

Congress of the United States
Washington, DC 20515

February 16, 2010

Dr. Jane Lubchenco
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Dr. Lubchenco:

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) includes a mandate to rebuild overfished fish stocks on a timeline not to exceed 10 years, except when certain specific provisions apply. This facet of the law has become increasingly controversial, particularly as we approach the MSA deadlines for implementing annual catch limits (ACL) and accountability measures. In light of these legislative mandates, we request that NOAA fund a study by the National Academy of Science's National Research Council (NRC) to provide an independent assessment of the 10-year rebuilding timeline, including its ecological and economic costs and benefits.

The 10 years referred to in statute is effectively an arbitrary timeline, enacted in 1996 to as an attempt to provide a cap on how long a rebuilding period could last, but not based on any particular scientific analysis of fish stock biology or ecosystem considerations. In the 2006 reauthorization of the MSA, Congress added a requirement that each U.S. fishery must operate under a strict ACL beginning in 2010 for fisheries that are overfished, and in 2011 for all other fisheries. Further, the law as amended specifies that the ACL may not exceed the recommendation of a Council's Science and Statistical Committee. Given these additional restrictions, we would like to see an independent, scientific analysis of the MSA's 10-year rebuilding timeline mandate to determine whether it is an appropriate and attainable standard. We would like this study to address some open questions regarding rebuilding, including a determination of what criteria should be used to classify a fishery as "rebuilt"; the feasibility of rebuilding all fish stocks simultaneously given the intricate biological interactions that occur at an ecosystem and population dynamics level; and whether current investment in fisheries science is sufficient to develop models and stock assessments that can achieve the level of scientific sophistication necessary to meet all the National Standards established in the MSA.

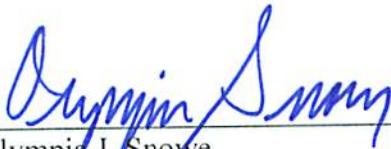
Specifically, questions we would like this report to address are as follows:

- What are the economic and ecological consequences of the 10-year rebuilding mandate specified in the MSA? Are the provisions that allow for longer rebuilding times based on life history and population dynamics appropriate and do they provide sufficient flexibility for managers?

- Is imposition of a single rebuilding timeline for all species (with limited exceptions) appropriate from a biological and ecosystem-based management perspective? What would be the economic, social, and ecological consequences of changing rebuilding timeframes to allow for a shorter (≤ 10 years) or longer timescale (≥ 11 years)?
- Should rebuilding targets be adjusted to account for change in marine ecosystems induced by environmental stresses such as climate change, coastal development and pollution, or increasing demands on ocean resources? If so, what types of information and analyses would be necessary to contribute to such an adjustment of the rebuilding targets?
- Is it feasible to rebuild all of our Nation's fish stocks simultaneously, or will stock rebuilding rates reflect more complex changes in population dynamics than otherwise envisioned by managers? Could antagonistic ecological interactions prevent or slow the simultaneous rebuilding of overfished stocks in a region? How can our management system be adapted to accommodate such ecosystem-level interactions?
- Does the existing level of information available for stock assessments (data and models) constrain the development of alternative rebuilding schedules? If so, what additional resources in terms of data collection and analysis would be needed to support the development of alternative rebuilding schedules?

We hope you agree that such a study would prove to be a valuable tool that will demonstrate the both the strengths of the current MSA rebuilding provisions and areas where the law has room for improvement. We understand from conversations with NRC staff that such a study would take approximately 18 months to complete, so we would ask that you work as expeditiously to ensure that the NRC can get to work on this critical analysis as quickly as possible. Thank you for your consideration of this request, and we look forward to continuing to work with you to ensure a sustainable future for our Nation's fisheries.

Sincerely,



Olympia J. Snowe,
United States Senator



Barney Frank,
United States Representative