

THERESE MURRAY

*President
of the Senate*



ROBERT A. DELEO

*Speaker of the
House of Representatives*

General Court of Massachusetts

STATE HOUSE, BOSTON, MASSACHUSETTS 02133

February 26, 2009

The Honorable Edward M. Kennedy
United States Senator
2400 JFK Federal Building
Boston, MA 02203

The Honorable John F. Kerry
United States Senator
One Bowdoin Street, 10th Floor
Boston, MA 02114

The Honorable John F. Tierney
United States Congressman
17 Peabody Square
Peabody, MA 01960

The Honorable Barney Frank
United States Congressman
558 Pleasant Street, No. 309
New Bedford, MA 02740

The Honorable William Delahunt
United States Congressman
1250 Hancock Street, Suite 802-N
Quincy, MA 02169

Dear Senators Kennedy and Kerry, Congressmen Tierney, Frank and Delahunt:

We are writing to express our continued frustration and disappointment with the Enforcement Division of National Oceanic Atmospheric Administration (NOAA) and the National Marine Fisheries Service (NMFS).

For too many years, we have been presented with complaints from local elected officials and fishing industry members detailing overzealous and intimidating enforcement practices and vindictive behavior of NOAA and NMFS Enforcement. NMFS enforcement has been known to coerce fishermen into forfeiting their trips prior to the issuance of any charges. In addition, fishermen are told not to seek legal counsel because they are not entitled to counsel and are charged with obstruction of justice when they have sought legal counsel. Enforcement routinely informs them that their cases will be made more difficult if they seek legal counsel; or assessed high fines without the justification of a clear intended infraction.

Our fishing industry is already struggling with a myriad of fisheries regulations that threaten its very existence. Although the industry has offered, time and time again, to work with NMFS and, more specifically enforcement, they continue to demean and harass the industry to the point where it is no longer the regulations or the state of the fishery that threatens the industry, but the manner in which NMFS and NOAA enforces them.

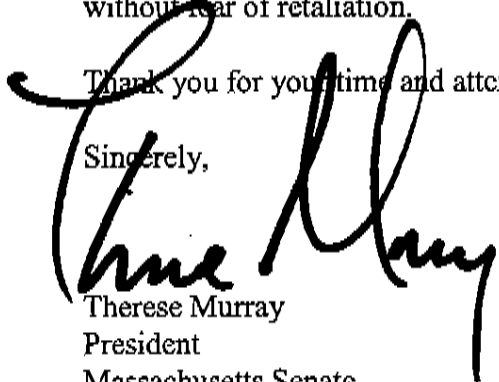
In reviewing these enforcement actions, it appears that there are legislative and regulatory authorities, which have encouraged this behavior. For example, there are statutes that allow NMFS and NOAA, specifically enforcement, to retain fines collected; and rules of administrative procedure, which allow for prosecutorial presumptions that do not ensure a fair and impartial hearing.

The overzealous and heavy handed actions of enforcement threaten to extinguish our industry and heritage.

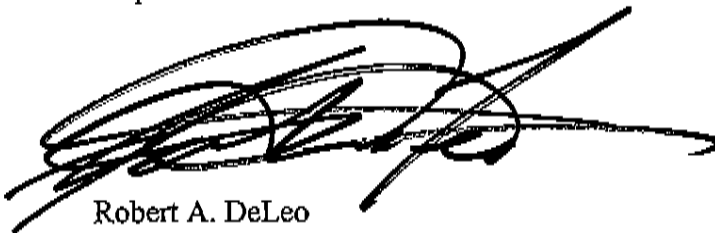
Therefore, we ask that our federal delegation call for an investigation of NOAA and NMFS enforcement practices by the U.S. Inspector General. This is the only investigatory proceeding which will allow the fishing industry to speak openly and freely about the type of behavior that they have had to endure without fear of retaliation.

Thank you for your time and attention to this important matter.

Sincerely,



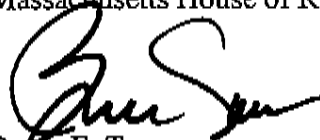
Therese Murray
President
Massachusetts Senate



Robert A. DeLeo
Speaker
Massachusetts House of Representatives



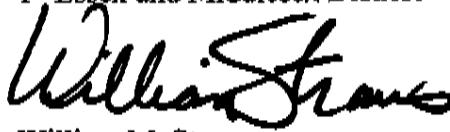
Ann-Margaret Ferrante
Representative
5th Essex District



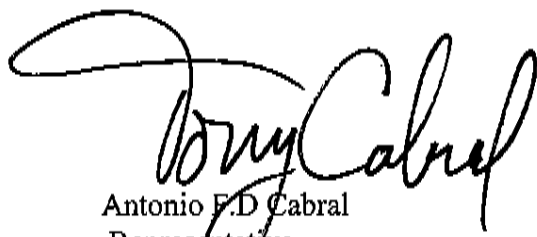
Bruce E. Tarr
Senator
1st Essex and Middlesex District

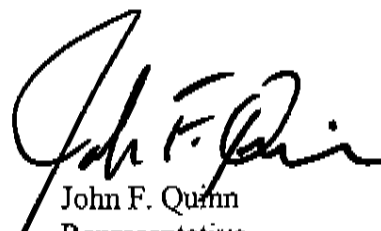



Mark C. Montigny
Senator
2nd Bristol and Plymouth

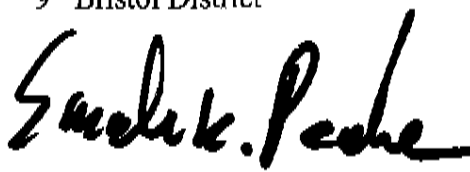



William M. Straus
Chairman, Natural Resources
10th Bristol District



Antonio F.D. Cabral
Representative
13th Bristol District


John F. Quinn
Representative
9th Bristol District



Robert A. O'Leary
Senator
Cape and Islands District



Sarah K. Peake
Representative
4th Barnstable District



Mary E. Grant
Representative
6th Essex District

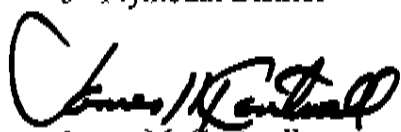

Bradford Hill
Representative
4th Essex District

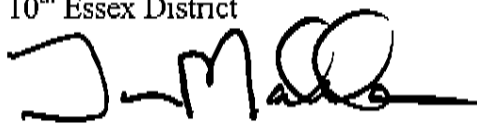

Michael A. Costello
Representative
1st Essex District


Harriet L. Staples
Representative
2nd Essex District


Garrett J. Bradley
Representative
3rd Plymouth District


Robert F. Fennell
Representative
10th Essex District


James M. Cantwell
Representative
4th Plymouth District


Timothy Madden
Representative
Barnstable, Dukes and Nantucket

