

Congress of the United States
Washington, DC 20515

February 17, 2009

Dr. James Balsiger
Acting Assistant Administrator
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Dr. Balsiger:

We are writing to urge that the National Marine Fisheries Service (NMFS) adopt the recommendation of the New England Fisheries Management Council (NEFMC) regarding the proposed interim fishing rules for Amendment 16. This recommendation was overwhelmingly passed on a 15-1 vote in September 2008, and reaffirmed during the Council meeting on February 10, 2009. Though NEFMC's interim recommendation would pose serious economic challenges for a ground fishing fleet that has suffered through many years of unsuccessful management measures, it is clear that NMFS' proposed action would be much worse. It would further consolidate a once thriving fleet, place increased effort in the Gulf of Maine, and raise significant safety risks as fishermen weigh the dangers of fishing beyond closed and differential areas (where one Day at Sea (DAS) counts as two) with paying their mortgages and feeding their families.

While both NMFS and the Council's proposed interim measures include an 18% DAS reduction, NMFS' proposed closure of the Southern New England Closed Area is the largest year-round fishery closure ever proposed. As the Massachusetts Division of Marine Fisheries points out in their comments, such an action belongs in a formal Council Amendment. To impose such drastic closures in addition to reduced DAS and increased differential areas does not serve as a management bridge to the 2010 fishing year when Amendment 16 is set to be implemented. Rather, it will devastate fishing communities and put fishermen out of business, something which should not be the result of an interim management strategy.

Much has been made in recent weeks about the intent of Congress with respect to applying the Mixed Stock Exception (MSE). While the Magnuson Stevens Reauthorization Act is meant to address overfishing and rebuild stocks to produce optimum yield in managed fisheries, we also believe that the MSE is a tool intended to provide relief during times of extreme economic hardship to fishing communities. In a multispecies fishery as inclusive as the northeastern groundfish fishery, it is imperative that NMFS utilize the tools at its disposal to not only rebuild stocks to a level of optimum yield, but to protect fishermen and their families from economic ruin. We think it is unwise to allow one species of fish to trigger mandates implementing severe cuts in an entire multispecies complex when a more discretionary and prudent approach would maintain the management objectives of the overall fishery and continue to allow fishermen to survive during the interim period. We are not advocating a long-term use of

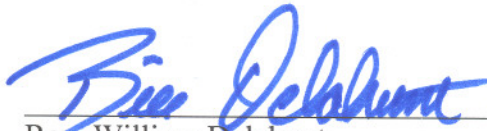
this exception, but instead, a necessary, short-term application, as both the Council and NMFS work on the final measures for Amendment 16.

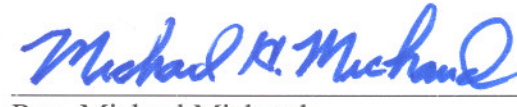
In a recent letter to Congressman Barney Frank regarding Amendment 16 Interim Measures, you wrote that "we value the ideas of our constituents and the practical advice the fishing industry can provide, and carefully consider this input in all of our rulemaking." The NEFMC is a diverse body of conservation members and recreational and commercial fishermen. Their overwhelming vote, and the voices of an entire industry, insists that NMFS provide the limited fishing opportunities necessary to ensure that there is a viable groundfish fleet employing hard working men and women and supporting shoreside businesses when the final rule for Amendment 16 is implemented for the 2010 fishing year.

Thank you for this opportunity to comment on NMFS' proposed interim rule, and, again, we urge in the strongest terms possible the adoption of NEFMC's recommendation for interim management measures that will bridge the gap toward final implementation of Amendment 16.

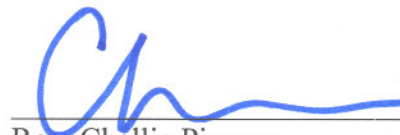

Rep. Barney Frank

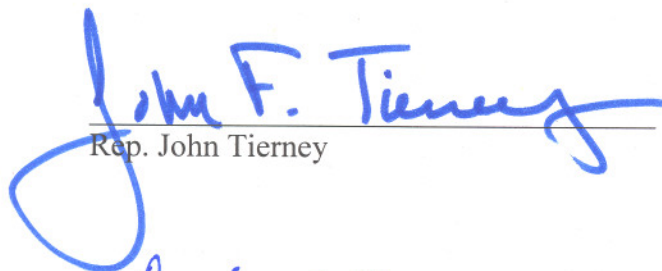

Rep. Joe Courtney

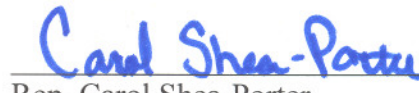

Rep. William Delahunt


Rep. Michael Michaud


Rep. James Langevin


Rep. Chellie Pingree


Rep. John Tierney


Rep. Carol Shea-Porter


Rep. Patrick Kennedy