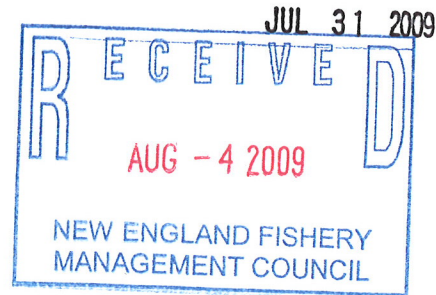




UNITED STATES DEPARTMENT OF COMMERCE  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
 NORTHEAST REGION  
 55 Great Republic Drive  
 Gloucester, MA 01930-2276



Eric Brazer, Manager  
 Georges Bank Cod Hook and Fixed Gear Sectors  
 210-E Orleans Road  
 N. Chatham, MA 02650

Dear Eric:

Thank you for your July 10, 2009, letter requesting clarification of the application of potential sector contribution (PSC) Option 5 in the Draft Environmental Impact Statement (EIS) for Amendment 16 to the Northeast Multispecies Fishery Management Plan. On June 24, 2009, the New England Fishery Management Council (Council) voted to approve both PSC Option 1 and PSC Option 5 for inclusion in the Amendment 16 Final EIS that will be formally submitted to NMFS. Our interpretation of Council intent in approving both Option 1 and Option 5 is that PSCs for allocated stocks, with the exception of Georges Bank (GB) cod, would be computed using historical landings from fishing years (FY) 1996-2006. The GB cod PSC for a subset of permits would be computed using landings from FY 1996- 2001 while the GB cod PSC for the remaining permits would be computed using historical landings from FY 1996-2006.

Your letter requested clarification of which permits would have their GB cod PSC computed using landings data from FY 1996-2001. The text in the Amendment 16 DEIS describing PSC Option 5 is inconsistent. In describing Option 5 the DEIS states that PSC Option 5 would "...only apply to those permits that committed to the sector as of March 1, 2008." Yet, the text in the rationale states PSC Option 5 "...only applies to members of the two sectors in FY 2007." To clarify our understanding of the Council's intent, my staff reviewed the motions and notes of the Groundfish Oversight Committee and conferred with Council staff. PSC Option 5 was discussed at the May 13, 2008, meeting of the Groundfish Oversight Committee and the record of that meeting is clear that the intent was for PSC Option 5 to apply to all permits that had signed on to the interim March 1, 2008, roster of either the GB Cod Hook Sector or the GB Cod Fixed Gear Sector. A copy of this letter is being sent to the Council to provide the Council the opportunity to disagree with our interpretation of these provisions.


The June 11, 2009, letter to each permit holder included aggregate landings data and a computation of each PSC Option being considered by the Council at that time. The PSCs in that letter were computed using the FY 2007 rosters of the GB Cod Hook Sector and GB Cod Fixed Gear Sector, rather than the interim March 1, 2008, rosters. Thus, the GB cod PSCs computed

cc. TN (8/12)



for each permit were incorrect. NMFS will recompute the GB cod PSC of all permits and provide this information to permit holders.

Sincerely,

  
Patricia A. Kukkul  
Regional Administrator

Cc: Council