Congress of the United States

Washington, DC 20510

April 21, 2010

The Honorable Gary Locke, Secretary
Department of Commerce
1401 Constitution Avenue
Washington, DC 20230

Dear Secretary Locke:

The northeast multispecies fishery, more commonly referred to as the groundfishery, has helped sustain New England's coastal communities for generations, yet in recent years, this historic industry has fallen on hard times. In 2010, the groundfishery will begin operating under a new management approach, a catch share system known as sector management. In order to ensure that sector management can maximize job retention to the fullest extent possible, we request that you exercise the authority granted to the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to implement emergency regulations and increase the 2010 annual catch limits (ACL) for the nineteen fish stocks in this multispecies fishery. Additionally, given the urgency surrounding this issue we ask that you meet with us as soon as possible so we can discuss this request in greater detail.

In years past, New England's groundfish landings have contributed as much as $313 million annually[1], but by 2007, that value had fallen to just $92 million. Past efforts to regulate this fishery have failed to return this industry to long-term economic viability. Unfortunately, the implementation of sector management in the 2010 fishing year will coincide with new mandates under the MSA requiring fishery management plans to include strict ACLs in fisheries subject to overfishing.[2] Once fishermen reach an ACL for any of the 19 fish stocks within the groundfish multispecies fishery management complex, the entire fishery will be shut down for the remainder of the year. Further complicating this concern is that individual sectors, which are comprised of self-selecting groups of fishermen, will have to cease operations when the sector as a whole catches its allotted quota of any of the stocks.

This problem is compounded because certain fish stocks within the groundfishery face 2010 ACLs which are mere fractions of what the catch levels were in 2009. These fish, which have come to be known as "choke stocks" include pollock (75% reduction from the 2009 level), Gulf of Maine winter flounder (61% reduction), southern New England yellowtail flounder (38% reduction). Gulf of Maine cod (15% reduction), and Georges Bank yellowtail flounder (14% reduction) also face significant cuts. Some fishermen have informed us that last year with a single pass of their trawl they landed more of one species, pollock, than they were allocated for

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[1] Figure adjusted for inflation to 2007 dollars.
[2] Per note to MSA §303(a)(15), also at 16 U.S.C. 1853 note. This requirement will take effect in all fisheries in 2011.

the entire 2010 fishing year. We cannot expect fishermen to operate in an environment where quite literally the first tow they make could be their last.

In 2007 (the last year for which we have data) only 27% of the total allowable catch was harvested, because of regulatory measures designed to protect the weakest stocks. Thus, 73% of the allowable, sustainable catch was left in the ocean, costing our fishermen and our coastal economies approximately $500 million. Without an emergency action to adjust the 2010 allocation levels for these stocks, fishermen will yet again be forced to walk away from abundant species within the groundfishery leading to significant job loss and tens or even hundreds of millions of dollars in forfeited revenue.

More broadly, sector management is part of NOAA's prioritization of catch share management systems in our Nation's fisheries. Underscoring this commitment is the inclusion of $54.4 million in the President's fiscal year 2011 budget request for NOAA to "accelerate and enhance the implementation of a National Catch Share Program."[3] NOAA has made the groundfishery's transition to sector management a harbinger of this effort, investing over $40 million in the transition to date, and requesting an additional $18 million in the FY 2011 budget for that purpose. Thus, success of the catch share program is imperative both for the Administration's effort to encourage use of this management tool nationwide, and to the region's long-standing efforts to revitalize this historic fishery.

Though the decision to implement sector management has not been without controversy, we are united in our desire to help our states' fishermen adjust to this new management system in order to continue rebuilding these fish stocks and secure an economically and ecologically sustainable future for our fishing communities. We also acknowledge and thank you and the National Oceanic and Atmospheric Administration (NOAA) for the ongoing financial commitment to a fishery that represents such a large part of New England's coastal heritage and economy, as well as for efforts to implement the emergency interim rule that helped the fishery remain solvent in 2009. Still, it is clear that sectors will lead to considerable consolidation to the groundfish fleet. Thus, we also ask for your immediate support for a groundfish permit buyback plan, crew retraining programs, and a loan assistance program to help mitigate the expected economic hardships that occur within the fishery. Further, NOAA must provide the necessary resources to improve scientific research through a cooperative partnership with fishermen, and increase the frequency of fisheries stock assessments. Such actions will provide needed economic relief and confidence in the established catch limits that will help improve fisheries management and ameliorate the relationship among industry members, scientists, and regulators.

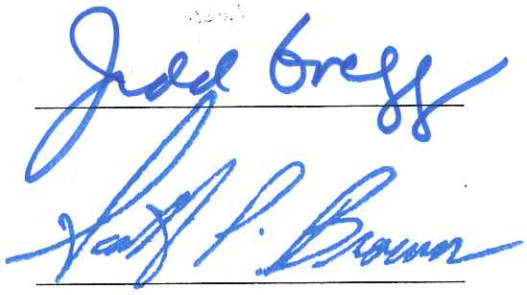
While fishery management councils are bound under the MSA to set ACLs that do not exceed the recommendations of their Science and Statistical Committees, the MSA does not place that same requirement on emergency Secretarial action. Therefore, we ask that you exercise the authority granted to your office under section 305(c)(1) of the MSA and promulgate an emergency regulation increasing the ACLs of groundfish—especially the five choke stocks—sufficiently to minimize the risk of the failure of the sector management system while still preventing overfishing from occurring. We further request that you seek ways to reduce the scientific uncertainty that has led directly to the reductions for 2010. As NOAA has stated many

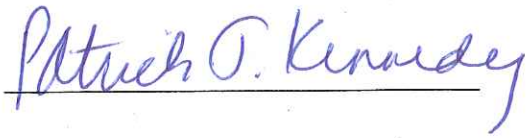
[3] National Oceanic and Atmospheric Administration FY2011 Budget Summary, February 9, 2010, p. 2-44.

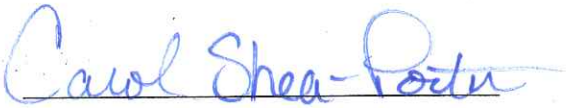
times, the increased monitoring that already will be required as part of the sector management system will greatly enhance the agency's stock assessment capabilities, and bring desperately needed clarification to the scientific picture of the groundfishery. Taking these steps to ensure sector management has a better chance to succeed will pay dividends to future fishery management efforts, provide a sense of security to our coastal economies, and improve the relationship between the agency and the community.

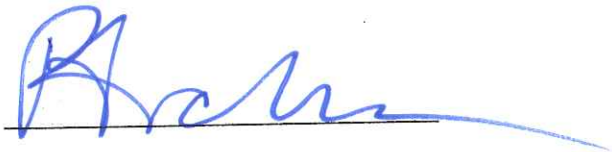
We thank you for your timely consideration of this request and look forward to meeting with you as we continuing to work cooperatively to ensure a sustainable future for our Nation's fisheries.

Sincerely,









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Senator Olympia Snowe

Senator Charles Schumer

Senator Jeanne Shaheen

Senator Jack Reed

Senator Sheldon Whitehouse

Senator Susan Collins

Senator John Kerry

Senator Judd Gregg

Senator Scott Brown

Senator Kirsten Gillibrand

Congressman Michael Michaud

Congressman Paul Hodes

Congressman Barney Frank

Congressman John Tierney

Congresswoman Chellie Pingree

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