Congress of the United States

Washington, DC 20510

January 31, 2012

The Honorable John Bryson
Secretary
Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Dear Secretary Bryson:

New England's historic Gulf of Maine cod fishery has been subject to an increasingly complex set of management restrictions intended to reduce fishing effort and rebuild the stock to sustainable levels since 1994. In 2008, when the New England Fishery Management Council met for its September meeting to review the Groundfish Assessment Review Meeting (GARM III) results, the best available science showed that those sacrifices had finally borne fruit: Gulf of Maine cod were declared no longer overfished. Three years later, an updated assessment painted a dramatically different picture and could not be more ill timed. Proposed catch levels derived from the 2011 assessment would devastate the commercial fleet with nascent groundfish sectors constrained by the ultimate "choke stock."

Under Sections 305(c) and 304(e)(6) of the Magnuson-Stevens Act, Congress provided the Secretary of Commerce the authority to implement interim measures at the request of the Fishery Management Councils even if such measures would not prevent overfishing during this interim period. This authority requires only that the Secretary reduce overfishing. As you know, the New England Fishery Management Council (NEFMC) is meeting to review the cod assessment and possible management actions this week in Portsmouth, New Hampshire. Should the Council request interim measures, we strongly urge you to grant this request and set the 2012 Gulf of Maine cod Annual Catch Limit at a level that would allow the industry to survive.

In addition, we encourage NOAA Fisheries to prioritize research in the coming year that will improve the groundfish assessment process, including the:

- Continued review and analysis of the assumptions and models used in the Stock Assessment Workshop/Stock Assessment Review Committee 53 process, and the consideration of analysis provided by Drs. Butterworth and Rademeyer;
- Incorporation of Marine Recreational Information Program data;
- Development of a catch-per-unit-effort index or similar utilization of fishery-dependent data; and
- Implementation of side-by-side trawl survey tows using a commercial vessel;
- Examination of the effect of current stock structure on stock assessment data inputs, modeling, and analyses.

NOAA leadership is to be commended for the unprecedented approach they took to engage the fishery's stakeholders while the assessment process was still ongoing. NOAA Fisheries staff, industry members, and the environmental community have remained open-minded and continue to seek mutually agreeable solutions to an exceptionally difficult problem. All involved have sought to improve the science upon which catch levels are based and have engaged in this dialogue in good faith. Nothing short of this level of cooperation will be required to resolve this issue for both the near- and long-term.

We stand ready to assist you in achieving a sustainable future for New England's fishing industry, as well as for the Gulf of Maine cod stock. Thank you for your cooperation on this matter.

Sincerely,

Olympia Snowe

Kelly A. Ayotte

Susan Collins

Jack Reed

Joe Lieberman

Michael H. Michaud

Paul C. Mint

Frank M. Pallone

William R. Keating

Barney Frank

Jerry F. Kenney

Scott P. Brown

Jeanne Shaheen

Richard Blumenthal

Sheldon Whitehouse

Chellie R

Jim Langevin

Joe Courtney

John F. Tierney