US Acadian redfish, haddock and pollock otter trawl fishery

2nd Surveillance Report

Conformity Assessment Body (CAB)	SAI Global
Assessment team	Lead Assessor, Virginia Polonio Assessor, Jerry Ennis Assessor, Robert (Bob) Allain
Fishery client	Sustainable Groundfish Association, Inc.
Assessment Type	Second Surveillance
Report Code	MSC022
Report Date	20 May 2019

1 Contents

2 Glossary

ABC	Acceptable Biological Catch
ASM	At sea monitoring
ACE	Annual Catch Entitlements
ACL	Annual Catch Limits
AM	Accountability measures
ASAP	Age Structured Assessment Program
B_{MSY}	Biomass calculated for Maximum Sustainable Yield
CAB	Conformity Assessment Body
DFO	Fisheries and Oceans Canada
F	Fishing Mortality
FA or FW	Framework Arrangement
FG	Fixed Gear
FMP	Fishery Management Plan
FSB	Fisheries Sampling Branch (NESC)
F_{LIM}	Limit Reference Point for Fishing Mortality
F_{REF}	Fishing Mortality reference Point
GARFO	Greater Atlantic Regional Fisheries Office (NOAA)
GARM	Groundfish Assessment Review Meeting
GB	Georges Bank
GCES	General Counsel - Enforcement Section
GOA	Groundfish Operational Assessment
GOM	Gulf of Maine
GOMAC	Gulf of Maine Advisory Committee
GN	Gillnet
HL	Handline
IFMP	Integrated Fisheries Management Plan
LL	Longline
LMOT	Large Mesh Otter Trawl
MG	Mobile Gear
MSC	Marine Stewardship Council
MSE	Management Strategy Evaluation
MSP	Maximum Spawning Potential
NEFMC	New England Fisheries Management Council
NEFOP	Northeast Fisheries Observer Program
NCRP	Northeast Cooperative Research Program
NEFSC	Northeast Fisheries Science Center
NMFS	National Marine Fisheries Service (NOAA)
NOAA	National Oceanic and Atmospheric Administration
OLE	Office of Law Enforcement
OTB	Otter Trawl, Bottom
P1, P2, P3	MSC's Guiding Principles
PA	Precautionary Approach
PI	Performance Indicator
PTNS	Pre-Trip Notification System
RAP	Regional Advisory Process
RV	Research Vessel
RV Biomass Index	Research Vessel Biomass Index
SARC	Stock Assessment Review Committee

SAW	Stock Assessment Workshop
SFF	Sustainable Fisheries Framework
SH	Stakeholder
SSB	Spawning Stock Biomass
SSB_{MSY}	Spawning Stock Biomass for Maximum Sustainable Yield
SSC	Statistical and Scientific Committee
SSR	Special Science Response
PDT	Plan Development Team (Groundfish)
TAC	Total Allowable Catch
TMGC	Trans-boundary Management Guidance Committee (US-Can)
TRAC	Trans-boundary Resources Assessment Committee (US-Can)
UoA	Unit of Assessment (MSC)
UoC	Unit of Certification (MSC)
USR	Upper Stock Reference Point
VPA	Virtual Population Analysis
VMS	Vessel Monitoring System

3 Executive summary

This report contains the findings of the 2nd surveillance audit in relation to the Sustainable Groundfish Association, Inc. certificate of the US Acadian redfish, haddock and pollock otter trawl Fishery.

The 2nd surveillance audit focused on any changes to the fishery and its management since the last surveillance audit and monitoring continued compliance with the MSC Principles and Criteria. Also, the assessment team has evaluated progress against the 2 conditions (PI 2.1.1- Retained Species Outcome and PI 2.1.2- Retained Species-Management).

Table 1 summarises the status on conditions as well as Performance indicators and Principle 2 original and revised score.

Table 1. Conditions status and original and revised Performance Indicator (PI) and Principle level scores.

Condition	PI	Status	Performance Indicator		Principle		
			Original score	Revised Score	Original score	Revised Score Surveillance 1 (2018)	Revised Score Surveillance 2 (2019)
1	2.1.1	On target	70	Not revised	84.7	Not revised	Not revised
2	2.1.2	On target	70	Not revised	84.7	Not revised	Not revised

SAI Global determines that:

- **The US Acadian redfish, haddock and pollock otter trawl Fishery continues to operate a well-managed and sustainable fishery and therefore, continued certification to the MSC Principles and Criteria for Sustainable Fishing is awarded.**

On behalf of the MSC client, the Sustainable Groundfish Association, Inc. (SGA), SAI Global would like to extend thanks to the management and scientific organisations and stakeholders of the **US Acadian redfish, haddock and pollock otter trawl Fishery** who took part in this surveillance audit.

The surveillance assessment team is different from the original team due to SAI Global staff turn-over but it is the same as in the last surveillance audit carried out in 2018. Skills and experience are summarized below.

- **Lead Assessor:** Virginia Polonio (responsible for P2 and Traceability)

Dr. Virginia Polonio, has a degree in Environmental Sciences (B.S.c. University of Cádiz). She has a Master degree (M.Sc. University of Cádiz) in Fisheries Management and Aquaculture. She obtained her PhD in Biodiversity and Natural resources at the University of Oviedo and during her PhD she gained experience in the field of research of fisheries and Vulnerable Marine Ecosystems (VMEs). During her PhD, she gained skills in the fields of benthic ecology and management of ecosystems.

She has participated in the Spanish National Basic Plan of Data to collect and evaluate the fishing activities in ICES and CECAF areas where Spanish fleets realize theirs activities. She carried out feeding habit and age/size studies of *Pagellus Bogaraveo* and others commercial species (hake, anchovy, sharks, mackerel, squid, etc.) to define trophic and predation levels of commercial species in the Gulf of Cadiz and the Strait of Gibraltar.

She has worked on several full assessments such as ISF Capelin, ISF Mackerel, CSHMAC Herring, Cantabrian Sardine, North Atlantic Albacore, Squat lobster, Blue sharks and Swordfish, among others as a Lead Assessor and Team member responsible for P2. She has also participated in Surveillances and pre-assessments acquiring experience in the MSC certification.

She is a full-time employee at SAI Global and she will be Lead assessor and P2 expert in this audit.

- **Assessor:** Jerry Ennis (responsible for P1)

Following undergraduate and graduate degrees at Memorial University of Newfoundland in the 1960s, Dr. Ennis completed a Ph.D. in marine biology at University of Liverpool in the early 1970s. He retired in 2005 following a 37-year research career with the Science Branch of the Department of Fisheries and Oceans. His extensively published work has focused primarily on lobster fishery and population biology and on various aspects of larval, juvenile and adult lobster behavior and ecology in Newfoundland waters. Throughout his career, Dr. Ennis was heavily involved in the review and formulation of scientific advice for management of shellfish in Atlantic Canada as well as the advisory/consultative aspect of managing shellfisheries throughout the Newfoundland-Labrador region of the Northwest Atlantic. In retirement he has been involved on a regular basis as assessor and peer reviewer for MSC assessments of various stocks/fisheries. He is qualified by MSC as team member with responsibility on Principle 1 and is part of the MSCI Peer Review College.

- **Assessor:** Robert (Bob) Allain (responsible for P3)

During his 32-year career with Canada's Department of Fisheries and Oceans (DFO), Mr. Allain served in a variety of fisheries management, strategic planning and policy positions in Atlantic Canada and at Departmental Headquarters in Ottawa. He served as a senior executive from 1991 to 2008 when he retired from public service.

While in Government Service, he consulted internationally for the Canadian International Development Agency, the (former) International Centre for Ocean Development, the World Bank, and the Food and Agricultural Organization of the United Nations in several West African coastal states. He has participated in, and spoken at, international conferences in the United States, Ireland and Australia and has given over 600 media interviews to national and international news agencies.

Mr. Allain received several Deputy Minister's Commendations in recognition of his contribution to DFO's priorities; in 2004, he was bestowed the prestigious John Tait Memorial Award (previously the Prime Minister's Award of Excellence for Public Service) for values and ethics. In 2014, he was inducted into the Atlantic Canada Marine Industries Hall of Fame in the Builders category. He is fluent in both French and English.

Currently, Mr. Allain is the president and principle consultant at OceanIQ Management Services based in Dieppe, New Brunswick. He is a Marine Stewardship Council-certified P3 assessor and has participated in numerous MSC fisheries assessments and surveillance audits in Canada and the U.S. He currently serves as the Canadian technical expert on the Alaska Seafood Marketing Institute's Fisheries Standard Committee for the Responsible Fisheries Management Model.

4 Report details

4.1 Surveillance information

This report sets out the results of the 2nd surveillance audit in relation to the Sustainable Groundfish Association, Inc. certificate of the US Acadian redfish, haddock and pollock otter trawl Fishery.

To be awarded an MSC certificate for the fishery, the applicants agreed in a written contract to develop an action plan for meeting the required 'Conditions' against the performance indicators that scored below 80% in the initial assessment. An Action Plan in respect of both Conditions was submitted by the client and was approved by SAI Global as the certification body of record.

The applicant also agreed in a written contract to be financially and technically responsible for surveillance visits by an MSC accredited certification body, which would occur at a minimum of once a year, or more often at the discretion of the certification body (based on the applicant's action plan or by previous findings by the certification body from annual surveillance audits or other sources of information).

Announcement of Surveillance Audit

An announcement of the surveillance site visit was published on the MSC website on January 15th, 2019 to provide an opportunity to stakeholders to meet with or submit information on the fishery to the assessment team. Additionally, written notification was sent to the list of stakeholders representing the consultation plan during the initial assessment of this fishery and in many cases follow up mails were also made to ensure that stakeholders had been provided with sufficient opportunity to participate in consultation.

Table 2. Surveillance announcement.

1	Fishery name	
	US Acadian redfish, haddock and pollock otter trawl fishery	
2	Surveillance level and type	
	Surveillance level 5. Default surveillance 2 – off-site surveillance audit The surveillance program for this fishery was changed from the previously indicated in the PCDR, level 6 to the level 5 reported in the last surveillance audit (Surveillance year 1- An update was provided in the Appendix 5 of the Surveillance report). The modification was done due to the information that will be needed to verify the progress of the fishery against conditions 1 and 2 can be collected from a remote location. Also, the review of changes and updates in management and science can be undertaken from a remote location. Therefore, the activities under surveillance 2 are carried out remotely.	
3	Surveillance number	
	1st Surveillance	
	2nd Surveillance	✓
	3rd Surveillance	
	4th Surveillance	
	Other (expedited etc)	
4	Proposed team leader	
	Virginia Polonio is the proposed team leader for this assessment. Also, she is responsible for P2 and traceability. She has a PhD in marine ecology focus on Marine Protected Areas. She has worked in the Spanish Oceanographic Centre for more than 8 years in fisheries management to protect	

	vulnerable species. She has several publications regarding VMEs. Further, she has worked as P2 expert in several MSC full assessment in recent years (see C.V.)
5	Proposed team members *[remove if not applicable]*
	Jerry Ennis is responsible for P1. He has a PhD in Marine biology and he has extensive experience in stock assessment from a 37-year research career which focused primarily on fishery and population biology and ecology of shellfish in Newfoundland waters. His career included heavy involvement in the review and formulation of scientific advice for management of marine resources in Atlantic Canada. Furthermore, he has participated in several MSC assessment in recent years (see C.V.) Bob Allain is responsible for P3. He has extensive experience in managing fisheries. During his 32-year career with Canada's Department of Fisheries and Oceans, Mr. Allain served in various fisheries management, enforcement, and strategic planning and policy capacities in Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador, and at Departmental Headquarters in Ottawa, Ontario. He served at the senior executive level from 1991 to 2008. Furthermore, he has participated in several MSC assessment in recent years (see C.V.)
6	Audit/review time and location
	The surveillance is off-site. Therefore the audit is conducted remotely from the CAB's office in Dundalk, Ireland. The activities are planned for the week of 18th March 2019.
7	Assessment and review activities
	To review any changes in the management of the fishery, including regulations, key management or scientific staff or stock evaluation. To evaluate the progress of the fishery against the two Conditions of Certification raised during the full-assessment. To evaluate the progress of the fishery against one recommendation raised during the 1st Surveillance audit. To review any developments or changes within the fishery which impact traceability and the ability to segregate MSC from non-MSC products. To review any other significant changes in the fishery.

4.2 Background

The fishery under assessment was evaluated during 2015 and the beginning of 2016 under MSC CR version 1.3. Following the posting of the PCR on MSC website in July 2016, the UoCs described are listed in the table below (Table 3).

Table 3. Unit of Assessments (UoAs) and Unit of certifications (UoCs) defined in the full assessment and evaluated during the surveillance audit.

UoA 1 Acadian Redfish	
Species	**Acadian Redfish** (*Sebastes fasciatus)*
Geographical Area	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Stock	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group and Others eligible fishers	Sustainable Groundfish Association, Inc. and the vessels holding the license to fish in the groundfish
UoA 2 Pollock	
Species	**Pollock** (*Pollachius virens)*
Geographical Area	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Stock	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group and Others eligible fishers	Sustainable Groundfish Association, Inc. and other eligible fishers are the vessels holding the license to operate in the groundfish
UoA 3 GOM Haddock	
Species	**Haddock** (*Melanogrammus aeglefinus*)
Geographical Area	NW Atlantic, US EEZ (Gulf of Maine)
Stock	**Haddock** NW Atlantic, US EEZ, Gulf of Maine
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group and Others eligible fishers	Sustainable Groundfish Association, Inc. and other eligible fishers are the vessels holding the license to operate in the groundfish
UoA 4 GB Haddock	
Species	**Haddock** (*Melanogrammus aeglefinus*)
Geographical Area	NW Atlantic, US EEZ (Georges Bank)
Stock	**Haddock** NW Atlantic, US EEZ, Georges Bank
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group and Others eligible fishers	Sustainable Groundfish Association, Inc. and other eligible fishers are the vessels holding the license to operate in the groundfish
UoC 1 Acadian Redfish	
Species	**Acadian Redfish** (*Sebastes fasciatus)*
Geographical Area	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Stock	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group	Sustainable Groundfish Association, Inc.
UoC 2 Pollock	

Species	**Pollock** (*Pollachius virens)*
Geographical Area	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Stock	NW Atlantic, US EEZ (Gulf of Maine, Georges Bank)
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group	Sustainable Groundfish Association, Inc.
UoC 3 GOM Haddock	
Species	**Haddock** (*Melanogrammus aeglefinus*)
Geographical Area	NW Atlantic, US EEZ (Gulf of Maine)
Stock	**Haddock** NW Atlantic, US EEZ, Gulf of Maine
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group	Sustainable Groundfish Association, Inc.
UoC 4 GB Haddock	
Species	**Haddock** (*Melanogrammus aeglefinus*)
Geographical Area	NW Atlantic, US EEZ (Georges Bank)
Stock	**Haddock** NW Atlantic, US EEZ, Georges Bank
Method of capture	Otter Trawl
Management system	NMFS/NEFMC
Client Group	Sustainable Groundfish Association, Inc.

The UoAs/UoCs are still defined as in the full assessment. The Client group has been revised and now includes 2 companies that are named to the certificate (Update August 2018):

- Cape Ann Seafood Exchange, Inc.
- Atlantic Coast Seafood, Inc

According to GARFO (NOAA), some 2,472 fishing vessels hold a commercial multi-species groundfish licence (list of vessels).
However while all of them are considered in the study as eligible fishers which can share the certificate with the client group, only the otter trawl vessels that commercialise their product through the client group companies can carry on the MSC ecolabel and are included in the certificate.

4.2.1 Fishery Observations

In 2017, total catches were 4,091 t (Georges Bank haddock), 2,265 t (Gulf of Maine haddock), 4,648 t (redfish) and 3,009 t (pollock). These catches represented 7.8%, 75.1%, 45.6% and 16.9% of the respective ACLs for these stocks. As of the quota report run on March 22, 2019, 2018 total catches are similar at 4,117 t (GB haddock), 2,655 t (GOM haddock), 4,583 t (redfish) and 3,051 t (pollock) representing 9.2%, 30.4%, 42.6% and 8.2% of the respective 2018 ACLs. The primary reason for large underruns of ACLs in these directed fisheries is restrictive catch limits on other groundfish species that are taken as bycatch.

The time series of annual catches for these fisheries reported in the 2017 stock assessments (NEFSC 2017) are provide below for comparison (Figs. 1, 2, 3 and 4).

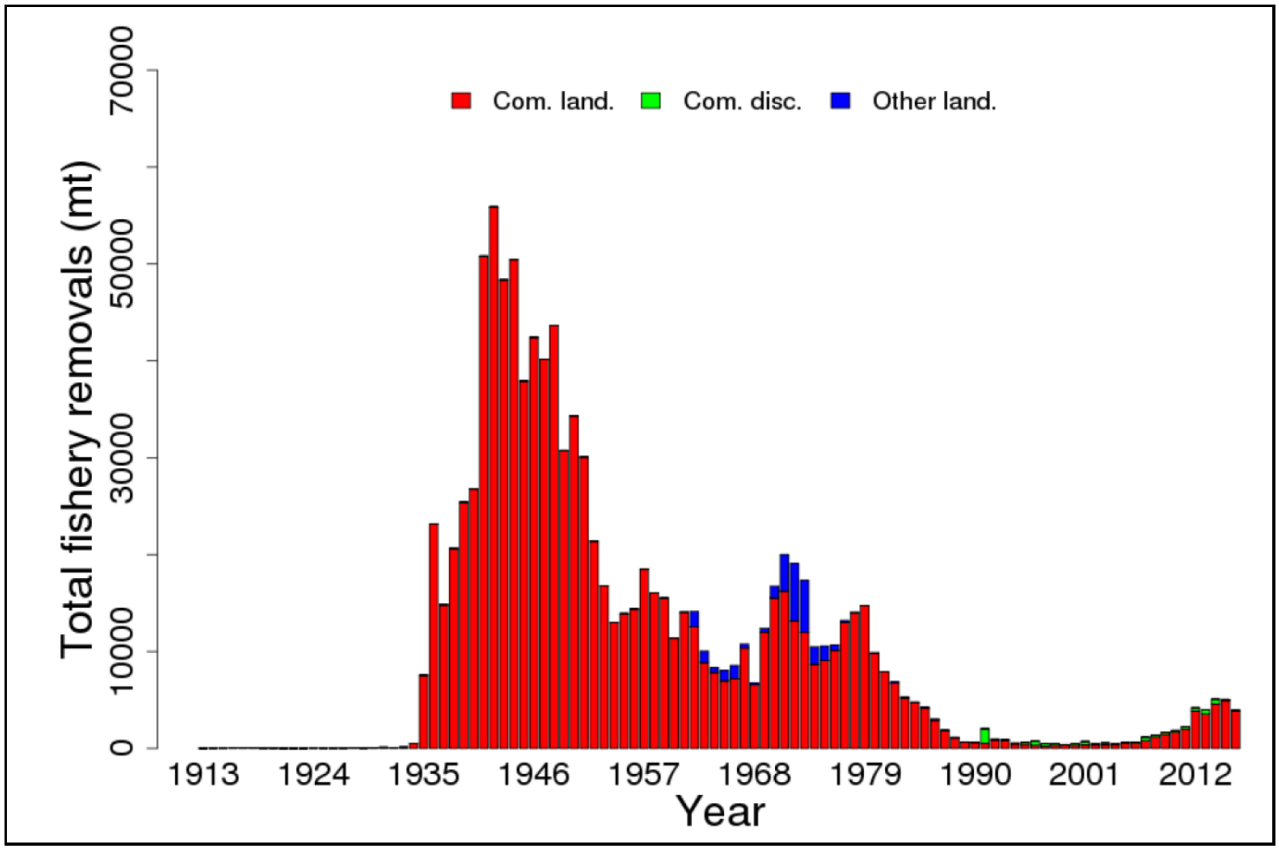

Figure 1. Total catch of Acadian redfish between 1913 and 2016 by fleet (commercial and other) and disposition (landings and discards). Source: NEFSC-NOAA

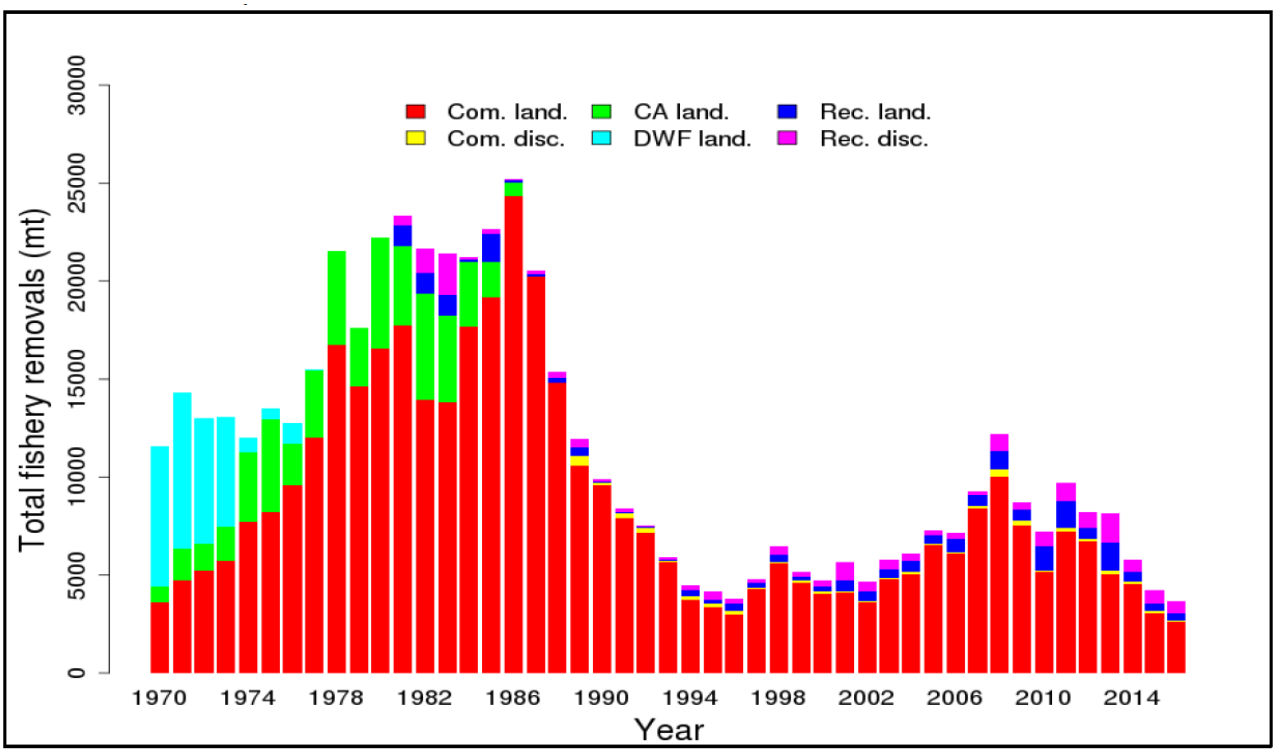

Figure 2. Total catch of pollock between 1970 and 2016 by fleet (commercial, Canadian, distant water fleet, and recreational) and disposition (landings and discards). Source: NEFSC-NOAA

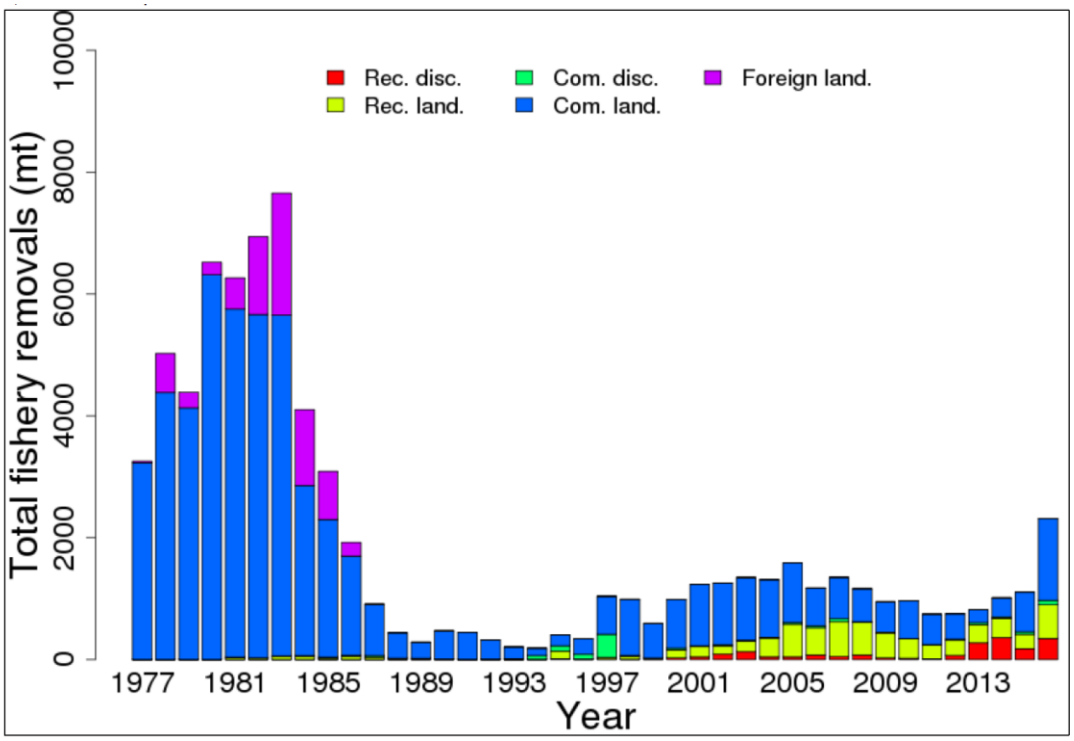

Figure 3. Total catch of Gulf of Maine haddock between 1977 and 2016 by fleet (commercial, recreational, or foreign) and disposition (landings and discards). Source: NEFSC-NOAA

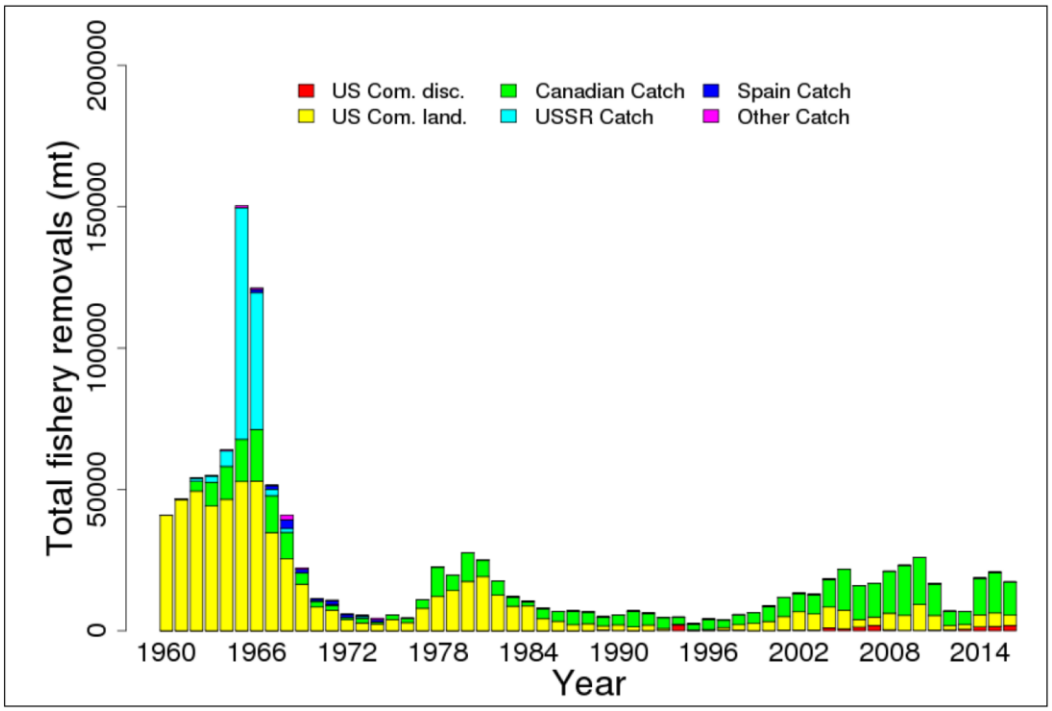

Figure 4. Total catch of Georges Bank haddock between 1931 and 2016 by fleet (US Commercial, Canadian, or foreign) and disposition (landings and discards). Source: NEFSC-NOAA

4.2.2 Stock status of each species

The 1st surveillance audit (SAI Global 2018) updated Gulf of Maine and Georges Bank haddock, redfish and pollock stock status based on assessments done in 2017 (NEFSC 2017), which incorporated data up to 2016.

The next assessment of these stocks is planned for September 2019 and results will be available for the next audit.

In discussion with NEFSC staff responsible for conducting the assessments of these stocks, it was stated that indices based on 2018 RV surveys are consistent with stock projections done as part of the 2017 assessments and no significant departures from these are anticipated in the new assessments. These projections are provided below for each UoA along with the time series of population model estimates of SSB for reference.

Acadian Redfish

Table 4 shows the retrospective adjusted short term projections of median total fishery yield and spawning stock biomass for Acadian redfish based on a harvest scenario of fishing at an F_{MSY} proxy of $F_{50\%}$ between 2018 and 2020. Catch in 2017 has been estimated at 4,630 t. F_{Full} is the fully selected F.

Table 4. Retrospective adjusted short term projections of median total fishery yield and spawning stock Biomass for Acadian redfish. Source: NEFSC-NOAA.

Year	Catch (mt)	SSB (mt)	F_{Full}
2017	4,630	382,980	0.012

Year	Catch (mt)	SSB (mt)	F_{Full}
2018	15,451	400,038	0.038
2019	15,614	406,382	0.038
2020	15,677	410,365	0.038

Figure 5 shows the trends in spawning stock biomass of Acadian redfish between 1913 and 2016 from the current (solid line) and previous (dashed line) assessment and the corresponding $SSB_{Threshold}$ (0.5 * SSB_{MSY} proxy; horizontal dashed line) as well as SSB (SSB_{MSY} proxy; horizontal dotted line) based on the 2017 assessment. The 2016 biomass was adjusted for a retrospective pattern and the adjustment is shown in red. The approximate 90% lognormal confidence intervals are shown

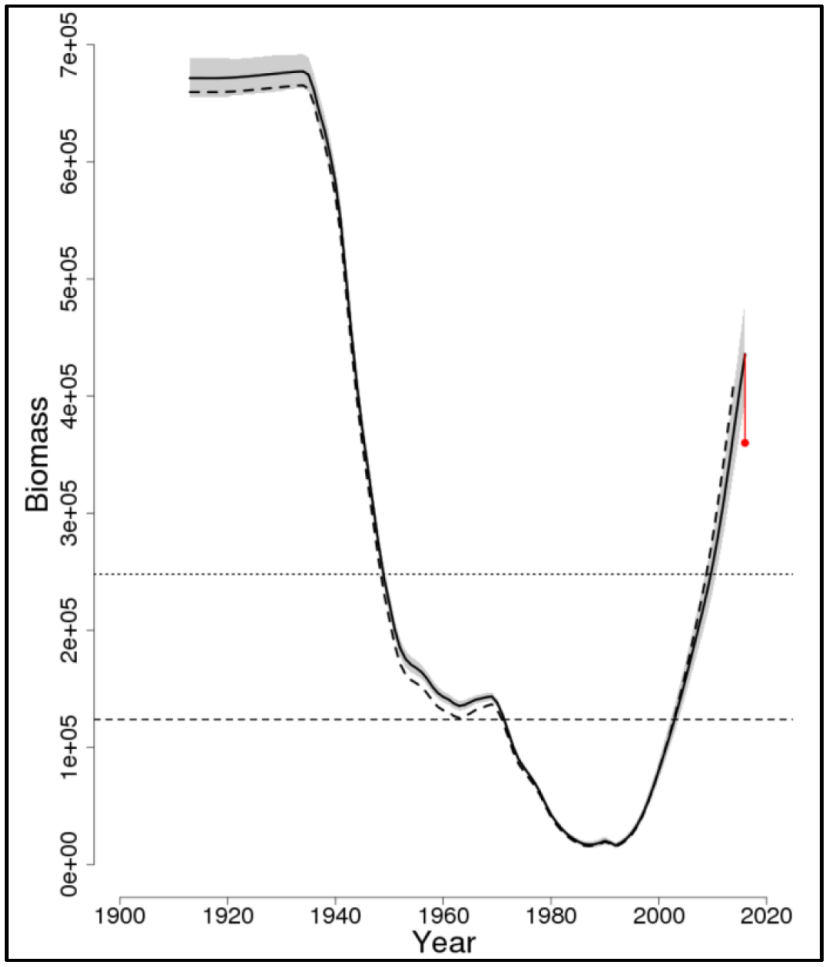

Figure 5. Trends in spawning stock biomass of Acadian redfish between 1913 and 2016. Source: NEFSC-NOAA

Pollock

Table 5 shows the retrospective adjusted short term projections of median total fishery yield and spawning stock biomass for pollock from the current base model and at sel sensitivity model based on a harvest scenario of fishing at an F_{MSY} proxy of $F_{40\%}$ between 2018 and 2020. Catch in 2017 has been estimated at 4,296 t. F_{AVG} is the age 5 to 7 average F.

Table 5. Retrospective adjusted short term projections of median total fishery yield and spawning stock biomass for Pollock. Source: NEFSC-NOAA

Year	Catch (mt)	SSB (mt)	F_{AVG}	Catch (mt)	SSB (mt)	F_{AVG}
		base			*flat sel sensitivity*	
2017	4,296	243,345	0.025	4,296	100,184	0.056
Year	Catch (mt)	SSB (mt)	F_{AVG}	Catch (mt)	SSB (mt)	F_{AVG}
		base			*flat sel sensitivity*	
2018	51,680	286,640	0.260	23,408	121,667	0.249
2019	51,216	267,301	0.260	24,167	117,037	0.249
2020	52,269	236,653	0.260	25,974	105,719	0.249

Figure 6 shows the estimated trends in the spawning stock biomass of pollock between 1970 and 2016 from the current (solid line) and previous (dashed line) assessment and the corresponding $SSB_{Threshold}$ (0.5 * SSB_{MSY}

proxy; horizontal dashed line) as well as SSB_{Target} (SSB_{MSY} proxy; horizontal dotted line) based on the 2017 assessment models base (A) and at sel sensitivity (B). The 2016 biomass was adjusted for a retrospective pattern and the adjustment is shown in red. The approximate 90% lognormal confidence intervals are shown. Source: NEFSC-NOAA

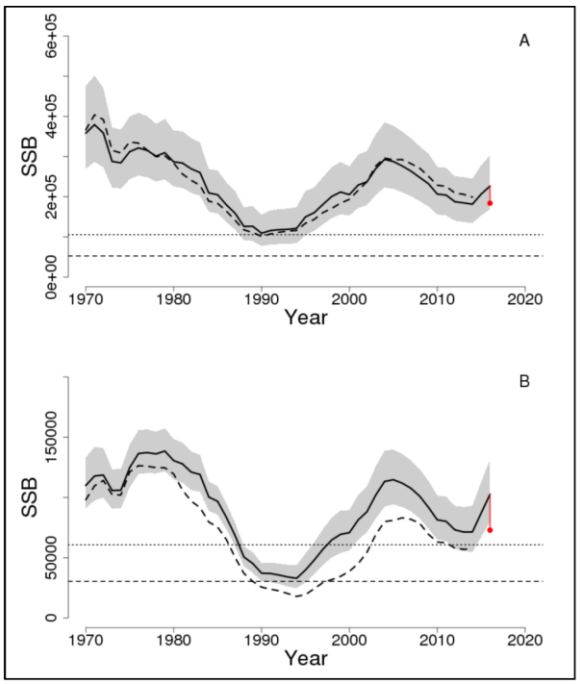

Figure 6. Estimated trends in the spawning stock biomass of pollock between 1970 and 2016. Source: NEFSC-NOAA.

Gulf of Maine Haddock

Table 6 shows short term projections of total fishery catch and spawning stock biomass for Gulf of Maine haddock based on a harvest scenario of fishing at F_{MSY} proxy ($F_{40\%}$) between 2018 and 2020. Catch in 2017 was assumed to be 2,306 t.

Table 6. Short term projections of total fishery catch and spawning stock biomass for Gulf of Maine haddock. Source: NEFSC-NOAA

Year	Catch (mt)	SSB (mt)	F_{Full}
2017	2,306	68,429	0.077

Year	Catch (mt)	SSB (mt)	F_{Full}
2018	16,954	65,130	0.455
2019	15,023	49,069	0.455
2020	11,289	34,123	0.455

Figure 7 shows the trends in spawning stock biomass (SSB) of Gulf of Maine haddock between 1977 and 2016 from the current (solid line) and previous (dashed line) assessment and the corresponding $SSB_{Threshold}$ (horizontal dashed line) and SSB_{Target} (horizontal dotted line) based on the 2017 assessment. The approximate 90% lognormal confidence intervals are shown.

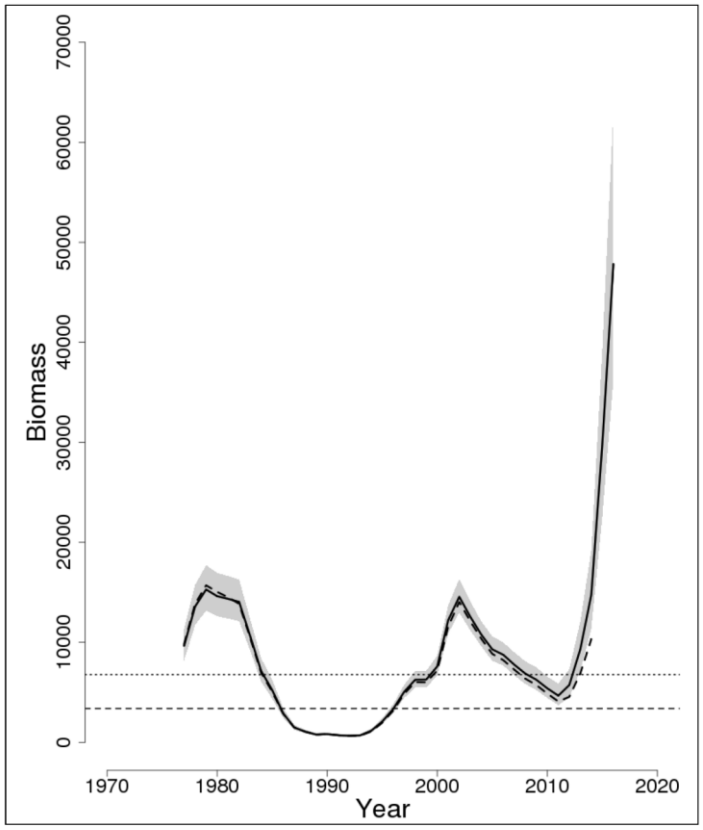

Figure 7. Trends in spawning stock biomass (SSB) of Gulf of Maine haddock between 1977 and 2016 Source: NEFSC-NOAA

Georges Bank Haddock

Table 7 shows the short term projections of total fishery catch and spawning stock biomass for Georges Bank haddock based on a harvest scenario of fishing at F_{MSY} proxy between 2018 and 2020. Catch in 2017 was assumed to be 18,920 t.

Table 7. Short term projections of total fishery catch and spawning stock biomass for Georges Bank haddock. Source: NEFSC-NOAA

Year	Catch (mt)	SSB (mt)	$\bar{F}_{5-7}$
2017	18,920	308,304 (214,535 - 454,442)	0.140 (0.098 - 0.197)

Year	Catch (mt)	SSB (mt)	$\bar{F}_{5-7}$
2018	94,274 (64,109 - 141,160)	324,547 (220,458 - 481,224)	0.414
2019	93,569 (62,519 - 138,829)	329,516 (221,969 - 487,070)	0.414
2020	85,292 (57,025 - 127,046)	246,774 (163,125 - 382,012)	0.414

Figure 8 shows the trends in spawning stock biomass of Georges Bank haddock between 1931 and 2016 from the current (solid line) and previous (dashed line) assessment and the corresponding $SSB_{Threshold}$ (horizontal dashed line) as well as SSB_{Target} (horizontal dotted line) based on the 2015 assessment. The 2016 biomass was adjusted for a retrospective pattern and the adjustment is shown in red. The 90% bootstrap probability intervals are shown.

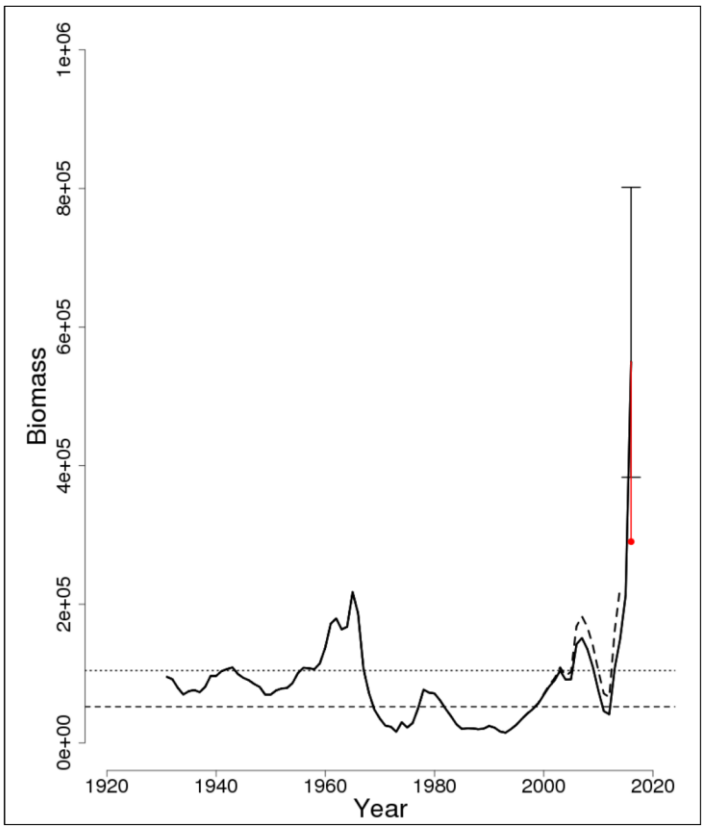

Figure 8. Trends in spawning stock biomass of Georges Bank haddock between 1931 and 2016. Source: NEFSC-NOAA

4.2.3 Additional information to stock assessments

A Management Strategy Evaluation (MSE) has not been initiated for any ground fishery in the US NE region. However, a January 2019 Ecosystem-Based Fishery Management Report[1] includes a Draft Example Fishery Ecosystem Plan (FEP) for Georges Bank which describes an operational framework to conduct an evaluation of potential ecosystem management strategies. The suggested approach is centred on developing management strategies for providing multispecies catch advice and explicitly testing those strategies on a simulated Georges Bank Ecosystem through a process of Management Strategy Evaluation (MSE). The document is intended to be a starting point for further discussion and performance analysis. Also included in the January report is a proposed draft MSE timeline. The foregoing remains a work-in-progress and not yet formally adopted by the Council, nevertheless, progress with development of the concept of Ecosystem-Based Fishery Management, which would consider groundfish as part of Species Complexes, can be monitored on the NEFMC website.

Amendment 8 to the Atlantic Herring FMP has been in development for some time by the Council with the expectation of establishing a long-term control rule for specifying acceptable biological catch (ABC) that manages the herring fishery within an ecosystem context. This is the first application of the MSE approach for a fishery managed by the NEFMC. The proposed timeline for the FEP for Georges Bank includes evaluation of the Amendment 8 process, all stages of which can be reviewed on the NEFMC website

4.2.4 Relevant changes to Legislation and Regulations

This section of the report incorporates new and updated information with respect to the legislation and regulatory scheme of relevance to the certified fisheries since the 1st surveillance audit in 2018. An additional

[1] www.nefmc.org/january-2019-ecosystem-based-fishery-management-report

section (see 4.2.4.1) includes the most recent available information and results of the enforcement and compliance activities by law enforcement personnel for the commercial fisheries of the North-eastern U.S.

A. Industry-funded Monitoring[2]
This action proposes regulations to implement the NEFMC's Industry-Funded Monitoring Omnibus Amendment. The Council is considering ways to increase monitoring in certain fisheries to assess the amount and type of catch and reduce uncertainty around catch estimates. This amendment would implement a process to standardize future industry-funded monitoring programs in NEFMC FMPs (and industry-funded monitoring in the Atlantic herring fishery). The public comment period closed on 24th December 2018.

B. Northeast Multispecies Fishery: 2018 Sector Operations Plans and Allocation of Annual Catch Entitlements[3]
This interim final rule determines the quota overages that Northeast Fishery Sector IX is responsible for paying back, allocates annual catch entitlements to Northeast Fishery Sectors VII and IX for the 2018 fishing year, approves a new lease-only operations plan for Northeast Fishery Sector IX, and approves a substantive amendment to Northeast Fishery Sector VII operations plan. Approval of the operations plans and allocation of annual catch entitlements is necessary for the sectors to operate. This action is intended to ensure that these sectors are allocated accurate annual catch entitlements that account for past catch overages, and that the sectors' operations plans can achieve the conservation and management objectives of the Northeast Multispecies Fishery Management Plan. The effective period of this interim final rule is from 20th July 2018 to 30th April 2019. The public comment period closed on 20th August 2018.

C. Northeast Multispecies Fishery: 2019 and 2020 Sector Operations Plans and 2019 Allocation of Northeast Multispecies Annual Catch Entitlements[4]
In a 7th March press release, NOAA/NMFS indicated that it had received sector operations plans and contracts from 20 groundfish sectors for the 2019 and 2020 fishing years. It proposes to approve these 20 operations plans and grant 19 regulatory exemptions to improve the efficiency and flexibility of sector vessels. Additionally, NOAA is proposing to approve the formation of a new groundfish sector and to allocate annual catch entitlements for fishing year 2019 based on Framework 57. Annual catch entitlements may be modified by Framework 58, if approved, at a later date. The public comment period closed on 22nd March.

Associated details are described in a proposed rule as required by the *Magnuson-Stevens Act* (50 CFR Part 648 [Docket No. 190205076–9168–01] RIN 0648–BI71).[5] Extracts of the proposed rule are presented here.

Summary: The NMFS proposes to approve Northeast multispecies sector operations plans and grant regulatory exemptions for fishing years 2019 and 2020, approve the formation of a new sector, and provide preliminary annual catch entitlements to approved sectors for fishing year 2019. Approval of sector operations plans and contracts is necessary to allocate annual catch entitlements to the sectors and for the sectors to operate. This action is intended to allow limited access permit holders to form sectors, as authorized under the Northeast Multispecies Fishery Management Plan, and to exempt them from certain effort control regulations to improve the efficiency and economics of sector vessels.

NMFS received operations plans and preliminary contracts for fishing years 2019 and 2020 from 20 sectors. The operations plans are similar to operations plans and contracts previously approved for prior fishing years. We have made a preliminary determination that the 20 sector operations plans and contracts that we

[2] https://www.govinfo.gov/content/pkg/FR-2018-11-07/pdf/2018-24087.pdf
[3] https://www.federalregister.gov/documents/2018/07/20/2018-15477/magnuson-stevens-act-provisions- fisheries-of-the-northeastern-united-states-northeast-multispecies
[4] https://www.fisheries.noaa.gov/action/northeast-multispecies-fishery-2019-and-2020-sector-operations-plans-and-2019-allocation
[5] Refer to Federal Registry/ Vol. 84, No. 45 / Thursday, March 7, 2019/ Proposed Rules

received, and the 19 regulatory exemptions requested, are consistent with the FMP's goals and objectives, and meet sector requirements outlined in the regulations at § 648.87.

Default Catch Limits for Fishing Year 2019

Last year, Framework 57 set fishing year 2019 catch limits for all groundfish stocks (83 FR 18985; May 1, 2018). The 2019 catch limits for most stocks remain the same as, or similar to, 2018 limits. Framework 57 did not, however, specify a 2019 catch limit for Eastern GB cod. Eastern GB cod is a management unit of the GB cod stock that is jointly managed with Canada, and the shared quota is set annually.

This year, in Framework 58, the Council adopted revised 2019 catch limits for GB cod, GB haddock, GB yellowtail, witch flounder, GB winter flounder, GOM winter flounder, and Atlantic halibut. Council recommended a total ACL of 103 mt for GB yellowtail flounder. This is a 64-percent decrease from the fishing year 2019 ACL previously set in Framework 57, and a 50-percent decrease from the fishing year 2018 ACL. Council also revised the fishing year 2019 ACL for GB cod to 1,741 mt. This is a 14-percent increase from the fishing year 2018 ACL, but a 20-percent decrease from the fishing year 2019 ACL previously set in Framework 57.

The adjustments are based on the recommendation of the Transboundary Management Guidance Committee, a joint U.S./Canada management body that meets annually to recommend shared quotas for the three transboundary stocks. These changes are highlighted in this rule because the GB yellowtail flounder and GB cod sector allocations proposed are based on the higher 2019 catch limits previously approved in Framework 57. If the Council's recommended catch limits become final with no changes, ACE for these stocks will be reduced when Framework 58 is implemented. Framework 58 would also adjust the GOM cod catch limits for commercial groundfish vessels. The sector sub-ACL for GOM cod would be reduced by 28.8mt for fishing year 2019. This adjustment is required because the total ACL was exceeded in fishing year 2017. Therefore, sectors' ACE will be reduced when Framework 58 is implemented compared to their May 1 allocations.

However, because of the 35-day Federal government shutdown resulting from a lapse in appropriations, there was a delay in the established rulemaking process for Framework 58. Accordingly, GARFO advised during the webex conference that it was not possible to implement the revised catch limits for 1st May. As a result, the 2019 catch limits that were set out in Framework 57 including preliminary sector and common pool allocations based on final 2018 fishing year rosters (Table A) would be those in effect as of 1st May. Once Framework 58 is implemented, the aforementioned 2019 catch limits for GB cod, GB haddock, GB yellowtail, witch flounder, GB winter flounder, GOM winter flounder, and Atlantic halibut will be in effect.

Note: The groundfish regulations require default catch limits for any stock for which final specifications are not in place by the beginning of the fishing year. The FMP's default specifications provision sets catch at 35 percent of the previous year's (2018) catch limits for the period from 1st May through to 31st July, or until the final rule for Framework 58 is implemented if prior to 31st July.

Table 8. Northeast multispecies catch limits for 2019. Source: https://www.govinfo.gov/content/pkg/FR-2019-03-07/pdf/2019-04141.pdf

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Rec-reational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod *	1,519	1,360	1,333	28	.....	.....	.....	.....	16	143
GOM Cod *	666	610	378	12	220	.....	.....	.....	47	9
GB Haddock *	46,312	44,659	44,340	319	.....	680	.....	.....	487	487
GOM Haddock	11,803	11,506	8,219	93	3,194	116	.....	.....	91	91
GB Yellowtail Flounder *	291	239	235	4	.....	.....	47	6	0	0
SNE/MA Yellowtail Flounderd	66	32	26	6	.....	.....	15	.....	2	17
CC/GOM Yellowtail Flounder	490	398	381	17	.....	.....	.....	.....	51	41
American Plaice	1,532	1,467	1,442	26	.....	.....	.....	.....	32	32
Witch Flounder *	948	849	831	18	.....	.....	.....	.....	40	60
GB Winter Flounder *	787	731	725	6	.....	.....	.....	.....	0	57
GOM Winter Flounder *	428	357	339	18	.....	.....	.....	.....	67	4
SNE/MA Winter Flounder	700	518	456	62	.....	.....	.....	.....	73	109
Redfish	11,208	10,972	10,921	51	.....	.....	.....	.....	118	118
White Hake	2,794	2,735	2,715	21	.....	.....	.....	.....	29	29
Pollock	38,204	37,400	37,170	230	.....	.....	.....	.....	402	402
N. Windowpane Flounder	86	63	.....	63	.....	.....	18	.....	2	3
S. Windowpane Flounder	457	53	.....	53	.....	.....	158	.....	28	218
Ocean Pout	120	94	.....	94	.....	.....	.....	.....	3	23
Atlantic Halibut *	100	77	.....	77	.....	.....	.....	.....	21	2
Atlantic Wolffish	84	82	.....	82	.....	.....	.....	.....	1	1

*Catch limit will be replaced when the final rule for Framework 58 becomes effective.

Formation of a New Sector

This action proposes to approve the formation of a new sector, Mooncusser Sector, for operation beginning in the 2019 fishing year in that the sector operations plan and preliminary contract submitted by Mooncusser Sector contains the required provisions for operations. The request to form the sector went through the new approval process established in Framework 55 (81 FR 26412; May 2, 2016). As required by the FMP, NMFS consulted with the New England Fishery Management Council on the formation of this new sector. At its January 2019 meeting, the Council reviewed the sector's proposed operations plan and preliminary contract and recommended that NMFS approve the new sector.

Note: According to a report in the Gloucester Times[6] on 27th March 2019, Gloucester-based Northeast Fishery Sector III will be deactivated for the 2019 fishing season. The sector, one of two Gloucester-based groundfish sectors within the original 16 commercial groundfish sectors approved by NOAA Fisheries in the 2010 transition to catch shares has exhausted its roster of vessels, and permits won't financially support an active sector. Most of the remaining active vessels - estimated to be less than a half-dozen entering the new fishing season - and their permits will be rolled into Gloucester-based Northeast Fishing Sector II for 2019.

Sector Allocations

The sector allocations proposed in this rule are based on the 2019 catch limits established in Framework 57 and final fishing year 2018 sector rosters.

Due to the 35-day partial Federal government shutdown resulting from a lack of appropriations, there was a delay in distributing the annual letter describing each vessel's potential contribution to a sector's quota for the upcoming fishing year, and the deadline to enrol in a sector was set for March 8, 2019, although sectors may set a more restrictive deadline for their members. Thus, NMFS used fishing year 2018 rosters as a proxy for fishing year 2019 sector membership and to calculate the fishing year 2019 projected allocations in this proposed rule.

Any permits that change ownership after December 1, 2018, retain the ability to join a sector through April 30, 2019. All permits enrolled in a sector, and the vessels associated with those permits, have until April 30, 2019, to withdraw from a sector and fish in the common pool for fishing year 2019. For fishing year 2020, NMFS will set similar roster deadlines, notify permit holders of the fishing year 2020 deadlines, and allow permit holders to change sectors separate from the annual sector operations plans approval process.

The sector's allocation for each stock was calculated by summing its members' potential sector contributions (PSC) for a stock and then multiplying that total percentage by the available commercial sub-ACL for that stock. At the start of the 2019 fishing year, NMFS provides final allocations, to the nearest pound, to each sector based on their final May 1 rosters. NMFS uses these final allocations, along with later adjustments for ACE transfers, reductions for overages, or increases for carryover from fishing year 2018, to monitor sector catch.

NMFS cannot calculate ACEs for the GB Cod Hook Gear and Mooncusser sectors until the preliminary rosters are received. GB Cod Hook Gear and Mooncusser sectors' 2019 rosters will include permits currently enrolled in other sectors or fishing in the common pool, and these two sectors' final ACE allocations will be based on the PSC of their enrolled permits.

At the start of fishing year 2019, NMFS may withhold 20 percent of each sector's fishing year 2019 allocation until it finalizes fishing year 2018 catch information. It expects to finalize 2018 catch information in summer 2019. NMFS will allow sectors to transfer fishing year 2018 ACE for 2 weeks upon its completion of year-end catch accounting to reduce or eliminate any fishing year 2018 overages. If necessary, NMFS will reduce any sector's fishing year 2019 allocation to account for a remaining overage in fishing year 2018 and will follow the same process for fishing year 2020.

[6] https://www.gloucestertimes.com/news/fishing_industry_news/gloucester-groundfish-sectors-consolidate/article_e1b7c0a8-2048-5736-ac28-776524926129.html

4.2.5 Enforcement and Compliance

This sub-section reports on (i) the outcomes of discussions arising from two meetings of NOAA Law Enforcement personnel and provides (ii) updated enforcement and compliance outcomes by both NOAA Law Enforcement and the USCG 1st District.

(i). November 1, 2018 - Boston, MA[7]

Highlighted below are a number of issues that were discussed by representatives of the VMS/Enforcement Committee. Where committee recommendations were made, they are presented in italics.

(a) Cod-end Compliance Assistance Program (CAP)

Nine vessels currently participate in this program, and there are several boardings to date. Collection of mesh measurements and tag data suffers from the limited number of participants. *The consensus of the VMS/Enforcement Committee and Advisors is to continue the Cod-end CAP, for another year, in order to collect additional data to verify mesh changes over time.*

(b) Cod discards

During the summer of 2018, the Coast Guard received numerous reports from different sources about the discarding of legal-sized cod. The area in question, off Cape Ann, was targeted and numerous boardings made, with no evidence of discards except in one case. The Groundfish PDT maintains that many are close to legal size, but there are some very large cod being discarded as well, and un-observed trips are a concern. Without 100% Observer coverage, fishermen are expected to fish differently if not observed.

(c) Nearshore boardings at sea

The discussion was focussed on the possible reductions in the number of vessel inspections conducted by federal and state law enforcement should the funding provided under the Joint Enforcement Agreement (JEA) be cut. The current federal budget may cut OLE's funding by $20 million next fiscal year, which would end the $6 million used in the Northeast to fund the JEA program. This $6 million is distributed among the 10 north-eastern states, the largest being Maine and Massachusetts, enabling the states to help enforce federal fishery regulations. Concerns were expressed that next fiscal year's funding reduction could result in the 450 deputies who assist the OLE's 10-12 field agents not being retained. The loss of so many people, particularly in Maine and Massachusetts, would have an incredible impact on OLE. Staff fear that Fishery Management Plans would go unenforced without them.

(d) Frequency of VMS/Enforcement Committee meetings

The committee had not met for two years (November 3, 2016). Waiting until the final vote on Council actions is too late to provide credible enforcement input to management alternatives. The enforcement aspects of management alternatives should be included at the beginning of development. Currently, enforcement participation and input on Council actions developed by the species committees involves the Coast Guard (at-sea enforcement), OLE (dockside and some at-sea enforcement, VMS, investigation), coastal states (shore based, inshore at-sea enforcement), and GCES (legal), at some point in the development of management alternatives.

It was suggested that the VMS/Enforcement Committee could act as a clearing house to keep all these various organizations aware of each other's activities, as it has members from all of them. *It was suggested that the concerns expressed should be presented at the next meeting of the Executive Committee.*

(e) Omega mesh measurement gauge

In 2016, 19 Boarding Officers tested the Omega gauge against the weight/spade for net mesh measurements and time, at their training centre and during 2018, two Coast Guard Cutters conducted 13 boardings with the

[7] https://s3.amazonaws.com/nefmc.org/11a_181101_ENF_Report_final.pdf

Omega gauge to test it operationally and receive feedback from boarding officers on its durability and practicality in the maritime environment. The Omega gauge is faster, eliminates nearly all potential for human error, and almost identically matches the results from the weight and spade. Overall, Omega gauge measurements had smaller standard deviations and more precisely measured the net mesh.

The Omega gauge performs a self-test calibration when turned on and must be sent back to the manufacturer if it fails. It reduces boarding equipment by 60 lbs. In tests performed, the average standard deviation was 1.7 mm versus 4.1 mm for the weight and spade gauge. *The VMS/Enforcement Committee and Advisors unanimously agreed to recommend the Council recommend that NOAA use its authority to adopt use of the Omega gauge to enforce measuring mesh size, once GCES satisfies its legal requirements.*

B. January 29-31, 2019 - Portsmouth, NH[8]

At the meeting of the New England Fishery Management Council, NOAA Enforcement reported that there were 55 documented patrols, 81 documented instances of outreach, and 6 meetings during the period 1st October to 31st December, 2018. Enforcement officers cited 235 violations (Table 9) and closed 135 of these during this period (Figure 9. Status of incidents from 1st October to 31st December, 2018Figure 9).

[8] https://s3.amazonaws.com/nefmc.org/NED_Council2019Q1_100-01b_T_201901.pdf

Table 9. Summary of Incidents by Law/Regulation
Source: https://s3.amazonaws.com/nefmc.org/NED_Council2019Q1_100-01b_T_201901.pdf

Law/Regulation/Program	Incidents
ACFCMA	16
CCAMLR	1
Endangered Species Act	9
HMS	50
Lacey Act	30
Marine Mammal Protection Act	13
MSFCMA	115
Other Federal Law	1
Total	**235**

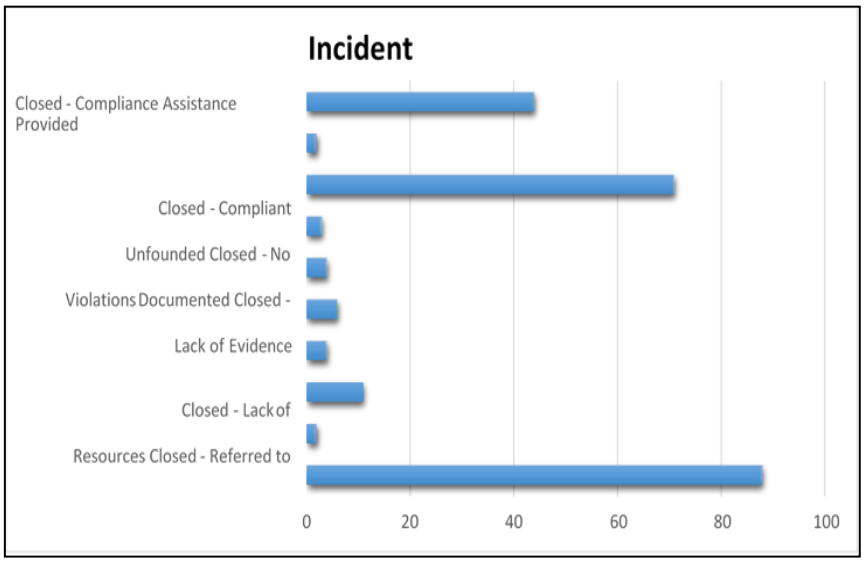

Figure 9. Status of incidents from 1st October to 31st December, 2018
Source: https://s3.amazonaws.com/nefmc.org/NED_Council2019Q1_100-01b_T_201901.pdf

NOAA Fisheries also reported on the status of the settlements that were issued during the same reporting period (Table 10).

Table 10. Summary of Settlements Issued between 1st October and 31st December, 2018
Source: https://s3.amazonaws.com/nefmc.org/NED_Council2019Q1_100-01b_T_201901.pdf

Law	Violation	Amount	Status	State
ASFCMA	Possession of Striped bass in the EEZ (5 counts)	$1,250	Paid	NY
ASFCMA	Possession of Striped bass in the EEZ (4 counts)	$1,000	Rescinded	NY
ASFCMA	Possession of Striped bass in the EEZ (4 counts)	$1,000	Paid	CT
ASFCMA	Possession of 1 v-notched American lobster	$250	Paid	ME
ASFCMA	Possession of 3 egg bearing American lobster	$750	Paid	ME
ASFCMA	Possession of 1 scrubbed American lobster	$1,000	Rescinded	NH
ASFCMA	Possession of 2 oversized American lobster	$100	Rescinded	NH
ASFCMA	Possession of 1 oversized American lobster	$100	Paid	MA
HMS	Possession of Thresher shark without a valid HMS permit	$250	Paid	NY
HMS	Possession of Swordfish without a valid HMS permit	$500	Unpaid	CT
HMS	Possession of Yellowfin tuna without a valid HMS permit	$500	Paid	NJ

HMS	Possession of Swordfish without a valid HMS permit	$500	Paid	MA
HMS	Possession of Yellow fin tuna without a valid HMS permit	$500	Unpaid	NJ
HMS	Possession of undersized Bluefin tuna	$500	Paid	NJ
HMS	Possession of undersized Bluefin tuna (2 counts)	$1,500	Unpaid	NJ
HMS	Failure to report Bluefin tuna	$500	Paid	MA
HMS	Failure to maintain Atlantic HMS in specified form	$750	Unpaid	CT
HMS	Failure to maintain Atlantic HMS in specified form	$750	Paid	MA
HMS	Retain live Mako shark while fishing with pelagic longline gear	$500	Unpaid	NC
HMS	Retain live Mako shark while fishing with pelagic longline gear (4 counts)	$1,500	Unpaid	NJ
MMPA	Fishing with non-compliant ALWTRP gill net gear	$500	Paid	ME
MSFCMA	Fishing in EEZ without Federal fisheries permit	$500	Unpaid	NY
MSFCMA	Fishing with expired Operator's permit	$500	Unpaid	NY
MSFCMA	Fishing with undersized net mesh	$500	Unpaid	NY
MSFCMA	Possession of 5 undersized Atlantic halibut	$2,000	Unpaid	NY
MSFCMA	Possession of Black sea bass	$544	Unpaid	NY
MSFCMA	Atlantic Halibut overage	$250	Paid	ME
MSFCMA	Monkfish overage	$360.50	Paid	NJ
MSFCMA	Fished without an observer when the vessel is required	$2,500	Paid	NY
MSFCMA	Fished without an observer when the vessel is required	$2,500	Unpaid	NY
MSFCMA	Fished without an observer when the vessel is required	$2,500	Unpaid	NY
MSFCMA	Fished without an observer when the vessel is required	$2,500	Unpaid	NJ
MSFCMA	Fished without an observer when the vessel is required	$2,500	Unpaid	NJ
MSFCMA	Fished without an observer when the vessel is required	$2,500	Unpaid	NJ
Total		**$33,854.50**	**$11,960.50**	

Northeast VMS Program

There are 425 groundfish sector vessels and 119 common pool vessels that are registered to this program. A total of 177 VMS-equipped vessels are on a NMFS-approved LOE; of these, the owners of 69 vessels have deactivated their VMS with their vendor during the LOE period. There are 39 sector and 10 common pool vessels on an LOE.

USCG Enforcement Outcomes[9]

Number of fishing vessel Boardings - 261

Fishery Violations - 7

- Gear Configurations - 2
- Operator Permits - 3
- Federal Fisheries Permits - 2

Observed compliance rate - 97%

Observer Programs

As previously reported, there are currently two types of at-sea observers employed in the Northeastern groundfishery: Northeast Fishery Observer Program (NEFOP) observers, and at-sea monitors (ASM). Although both programs collect similar information (trip activity, species landed, discarded, gear used, etc.), NEFOP observers are funded by the federal government and implement federal programs (Standardized Bycatch Reporting Methodology (SBRM), Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA)) across fisheries, while at-sea monitors are funded by fishermen and are specific to sector monitoring.

[9] https://s3.amazonaws.com/nefmc.org/4_CAPT-KING-NEFMC-December-2018-NEWPORT RI_181128_103015.pdf

From July 2016 through April 2018, NMFS partially reimbursed sector participants for at-sea monitoring costs through a grant with the Atlantic States Marine Fisheries Commission. In 2018, Congress directed NOAA to fully fund the ASM and allocated additional funding of $10.3 M to do so. NOAA reimbursed industry for 100 percent of its ASM costs for fishing year 2018, and intends to do so in 2019.[10] It is anticipated that once these appropriated funds are used, sampling costs of the ASM would be fully paid for by industry, unless additional funds are appropriated by Congress.

At-sea observers are not present on all trips. Coverage levels for both programs are set annually by the NMFS. NEFOP coverage levels are determined using the Standardized Bycatch Reporting Methodology while ASM levels are determined consistent with procedures established by the FMP. Amendment 23 is not intended to modify the SBRM-determined coverage levels, but could modify how coverage levels are determined for the ASM monitoring program, including consideration to either modify or remove the ASM as part of a holistic monitoring and reporting program for the groundfish fishery.

Information reported at the September 2018 meeting of the Groundfish Committee indicated that the current observer coverage for the groundfish fishery was low, averaging 7% across all fleet sectors with most sectors below 10% and some as low as 2%. Coverage levels were felt to be stagnant or continuing to decline. An explanation was offered that the low coverage levels were due to both provider issues, including insufficient observer staff available and prioritization of other types of trips (e.g. scallops), and vessel issues, including Pre-Trip Notification System (PTNS) non-compliance, observer refusal, observer avoidance, and high cancellations.

GARFO representatives indicated at the 20th March WebEx that it had undertaken a diagnostic of the causes of the under coverage in summer/fall 2018. Consequently, GARFO worked with the providers to deliver observer trainings to bring in additional observer staff, and also to provide guidance to sectors on correcting compliance issues. There was an exchange of correspondence between GARFO's Regional Administrator dated 25th September and the Northeast Service Sector Network's Program Director dated 13th November.

With respect to the non-compliance aspect of the program, there were a total of 22 reported violations during the most recent quarterly reporting period. The nature of the violations and actions taken are detailed in Table 11. Authorities referred a number of violations to the General Counsel Enforcement Section for further investigation and possible legal action; none is believed to involve vessels that operated in the UoCs covered by the SGA's certificate (Table 12**Table 11**).

Table 11. Summary of Observer Program complaints and status
Source: https://s3.amazonaws.com/nefmc.org/NED_Council2019Q1_100-01b_T_201901.pdf

Type of complaint	Number of complaints and status
Refusal	13 observer refusal complaints: 5 closed with compliance assistance 5 issued summary settlements 3 investigations ongoing
Assault	None
Harassment/Intimidation	3 observer harassment complaints: 1 closed with compliance assistance 2 investigations ongoing

[10] https://www.nefsc.noaa.gov/press_release/pr2018/news/nr1810/; funding commitment confirmed by GARFO at 20th March webex discussion.

Interference	3 observer interference complaints: 1 closed with compliance assistance 2 investigations ongoing
Vessel Safety	None
Observer Safety	None
Failure to provide required information	2 failure to provide required information complaints: 2 investigations ongoing
Failure to provide equal accommodations	None
Observer gear/sample tampering	None
Observer program notification	1 observer program notification complaint: 1 investigation ongoing
Miscellaneous	Nothing to report

Table 12. Cases referred to GCES
Source: https://s3.amazonaws.com/nefmc.org/NED_Council2019Q1_100-01b_T_201901.pdf

Program/Law		Violation	State
	-	Possession of 49 oversized American lobsters from Lobster Area I	ME
ASFCMA	-	Fishing with an excess of the Lobster trap limit	
	-	Lobster gear not tagged in accordance with the requirements	NJ
	-	Escape vents secured, prohibiting the ghost panel from opening	
	-	Failure to comply in an accurate and timely fashion with log report	
	-	Scallop overage	
MSFCMA	-	False statements made to an officer	MA

4.2.6 Relevant Changes to the Management Regime

The information presented in this section includes various fisheries management program activities since the 1st surveillance audit. Four additional sub-sections have been added that incorporate updated information relating to Annual Catch Limit (ACLs) specifications (see 4.2.5.1), to engagement and deliberations by the NEFMC (see 4.2.5.2), to Ecosystem and Habitat initiatives (see 4.2.5.3), and to other program elements (see 4.2.5.4).

A. At-sea Monitoring Service Providers[11]

NOAA Fisheries approved four companies to provide Northeast multi-species sector at-sea monitoring services in fishing years 2019 and 2020. Regulations implementing the Northeast Multispecies Fishery Management Plan require at-sea monitoring companies to apply to, and be approved by, NOAA Fisheries in order to be eligible to provide at-sea monitoring services to sectors. This action will allow sectors to contract at-sea monitoring services with any of the approved providers for fishing years 2019 and 2020.

B. Framework Adjustment 58

As reported last year, this framework is intended to revise or establish rebuilding plans for several groundfish stocks, set specifications for U.S./Canada stocks (Eastern GB cod and haddock, and GB yellowtail flounder), and adjust management measures for commercial fisheries that catch groundfish stocks.

The initial framework meeting was held on 13th June 2018, and a final framework meeting took place on 5th December 2018. The NEFMC issued a press release on 6th December approving FA 58 and forwarding it to the NMFS for review and implementation[12]. The NEFMC submitted a draft of the amendment on 1st February 2019. As reported in section 4.2.4, the framework is scheduled to be implemented on 1st May which is the

[11] https://www.fisheries.noaa.gov/action/northeast-multispecies-fishery-approved-monitoring-service-providers
[12] https://s3.amazonaws.com/nefmc.org/NEFMC-Approves-Groundfish-FW58.pdf

commencement of the 2019 groundfish fishing year; however, GARFO indicated at the 20th March webex that it was highly unlikely the implementation date would be achieved.

C. Amendment 23

This amendment addresses changes to the groundfish reporting and monitoring system to ensure it is providing accurate catch information necessary to manage the fishery efficiently. A number of Council-enabled working groups are contributing to the development of the amendment. The forward planning schedule includes (i) a public hearing and comment period: July - August 2019 (ii) Council final action: September 2019 (iii) final submission: February - March 2020, and (iv) implementation target: May 2020.[13]

In a 20th February 2019 memo to the Groundfish PDT, the Chairman of the Groundfish Committee set forth the Terms of Reference for the required work as follows:

Draft alternatives:

- Update the draft alternatives while considering the PDT Dockside Monitoring Discussion Paper, recent Groundfish Advisory Panel and Groundfish Committee discussions, and other relevant materials;
- Present draft alternatives to the Groundfish Advisory Panel and Groundfish Committee at their April meetings; and
- Update the draft alternatives following the recommendations received at the Groundfish Advisory Panel and Groundfish Committee at their April meetings.

Analysis for the Scientific and Statistical Committee (SSC) Review:

- Complete reports of PDT analysis for SSC review; and
- Participate in the SSC review.

D. Framework Adjustment 59

The scope of this amendment includes specifications for all groundfish stocks and other management measures for the 2020-2022 fishing years. Work in support of this framework development is scheduled to begin in June 2019.

E. Allocation Review Trigger Policy

A draft policy including a summary of relevant guidance and a table of the specific 16 NEFMC allocations the Council is required to examine was reviewed by the Council in January 2019. The Council's Executive Director indicated at a 16th January 2019 meeting that it will need to communicate the allocation review triggers for its FMPs to NOAA/NMFS by July 2019.[14]

Three criteria for triggers were considered and approved unanimously:

- Catch share programs: These allocations will be reviewed as part of the review of catch share or LAPP programs;
- Time-based: The primary trigger criteria for review of all non-catch share allocations will be at eight to ten years after initial implementation. This range of years is selected so that the allocation review can be coordinated with other competing Council priorities and the availability of data. When allocations are created in a management action, the Council may specify a more frequent review period; and

[13] During the 20th March webex discussions, GARFO opined that the May 2020 timeframe may have to be re-visited.
[14] https://s3.amazonaws.com/nefmc.org/1c_190116-EXC-Mtg-Summ_Final.pdf

- Public interest: The secondary trigger for review will be public interest as developed through the existing Council input process. A key element of this process is the annual setting of priorities. Public interest in an allocation review will be considered as part of this process.

The responsibility for the development of triggers and thresholds for each FMP is shared between NMFS Regional Administrators and NEFSC Directors. Triggers and thresholds are an integral component of the NMFS's Fisheries Allocation Review Policy which is scheduled to be reviewed in October 2023.

Note to Stakeholders and General Public: access and allocation policies and directives are not subject to evaluation and scoring under the MSC's Certification Scheme.

4.2.7 Relevant Changes to Annual Catch Limit Specifications[15]

The following table (Table 13) lists the approved 2019 commercial groundfish sub-ACLs for Sector and Common Pool (combined) Groundfish vessels, in metric tons. Note: According to GARFO, the annual catch limit specifications presented in the table will be adjusted if FW 58 is not implemented on 1st May.

Table 13. FY 2019 Commercial Groundfish sub-ACLs for allocated and non-allocated stocks
Source: https://s3.amazonaws.com/nefmc.org/NEFMC-Approves-Groundfish-FW58.pdf

2019 Fishing Year Commercial Groundfish Sub-Annual Catch Limits (Sub-ACLs) for Sectors and the Common Pool Combined, Adjusted for Fishing Year 2016 Overages, Units = Metric Tons	Stock	FY2018 (adjusted for FY2016 overages*)	FY2019	% Change
Allocated Stocks	GB Cod*	1,194	1,568	31%
	GOM Cod*	369	390	6%
	GB Haddock*	44,659	53,276	19%
	GOM Haddock	8,738	8,312	-5%
	GB Yellowtail Flounder*	169	85	-50%
	SNE/MA Yellowtail Flounder	42	32	-24%
	CC/GOM Yellowtail Flounder	398	398	0%
	American Plaice	1,580	1,467	-7%
	Witch Flounder*	830	854	3%
	GB Winter Flounder*	731	774	6%
	GOM Winter Flounder*	357	355	-1%
	SNE/MA Winter Flounder	518	518	0%
	Redfish	10,755	10,972	2%
	White Hake	2,735	2,735	0%
	Pollock	37,400	37,400	0%
Non-allocated Stocks	GOM/GB Windowpane Flounder	63	63	0%
	SNE/MA Windowpane Flounder	53	53	0%
	Ocean Pout	94	94	0%
	Atlantic Halibut*	77	75	-2%
	Atlantic Wolffish	82	82	0%

Note: * These stocks have changes from the 2019 allocations previously approved in Framework 57.

During its September 2018 meeting in Plymouth, MA, the Council endorsed the 2019 TACs for three shared U.S./Canada groundfish stocks on Georges Bank. These catch limits are part of Framework 58 (Table 14).

[15] https://s3.amazonaws.com/nefmc.org/NEFMC-Approves-Groundfish-FW58.pdf

Table 14. Proposed FY 2019 U.S./Canada Total TACs in Metric Tons (mt)
Source: https://s3.amazonaws.com/nefmc.org/NEFMC-Approves-Groundfish-FW58.pdf

Total Allowable Catches (TACs)	Eastern Georges Bank Cod	Eastern Georges Bank Haddock	Georges Bank Yellowtail Flounder
Total Shared Catch	650 mt	30,000 mt	140 mt
U.S. TAC and % Share of Total	189 mt (29%)	15,000 mt (50%)	106 mt (76%)
Canada TAC and % Share of Total	461 mt (71%)	15,000 mt (50%)	34 mt (24%)

4.2.8 Recent Engagement and Deliberations by NEFMC in 2018-2019[16]

The Council generally meets 5 times per year for discussions on a wide range of important issues that have specific implications for the groundfish fisheries of the Gulf of Maine including the marine ecosystem and habitat. Links to committee reports and tabled and debated motions that informed the Council's agendas since first reported at the 1st surveillance audit are included in Table X for reference purposes only.

[16] https://www.nefmc.org/council-meetings

Table 15. NEFMC meetings highlights in 2018-2019

2018 - 2019	Location	Reports and Other Business
September 24 - 27	Plymouth, MA	Committee Reports: • Small-Mesh Multispecies (Whiting): https://www.nefmc.org/library/september-2018-whiting-report • Research Set-aside Program Review: (https://s3.amazonaws.com/nefmc.org/5_RSA-Review-Update-24-27-September-Council-meeting-Plymouth.final-002.pdf) • Revised Stock Assessment Process: https://s3.amazonaws.com/nefmc.org/7a_180919-NEFMC-Stock-Assessment-Process-Issues.pdf • Northeast Trawl Advisory Panel: https://s3.amazonaws.com/nefmc.org/8_NTAPDraftMeetingSummary_for_review.pd.pdf • Transboundary Resources Assessment: https://s3.amazonaws.com/nefmc.org/3a.-2018TRACadvice.pdf • Transboundary Management Guidance: https://s3.amazonaws.com/nefmc.org/3e_2019-TMGC-Guidance_Presentation.pdf • Scientific and Statistical: https://www.nefmc.org/library/september-2018-ssc-report • Groundfish: https://www.nefmc.org/library/september-2018-groundfish-report • Council Program Review: https://s3.amazonaws.com/nefmc.org/9_180824_M_Program_Review.pdf • 2019 Council Priorities: https://www.nefmc.org/library/september-2018-council-priorites • Habitat Committee: https://www.nefmc.org/library/september-2018-habitat-report • Research Steering: https://www.nefmc.org/library/september-2018-research-steering-report • Legislative Update: https://www.nefmc.org/library/september-2018-legislative-update • Ecosystem-Based Fishery Management: https://www.nefmc.org/library/september-2018-ebfm-report • Fisheries Allocation Policy Directive: https://s3.amazonaws.com/nefmc.org/180927_Allocation_ReviewTriggers.pdf Council Motions: https://s3.amazonaws.com/nefmc.org/Sept-2018-Council-Meeting-Motions.pdf

December 4 - 6	Newport, RI	Committee Reports: • Research Set-aside Program Review: https://s3.amazonaws.com/nefmc.org/RSA-Review-Update-December-4-6-2018-Council-Meetingm-Newport-RI-rev-1.pdf • Small-Mesh Multispecies (Whiting): https://www.nefmc.org/library/december-2018-whiting • Enforcement: https://www.nefmc.org/library/december-2018-enforcement-committee • Habitat: https://www.nefmc.org/library/december-2018-habitat-committee • Measuring the Effects of Catch Shares: https://www.nefmc.org/library/december-2018-measuring-the-effects-of-catch-shares-mecs • Northeast Trawl Advisory Panel: https://s3.amazonaws.com/nefmc.org/9_NTAP-WG-November-19-2018.pdf • Groundfish: https://www.nefmc.org/library/december-2018-groundfish-committee • Scientific and Statistical: https://www.nefmc.org/library/december-2018-ssc • Revised Stock Assessment Process: https://www.nefmc.org/library/december-2018-revised-stock-assessment-process • Ecosystem-Based Fishery Management: https://www.nefmc.org/library/december-2018-ebfm-committee • Standardized Bycatch Reporting Methodology: https://www.nefmc.org/library/december-2018-sbrm • Fishery Dependent Data Initiative: https://s3.amazonaws.com/nefmc.org/10_NEFMC-FDDI-update-2018-12.pdf • Council Priorities: https://www.nefmc.org/library/december-2018-council-priorities • Research Steering: https://www.nefmc.org/library/december-2018-research-steering-committee
January 29 - 31	Portsmouth, NH	• Ecosystem-Based Fishery Management: https://www.nefmc.org/library/january-2019-ecosystem-based-fishery-management-report • Habitat: https://www.nefmc.org/library/january-2019-habitat-report • Decision-Making Under Uncertainty: https://www.nefmc.org/library/january-2019-decision-making-under-uncertainty • Fishery Data for Stock Assessment Working Group: https://www.nefmc.org/library/january-2019-fishery-data-for-stock-assessment-working-group-report • Scientific and Statistical: https://www.nefmc.org/library/january-2019-ssc-report • Groundfish: https://www.nefmc.org/library/january-2019-groundfish-report

		• Research Set-Aside Program Review: https://s3.amazonaws.com/nefmc.org/11_RSA-Review-Update-Jan-2019_mps.pdf • Fisheries Allocation Policy Directive: https://s3.amazonaws.com/nefmc.org/12a-thru-12e_190107_M_Allocation_Review_Triggers.pdf Council Motions: https://s3.amazonaws.com/nefmc.org/JAN-Motions-to-Council-FINAL.pdf

4.2.9 Recent Changes to Ecosystem and Habitat

A. Omnibus Deep-Sea Coral Amendment

The focus of this amendment includes designating a number of deep-sea coral protection zones located off the eastern Maine coast, in Jordan Basin and Georges Bank in the offshore Gulf of Maine, and in the canyon and slope region south of Georges Bank. Preliminary work was first launched in February 2008. A total of 7 public hearings were undertaken in May 2017 as required by the National Environmental Policy Act.[17] In January 2018, the Council took final action on the proposed amendment and work began later in the year to develop the amendment as well as the required Environmental Assessment. The Habitat Oversight Committee submitted its amendment to the NMFS on 21st December 2018.

B. Ecosystem-Based Fishery Management

The focus of this undertaking is to develop an integrated ''Example Fishery Ecosystem Plan (eFEP)'' for Georges Bank.[18] This is a wide-ranging project that began in 2016 and involves multiple working groups and studies. The Council anticipates receiving an eFEP framework in June 2019 including a possible Management Strategy Evaluation (MSE) process.

At the January 2019 meeting, Council agreed to begin MSE planning with the establishment of a steering committee to develop strategies for soliciting input and evaluation of management strategies consistent with ecosystem management. The forward planning cycle suggests that the MSE component of the eFEP could be presented to the Council in late 2020. The planning cycle for 2021 is not available at this time.

4.2.10 Other Program Components

GARFO officials reported that there were no significant changes to the following program activities following the 1st surveillance audit: (i) congressional laws, (ii) policies, (iii) governance systems of the operational or administrative bodies[19], and (iv) consultation and decision-making processes.

A. Change to and Appointments of Key Personnel

In accordance with Section 302 (16 U.S. Code 1852) of the *Magnuson-Stevens Fishery Conservation and Management Act*, the Secretary of Commerce is required to appoint the voting state-specific, or obligatory, members and at-large members to the Regional Fishery Management Councils. The appointments process begins each year in mid-January with nominations due from governors by March 15**.** In late June, the Secretary announces the appointee selections, and new council members take their seats on August 11. Terms expire each year on August 10 for approximately one-third of the 72 obligatory and at-large members.

New England Fisheries Management Council[20]

[17] https://www.epa.gov/nepa

[18] https://s3.amazonaws.com/nefmc.org/3_-Short-Draft-Example-Fishery-Ecosystem-Plan-for-Georges-Bank.pdf

[19] On December 4, 2018, the Council agreed by consensus to discontinue the Research Steering Committee as a standing Committee.

[20] https://www.fisheries.noaa.gov/national/partners/council-nominations-and-appointments

The New England Council includes members from Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island. 2018 appointees will fill obligatory seats for Connecticut, Maine, Massachusetts, and Rhode Island. The following appointments are re-appointments.

Obligatory (state-specific) seats: Matthew G. McKenzie (Connecticut); Terry A. Alexander (Maine); John F. Quinn (Massachusetts); Eric E. Reid (Rhode Island)
At-large (regional) seat: Vincent M. Balzano (Maine)

New Chairs also were named for the VMS/Enforcement, Observer Policy, and Small Mesh Multispecies Committees.

NMFS/GARFO
Sarah Heil: Assistant Regional Administrator for Sustainable Fisheries
Kimberley Damon-Randall: Deputy Regional Administrator

4.3 Version details

The Surveillance Audit followed the current version of MSC procedures implemented by SAI Global's accredited MSC Procedures (QP 2.3). Also the surveillance audit has followed the procedure of version 2.01 even though the fishery was evaluated with the version 1.3 of MSC standard. The table below shows the current version of MSC scheme documents (Table 16).

Table 16. Fisheries program documents versions.

Document	Version number
MSC Fisheries Certification Process	Version 2.01
MSC Fisheries Standard	Version 1.3
MSC General Certification Requirements	Version 2.3
MSC Reporting Template	Version 2.01

5 Results

5.1 Surveillance results overview

5.1.1 Summary of conditions

Table 17. Summary of conditions.

Condition number	Condition	Performance Indicator (PI)	Status	PI original score	PI revised score
1	The client must provide evidence that the current partial strategy that has been adopted for GOM and GB cod is demonstrably effective i.e. the fisheries for Acadian redfish, haddock and pollock do not hinder the recovery and rebuilding of: GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder.	2.1.1	On target	70	'Not revised'.
2	The client must provide evidence that the current partial strategy that has been adopted for GOM and GB cod is demonstrably effective i.e. the fisheries for Acadian redfish, haddock and Pollock do not hinder the recovery and rebuilding of: GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder.	2.1.2	On target	70	'Not revised'.

5.1.2 Total Allowable Catch (TAC) and catch data

2018 ACLs and catches are as of report run on March 22, 2019 are shown in the tables below: **Error! Reference source not found.**,Table **19**Table 20Table 21 with the data reported by GARFO on its website this year: (https://www.greateratlantic.fisheries.noaa.gov/aps/monitoring/nemultispecies.html)

Table 18. Total Allowable Catch (TAC) and catch data UoA/UoC 1- Acadian redfish

TAC	Year	2018	Amount	10,986 mt
UoA share of TAC	Year	2018	Amount	10,755 mt
UoA share of total TAC	Year	2018	Amount	10,755 mt
Total green weight catch by UoC	Year (most recent)	2018	Amount	10,755 mt
Total green weight catch by UoC	Year (second most recent)	2017	Amount	10.183 mt

Table 19. Total Allowable Catch (TAC) and catch data UoA/UoC 2 Pollock

TAC	Year	2018	Amount	38,204 mt
UoA share of TAC	Year	2018	Amount	37,400 mt

UoA share of total TAC	Year	2018	Amount	37,400 mt
Total green weight catch by UoC	Year (most recent)	2018	Amount	37,400 mt
Total green weight catch by UoC	Year (second most recent)	2017	Amount	17,817 mt

Table 20. Total Allowable Catch (TAC) and catch data UoA/UoC 3 GOM Haddock				
TAC	Year	2018	Amount	12,409 mt
UoA share of TAC	Year	2018	Amount	8,738 mt
UoA share of total TAC	Year	2018	Amount	8,738 mt
Total green weight catch by UoC	Year (most recent)	2018	Amount	8,738 mt
Total green weight catch by UoC	Year (second most recent)	2017	Amount	3,017 mt

Table 21. Total Allowable Catch (TAC) and catch data UoA/UoC 4 GB Haddock				
TAC	Year	2018	Amount	46,312 mt
UoA share of TAC	Year	2018	Amount	44,659 mt
UoA share of total TAC	Year	2018	Amount	44,659 mt
Total green weight catch by UoC	Year (most recent)	2018	Amount	44,659 mt
Total green weight catch by UoC	Year (second most recent)	2017	Amount	52,620 mt

5.1.3 Recommendations

At the 1st surveillance audit stage conducted in 2018, the team made the recommendation detailed in the section 5.2 in regards to the Enforcement and Compliance Monitoring and Performance feature of the fishery.

During discussions with the client and an official from NMFS's law enforcement section at the 2nd audit stage, the audit team was informed that enforcement and compliance data for the U.S. Redfish, Haddock and Pollock fisheries are not collected and reported as described in the recommendation. The same applies to enforcement activities conducted by agents from the USCG's 1st District. As such, both agencies collect and regularly report on the outcomes of their operations for the commercial fisheries as a whole, within their assigned geographical areas. The Assessment Team notes that a similar observation was made by assessors with a different Conformity Assessment Body (CAB) in regards to the certified U.S Gulf of Maine and Georges Bank Haddock, Pollock and Redfish trawl fisheries.

Consequently, the audit team has concluded that the recommendation should be removed from further consideration by the client group and no new recommendations have been raised during the 2nd surveillance audit.

5.2 Conditions

To evaluate each condition the Assessment Team has reviewed information gathered during the off site visit carried out during the week of March 18th, 2019. Interviews with key stakeholders were carried out and further, information available prior to the site visit which was verified and consulted with the key stakeholders has been also documented to conclude the outcome of this surveillance audit.

Following the off- site visit, the audit team has evaluated each open condition (condition 1 and 2) against the Year 2 milestones and MSC Certification Requirements v1.3. Also, the assessment team has reviewed the progress against the recommendation set up during the surveillance audit 1.

The tables below include the Conditions written during the full assessment and the Client Action Plan (CAP) established. Also the evaluation tables for Condition 1 and 2 during the 2nd Surveillance Audit 2018 and the main evidences and conclusions reached at the end of the surveillance audit 1. A table for the recommendation has been included reporting the main aspects reached from the last surveillance audit.

Table 22. Condition 1.

Performance Indicator	2.1.1 Retained Species Outcome - The fishery does not pose a risk of serious or irreversible harm to the retained species and does not hinder recovery of depleted retained species
Score	70
Justification	During the full assessment audit, given the information of 2015 stock assessment update (September 2015) and the re-examination of strategies to reduce GOM and GB Cod retained catch, there was no clear evidence at the time, that the mitigation measures that act as a partial strategy were demonstrably effective in promoting recovery and rebuilding of GOM and potentially for GB Cod. Further the status for GOM yellowtail flounder, GB Winter flounder and witch flounder were stated as overfished and overfishing was occurring. Status of GB yellowtail flounder was unknown due to changes in stock assessment methodologies. There were no existing reference points. Latest assessment showed the 2014 GB stock biomass as one of the lowest in the time series and their condition was categorized as poor. Thus, at the time partial strategy were not effective in stopping overfishing and promoting recovery for these species and the condition were raised.
Condition	The client must provide evidence that the current partial strategy that has been adopted for GOM and GB cod is demonstrably effective i.e. the fisheries for Acadian redfish, haddock and pollock do not hinder the recovery and rebuilding of: GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder.
Milestones	**By Year 1:** In the first year following grant of certification, the Client Group will work actively with NMFS, and NEFMC to monitor compliance and implementation of the adopted partial strategy, and other (new) measures as may be appropriate, with the aim of being able to demonstrate that this strategy is resulting in sufficiently low fishing mortality such that the fishery does not hinder recovery and rebuilding. Evidence required for this purpose could include the following: - Examination of the status of GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder to its' Limit Reference Point (LRP) proxy - For each gear type, fleet sector and management area, (i) data on GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder bycatch from the pre-

	assessment averages reported in the initial 2016 fishery assessment up to the data available at the time of surveillance audit, in regards to annual quantities caught/retained and discarded, and associated percentages of US Acadian redfish/Pollock and haddock catch, and (ii) US Acadian redfish/Pollock and haddock trip catch and effort; - Quantified estimates of discard mortality in relation to the RV biomass index for the pre-assessment period and recent years; and - Examination of observer reports relative to the management measures applicable to GOMGOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder i.e. handling, live release, move-away protocol etc.) (Score remains to 70) **By Year 2:** The Assessment Team shall be provided with up-dated evidence available at the time of surveillance audit (as per the range of evidence described for year 1 above); that the current partial strategy to reduce GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder mortality by retained catch of US Acadian redfish/pollock/haddock otter trawl fisheries has been reviewed and corrective adjustments (if any) have been proposed. (Score remains to 70) **By Year 3:** The Assessment Team shall be provided with up-dated evidence available at the time of surveillance audit (as per the range of evidence described for year 1 above); that any revised measures of the partial strategy have been implemented and monitoring activity in place to assess their implementation. (Score remains to 70) **By Year 4:** The Assessment Team shall be provided with up-dated evidence available at the time of surveillance audit (as per the range of evidence described for year 1 above); that the relative fishing mortality for GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder from the target fisheries has been maintained at levels that does not hinder their recovery. The Assessment Team shall be provided with enough evidence that SG 80 is met at the end of the year 4th.(Score reaches 80)
Consultation on condition	During the full assessment when conditions were set up, NMFS, NEFMC were consulted. The client group works actively closed to those institution involved in reaching the milestones defined in the conditions.
Progress on Condition (Year 2)	In the second Surveillance audit, the Client Group shall show evidences to the Assessment team in relation their work with NMFS and NEFMC to monitor compliance and implementation of the adopted partial strategy, and other (new) measures as may be appropriate, with the aim of being able to demonstrate that this strategy is resulting in sufficiently low fishing mortality such that the fishery does not hinder recovery and rebuilding. Previously the site visit, the client group provided the Assessment team with the following information for this purpose included the document listed below:

Examination of the status of GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder to its' Limit Reference Point (LRP) proxy;
See the list of documents below under the heading "NE Multispecies Stock Information"

For each gear type, fleet sector and management area, (i) data on GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder bycatch from the pre-assessment averages reported in the initial 2016 fishery assessment up to the data available at the time of surveillance audit, in regards to annual quantities caught/retained and discarded, and associated percentages of US Acadian redfish/Pollock and haddock catch, and (ii) US Acadian redfish/Pollock and haddock trip catch and effort;

1. GARFO landings report NE Multispecies FY2018 Commercial ACLs (as of March 5, 2019)
https://www.greateratlantic.fisheries.noaa.gov/aps/monitoring/nemultispecies.html

2. GARFO landings report NE Multispecies FY2018 Sector Annual Catch Entitlements (ACE) (as of March 5, 2019)
https://www.greateratlantic.fisheries.noaa.gov/aps/monitoring/nemultispecies.html

3. DRAFT FW 58 presented at NEFMC meeting December 5, 2018
https://s3.amazonaws.com/nefmc.org/3b_181126_FW58_DRAFT-EA-with-Appendices.pdf

4. FW 58 with preferred alternatives as submitted to GARFO February 1, 2019
https://s3.amazonaws.com/nefmc.org/190201_Groundfish_FW58_EA_prelim_sub_ALTERNATIVES_only.pdf

5. August 31, 2017 letter from NMFS to NEFMC
https://s3.amazonaws.com/nefmc.org/A8_170831_Bullard-to-Quinn_Groundfish-Inadequate-Rebuilding-Progress.pdf Note: The appendices listed in the letter will be posted when the formal submission of FW58 is sent to GARFO.

6. Fishery Data for Stock Assessment Working Group Report – SSC Review Draft - November 19, 2018
https://s3.amazonaws.com/nefmc.org/181119_Draft_Fishery-Data-for-Stock-Assessment-Working-Group-report-with-appendices.pdf

7. NEFMC SSC Panel Peer Review of the Fishery Data for Stock Assessment Working Group Report - November 30, 2018
https://s3.amazonaws.com/nefmc.org/SSC-Peer-Review-Panel-Report.pdf

8. Groundfish discussion documents from the NEFMC SSC meeting August 15, 2018. https://www.nefmc.org/calendar/aug-15-2018-ssc-meeting

9. Groundfish PDT memo 2/20/19
"Amendment 23/Groundfish Monitoring is the number one priority for the Council in 2019."

https://s3.amazonaws.com/nefmc.org/7_190220-GF-CMTE-Chair-to-GF-PDT-re-tasking-for-A23.pdf

10. Amendment 23 to Northeast Multispecies
https://www.nefmc.org/library/amendment-23

Quantified estimates of discard mortality in relation to the RV biomass index for the pre-assessment period and recent years;

11. FW 58 (see above)

12.NEFMC December 2018 groundfish committee
https://www.nefmc.org/library/december-2018-groundfish-committee

Examination of observer reports relative to the management measures applicable to GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder i.e. handling, live release, move-away protocol etc.)

13. 2018 Standardized Bycatch Reporting Methodology Annual Discard Report with Observer Sea Day Allocation (NOAA Technical Memorandum NMFS-NE-244)
https://www.nefsc.noaa.gov/fsb/SBRM/2018/tm244_2018_Standardized_Bycatch_Reporting_Allocation.pdf

14. 2018 Discard Estimation, Precision, and Sample Size Analyses for 14 Federally Managed Species Groups in the Waters off the Northeastern United States (NOAA Technical Memorandum NMFS-NE-243)
https://www.nefsc.noaa.gov/fsb/SBRM/2018/tm243_Discard_Estimation.pdf

15. FY2018 Multispecies Sector ASM Requirements Summary. FY2018 Multispecies Sector ASM Requirements Summary

After the site visit and with information available and shared as evidences, the Assessment Team has evaluated each stock that could not reach SG 80 in the full assessment. There were no changes in the stock assessments of any of those species that could not reach SG 80. The stock assessment for most of them are planned for this year (2019) but results are not available for this Surveillance audit and they will be analysed by Surveillance audit 3.

However, the SSC (Scientific and Statistical Committee) report posted on November 2018 has shown a recommendation to include a review of the evaluation of standardized CPUE and LPUE as an explicit component of the generic term of reference on fishery data that could help to investigate the utility of commercial or recreational LPUE as a measure of relative abundance to improve the model results. This recommendation complements the previous recommendation to examine fishery-dependent data utility outside of the assessment process. This recommendation could perform a change in the new stock assessment planned for this year 2019 but it is still early to know.

Therefore the information regarding the stock status is the same as in the previous Surveillance audit. Main conclusions are shown below:

GB Cod- The last stock status was carried out in 2015. Based on this assessment the stock status was unknown, but stock condition was poor. The last report of updated stock status published in October 2017 has concluded that the stock status for Georges Bank Atlantic cod remains unknown and stock condition continues to be poor (TRAC 2017)

GOM Cod- The last stock status was carried out in 2014. The last report of updated stock status published in October 2017 has concluded that the stock status for Gulf of Maine cod stock is overfished and overfishing is occurring (NEFSC 2017)

GOM yellowtail flounder- The last assessment was carried in October 2017 and has concluded that the status for GOM yellowtail flounder stock is overfished and overfishing is occurring. The results has shown no change in the stock status since 2012 and the condition is still poor (NEFSC 2017).

GB yellowtail flounder- The last assessment was carried in July 2017 and has concluded that the stock status for George Bank stock is overfished and overfishing is occurring. The declining trend in survey biomass to low levels, despite reductions in catch to historical low amounts, indicates a poor state of the resource (TRAC 2017)

GB winter flounder- The last stock assessment was carried out in October 2017 and has shown that the stock is not overfished and overfishing is not happening. The groundfish operational assessment shows that GB winter flounder has improved and is one of the eight stock in the green area of Kobe diagram. The HCR established in 2015 is working and the constant (75 % F_{MSY}) seemed to work the projected catches are higher than ABCs for 2018. However the GOA has noted that the rebuilding plan needs amendments and its remarked as a priority for the Council in 2018.

Witch Flounder- The stock has no projection and the status is unknown. There is no data regarding if the stock is overfished and NEFSC has shown that overfishing is happening in the last assessment in October 2017. This stock is cited as a priority for the Council to set a rebuilding plan with no projection based on the HCR of 10 years rebuilding plan.

Therefore, due to the Assessment Team has no new information regarding the stock status, information regarding total catch, ACL and discards have been used to evaluate the stocks. The table 1 below shows the information from the last three years reported by NMFS Greater Atlantic Regional Fisheries Office.

Table 1. Fishing year data from the groundfish fishery. Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting; (4) Observers and at-sea monitors via the Northeast Fisheries Observer Program. Differences with previous reports are due to corrections made to the database. Note that only data from the Groundfish are reported in the table, other components and state waters have not been included in the table 1. Source: NMFS Greater Atlantic Regional Fisheries Office.

Species/Year	FY 2015				FY2016				FY	
	ACL	Total catch	Landings	Discards	ACL	Total catch	Landings	Discards	ACL	Total catc
GOM Cod	328	270.9	176.9	94	437	260.4	350.8	196.6	437	260
GB Cod	1,748	1,636.80	1,608.50	28.3	608	582.3	571.9	24.6	531	541
GOM Yellowtail Flounder	458	358.1	366.3	18.8	341	248.8	245.3	15.7	341	205
GB Yellowtail Flounder	202.9	38.4	36.5	1.9	250.8	23.9	23.4	0.5	163	
GB Winter Flounder	1,891	868.8	864.7	4.1	590	422.6	421.3	1.2	615	377
Witch	610	536.9	488.2	48.8	370	358.8	294.4	64.4	734	494

With the data in the table the Assessment Team has done the figure below to try to show the slightly progress against the milestone of year 2.

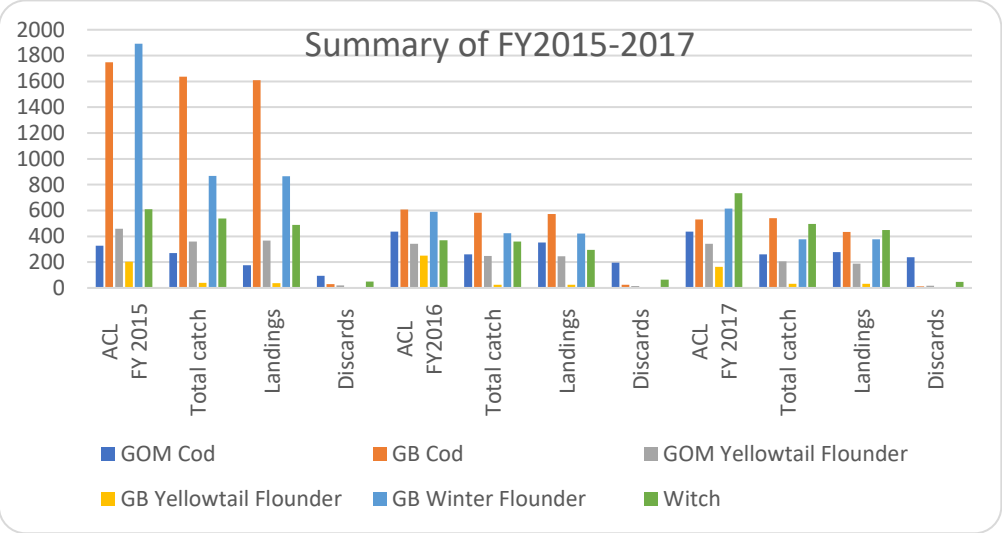

Figure 1. Northeast Multispecies Fishery. Final Year-End Results for Fishing Year 2015-2017. Source: Figure done by the Assessment team from the data available on NMFS Greater Atlantic Regional Fisheries Office website.

It can be said that most of the species have experienced a decrease of the total catch and discards. That can be considered as a proposed corrective adjustments to decrease the mortality of these species. Further in the adopted FW58 a marginally increased of OFL (Overfishing limit) is proposed over the years (from 2017 to 2019), that could be interpreted as an increase of the biomass of these stocks. However, conclusions cannot be done until the release of the update stock assessments.

Status

By the second surveillance audit, the assessment team shall be provided with documentary evidence that the fishery complies with the MSC requirements. The scoring guideposts that the fishery failed to meet at the time of initial certification and which ultimately resulted in the application of this condition were SG 80 Scoring issue a and c:

A) "Main retained species are highly likely to be within biologically based limits (if not, go to scoring issue c below)"
C)" If main retained species are outside the limits there is a partial strategy of demonstrably effective management measures in place such that the fishery does not hinder recovery and rebuilding"

Following the assessment team's determinations none of them are fully reached at the 2nd Surveillance and the situation is not different as in the last Surveillance audit.

	Therefore, the condition remains open and the score of 70 is not revised at this 2nd surveillance audit. However, following the information in the above, for the most part, in terms of evaluating progress in the condition, there has been an improvement – good for being **"On Target".** As the assessment team has concluded that the information is enough to be on target the score is remained at 70 and PI 2.1.1 has not been rescored.
Additional information	There is no additional information to include. All relevant information has been used to evaluate the condition and it's listed in the section progress of condition in Year 2.

Table 23 cont. Condition 2	
Performance Indicator	2.1.2 – Retained Species Outcome
Score	70
Justification	During the full assessment audit, given the information of 2015 stock assessment update (September 2015) and the re-examination of strategies to reduce GOM and GB Cod retained catch, there was no clear evidence at the time, that the mitigation measures that act as a partial strategy were demonstrably effective in promoting recovery and rebuilding of GOM and potentially for GB Cod. Further the status for GOM yellowtail flounder, GB Winter flounder and witch flounder were stated as overfished and overfishing was occurring. Status of GB yellowtail flounder was unknown due to changes in stock assessment methodologies. There were no existing reference points. Latest assessment showed the 2014 GB stock biomass as one of the lowest in the time series and their condition was categorized as poor. Thus, at the time partial strategy were not effective in stopping overfishing and promoting recovery for these species and the condition were raised.
Condition	The client must provide evidence that the current partial strategy that has been adopted for GOM and GB cod is demonstrably effective i.e. the fisheries for Acadian redfish, haddock and Pollock do not hinder the recovery and rebuilding of: GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder.
Milestones	**By Year 1:** In the first year following grant of certification, the Client Group will work actively with NMFS, and NEFMC to monitor compliance and implementation of the adopted partial strategy, and other (new) measures as may be appropriate, with the aim of being able to demonstrate that this strategy is resulting in sufficiently low fishing mortality such that the fishery does not hinder recovery and rebuilding. Evidence required for this purpose could include the following: - Examination of the status of GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder to its' Limit Reference Point (LRP) proxy - For each gear type, fleet sector and management area, (i) data on GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder bycatch from the pre-assessment averages reported in the initial 2016 fishery assessment up to the data available at the time of surveillance audit, in regards to annual quantities caught/retained and discarded, and associated percentages of US Acadian redfish/Pollock and haddock catch, and (ii) US Acadian redfish/Pollock and haddock trip catch and effort; - Quantified estimates of discard mortality in relation to the RV biomass index for the pre-assessment period and recent years; and - Examination of observer reports relative to the management measures applicable to GOMGOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder i.e. handling, live release, move-away protocol etc.) (Score remains to 70) **By Year 2:** The Assessment Team shall be provided with up-dated evidence available at the time of surveillance audit (as per the range of evidence described for year 1 above); that the current partial strategy to reduce GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder mortality by retained catch of US Acadian redfish/pollock/haddock otter trawl

	fisheries has been reviewed and corrective adjustments (if any) have been proposed. (Score remains to 70) **By Year 3:** The Assessment Team shall be provided with up-dated evidence available at the time of surveillance audit (as per the range of evidence described for year 1 above); that any revised measures of the partial strategy have been implemented and monitoring activity in place to assess their implementation. (Score remains to 70) **By Year 4:** The Assessment Team shall be provided with up-dated evidence available at the time of surveillance audit (as per the range of evidence described for year 1 above); that the relative fishing mortality for GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder from the target fisheries has been maintained at levels that does not hinder their recovery. The Assessment Team shall be provided with enough evidence that SG 80 is met at the end of the year 4th.(Score reaches 80)
Consultation on condition	During the full assessment when condition were set up, NMFS, NEFMC were consulted. The client group works actively closed to those institution involved in reaching the milestones defined in the conditions
Progress on Condition (Year 2)	In the second Surveillance audit, the Client Group shall show evidences to the Assessment team in relation their work with NMFS and NEFMC to monitor compliance and implementation of the adopted partial strategy, and other (new) measures as may be appropriate, with the aim of being able to demonstrate that this strategy is resulting in sufficiently low fishing mortality such that the fishery does not hinder recovery and rebuilding. Previously the site visit, the client group provided the Assessment team with the following information for this purpose included the document listed below: **Examination of the status of GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder, and witch flounder to its' Limit Reference Point (LRP) proxy;** See the list of documents below under the heading "NE Multispecies Stock Information" **For each gear type, fleet sector and management area, (i) data on GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder bycatch from the pre-assessment averages reported in the initial 2016 fishery assessment up to the data available at the time of surveillance audit, in regards to annual quantities caught/retained and discarded, and associated percentages of US Acadian redfish/Pollock and haddock catch, and (ii) US Acadian redfish/Pollock and haddock trip catch and effort;** 1. GARFO landings report NE Multispecies FY2018 Commercial ACLs (as of March 5, 2019) https://www.greateratlantic.fisheries.noaa.gov/aps/monitoring/nemultispecies.html 2. GARFO landings report NE Multispecies FY2018 Sector Annual Catch Entitlements (ACE) (as of March 5, 2019) https://www.greateratlantic.fisheries.noaa.gov/aps/monitoring/nemultispecies.html 3. DRAFT FW 58 presented at NEFMC meeting December 5, 2018 https://s3.amazonaws.com/nefmc.org/3b_181126_FW58_DRAFT-EA-with-Appendices.pdf 4. FW 58 with preferred alternatives as submitted to GARFO February 1, 2019

https://s3.amazonaws.com/nefmc.org/190201_Groundfish_FW58_EA_prelim_sub_ALTERNATIVES_only.pdf

5. August 31, 2017 letter from NMFS to NEFMC
https://s3.amazonaws.com/nefmc.org/A8_170831_Bullard-to-Quinn_Groundfish-Inadequate-Rebuilding-Progress.pdf Note: The appendices listed in the letter will be posted when the formal submission of FW58 is sent to GARFO.

6. Fishery Data for Stock Assessment Working Group Report – SSC Review Draft - November 19, 2018
https://s3.amazonaws.com/nefmc.org/181119_Draft_Fishery-Data-for-Stock-Assessment-Working-Group-report-with-appendices.pdf

7. NEFMC SSC Panel Peer Review of the Fishery Data for Stock Assessment Working Group Report - November 30, 2018
https://s3.amazonaws.com/nefmc.org/SSC-Peer-Review-Panel-Report.pdf

8. Groundfish discussion documents from the NEFMC SSC meeting August 15, 2018.
https://www.nefmc.org/calendar/aug-15-2018-ssc-meeting

9. Groundfish PDT memo 2/20/19
"Amendment 23/Groundfish Monitoring is the number one priority for the Council in 2019."
https://s3.amazonaws.com/nefmc.org/7_190220-GF-CMTE-Chair-to-GF-PDT-re-tasking-for-A23.pdf

10. Amendment 23 to Northeast Multispecies
https://www.nefmc.org/library/amendment-23

Quantified estimates of discard mortality in relation to the RV biomass index for the pre-assessment period and recent years;

11. FW 58 (see above)

12.NEFMC December 2018 groundfish committee
https://www.nefmc.org/library/december-2018-groundfish-committee

Examination of observer reports relative to the management measures applicable to GOM/GB cod, GOM/GB yellowtail flounder, GB winter flounder i.e. handling, live release, move-away protocol etc.)

13. 2018 Standardized Bycatch Reporting Methodology Annual Discard Report with Observer Sea Day Allocation (NOAA Technical Memorandum NMFS-NE-244)
https://www.nefsc.noaa.gov/fsb/SBRM/2018/tm244_2018_Standardized_Bycatch_Reporting_Allocation.pdf

14. 2018 Discard Estimation, Precision, and Sample Size Analyses for 14 Federally Managed Species Groups in the Waters off the Northeastern United States (NOAA Technical Memorandum NMFS-NE-243)
https://www.nefsc.noaa.gov/fsb/SBRM/2018/tm243_Discard_Estimation.pdf

15. FY2018 Multispecies Sector ASM Requirements Summary. FY2018 Multispecies Sector ASM Requirements Summary

Condition 2 is linked with condition 1 being the milestones very similar in both conditions. The assessment team has found that the stocks are having a slightly improvement in their status, further in the summary of the FW 58 it can be found that the rebuilding plans for most of the species which did not reach SG 80 have been reviewed and changes will be apply in the management of the stocks of these species.

The Council received a letter from NMFS's Greater Atlantic Regional Fisheries Office (GARFO) on August 31, 2017 informing the Council that five groundfish stocks were making "inadequate progress" toward rebuilding. The Council is required to have a new or revised rebuilding plan in place for impacted stocks within two years of receiving a notification from GARFO, which, in this case, means by August 31, 2019.
As part of this effort, the Council is required to determine the shortest possible timeframe for rebuilding a stock, taking into account numerous factors. To achieve this mandate through Framework 58, the Council selected fishing mortality (F) rebuilding rates at a percentage of what the rate would be at maximum sustainable yield (MSY). Scientists refer to this as FMSY.

The revised rebuilding programs the Council endorsed for Framework Adjustment 58 are detailed below:

- Georges Bank Winter Flounder: The Council agreed to set the rebuilding timeline for Georges Bank winter flounder at 10 years in order for the stock to be rebuilt by 2029 at a fishing mortality rebuilding rate of 70% of MSY, known as 70% FMSY.
- Southern New England/Mid-Atlantic Yellowtail Flounder: The Council agreed to set the rebuilding timeline at 10 years in order for the stock to be rebuilt by 2029 at 70% FMSY.
- Witch Flounder: The Council agreed to set the rebuilding timeline for witch flounder at 23 years in order for the stock to be rebuilt by 2043 at an exploitation rate of 6% or as otherwise determined in the most recent stock assessment for this stock. Witch flounder is subject to assessment challenges.

For GB/GOM Cod the rebuilding plan end date was set up by 2026 and 2024 respectively, however, in the last report of Groundfish Operational Assessment (GOA) the summary of rebuilding plans status showed that for some stocks included GOM/GB Cod the status is still overfished and the rebuilding of the stocks is difficult with no projection or F=0. Nevertheless, because of neither stocks were considered for a new plan nor the condition of no rebuilding was not defined, the Assessment Team has maintain the same conclusion as in the 1st Surveillance audit.

Further, as condition 2 is linked with condition 1, figure 1 above shows that the total catch for most of the species has decreased over the years. In the case of GOM cod the decrease is not relevant as in other species but the exploitation rate have decreased from 2015 to 2017 as it was shown in the last assessment.

The Assessment team would like to point out that for the 2nd Surveillance audit the update information has been scarce, therefore, in the 3rd Surveillance Audit the Assessment Team will focus on the new stock assessments and improvements have to be clear in terms of recovery or reducing mortality.

	Following the milestone for year 2, the new rebuilding plans and the slightly improvements on cod stocks also presented in the last Surveillance audit, can be referenced as evidences that proposed corrective adjustments have been projected.
Status	By the second surveillance audit, the Assessment Team shall be provided with documentary evidence that the fishery complies with the MSC requirements. The scoring guideposts that the fishery failed to meet at the time of initial certification and which ultimately resulted in the application of this condition were SG 80 Scoring issue a, b and c: *a) There is a partial strategy in place, if necessary, that is expected to maintain the main retained species at levels which are highly likely to be within biologically based limits, or to ensure the fishery does not hinder their recovery and rebuilding.* *b) There is some objective basis for confidence that the partial strategy will work, based on some information directly about the fishery and/or species involved.* ***c)** There is some evidence that the partial strategy is being implemented successfully.* Following the assessment team's determinations none of them are fully reached at the 2nd Surveillance audit. Therefore, the condition remains open and the score of 70 is not reviewed at this 2nd Surveillance audit. However, following the information pointed out in both conditions which are closely linked, for witch flounder, yellowfin flounder and winter flounder new rebuilding plans have been approved and they will be in place after implantation of FW58 in this spring of 2019. For both cod stocks the information is still the same as the information used in the Surveillance 1 and no updates have been performed yet. Therefore the Assessment Team has considered that the exploitation rate have been decreasing and that can be considered that the partial strategy adopted has considered adjustment or corrective actions to reach year 2 milestones for this surveillance audit. In terms of evaluating progress in the condition, there has been marginal improvement that can be considered as a part of the successfully partial strategy in place and the facts can be taken as an evidence that the strategy is working however, how new rebuilding plans are working and new stock assessments will be carefully reviewed by Surveillance 3 to ensure the fishery is working towards the achievements detailed in the milestones. The Assessment Team has concluded that the information is enough to be on target but the score remains at 70 and PI 2.1.2 has not been rescored.
Additional information	There is no additional information to include. All relevant information has been used to evaluate the condition and it's listed in the section progress of condition in Year 2.

Table 24 cont. Recommendation 1	
Performance Indicator	3.2.3 Monitoring, control and surveillance mechanisms ensure the fishery's management measures are enforced and complied with
Score	NA
Justification	The team recommends that the client request from NOAA/NMFS/GARFO and/or the USCG data for the most recent 3 fishing seasons that represent the agency's enforcement and compliance inputs and outputs specifically in relation to the certified-fishery (or to the Groundfish Otter Trawl fishery generally). Inputs could include the number of surveillance hours (air) or days (vessels) that were dedicated against the fleet during each fishing season. Outputs could include the number of inspections undertaken (at-sea, in port), and the number of citations issued and formal charges initiated by violation type during each fishing season.
Recommendation	*The team recommends that the client request from NOAA/NMFS/GARFO and/or the USCG data for the most recent 3 fishing seasons that represent the agency's enforcement and compliance inputs and outputs specifically in relation to the certified-fishery (or to the Groundfish Otter Trawl fishery generally). Inputs could include the number of surveillance hours (air) or days (vessels) that were dedicated against the fleet during each fishing season. Outputs could include the number of inspections undertaken (at-sea, in port), and the number of citations issued and formal charges initiated by violation type during each fishing season.*
Progress on Recommendation (Year 2)	At the 1st surveillance audit stage conducted in 2018, the team made the recommendation detailed above in regards to the Enforcement and Compliance Monitoring and Performance feature of the fishery. During discussions with the client and an official from NMFS's law enforcement section at the 2nd audit stage, the audit team was informed that enforcement and compliance data for the U.S. Redfish, Haddock and Pollock fisheries are not collected and reported as described in the recommendation. The same applies to enforcement activities conducted by agents from the USCG's 1st District. As such, both agencies collect and regularly report on the outcomes of their operations for the commercial fisheries as a whole, within their assigned geographical areas. The Assessment Team notes that a similar observation was made by assessors with a different Conformity Assessment Body (CAB) in regards to the certified U.S Gulf of Maine and Georges Bank Haddock, Pollock and Redfish trawl fisheries. Consequently, the audit team has concluded that the recommendation should be removed from further consideration by the client group.
Status	Removed
Additional information	Not required

5.3 Client Action Plan

There are no new conditions set up during the 2nd Surveillance audit, therefore there is no new or updates in the current Client Action Plan.

5.4 Re-scoring Performance Indicators

Conditions are on target in this 2nd surveillance audit but the scores remains at in the full assessment. Therefore there is no re-scoring PIs due to the progress against the condition and neither due to major changes in the fishery that can affect the initial scoring of the PIs.

6 Appendices

6.1 Evaluation processes and techniques

6.1.1 Site visits

Meetings were held with the following management and scientific organizations responsible for the US Acadian Redfish, haddock and Pollock Fishery. Table 25 provides a list of the stakeholders and management organizations engaged in the process either through meetings, conference call or submission of information. These consultations focused on the questions and evidence that demonstrates the performance of the fishery throughout the year and measures that supported the fulfilment of the Conditions of Certification placed upon the SGA at the initial certification decision.

Table 25. List of stakeholders consulted during the second Surveillance audit

Stakeholder
Northeast Fisheries Science Centre (NEFSC)
NOAA Fisheries – Greater Atlantic Regional Fisheries Office (GARFO)
Sustainable Groundfish Association (SGA)-Client Group
New England Fishery Management Council (NEFMC)

The timeline of main communications with Stakeholders in this surveillance audit is detailed as follows:

- Stakeholder Announcement: Surveillance Audit outside of 6 month window-10 Jan 2019
- Surveillance audit announcement-15 Jan 2019
- Emails to Stakeholders with specific questions to perform during the site visit- 6 &7 Feb 2019
- Stakeholder Announcement: Stakeholder Notification regarding SAI Global's intention to change surveillance audit activities dates-11 Feb 2019
- Emails to confirm dates of meeting- during first week of March
- Emails to meeting invitation via WebEx -14 March 2019
- Surveillance audit activities- Week of 19 March 2019

6.1.2 Stakeholder participation

A number of stakeholders were contacted and invited to participate in the audit process. None expressed an interest in participating. **Error! Reference source not found.** details the dates, meeting locations and organisations that were consulted through conference calls during the off-site surveillance assessment.

All meetings were conducted by the Surveillance Team Assessors.

Table 26. Meetings conducted by the Assessment team during the 2nd Surveillance audit.

Name of Organisation	Present at Meetings	Venue	Date/Time	Purpose
Northeast Fisheries Science Centre (NEFSC)	Russel Brown, Brian Linton and the assessment team (Virginia Polonio, Jerry Ennis and Bob Allain)	Off site visit- Conference call	Tuesday 19th, March 2019 Time: 9.00 am (ET)	Stock assessments planned for 2019 Timeline for stock assessments Preliminary results of the surveys Rebuilding plans Updates in the stock status of target species and non-target species Changes in the internal staff
NOAA Fisheries – Greater Atlantic Regional Fisheries Office (GARFO)	Caleb Gilbert & team and the assessment team (Virginia Polonio, jerry Ennis and Bob Allain)	Off site visit- Conference call	Wednesday 20th, March 2019 Time: TBC	Stock rebuilding plan Calculations of the quotas/ Allocations/ Sector and common pool Peer-review process and stakeholders consultation FW 58 draft proposed by the Council Timeline for FW58 and amendment 23 Measures set up in new rebuilding plans and needs to review some of them Observer program and monitoring system Ecosystems Changes in the internal staff
Sustainable Groundfish Association (SGA)- Client Group	John Whiteside, Nicole Perlot and Assessment Team (Virginia Polonio, Jerry Ennis and Bob Allain)	Off site visit- Conference call	Friday 22nd , March 2019 Time: 1.30 pm (ET)	CoC and traceability Client group and total catches Changes in vessels and/or client group Milestones for year 2 Evidences to comply with milestones
New England Fishery Management Council (NEFMC)	Tom Nies, Jaime Cournane, Robin Frede and the Assessment team (Virginia Polonio, Jerry Ennis and Bob Allain)	Off site visit- Conference call	Friday 22nd , March 2019 Time: 10.30 am (ET)	Calculations of allocations on sectors and common pool Rebuilding plans under revision FW 58 and Amendments 23 Peer-review systems Minutes of meetings regarding groundfish Committees and stakeholders consultation Public period of consultation

6.2 Stakeholder input

The Assessment team did not receive any stakeholder submission during the process.

6.3 Revised surveillance program

Table 27. Fishery surveillance program.

Surveillance level	Year 1	Year 2	Year 3	Year 4
Level 5	On-site surveillance audit	Off-site surveillance audit	On-site surveillance audit	On-site surveillance audit and re-assessment

Table 28. Timing of surveillance audit.

Year	Anniversary date of certificate	Proposed date of surveillance audit	Rationale
3	5th July 2019	December 2019-January 2020	The first surveillance audit was carried out 1 year later than the certificate anniversary date due to the fact that the client had not allowed SAIG to conduct the surveillance audit within the required delay and the certificate was suspended. In order to put the fishery back on track regarding timing, the 2nd surveillance audit was proposed in March 2019 and therefore for same reasons, 3rd surveillance audit is proposed to be conducted 6 months later than the certificate anniversary date.

Table 29. Surveillance level rationale.

Year	Surveillance activity	Number of auditors	Rationale
3	On site audit	3 auditors on site	The program of surveillance was set up at level 5, therefore the 3 surveillance audit should be on site visit. Further, new stocks assessments and likely preliminary results of rebuilding plans will carry out that will provide the team with a relevant load of new information to review.

6.4 Harmonised fishery assessments

Table 30. Overlapping fisheries

Fishery name	Certification status and date	Performance Indicators to harmonise
US Gulf of Maine and Georges Bank haddock, pollock and redfish trawl	Lloyd's Certified V2.0, May 10th 2018.	P1, P2 (2.3.1-2.3.3) and P3 (3.1.1-3.1.2 and 3.1.4- only for V1.3 fisheries)
US Atlantic spiny dogfish	SCS Global, Re-Certified V1.3, May 28th, 2018.	P2 and P3 (3.1.1-3.1.2 and 3.1.4- only for V1.3 fisheries)
US Atlantic Scallop	SCS Global, Re-Certified, V1.3, Oct 11th, 2018.	P3 (3.1.1-3.1.2 and 3.1.4- only for V1.3 fisheries)
US Atlantic Surfclam and Ocean Quahog	SCS Global, Certified V1.3 December 15th, 2016	P3 (3.1.1-3.1.2 and 3.1.4- only for V1.3 fisheries)
US Atlantic Longfin Inshore Squid Bottom Trawl	SCS Global, Certified V2.0 May 18th, 2018	P2 (2.3.1-2.3.3) and P3 (3.1.1-3.1.2 and 3.1.4- only for V1.3 fisheries)

Table 31. Overlapping fisheries.

Supporting information	
The information to harmonize the Overlapping fisheries have been collected consulting the recent document posted by the fisheries involved on MSC website. No meetings have been necessary during the review of the information by the Assessment Team during the surveillance 2.	
Was either FCP v2.1 Annex PB1.3.3.4 or PB1.3.4.5 applied when harmonising?	**No**
Date of harmonisation meeting	**No meetings were held during the Surveillance audit**
If applicable, describe the meeting outcome	
NA	

Performance Indicators (PIs)	US Gulf of Maine and Georges Bank haddock, pollock and redfish trawl	US Atlantic spiny dogfish	US Atlantic Scallop	US Atlantic Surfclam and Ocean Quahog	US Atlantic Longfin Inshore Squid Bottom Trawl	US Acadian redfish, haddock and Pollock otter trawl
PI 1.1.1	**100**					**100**
PI 1.2.1	**95**					**95**
PI 1.2.2	**95**					**95**
PI 1.2.3	**90**					**95**
PI 1.2.4	**100**					**100**
PI 2.1.1		**80**				**75**

PI 2.1.2		**90**				**75**
PI 2.1.3		**80**				**95**
PI 2.2.1		**80**				**95**
PI2.2.2		**90**				**95**
PI 2.2.3		**80**				**95**
PI 2.3.1	**90**	**75**			**85**	**90**
PI 2.3.2	**90**	**85**			**75**	**90**
PI 2.3.3	**80**	**80**			**80**	**80**
PI 2.4.1	**80**	**80**			**80**	**80**
PI 2.4.2	**85**	**80**			**75**	**85**
PI 2.4.3	**95**	**80**			**80**	**95**
PI 2.5.1	**80**	**80**			**80**	**80**
PI 2.5.2	**80**	**80**			**85**	**80**
PI 2.5.3	**80**	**85**			**90**	**80**
PI 3.1.1	**100**	**100**	**95**	**100**	**100**	**95**
PI 3.1.2	**100**	**100**	**100**	**100**	**100**	**100**
PI 3.1.3	**100**	**100**	**100**	**100**	**100**	**100**
PI 3.1.4	**NA**	**100**	**100**	**NA**	**NA**	**100**

Table 32. Rationale for scoring differences

If applicable, explain and justify any difference in scoring and rationale for the relevant Performance Indicators (FCP v2.1 Annex PB1.3.6)

P1 has been harmonised just with one overlapping fishery, US Gulf of Maine and Georges Bank haddock, pollock and redfish trawl and the differences have been justify as improvements were made in the information and monitoring system after SAIG evaluation, therefore Lloyd's has been provided with more recent data that allows score higher the PI 1.2.3, however the difference does not represent an important change in the overall outcome of P1 in either fisheries.

P2 PIs are harmonised in some fisheries, some of the overlapping fisheries (US Gulf of Maine and Georges Bank haddock, pollock and redfish trawl and US Atlantic Longfin Inshore Squid Bottom Trawl) have been evaluated against V2.0 of the MSC standard and it is not possible to harmonize the PI of primary and secondary species as different version of the standard (V1.3) has been used for SAIG fishery and the classification of the species is completely different. Therefore, the scope of minor and main species is different and the harmonization is not feasible.

Minor differences in ETP species have been identified due to the different operation methodologies of the gear types and the fisheries in fact.

Slight differences in habitats have been result of differences attributed to scale of impact of fishery or the use of differences version of the standard. Ecosystems PIs have been largely consistent among the overlapping fisheries.

P3 PIs are very similar in all the fisheries, slightly differences can be found in 3.1.1 because some of the fisheries have given the management system a score of 80 for “Legal Rights.” Other fisheries have evaluated 100 on all the SG for PI 3.1.1 because they considered the management stronger and it considered that the management plan constitute a formal commitment while other fisheries scoring 95 consider that as a mechanism to observe the legal rights. However the difference in the overall score is from 95 to 100 and it does not represent a relevant issue among fisheries.

7 Template information and copyright

This document was drafted using the 'MSC Surveillance Reporting Template v2.0'. Note amendments have been made to formatting in order to comply with SAI Global's corporate identity; however, content and structure follow that of the original template.

Template version control

Version	Date of publication	Description of amendment
1.0	08 October 2014	Date of issue
2.0	17 December 2018	Release alongside Fisheries Certification Process v2.1

A controlled document list of MSC program documents is available on the MSC website (msc.org)

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8 References

- Federal Register: https://www.federalregister.gov/documents/2018/07/20/2018-15477/magnuson-stevens-act-provisions- fisheries-of-the-northeastern-united-states-northeast-multispecies
- Federal Register: https://www.govinfo.gov/content/pkg/FR-2018-11-07/pdf/2018-24087.pdf
- First Coast Guard District Report to NEFMC: https://s3.amazonaws.com/nefmc.org/4_CAPT-KING-NEFMC-December-2018-NEWPORT-RI_181128_103015.pdf
- Gloucester Times: https://www.gloucestertimes.com/news/fishing_industry_news/gloucester-groundfish-sectors-consolidate/article_e1b7c0a8-2048-5736-ac28-776524926129.html
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