity curves resulting from extensive research and observation of minimum mesh sizes for trawl and gillnet gears were central to developing the assumed discard methodology to be used under the FULL RETENTION OF ALL LEGAL SIZED ALLOCATED FISH system. This methodology uses information from observed trips to determine the amount of discards of any allocated species as a proportion of ALL FISH KEPT for the entire trip, including non-allocated species. This methodology does not contemplate regulatory discards of LEGAL SIZED fish because that would produce absurd results. This reality has not been adequately analyzed in the EA and therefore the consequences have not been adequately estimated.
- The K/all implications of short circuiting the L curves and mandating discarding of fish that the allowable gears are designed to retain are not quantified or adequately accounted for anywhere in the EA. To date the Agency has yet to offer a solution to this enormous problem that was unilaterally created by the agency.
- **We cannot support the trip limit on principal alone**, however, the untenable circumstances created by this non-transparent, unscheduled assessment and subsequent hyper reaction by the Agency has produced an interim management regime that is based on effort controls including closures and other measures instead of ACL reduction. **Therefore, in the context of an effort controlled regime that has closed the vast majority of the areas and months where GOM cod have historically been targeted**, there likely exists a day / trip combination of possession limits that would serve to mitigate the embarrassing 500% discard-to-kept rate expected from the 200lb trip limit currently in place. Since the vast majority of the areas are closed, a modification to 500 per day and 2,000 per trip would likely minimize discards and avoid much of the misfit features of imposing a trip limit into a K/All system. The Agency must consider that the directed cod fishery DISINCENTIVE has already been accounted for by virtue of the closure areas. **The reality is that the analysis summarized in Table 55 of the EA indicates that the trip limit should never have been selected in the first place.**

DISCARDS:

Under status quo the fishery discard rate on Gulf of Maine cod was **2.29%** with 538mt LANDED and only 12.3 discarded. The Preferred Alternative now in place with a 200 lb trip limit is projected to 23.5mt of landings and **116.5mt of DISCARDS!** By the Agency's own analysis this is a discard rate of nearly 500%. The same table 55 in the EA shows that the Preferred Alternative without the trip limit would produce only 135mt landings and 24mt discards or 18%. We've shut

down the redfish fishery, crippled the pollock fishery, bankrupted the entire inshore fleet and knowingly implemented a management plan that increases discards from 2% to 500% in hopes we may conserve 200mt of cod that are already accounted for in the recent cod assessment? All to benefit the nation?

National Standard 5 requires the Agency in this action to consider efficiency in the utilization of fishery resources. Our analysis of this action indicates that by applying additional effort/input control measures including a trip limit, it is grossly inconsistent with this mandate. A trip limit and other such input control measures inherently create inefficiencies in the fishery as a means to control mortality. Conversely, we find that the sector solution recommendations set forth later in these comments does satisfy this mandate and should replace the trip limit set forth in this action.

The Guidelines for National Standard 5 set forth at 50 CFR 600.330 are very instructive in evaluating the Agency's action.

“(b) Efficiency in the utilization of resources—(1) General. The term “utilization” encompasses harvesting, processing, marketing, and non-consumptive uses of the resource, since management decisions affect all sectors of the industry. In considering efficient utilization of fishery resources, this standard highlights one way that a fishery can contribute to the Nation's benefit with the least cost to society: Given a set of objectives for the fishery, an FMP should contain management measures that result in as efficient a fishery as is practicable or desirable.” (emphasis added)

Here it is clear the Guidelines are directing the Agency to consider the nexus between achieving this National Standard and achieving the OY objective set forth in National Standard 1; particularly as OY is defined in section 3(33) of the Magnuson-Stevens Act (MSA). Not only does the trip limit create inefficiencies in the utilization of the GOM cod resource, it does so with respect to other stocks including redfish, pollock and GOM haddock. Such inefficiencies reduce rather than contribute to the Nation's benefit—and does so not at the least cost but at an enormous cost to society, as this is considered in the context of the mandate to achieve the OY from all fisheries. Clearly, the Agency's action, including specifically the trip limit, do not result in as efficient a fishery as is practicable or desirable. With just these points in mind, we find the Agency's action to be grossly inconsistent with both National Standards 1 and 5.

However, the Guidelines further describe specifically how limited access programs, such as the sector system for this fishery, represent a desirable means to achieve the efficiency mandate of this Standard.

“(c) Limited access. A “system for limiting access,” which is an optional measure under section 303(b) of the Magnuson-Stevens Act, is a type of allocation of fishing privileges that may be considered to contribute to economic efficiency or conservation.”

Further, the Guidelines confirm that a fundamental purpose of a limited access system in the context of satisfying the efficiency mandate of this Standard – including especially our groundfish management system – is to reduce economic waste.

(1) Definition. Limited access (or limited entry) is a management technique that attempts to limit units of effort in a fishery, usually for the purpose of reducing economic waste, improving net economic return to the fishermen, or capturing economic rent for the benefit of the taxpayer or the consumer. Common forms of limited access are licensing of vessels, gear, or fishermen to reduce the number of units of effort, and dividing the total allowable catch into fishermen's quotas (a stock-certificate system).

Nothing could be more inconsistent with this objective than the 200lb trip limit that will substantially increase discards (waste) with a statistically insignificant conservation benefit of 20mt of GOM cod mortality. **Further, our analysis explained in this comment indicates this trip limit will result in a discard-to-kept ration of 5 to 1.** This is the antithesis of efficiency, and is the definition of waste. The Agency's trip limit is indeed the antithesis of what Congress intended to achieve with this Standard, and what the Agency itself intended to require of itself with these Guidelines. Again, the sector solution set forth in the Recommendation section of these comments are consistent with this Standard and Guidelines, and should replace the trip limit in this action. This would leave in place the current requirement for mandatory retention of all legal sized cod.

National Standard 9 also provides a very important and relevant mandate for considering the trip limit in this action. This Standard requires, to the extent practicable, the Agency to minimize bycatch and bycatch mortality. Section 303(a)(11) of the MSA also sets forth a similar mandate.

Once again, the Guidelines for National Standard 9 set forth at 50 CFR 600.350 are very useful in evaluating the lack of consistency of this action with the mandates of this Standard. As noted above, the current management measure in place requires the full retention of all legal sized cod. This measure reduces discards and thus, waste, consistent with National Standard 5, and it minimizes bycatch and bycatch mortality to the extent practical consistent with this Standard since regulatory discards are included under the definition of bycatch set forth at section 3(2) of the MSA.

Here again it is clear how the Guidelines are directing the Agency to consider the nexus between this Standard and the National Standard 1 objective to achieve OY for all fisheries as that term is defined in section 3(33) of the MSA.

“(b) General. This national standard requires Councils to consider the bycatch effects of existing and planned conservation and management measures. Bycatch can, in two ways, impede efforts to protect marine ecosystems and achieve sustainable fisheries and the full benefits they can provide to the Nation. First, bycatch can increase substantially the uncertainty concerning total fishing-related mortality, which makes it more difficult to assess the status of stocks, to set the appropriate OY and define overfishing levels, and to ensure that OYs are attained and overfishing levels are not exceeded. Second, bycatch may also preclude other more productive uses of fishery resources.” (emphasis added)

As set forth in these comments, the Agency's action would result in an estimated discard-to-kept ratio of 5 to 1. Such large numbers of discards—especially when so out of proportion to the known mortality of landed (kept) fish – will profoundly increase the

uncertainty of total fishing mortality making it even more difficult to assess the status of this stock and to put into place the appropriate management benchmarks and effective measures to achieve OY, prevent overfishing and rebuild this stock.

“(d) Minimizing bycatch and bycatch mortality.

(2) For each management measure, assess the effects on the amount and type of bycatch and bycatch mortality in the fishery. Most conservation and management measures can affect the amounts of bycatch or bycatch mortality in a fishery, as well as the extent to which further reductions in bycatch are practicable. In analyzing measures, including the status quo, Councils should assess the impacts of minimizing bycatch and bycatch mortality, as well as consistency of the selected measure with other national standards and applicable laws. The benefits of minimizing bycatch to the extent practicable should be identified and an assessment of the impact of the selected measure on bycatch and bycatch mortality provided. Due to limitations on the information available, fishery managers may not be able to generate precise estimates of bycatch and bycatch mortality or other effects for each alternative. In the absence of quantitative estimates of the impacts of each alternative, Councils may use qualitative measures. Information on the amount and type of bycatch should be summarized in the SAFE reports.”

In analyzing the impacts of this action in its EA, the Agency did evaluate and assess the impacts of the 200lb trip limit on bycatch (regulatory discards). This analysis is set forth in Table 55 of the EA. As shown here, it is clear that the net conservation loss of the 200lb trip limit as compared to the status-quo requirement to retain all legal sized fish is 90.8mt of discards. To mitigate this loss, the net benefit to the stock is a mortality reduction of 20mt. Further, this analysis also shows that the Agency’s preferred Alternative without the trip limit (ie. retain the current full retention requirement) would actually reduce discards by 1.6mt.

Table 55 – Impact of imposition of 200lbs trip limit compared to the No Action and Preferred Alternative if implemented without a trip limit

	Discards (mt)	GOM cod catch (mt)	Groundfish revenue (\$ millions)	Relative cost of cod uncaught (\$ / lbs) [^]	Cost of cod uncaught due to trip limits alone (\$ / lbs)
No Action	25.7	340	27	-	-
Preferred Alternative	116.5	140	25.4	3.63	11.34
Preferred Alternative w/out trip limits	24.2	160	25.9	2.77	-
<i>difference between No Action and Preferred Alternative</i>	90.8	-200	-1.6		
<i>difference between No Action and Preferred Alternative without trip limits</i>	-1.6	-180	-1.1		

[^] difference in aggregate gross revenues from groundfish divided by the difference in GOM cod catch in pounds for the No Action and Preferred Alternative (with and without trip limits)

Clearly, the Agency's action does not achieve an appropriate balance the conservation and management objectives of this or other national standards. It is fundamentally inconsistent with this and other National Standards discussed in these comments, as well as the Guidelines the Agency developed to direct its own actions.

As previously stated, it is strongly recommended that the Agency replace the 200lb trip limit with the sector solution set forth later in these comments, and retain the original requirement for full retention of all legal sized fish. This change would substantially cure the inconsistencies of the current action with the National Standards and Guidelines.

3. Changes to commercial fishing declarations prohibiting sector vessels declaring into the GOM Broad Stock Area from fishing in another broad stock area on the same trip.

- The Agency needs to remove this restriction before the redfish fishery and the fragile market is lost.
- The fishery for the healthy pollock stock is also paralyzed by the single BSA restriction because the traditional winter pollock fishery literally straddles the 42:20. The winter pollock fishery cannot be predicted from the dock, prior to starting a trip. Vessels need to fish north and south of the 42:20 to provide ample opportunity to complete a successful trip.
- This measure is completely disconnected from how trips actually occur, notably redfish and pollock trips in deep water with little to no GOM cod bycatch are now impacted by the Interim Rule.
- NSC is appalled that the Agency gave no acknowledgement or consideration to the Inshore Gulf of Maine Declaration that has been in place over the past few fishing years.
- This management measure becomes moot and should be removed if the 200lb trip limit is replaced with the sector solution set forth later in this comment.

4. Prohibition on the possession of recreationally caught GOM cod (applies to entire GOM Broad Stock Area)

- It is important to note that 100% of the burden of this Interim Action has been placed on the commercial component of the fishery because the Agency has again allowed the recreational component to exceed their Sub-ACL in the current 2014 fishing year. In fact, commercial catch as of December 9th has yet to eclipse the total MRFS estimate for 2014 recreational catch. The recreational Sub-ACL is supposed to be 34%.

5. Revocation of a previously authorized GOM exemption that allowed sector vessels declared into the gillnet fishery to use more gillnets.

- NSC is supportive of the Council's recommendation, "to allow vessels enrolled in the day gillnet category a one-time change to their permit category from the day-to the trip-gillnet category."

- NSC is supportive of additional considerations for the gillnet fishery to be developed in the near future. This includes a more thorough evaluation of the sector exemption recently revoked as well as a consideration of additional opportunities that could be considered for the monkfish fishery.

NSC Support for a Sector-Based Solution:

The NSC offers its full support for the sector-based solution as outlined in the Gloucester Fishing Community Preservation Fund (GFCPF) public comments for the Interim Rule. Please refer to the GFCPF comments for the complete proposal and comments submitted.

In summary, GFCPF leadership has worked closely with sectors to acquire GOM cod ACE under Northeast Fishery Sector IV and has also pledged additional GOM cod ACE held by Northeast Fishery Sector IV that would be relinquished in order to receive relief from the following Interim Rule measures:

- Restriction that a vessel cannot fish in another Broad Stock Area if declared into the Gulf of Maine.
- Removal or modification of the possession limit.
- All closures planned for March 2015 to allow access to GOM haddock.

This proposal is in direct response to the Council's request for "GARFO to analyze the possibility of taking away some unused ACE rather than have the 200 lb. trip limit." This proposal focuses on the most equitable manner to reduce ACE under the current management regime in place, through an intentional act of the sectors. The proposal offers a conversation benefit of 60 mt of GOM cod in order to minimize the economic harm and biological waste introduced by the current Interim Measures in place.

To conclude, NSC remains discontented with the lack of process surrounding the GOM cod assessment and is opposed to the current interim measures implemented by the Agency for the many reasons stated above. We strongly support the sector-solution and find it to be the only opportunity to redeem some integrity to the fishery management system during this very dark time for the groundfish fishery.

Sincerely,



Jackie Odell, Executive Director

ATTACHMENT

October 17, 2014

John Bullard
Regional Administrator
NOAA Fisheries, Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dr. William Karp
Science and Research Director
Northeast Fisheries Science Center
NOAA Fisheries Northeast Region
166 Water Street
Woods Hole, MA 02543

Dear John and Dr. Karp,

In preparation for the Northeast Region Coordinating Council (NRCC) meeting, we wanted to convey our serious discontent over the lack of process and transparency surrounding the Gulf of Maine cod assessment conducted and delivered by the Northeast Fishery Science Center (NEFSC) in August.

At the upcoming NRCC meeting, we truly hope the NRCC will address the *lack of process* which occurred for this update. This includes but is not limited to the NEFSC unilateral decision to conduct an assessment with no prior knowledge by NRCC, GARFO, New England Council or the public; no prior dialog on the recent data utilized in the assessment, and no Terms of Reference (TORs). The action taken by the NEFSC runs contrary to the recent revisions and overall intent of National Standard 2.

- Strengthen the reliability and credibility of NMFS's scientific information;
- Emphasize the importance of transparency in the scientific review process;
- Improve public trust and benefit stakeholders through more effective policy decisions.

In Russell Brown's letter to Terry Stockwell on August 1, 2014, it was noted that the NEFSC conducted this assessment in response to requests made by the industry over the years who have asked for more timely information on stock conditions. Mr. Brown also noted during the Groundfish Committee meeting on August 4, 2014 that the NEFSC has been considering alternative stock assessment approaches to streamline the assessment process.

It is important to note that neither NSC nor the GFCPF has ever advocated for more "assessments" but rather for *improved assessments*. There is also a very big difference between collecting and reviewing fisheries data on a regular basis with the Council versus running assessments with no transparency, no process or any real deliberation over the data being utilized. We strongly support and encourage increasing the quality and density of both fishery and non-fishery dependent data and we certainly support scientific updates as frequently as information indicates a potential change in stock status that was unanticipated. But sharing information on an ongoing basis does not elevate each intermediate evaluation to a level that should be assumed adequate to require instantaneous management response. It is common knowledge that the trawl survey produces noisy results on an annual basis and even inter-

annually and that this information is only informative for trends over a longer period of time. Until such time as the NEFSC survey is sampling exponentially more than 1/3 of 1% of the northeast multispecies complex stock range it is, in our opinion, untenable to be managing the fishery based almost entirely upon relatively short timeline of survey results.

NSC and the GPPF have collaborated with other industry organizations over the years to hire consultants to participate, collaborate and work with NEFSC staff in the assessment process. We have engaged outside consultants - some world renown - that have expertise and knowledge of the modeling and assessment process that can offer real outside expertise. We do this to have more public trust in the process and, as outlined in National Standard 2 guidelines, ensure the best scientific information is being considered for conservation and management.

We have viewed our participation in the scientific assessments as our contribution to the process. Ultimately, this effort should result in an increased confidence in the outcomes by industry stakeholders. Contrary to what some may believe, the core value and purpose of retaining a consultant to participate in the stock assessments is for us to have someone who can help us understand the scientific realities, the distinction between differing viewpoints where and when they exist, and just as often, to explain the typically vast areas of scientific consensus. This helps everyone. We also truly believe this is the only genuine way for industry to participate in the scientific process due to the level of expertise required. The recent GOM cod trial assessment not only set aside the normal NRCC scheduling but it chose to update an assessment on the very stock NSC and GFCPF have been directly participating in through the work of Dr. Butterworth.

It is important to note that NSC and GFCPF have become increasingly alarmed by the degree of uncertainty that exists within the assessments and the degree of change that can occur from one assessment to the next with no accountability on the previous parameters reported. This occurs whether it is done every five years – or via the most recent “test” conducted for GOM cod by the NEFSC. When this volatility gets plugged into management and rebuilding plan requirements it creates chaos. This has and continues to be an extremely unstable environment to operate a fishing business. We have witnessed that the projections quite often have very little to do with catch and much more to do with environmental factors that have yet to be adequately addressed and accounted for in the assessments.

Regardless of whether the industry is meeting or underachieving a TAC, when the scientific parameters change through an updated assessment – stock status can quickly change from being rebuilt to a stock being overfished or overfishing occurring. When this is translated into the public realm it turns into an unhealthy and unconstructive debate concerning “the industry hasn’t taken the pain” or “the industry has been too involved in the management process”. Unfortunately, the real issues rarely get resolved.

After the groundfish disaster was declared, NSC wrote a letter to the Council requesting that alternative approaches for setting catch advice be explored. The Groundfish Advisors also passed the following motion during their meeting held in September 2013:

The GAP supports and encourages the GF OSC to pursue, under council priorities, alternative methods for setting catch advice to achieve the following management objectives:

1. Protect fish stocks and commercial / recreational fishermen by stabilizing catch advice within historical catch ranges known to be safe both biologically and economically.
2. Use historical data from past assessments to determine the catch at which point the stock biomass that followed was stable and increasing.

3. Account for volatility in successive assessment results by developing management strategies that are **risk averse to either optimistic or pessimistic** assessments that indicate ACL increases or decreases that are outside these historical “safe” catch levels by slowing the increases or decreases to pre-set, incremental steps upward or downward.
4. **Pursue scientifically based methods that can meet these objectives within NS1 / MSA**

The Council has adopted - as a multi-year priority - this type of approach and is searching for consultants who may be able to assist in the development of alternative methods. We look forward to this work and truly hope this can offer some smoothing effects to the volatile system in which we are currently entrenched.

NSC and GFCPF have participated in good faith in all Council, NEFSC and GARFO related initiatives. We strive for good communication, transparency and true collaboration. We believe in fisheries management and appreciate the complexity associated with stock dynamics. However we see fishing businesses failing and communities crumbling every day under the present process – and clearly see the lack of transparency is at the highest levels. This recent “test” assessment of GOM cod has crumbled whatever fishing stakeholder trust and confidence that existed prior to this. Unfortunately, the current course of events has eroded our own confidence to a point where we no longer believe our participation can be effective unless some real efforts are put forth by GARFO and NEFSC. Workshops and strategic plans are not the answer. Common sense protocol and processes that are transparent, inclusive, respectful and balanced need to be reinforced and rigidly followed.

In summary, the NSC and GFCPF strongly urge the NRCC to emphasize that no “trial” assessments occur by the NEFSC outside of some well-established and vetted process in the future. Again, there is a substantial difference between presenting and informing managers with updated data and unilaterally initiating and completing a stock assessment, asking for and receiving an adhoc peer review causing statutory triggering of devastating management responses.

Thank you for your time and attention to this critical matter.

Jackie Odell
Executive Director
Northeast Seafood Coalition

Vito Giacalone
Executive Director
Gloucester Fishing Community Preservation Fund

Cc: Terry Stockwell, Chair, New England Fishery Management Council
Tom Nies, Executive Director, New England Fishery Management Council