



Paul J. Diodati
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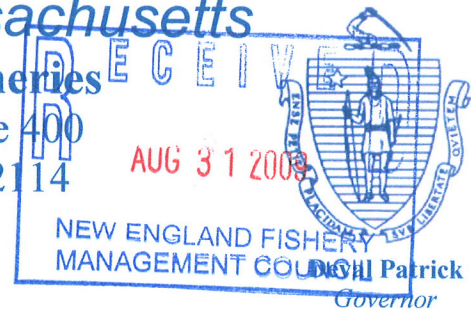
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August 14, 2009

Ian A. Bowles
Secretary

Mary B. Griffin
Commissioner

Mr. John Pappalardo, Chairman
New England Fishery Management Council
50 Water St. · Mill 2
Newburyport, MA 01950

Dear John:

We make a simple request. Actually, it's not that simple, but reasonable and necessary. The Council has decided for Amendment 16 to adopt: (a) the Percent Sector Contribution (PSC) as landings history only for fishing years 1996-2006, except for the two exiting sectors for which we will use FY1996-2001, and (b) a 33.7% share of GOM cod and 27.5% share of GOM haddock for the recreational fishery (based on 2001-2006, not 1996-2006 data). The Council also has decided to remove the 20% cap on sector shares.

All of these decisions were made without the benefit of analyses enabling us to understand the consequences of our decisions. At hearings and afterwards we all acknowledged that without our knowing sector participation and the make-up of the common pool there would be uncertainty about actual impact, such as impacts of commercial fishery measures. Pages I-429-433 (Environmental Impacts of Management Measures: Analytic Approach and Limitations) provide a good explanation as to why the Council's analysis of impacts of proposed management alternatives was "complicated." Truly.

We seek a retrospective examination of Council decisions that will enable us to better judge what else needs to be done in our next framework action or amendment, especially those steps that likely will entail a comprehensive catch-share approach with carefully analyzed alternatives.

With operations plans due by September 1, we expect the Council will know by then, or soon after, the size of the common pool and details of sector participation. Analyses finally can be performed. Additionally, the ABCs were set by the SSC at its recent meeting. Although they are not ACLs, these ABCs should help us better understand what to expect on May 1, 2010.

We realize Council staff will complete Amendment 16 and submit it to NMFS. We also know that staff will be working on the specification package. Staff is very busy. Nevertheless, without our requested analyses being performed and reviewed, the Council will continue to find itself in shadowlands haunted by our not having properly analyzed the consequences of our deadline-driven decisions.

We don't expect or desire the Amendment to be held up for these analyses, although that might seem to be the proper approach. We just want to be able to determine after-the-fact (i.e., after May 1, 2010) whether the Council was able to meet its objectives, and if not, then what we will need to do to correct mistakes and plan for the future.

Thank you for your attention to this matter.

Sincerely yours,

David E. Pierce, Ph.D.
Deputy Director

cc Paul J. Diodati
Paul Howard

cc: TN, CSK, RUF (9/2)