



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

#8

MAY 30 2012

Mr. C.M. "Rip" Cunningham, Jr., Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Dear Rip:

As you know, the status of several stocks under the Northeast Multispecies Fishery Management Plan (FMP) have changed from the 2007 Groundfish Assessment Review Meeting (GARM) III assessment as the result of either new benchmark¹ or operational stock assessments² conducted in the fall of 2011 and winter of 2012. As a result, we are providing the Council official notification of these stock status changes and, where necessary, actions the Council must undertake, as follows:

- Acadian redfish is rebuilt
- Southern New England/Mid-Atlantic (SNE/MA) windowpane flounder is rebuilt
- Winter flounder:
 - The George's Bank (GB) stock is no longer overfished, is not subject to overfishing, and is likely to be rebuilt by 2014
 - The SNE/MA stock is no longer subject to overfishing but remains overfished and is making insufficient rebuilding progress
 - The Gulf of Maine (GOM) stock is no longer subject to overfishing; however, its status relative to being overfished could not be determined by the operational assessment
- GOM haddock is now subject to overfishing and is approaching an overfished condition
- American plaice is making insufficient rebuilding progress. The stock is neither overfished nor subject to overfishing.

The following stocks' status did not change as a result of the operational stock assessments; however, these stocks continue to be subject to overfishing and/or are overfished, as indicated below:

- GB cod, Cape Cod/GOM yellowtail flounder, witch flounder, and GOM/GB windowpane flounder are all overfished and subject to overfishing
- Ocean pout, Atlantic wolffish, and Atlantic halibut are overfished.

¹ Northeast Fisheries Science Center. 2011. 52nd Northeast Regional Stock Assessment Workshop (52nd SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 11-17; 962 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026

² Northeast Fisheries Science Center. 2012. Assessment or Data Updates of 13 Northeast Groundfish Stocks through 2010. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 12-06; 789 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026



cc: LISN (4/4)

We have discussed GOM cod at length in recent months and, as you know, the stock is overfished, subject to overfishing, and is making inadequate rebuilding progress based on the December 2011 benchmark assessment³.

I congratulate the Council on the rebuilt status of both redfish and SNE/MA windowpane flounder. Anytime a stock achieves rebuilt status, it is good news. However, there remain several stocks for which the Council must end overfishing and accomplish rebuilding. There are a few notable, more complex situations with additional guidance, as follows:

GOM haddock

Consistent with § 304(e)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), GOM haddock is now subject to overfishing and is approaching an overfished condition. Projected biomass resulting from catch projections in the operational assessment indicate that the stock will decline below the overfished threshold within 2 years from the terminal year of the assessment, 2010. Should this stock become overfished based on realized catch, steps must be taken under MSA § 304(e)(3) and (4) to end overfishing and to rebuild the stock. If the stock is confirmed as overfished, we will notify you.

American plaice/SNE/MA winter flounder

The American plaice and SNE/MA winter flounder rebuilding programs are not making adequate progress toward rebuilding those stocks. The 2012 operational assessment indicates that the American plaice stock cannot reach rebuilt status by its rebuilding plan target date of 2014, even in the absence of all fishing mortality between now and then. The Stock Assessment Workshop (SAW) 52 assessment concluded that there would be less than a 1-percent chance that SNE/MA winter flounder would rebuild by 2014, the rebuilding period end date, if no fishing mortality were allowed between 2012 and 2014.

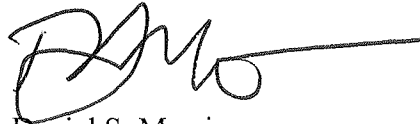
Thus, on behalf of the Secretary and consistent with MSA § 304(e)(7), we are notifying you that the American plaice and SNE/MA winter flounder rebuilding programs have not resulted in adequate progress toward rebuilding the stocks. Therefore, revised rebuilding plans must be implemented for both stocks within 2 years, as required by MSA § 304(e)(3). The current FMP measures for these two stocks are effectively preventing overfishing. We expect the council to continue to make use of the current measures, or similar reduction measures in the interim while the rebuilding programs are revisited.

We will, of course, provide advice and collaborate on the development and implementation of the required measures outlined above. Should you have any questions or concerns about this letter, please contact staff in our Sustainable Fisheries Division--George Darcy, Assistant Regional Administrator for Sustainable Fisheries, (978) 281-9331; or Sue Murphy, Groundfish

³ Northeast Fisheries Science Center. 2012. 53rd Northeast Regional Stock Assessment Workshop (53rd SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 12-05; 559 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026

Team Supervisor, (978) 281-9252; or for legal counsel, contact Gene Martin, General Counsel, Northeast, (978) 281-9242.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Morris', with a long horizontal line extending to the right.

Daniel S. Morris,
Acting Regional Administrator

Cc: Captain Paul Howard, Executive Director, New England Fisheries Management Council
Dr. William Karp, Acting Director, Northeast Fisheries Science Center
Carrie Selberg, Acting Director, Office of Sustainable Fisheries

