



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

JAN 17 2014

Thomas A. Nies
 Executive Director
 New England Fishery Management Council
 50 Water Street Mill 2
 Newburyport, MA 01950

Dear Tom:

As you know, we recently completed year-end accounting for groundfish for fishing year (FY) 2012. At the November 2013 Groundfish Committee meeting, my staff presented the results of the year-end report and the final evaluation of the FY 2012 annual catch limits (ACLs). The total ACLs for both northern and southern windowpane flounder were exceeded in FY 2012 by more than 25 percent (Table 1). As a result, the accountability measures (AMs) for these stocks, which were adopted in Framework 47 to the Northeast Multispecies Fishery Management Plan (FMP), will be triggered on May 1, 2014. For both windowpane flounder stocks, the small and large AM areas will be triggered, and commercial groundfish trawl vessels will be required to use selective gear in these areas for FY 2014. As a reminder, sectors cannot request an exemption from these AMs. We are working on outreach to commercial groundfish vessels to make sure industry is aware of the pending AMs.

Table 1. FY 2012 Windowpane Flounder ACLs and Catch (mt)

Stock	Total ACL	Catch				% of ACL Caught
		Total	Groundfish Fishery	State Waters	Other sub-Component	
Northern windowpane flounder	163	209	130	2	77	128%
Southern windowpane flounder	381	521	107	34	380	148%

Last year, Framework 48 to the FMP adopted a sub-ACL for southern windowpane flounder for the scallop fishery, as well as a sub-ACL and AM for southern windowpane flounder for the other sub-component. These measures became effective for FY 2013, so the AM triggered as a result of the FY 2012 overage does not affect these fisheries.

At the November 2013 Groundfish Committee meeting, my staff also reported on the current FY 2013 catches of northern windowpane flounder by the commercial groundfish fleet, which at that time were nearing the total ACL for the stock. Based on updated data through January 14, 2014, the commercial groundfish fleet has caught 211 mt of northern windowpane flounder, which exceeds the FY 2013 overfishing limit (OFL) for this stock of 202 mt. Although there are no inseason AMs for this stock, the current FY 2013 catch estimates should give pause.



As you know, the AM for this stock is triggered in the year immediately following the overage if we know before the end of the fishing year, based on reliable data, that an overage has occurred. Because the commercial groundfish fishery alone has exceeded the FY 2013 OFL, this would trigger the AM beginning on May 1, 2014. In this case, however, the AM has already been triggered due to the FY 2012 overage. Regardless of what ACL overage triggered the AM, though, FY 2014 is the first time the AM for this stock will be implemented, so I urge the Council to closely evaluate its effectiveness next year in preventing overfishing for northern windowpane flounder.

At the December 2013 Council meeting, FY 2013 recreational catches of Gulf of Maine (GOM) cod and haddock were also raised. We were able to generate inseason FY 2013 catch estimates based on data available to date, which includes Marine Recreational Information Program Waves 2-5, or May 1-October 31, 2013. This information is summarized in Table 2 below. Based on these estimates, it appears that the recreational measures we implemented for FY 2013 did not reduce recreational removals enough to prevent overages of the recreational sub-ACLs.

Table 2. FY 2013 Recreational Catch Estimates of GOM Cod and Haddock (mt), May 1 – October 2013.

Stock	FY 2013 Recreational sub-ACL	Total Catch ¹	% of sub-ACL Caught
GOM cod	486	706	145%
GOM haddock	74	256	246%

¹ Consistent with the most recent assessment for each stock: 1) A mortality rate of 30% has been applied to GOM cod discards; and 2) recreational discards for GOM haddock are not included.

The proactive AM for the recreational fishery gives me authority to adjust measures for the upcoming fishing year, in consultation with the Council, to prevent the recreational fishery from exceeding its sub-ACL. The FY 2014 recreational sub-ACL for GOM cod is the same as FY 2013, and is only increasing by 13 mt for GOM haddock compared to FY 2013. So, based on the FY 2013 estimates to date, we will need to adjust recreational measures for FY 2014 to ensure the recreational sub-ACLs are not exceeded. We will work with you and your staff to coordinate development of alternatives for the FY 2014 recreational measures, including any potential input from the Council, or its Recreational Advisory Panel.

If you have any questions on the FY 2012 year-end report, or the FY 2013 catches we summarized in this letter, please contact me at 978-281-9200, or my staff in the Sustainable Fisheries Division at 978-281-9315.

Sincerely,



for John K. Bullard
Regional Administrator