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**CITY OF NEW BEDFORD**

**JONATHAN F. MITCHELL, MAYOR**

August 23, 2012

Scientific and Statistical Committee  
c/o New England Fishery Management Council  
50 Water Street  
Newburyport, MA 01950



Dear Members of the Scientific and Statistical Committee:

As you know, on August 2, 2012, the New England Fisheries Management Council (NEFMC) and the National Oceanic and Atmospheric Administration (NOAA) released a document indicating reductions ranging from 45% to 73% in the Annual Catch Limits (ACLs) for FY 2013 for a number of stocks in the Northeast multispecies fishery.

The Scientific and Statistical Committee (SSC) has responsibility under the Magnuson-Stevens Act to make recommendations for acceptable biological catch, MSA § 302(g)(1)(B), which in turn limit ACLs developed by the NEFMC, MSA § 302(h)(6).

We write today to urge the SSC to recommend that no changes be made to the current ACLs until there is confidence in the accuracy of the stock assessments. We believe for the SSC to act otherwise would induce devastating economic and social impacts on the cities of New Bedford and Gloucester, Massachusetts on insufficient grounds.

The multispecies fishery plays a critical role in the port economies of both New Bedford and Gloucester. Annual groundfish revenues in New Bedford and Gloucester are approximately \$20 million and \$27 million, respectively. A conservative multiplier for the groundfish fishery – which takes into account the economic activity of its shoreside businesses, such as shipyards, ice, fuel, gear, welding, transport, and business functions – is three. Taken on its own, then, the groundfish industry is worth a combined total of \$141 million to New Bedford and Gloucester alone. But this number does not tell the whole story. One species in the multispecies fishery, yellowtail flounder, is essential bycatch in the scallop fishery. In New Bedford, scallops generate approximately \$400 million in annual revenue and \$1.2 billion in annual economic activity.

If implemented, the forecasted cuts would deal a crippling blow to the groundfish and scallop industries and eliminate hundreds, if not thousands, of jobs. The reduced ACLs would also likely accelerate the consolidation process unleashed in 2010 by the imposition of the sector management system in the multispecies fishery.

The forecasted cuts would be painful to accept if they were based on ironclad science, but they are impossible to accept in light of the growing lack of confidence in the stock assessments. Hardly a month goes by without news of a new stock assessment crisis, in which the government announces, seemingly without adequate scientific explanation, that a once healthy stock is in jeopardy.

The most recent crisis concerns the Georges Bank yellowtail flounder stock assessment, which appears to be based on a flawed model. Months earlier, the 2011 Gulf of Maine cod assessment, which showed a dramatic negative change from the 2008 assessment, was called into question. And when the 2011 Groundfish Stock Assessment Updates were conducted, significant unexplained discrepancies (19% to 67% deviations) in the estimate of stock biomass were noted for seven stocks (CC-Gulf of Maine yellowtail, Georges Bank cod, Georges Bank haddock, plaice, witch flounder, redfish, and Gulf of Maine haddock).

Given the uncertainty in the stock assessments – but the certain economic, social, and cultural destruction in New Bedford and Gloucester if the forecasted cuts were to be implemented – we ask you to recommend to the NEFMC that the status quo in ACLs be maintained while the uncertainties in the science are examined.

Ideally, the examination of the scientific uncertainties would occur through an end-to-end stock assessment review encompassing all aspects of the current system, including data collection processes, data synthesis, population models, assumptions, and uncertainties. One specific question that should be addressed is the biological reference point, which sets what is believed to be the sustainable level of fishing for particular stocks. We understand that a value of F40% is used for most New England stocks. Yet a F35% value is used elsewhere. We believe this inconsistency should be examined and eliminated, if scientifically justifiable. A more optimistic view of stocks would result. In addition, a review should address whether for certain stocks, such as Georges Bank yellowtail flounder, there is undue emphasis on a single model.

Maintaining the status quo while the science is examined would further National Standard 8 of the Magnuson-Stevens Act, which requires that conservation and management measures take into account economic and social data in order to provide for the sustained participation of, and to minimize adverse economic impacts on, fishing communities. The New Bedford and Gloucester fishing communities have consistently played by the rules, yet the federal government has consistently ignored the human impact of its regulations. Deferring implementation of the forecasted reductions would send a strong signal that the fisheries management system cares about people, not just fish, and that it will not wreak havoc on traditional fishing communities unless it is certain that its science is right.

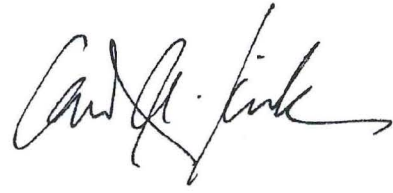
If the fisheries in New Bedford and Gloucester are shut down, customers will establish relationships to purchase seafood from foreign sellers, and today's customers will not come back. Both cities will lose not only jobs and dollars, but also integral parts of their cultures and

identities. We urge the Scientific and Statistical Committee to recommend to the Council a pause before any changes are made to the status quo, allowing time for scientific uncertainties to be resolved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jon Mitchell".

Jon Mitchell  
Mayor of New Bedford, MA

A handwritten signature in cursive script, appearing to read "Carolyn Kirk".

Carolyn Kirk  
Mayor of Gloucester, MA





*Coalition for the Atlantic Herring Fishery's Orderly, Informed and Responsible Long Term Development*

August 28<sup>th</sup>, 2012

Dr. Christopher M. Legault, Chair  
New England Fishery Management Council  
Scientific and Statistical Committee  
50 Water Street, Mill 2  
Newburyport, MA 01950



Dear Dr. Legault,

I am writing today on behalf of CHOIR to request that you and the rest of the Scientific and Statistical Committee consider our perspectives on the state of the Atlantic herring resource, the 2012 stock assessment, and appropriate catch limits. CHOIR is an industry coalition made up of over 650 commercial and recreational fishing organizations, fishing and shore side businesses, researchers and eco-tourism companies. CHOIR was formed in 2002 to advocate for responsible management and development of the Atlantic herring fishery due to the importance of herring as forage for all members of the coalition.

We understand that the SSC will form recommendations on Acceptable Biological Catch for Atlantic herring at your September 12-13 2012 meeting. Based on our concerns that the stock status is not as optimistic as suggested by the 2012 stock assessment and the importance of herring as a source of forage for other fishery resources, we urge you to apply a conservative approach in your determination of acceptable biological catch.

CHOIR members and our consultant participated in and contributed to all meetings of the NEFSC Herring Working Group and the 54<sup>th</sup> Stock Assessment Review Committee. We understand the data and analytical models used to determine stock status and projected catch. Several aspects of the stock assessment have substantial uncertainty that should be considered in the buffer between the overfishing limit and acceptable biological catch:

1. Recent Recruitment - We share the concern expressed by the SARC Panel that the perception of a recent increase in stock biomass is largely driven by recent recruitment, which may be over-estimated. The perceived abundance of the 2008 year class (nearly

twice as abundant as any other) is not supported by all available information. Unfortunately, the perception of a strong 2008 year class is almost entirely dependent on the conversion from the Albatross to the Bigelow survey. Our members are involved in various fisheries throughout the region, and our at-sea observations do not agree with the perception of a dominant year class of herring in recent years. The accuracy of catch projections are largely influenced by the uncertainty in the estimate of recent recruitment, and warrant conservative catch recommendations until abundance of the 2008 year class is confirmed. Furthermore, as history has shown, basing management decisions too heavily on the promise of single year class is risky in itself.

2. Exclusion of the Acoustic Survey - The acoustic survey does not confirm the perception of an increasing stock. Considerable investments have been made to maintain an acoustic survey that monitors abundance of the New England herring resource, but the acoustic survey was excluded from the assessment model, because it did not agree with fishery and trawl survey trends. Similarly, a larval index was also excluded, because it did not confirm the recent stock increase. A change in vertical distribution of herring, from off-bottom to near-bottom is well documented in Council proceedings from all sectors of the fishing industry. The change in vertical distribution is expected to decrease efficiency of acoustic methods and increase efficiency of trawls. Although the acoustic and larval surveys present a statistical challenge for model fitting, the contrasting trends between survey approaches should be considered in the stock assessment and management decisions. Artificially reducing uncertainty by removing certain surveys should be accounted for when developing catch advice.
3. Spatial Structure - Based on practical limitations of sampling, the Working Group decided to continue to assess several distinct spawning components as a unit stock. As demonstrated by Guan et al. (2012), the assumption can result in considerable retrospective error.
4. Consumption of Herring - We applaud the attempt to incorporate consumption information in the herring assessment, but consumption estimates were explicitly conservative, and actual consumption and the importance of herring to other fisheries is probably underestimated. The future demands of predators is a source of uncertainty and is likely going to continue to drive our perception of herring stock productivity down.

Although the 2012 assessment is an improvement over the last assessment, substantial uncertainties remain. In the context of these uncertainties, the SSC recommended that a Management Strategy Evaluation should be completed as part of the 2012 stock assessment (Term of Reference 9). The SARC Panel agreed that such an evaluation would be the most appropriate approach to this situation.

The estimated overfishing limit for 2013 (169kt) is nearly double the 2011 catch. This estimate is highly uncertain and probably overestimated, because of the reliance on the 2008 year class, the exclusion of less optimistic survey trends, and the simplification of stock structure. In the absence of the management strategy evaluation, we think that a much more conservative catch is needed to account for scientific uncertainty. Given the concerns about depletion of spawning components,

we also feel that it would be appropriate for the SSC to consider recommendations of expanded spawning closures (e.g., for Nantucket Shoals and coastal Gulf of Maine). Please consider our perspectives on the current state of the resource and our concerns with the 2012 stock assessment in your determination of acceptable catch.

Thanks for your time,

A handwritten signature in blue ink that reads "Stephen B. Weiner". The signature is written in a cursive style with a blue ink pen.

Steve Weiner, Chair

Cc: Paul Howard, Rip Cunningham, Chris Kellogg

