



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

SEP 23 2011

Rip Cunningham, Acting Chairman
New England Fishery Management Council
50 Water Street
Newburyport, Massachusetts 01950

Dear Rip:

Please consider the two issues I have summarized in this letter regarding groundfish catch in the scallop fishery. Both pertain to recent updated estimates of catch that we have completed.

Issue 1: Update of Groundfish Catch in the Scallop Fishery

At the August 2011 Groundfish Committee Meeting, my staff provided preliminary estimates of groundfish catch in the scallop fishery for fishing year (FY) 2010. We have recently updated this information, and attached you will find the updated estimates of FY 2010 groundfish catch in the scallop fishery.

This updated information indicates that the scallop fishery caught 259 mt of southern windowpane flounder in FY 2010. The FY 2010 catch of this stock by scallop vessels exceeded both the FY 2010 total annual catch limit (ACL) and the FY 2010 total acceptable biological catch for this stock. Combined with catch by groundfish vessels, and other non-groundfish vessels, the FY 2010 total catch of southern windowpane flounder also exceeded the FY 2010 overfishing limit (OFL) of 317 mt.

In August 2011, the Groundfish Committee passed a motion to request that the Groundfish Plan Development Team (PDT) recommend a sub-ACL for southern windowpane flounder for the scallop fishery. I urge the Council to adopt this motion and continue to pursue alternatives to reduce bycatch of southern windowpane flounder in the scallop fishery to prevent exceeding the ACL and OFL in the future.

In FY 2010, the scallop fishery also caught 73 mt of Southern New England (SNE)/Mid-Atlantic (MA) winter flounder. Catch of this stock by scallop vessels exceeded the "other sub-component" value of 32 mt, and was also twice the amount caught by the commercial groundfish fishery in FY 2010, although the total ACL for this stock was not exceeded. Given the status of this stock, I recommend that the Council also consider measures to reduce bycatch of SNE/MA winter flounder in the scallop fishery.

Issue 2: Updated Estimate of Yellowtail Flounder/Development of Framework 23 Measures

Since our April 21, 2011, letter updating you on the level of yellowtail flounder catch in the scallop fishery during FY 2010, we have worked closely with the Scallop PDT, Council Staff, and Center staff to refine this estimate.



We have made two changes to bring this estimate in line with the assessment for yellowtail flounder: 1) Pooling open and access area (Nantucket Lightship, Elephant Trunk, Delmarva) observer data for SNE/MA; and 2) stratifying the discard rate by fleet (i.e., separate discard rates for limited access vs. scallop individual fishing quota (IFQ) vessels). We also stratified the IFQ fleet by gear type (dredge vs. trawl) to account for the high discard rate in the LAGC trawl fishery that scallop industry reported during the September 12 and 13 Scallop Advisory Panel and Committee meetings. Finally, January and February 2011 observer recently became available, allowing us to calculate yellowtail catch with observer data for the full scallop fishing year. Previously we had used January and February 2010 observer data to account for a full year of data.

The table below outlines the revised Georges Bank (GB) and SNE/MA yellowtail flounder sub-ACLs for the scallop fishery for FY 2010 and the estimated FY 2010 harvest.

Estimated YTF Catch (lb) by the Scallop Fishery in FY 2010

YTF Broad Stock Area	YTF sub-component allocated to the scallop fishery	Estimate of YTF catch in scallop fishery	Percent of YTF sub-component
GB	321,875	38,884	12.1%
SNE/MA	297,624	249,196	83.7%

The GB yellowtail flounder catch estimate is based almost entirely on the limited access fishing activities in that area. The scallop IFQ fleet accounted for only 38 lb of yellowtail flounder bycatch. As for the SNE/MA yellowtail flounder catch, the limited access fleet accounted for 199,303 lb of yellowtail flounder, while the scallop IFQ fleet accounted for 49,893 lb. Of this amount, the majority of estimated discarded yellowtail flounder (42,551 lb) was caught by the IFQ trawl fishery.

As outlined in Scallop Amendment 15, we will project the scallop fishery's FY 2011 yellowtail flounder catch in mid-January 2012. At that time, we will announce whether any accountability measures related to a yellowtail flounder sub-ACL overage will be triggered in FY 2012.

Thank you for considering these comments. If you have any questions regarding this letter, my staff is available to discuss the attached estimates, as well as these comments, with your staff.

Sincerely,



Patricia A. Kurkul
Regional Administrator

Attachment

Fishing Year 2010 Groundfish Catch in the Scallop Fishery

Stock	Discards		Kept Catch		Total Catch	
	lb	mt	lb	mt	lb	mt
GB cod	7,353	3.3	10,438	4.7	17,791	8.1
GOM cod	0	0.0	14	0.0	14	0.0
GB Haddock	5,449	2.5	241	0.1	5,690	2.6
GOM Haddock	0	0.0	0	0.0	0	0.0
GB Yellowtail Flounder	38,363	17.4	520	0.2	38,884	17.6
SNE Yellowtail Flounder	243,140	110.3	6,056	2.7	249,196	113.0
CC/GOM Yellowtail Flounder	15,979	7.2	267	0.1	16,246	7.4
Plaice	2,351	1.1	0	0.0	2,351	1.1
Witch Flounder	34,481	15.6	27	0.0	34,508	15.7
GB Winter Flounder	63,997	29.0	356	0.2	64,353	29.2
GOM Winter Flounder	3,814	1.7	6	0.0	3,820	1.7
SNE Winter Flounder	155,824	70.7	4,315	2.0	160,139	72.6
Redfish	0	0.0	0	0.0	0	0.0
White Hake	17,031	7.7	0	0.0	17,031	7.7
Pollock	0	0.0	31	0.0	31	0.0
Northern Windowpane	17,912	8.1	140	0.1	18,052	8.2
Southern Windowpane	568,824	258.0	1,077	0.5	569,901	258.5
Ocean Pout	22,139	10.0	0	0.0	22,139	10.0
Halibut	216	0.1	0	0.0	216	0.1
Wolffish	0	0.0	0	0.0	0	0.0