



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

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OCT 22 2010



John Pappalardo, Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear John:

This letter addresses the New England Fishery Management Council's (Council) recent action to include an option in Framework Adjustment (FW) 45 to the Northeast Multispecies Fishery Management Plan (FMP) to extend the Georges Bank (GB) yellowtail flounder rebuilding plan beyond 2016.

As established under FW 42, the beginning of the GB yellowtail flounder rebuilding period was 2006, and the end of the rebuilding period (*T_{target}*, using National Standard Guideline (NSG) terminology) was set at 2014 (8 years duration). Under the NSG, the *T_{max}*, or maximum allowable time period for rebuilding in these circumstances is 10 years. Thus, the current alternatives in FW 45 that would extend the end of the rebuilding period from 2014 to 2016 appear to be consistent with the NSG. Based upon the most recent scientific information (2010 TRAC) available, the GB yellowtail stock can be rebuilt by 2016, therefore, the FW 45 alternative that would set a new rebuilding target date at 2019, 3 years beyond the *T_{max}*, is not consistent with National Standard 1.

Although the Council's Scientific and Statistical Committee (SSC) recommended, in August 2010, to reconsider the GB yellowtail flounder rebuilding target, Bmsy, at the next benchmark assessment (to account for lower recruitment in the last 30 years), and addressed uncertainties in the 2010 stock assessment and the problems arising from the systematic overestimation of stock size, the SSC endorsed the 2010 TRAC as the basis for the Acceptable Biological Catch recommendations. Therefore, the 2010 TRAC and the conclusions of the SSC represent the best available science at this time.

If the FMP is modified to extend the rebuilding period for GB yellowtail flounder to 2016, but the stock does not rebuild by that time, then according to the NSG, the fishing mortality rate should not exceed *F_{rebuild}* or 75 percent of the overfishing rate, whichever is lower, and the Council should consider a lower mortality rate to meet the requirement to rebuild the stock in as short a time as possible.

For other New England groundfish stocks managed by the FMP, where, for example, the end of the maximum allowable rebuilding period is 2014, if the stock is not rebuilt by 2014 then the same guidance described above would apply.

With respect to what is occurring in other regions, a topic raised at the last Council meeting was the example of snow crab (*Chionoecetes opilio*) managed by the North Pacific Fishery



Management Council. This stock was under a 10-year rebuilding program but did not rebuild by the end of the period, and, therefore, consistent with the NSG, remains under a conservative fishing mortality strategy. At its October 2010 meeting, the North Pacific Fishery Management Council reviewed the 2010 final snow crab stock assessment that indicates that snow crab biomass is at 96 percent of the level of biomass estimated to produce maximum sustainable yield for the fishery (noted as Bmsy). Therefore, the Council recommended maintaining the existing rebuilding harvest strategy, which results in harvest rates below the NSG threshold of 75 percent of the overfishing rate, until the stock biomass is above Bmsy.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized with a large initial "P" and a long horizontal stroke.

Patricia A. Kurkul
Regional Administrator