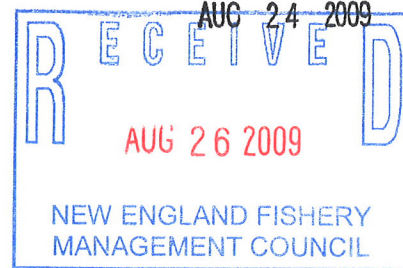


#5a



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

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



Dear Paul:

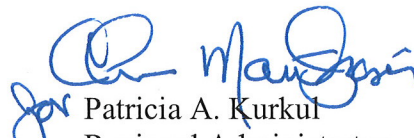
Members of the fishing industry have recently contacted me to express their concern regarding common pool management measures in Amendment 16 to the Northeast Multispecies Fishery Management Plan (Amendment 16). One species of particular concern was pollock. I would like to recommend New England Fishery Management Council (Council) consideration of the issue.

Under Amendment 16, the principal common pool effort controls proposed to constrain pollock catch are days-at-sea (DAS) restrictions and closed areas, in conjunction with a minimum fish size and gear/mesh restrictions. Industry's specific concern is that those measures would provide both an incentive and opportunity for common pool vessels to modify their fishing behavior to target pollock and create a derby fishery. Certain industry members believe that such fishing practices would be likely, and would therefore result in negative market impacts as well as pollock catch levels that exceed the target level of catch. A trip limit for pollock was suggested as an appropriate management tool to strengthen Amendment 16.

Industry also expressed concern about whether Amendment 16 common pool management measures would be sufficient for cod, given that vessels are selecting common pool versus sector management measures based on which program provides the opportunity to catch more fish.

These concerns should be considered as soon as possible by the Council.

Sincerely,


 Patricia A. Kurkul
 Regional Administrator



cc - in 8/26/09, CBA