

Additional Correspondence

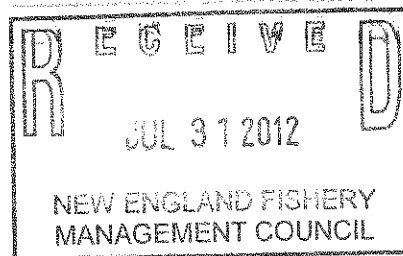
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

JUL 26 2012

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



Dear Paul:

Thank you for your June 22nd letter regarding the Council's request for analysis of Gulf of Maine (GOM) cod carryover. I understand the gravity of the situation facing the groundfish industry and appreciate the Council's efforts to mitigate impacts of the anticipated low catch levels in 2013 and beyond. We have given careful thought to the Council's request.

Status Quo:

The primary constraint on carryover for next or any year is the requirement to set a catch level that does not result in overfishing. The current harvest regime reduces but does not end overfishing. We all understand that this is not a repeatable regime and that overfishing must end for FY2013.

Our projections for the fishing levels in 2013 are based on the assumption that all available fish will be harvested in 2012. If they are not harvested, those fish will exist in 2013 in the form of an increased spawning stock biomass. The overfishing limit can be simply understood as essentially as a percentage of the spawning stock biomass derived by applying the desired fishing mortality rate. If the spawning stock biomass goes up, the overfishing limit goes up and more fish can be caught. However, it is not a 1:1 ratio. Since it is a percentage, a fish saved this year only results in a fractional increase in the overfishing limit under the status quo reference points adopted by the Council.

The groundfish industry has the ability to voluntarily set aside half their catch this year to increase the spawning stock biomass for next year.

The FY 2012 sector sub-ACL for GOM cod is 3,618 mt; half of the sub-ACL is 1,809 mt. Setting aside 1800 mt would only result in about a 300 mt increase in the very low FY 2013 allowable catch. This small increase is what would be available without further council action if the industry acted voluntarily. However, in order to achieve the increase for FY 2013, the FY 2012 catch assumptions used in projections to generate an ABC for FY 2013 must reflect the sectors' intent to constrain catch in FY 2012. Currently, sectors are being permitted to carryover 10 percent of unused annual catch entitlement. This can also affect the catch assumptions used

cc: Council, TN, FH, CBA (8/1)



in establishing ABC and, as we previously stated, this carryover allowance must be evaluated by the Council to ensure that it does not result in exceeding the fishing mortality target.

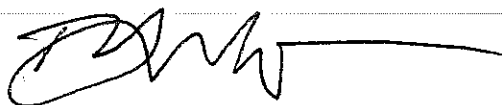
Further Council Action:

Authorizing a change in how much carryover is possible would require Council action. The Secretary does not have the ability to modify the carryover amount by interim or emergency rule. I understand that the Council is already considering an increase in the amount of allowable carryover in the alternatives being developed for Framework Adjustment (FW) 48. The current timeline for FW 48 would not provide industry with certainty in time to limit FY 2012 catch to benefit from increased carryover in FY 2013. Any consideration of carryover must begin with an analysis of the expected stock impacts of year-1 under-harvest and the resultant year-2 change in biomass, followed by necessary adjustments to year-2 catch limits, if appropriate, to ensure they are not exceeded. The Council could explore how this may be done through the biennial adjustment process (framework adjustment) or by considering revisions to the Council's ABC control rules. Any carryover program must be evaluated in the context of the requirements of the MSA and National Standard 1 guidelines, as detailed in my previous letter. Carryover must not allow catch to exceed catch limits or mortality targets established under the FMP or otherwise result in overfishing. Furthermore, the National Standard 1 guidelines, as currently written, require overfishing to be evaluated annually. As we have indicated previously, in the case of GOM cod, this means overfishing must still be ended in FY 2013.

We must also consider that the upcoming assessment for GOM cod could revise our understanding of the status of the stock. Given the trend we've seen of late for cod stocks, increasing carryover as a means for increasing fishing opportunity for GOM cod at a time when the ACL for FY 2013 may be decreasing could increase the risk of exceeding catch limits. We remain supportive of the Council exploring carryover approaches consistent with this guidance and our previous letter in its development of Framework 48, and we stand ready to support Council staff and the Groundfish Committee in that effort.

If you have any additional questions, please contact Melissa Vasquez of the Sustainable Fisheries Division at (978) 281-9166.

Sincerely,



Daniel S. Morris
Acting Regional Administrator