Folder

From	Mr. Goethel, David T.
Folder Manager	NMFS/CU (Group)
Addressed To	Eric Schwaab
Access Right	NMFS
Subject	Amendment 16 to the Northeast Multispecies Fishery Management Plan
Keyword Summary	
Mail Type	
Folder Types	Request
Control Number	025318-2010
Folder ID	26222
DOC Control Number	
Signature*	Assistant Administrator
Clearance Status(ExecSec Only)	RUSH!
NOAA File List	
Date Due for LO	
Created By	Eisch, Joseph F 03/17/2010
Modified By	Eisch, Joseph F 03/17/2010
Date on Document	03/17/2010
Date Received	03/17/2010
Date Due	04/06/2010
Date Closed	

Attachments

Details	Download	Description	Type	Access Right	Owner	Created Modified
			Word Document	NMFS	Eisch, Joseph F	03/17/2010 03/17/2010

Assignments

Details	Action	Assigned To	Assigned By	Status	Work Sequence	Date Assigned	Date Due	Closed	Access Right
	Prepare Response	NMFS/SF (Group)	Eisch, Joseph F	Active	1100	03/17/2010	04/02/2010	EM 3/18 — CLW 3/18/10	NMFS
	Review	NMFS/CU (Group)	Eisch, Joseph F	Pending	1200	03/17/2010	04/02/2010		NMFS
	Review	Pflieger, Frances	Eisch, Joseph F	Pending	1250	03/17/2010	04/02/2010	3/24	NMFS
	Clearance	NMFS/GC (Group)	Eisch, Joseph F	Pending	1300	03/17/2010	04/05/2010	CS 3/24	NMFS
1338	Review	NMFS/CU (Group)	Eisch, Joseph F	Pending	1400	03/17/2010	03/29/2010	JE 3/25	NMFS
	Review	Rootes, Becky	Eisch, Joseph F	Pending	1425	03/17/2010	04/06/2010	3/25	NMFS
	Clearance	NMFS/DAA (Group)	Eisch, Joseph F	Pending	1450	03/17/2010	04/06/2010	SC 3/25	NMFS
	Clearance	NMFS/F (Group)	Eisch, Joseph F	Pending	1500	03/17/2010	04/06/2010		NMFS
	Disposition	NMFS/CU (Group)	Eisch, Joseph F	Pending	1600	03/17/2010	04/06/2010		NMFS

Pgvers 3-18-10

MAR 2 9 2010

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

Mr. David T. Goethel
23 Ridgeview Terrace
Hampton, NH 03842

Dear Mr. Goethel:

Thank you for your August 2009 letter to Secretary Gary Locke regarding your concerns about the equity and fairness of allocation decisions made in the development of Amendment 16 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) through a minority report submitted pursuant to section 302(e)(4) of the Magnuson-Stevens Fishery Conservation and Management Act. This is a follow-up letter to further explain and update you on the current status of Amendment 16.

As you may know, on January 21, 2010, the Secretary of Commerce approved nearly all of the Amendment 16 measures, including the sector and recreational allocation measures cited in your letter. The Secretary considered all public comments received on Amendment 16, including your minority report. Although you contest that the Amendment 16 allocations were inconsistent with National Standard 4, the Secretary believes there is sufficient evidence in the administrative record to indicate that Amendment 16 complies with the Magnuson-Stevens Act, including National Standard 4.

The National Standard 4 Guidelines require that each measure that establishes a direct allocation be rationally connected to the achievement of optimum yield, or to the furtherance of another FMP objective. These guidelines recognize that inherent in an allocation there is the possibility that one group will be advantaged to the detriment of another, and therefore require that the allocation be justified in terms of the objectives of the FMP in order to ensure that "the disadvantaged user groups or individuals [not] suffer without cause." The potential sector contribution baseline measures in Amendment 16 were specifically developed by the New England Fishery Management Council to promote stability and the sustained participation of vessels and fishing communities in the NE multispecies fishery, without compromising efforts to rebuild overfished stocks. As it did in Amendment 13 for the two existing sectors, the Council also indicated its intent to freeze catch history for newly formed sectors as of the implementation of Amendment 16 to preserve the allocation decisions made in Amendment 16, further promote stability in the fishery, and foster an environment where all sectors can create efficient and effective long-term business plans.

The baseline for the commercial/recreational allocation was chosen to ensure consistency with National Standard 2, which requires that the best available data be used in establishing the baseline. The Council articulated concerns with the reliability of data on recreational fishing prior to 2001, and whether historic recreational catch accurately reflects the current fishery conditions and recreational participation in the fishery. As a consequence, it restricted the baseline period to the more recent period for which there was confidence in the data. Both commercial and recreational catch were evaluated using the same time period—a period during which both fisheries were subject to restrictions on the catch of such stocks—to determine the amount of these stocks caught by each

fishery. Because both fisheries were subject to measures designed to achieve the conservation objectives during the same allocation period, one group is not advantaged over the other (even though different allocation periods result in different allocations to various segments of the fishery), and all are provided the same access to rebuilt stocks.

I appreciate your interest in the effective and equitable management of the groundfish fishery. NOAA's National Marine Fisheries Service will continue to work with the Council to manage the NE multispecies fishery consistent with the goals and objectives of the FMP and applicable law.

Sincerely,

Eric C. Schwaab
Assistant Administrator
for Fisheries