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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

APR 21 2014



E.F. "Terry" Stockwell, III
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, Massachusetts 01950

Dear Terry:

The Secretary of Commerce has partially approved Framework Adjustment 51 to the Northeast Multispecies Fishery Management Plan, and the final rule implementing the approved measures becomes effective on May 1, 2014. Below we provide an overview of the disapproved measures and provide other comments on the approved measures; a more detailed discussion can be found in the final rule for Framework 51.

First, I want to recognize that this action was completed in time for the upcoming fishing year due to the remarkable efforts of our staffs. Although late submissions of Council actions and compressed schedules should not become standard practice, the Government shutdown in October 2013 delayed Framework 51 beyond our control. Coordination between our staffs allowed us to streamline the submission and review of the Framework 51 document, and helped ensure that approved measures were implemented by May 1.

Disapproved Measures

We disapproved the portions of the Gulf of Maine (GOM) and American plaice rebuilding plan review analysis that related to extending the rebuilding program to 10 years. These portions of the proposed measure were initially included because the Council was considering shorter rebuilding timelines for both stocks. However, the Council ultimately adopted, and we approved, 10-year rebuilding programs for GOM cod and plaice. Thus, the portions of the rebuilding review analysis that would consider extending the rebuilding program to the maximum 10 years allowed are not applicable or meaningful to this action and, as a result, are not consistent with National Standard 7 of the Magnuson-Stevens Act. We realize that, if this process is successful for GOM cod and plaice, the Council may wish to adopt this process for other stocks in the future. If so, the Council could consider these disapproved provisions for other stocks if a rebuilding time period of less than 10 years is initially adopted.

We also disapproved the proposed revision to the Georges Bank (GB) yellowtail flounder discard strata. We determined that this measure would unnecessarily increase the cost and burden of monitoring sector catches, and potentially increase uncertainty of catch estimates, without any measurable benefits for sectors, and as a result, would not be consistent with National Standards 5 and 7. This measure was considered last year in Framework 48, and based on public comments received, we disapproved the measure for the same reasons stated above. During the development of Framework 51, we expressed concern for the approvability of this



measure, largely because no additional information or rationale had been provided to overcome our concerns about, and previous disapproval of, this measure. We highlighted these concerns in the proposed rule, and requested specific comment on this issue. However, no public comments received addressed our concerns. Thus, for the reasons already stated, we disapproved this measure in Framework 51.


When adopting the revised discard strata for GB yellowtail flounder, the Council passed a motion that the measure be implemented unless we developed a sector discard tool that could be used by sectors to distribute discards among member vessels for any of groundfish stocks. Since the Council took final action on Framework 51, we developed a discard tool for sectors, and presented this tool at a sector workshop in February 2014. We realize that the Council has not had an opportunity to comment on the discard tool due to timing of meetings. Based on initial feedback, and public comment received, this tool will likely be useful for some sectors, but we understand it could be difficult for sector representatives to learn how to properly use the tool. Sectors will likely need additional training, and we have solicited additional feedback from sectors to see how we can best provide further guidance to improve the utility of this tool.

Other Comments

We approved the measure that allows sectors to convert their eastern GB haddock allocations to western GB haddock. Based on our review of this measure, and public comments received, we recommend that, as new assessments are completed for this stock, the Council should occasionally review this measure to ensure that it is still necessary and appropriate. We determined that this measure would not have any negative biological consequences; however, this determination could change if a future stock assessment dramatically changes our perception of the stock.

If you have questions about our partial approval of Framework 51, or any of the final approved measures, please contact Susan Murphy in our Sustainable Fisheries Division at (978) 281-9315.

Sincerely,


John K. Bullard
Regional Administrator

cc: Dr. Bill Karp, Director, Northeast Fisheries Science Center
Tom Nies, Executive Director, New England Fishery Management Council