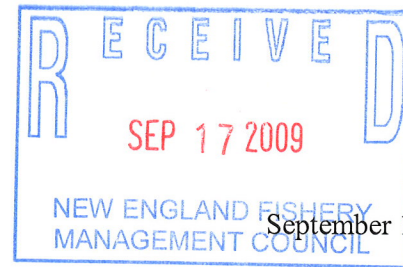




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September 15, 2009

Paul J. Howard, Executive Director  
 New England Fishery Management Council  
 50 Water Street  
 Newburyport, MA 01950

**RE: Appropriate FY2010 Common Pool Trip Limits for GOM Cod, GB Cod and Pollock**

Dear Captain Howard,

I am writing to you today regarding the implementation of appropriate fishing year (FY) 2010 Common Pool trip limits for three stocks of particular concern: pollock, Georges Bank (GB) cod and Gulf of Maine (GOM) cod. These vulnerable stocks will be harvested under scientifically-based 'hard' total allowable catch limits (TACs) by fishermen operating in Sectors; however, they will also be harvested by Common Pool vessels that will not be held to 'hard' limits in FY2010. This inconsistency is creating a perverse incentive for vessels to remain in the Common Pool where they will be allowed to target vulnerable stocks to a degree that Sector vessels will not.

Currently, Amendment 16 to the Northeast Multispecies Fishery Management Plan proposes to allocate relatively low GB cod, GOM cod, and pollock TACs to Sectors. Upon achievement of any of these TACs, Sectors must immediately stop fishing. Furthermore, a Sector and all of its membership may be held jointly liable and penalized for any TAC that has been exceeded by the Sector. However, Amendment 16 proposes to increase Common Pool trip limits on GB and GOM cod, and maintain an unlimited trip limit on pollock for vessels participating in the Common Pool. These limits, or lack thereof, will *not* provide adequate protection for these stocks. With GB cod at a fraction of its historic biomass, recent and potentially reversible gains in the GOM cod resource, and greatly reduced estimates of the pollock population, the New England Fishery Management Council (Council) *must* reexamine the Common Pool trip limits for each of these stocks at its September meeting.

The absence of conservative trip limits for these stocks rewards vessels for actively choosing to participate in the portion of the fishery that will allow overfishing. Though we recognize that management through trip limits is not ideal and does not eliminate the problem of at-sea discards, it will allow the Council to more responsibly manage Common Pool harvest of these fragile stocks and maintain incentives for fishermen to fish in a Sector during the upcoming fishing years. A lack of action on this issue will result both in delaying ongoing rebuilding efforts and potentially undermining the Sector Program.

I appreciate the opportunity to comment on this crucial issue and appreciate the Council's efforts to preserve our region's fisheries.

Sincerely,

Susan Nickerson, Executive Director

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