

Congress of the United States
Washington, DC 20515

June 25, 2009

The Honorable Jane Lubchenco
Administrator
National Oceanic and Atmospheric Administration
Room 5128
14th and Constitution Ave, NW
Washington, DC 20230

Dear Administrator Lubchenco:

We are writing to thank you for your recent commitment to Senators Ted Kennedy and John Kerry, and Congressmen Barney Frank, John Tierney and William Delahunt, to request an Inspector General review of NOAA's commercial fishing industry enforcement practices. The "allegations of excessive penalties and retaliatory actions by the Office of Law Enforcement" outlined in the letter from the Massachusetts delegation are by no means isolated to the Northeast. Fishermen in North Carolina have long voiced similar concerns, and we appreciate your pledge to ensure that the Inspector General investigation examines the Department's enforcement operations in Massachusetts, North Carolina and elsewhere.

As part of this review, we respectfully urge you to ask the Inspector General to examine the policies and practices that have created a culture of distrust between commercial fishermen and the agency. One issue that warrants consideration is the Coast Guard Administrative Law Judge (ALJ) court system NOAA uses to adjudicate alleged violations of commercial fishermen. A recent Baltimore Sun investigation found that in the Coast Guard ALJ system, "mariners prevailed in only 14 of about 6,300 charges brought over eight years. Most of the cases were settled or resulted in guilty pleas without reaching a courtroom, and some were dismissed, but overall Coast Guard prosecutors had a 97 percent success rate." Faced with the near certain odds of a guilty verdict and a steep penalty, innocent fishermen may have little choice but to settle, even if settling will do great damage to their reputation, their career and their ability to provide for their family.

As you know, managing complex fish stocks requires the active involvement and cooperation of our commercial fishermen. Unfortunately, the level of mistrust between the commercial industry and NOAA is at an all-time high. The Inspector General investigation you requested can be the first step in improving that relationship, and we thank you once again for requesting it. If we can be of further assistance with this matter, please let us know.

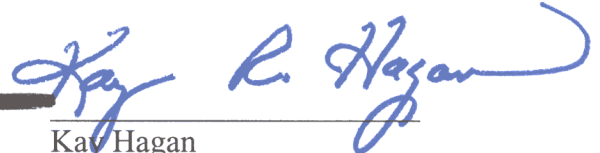
Sincerely,



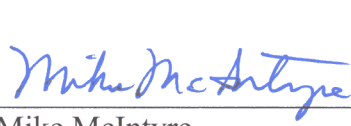
Walter B. Jones
Member of Congress



Richard Burr
Senator



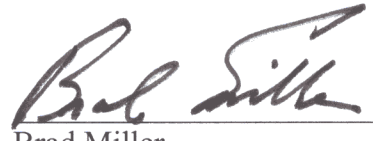
Kay Hagan
Senator



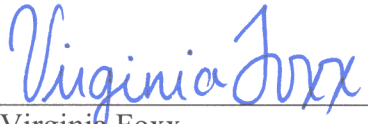
Mike McIntyre
Member of Congress



Sue Myrick
Member of Congress



Brad Miller
Member of Congress



Virginia Foxx
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Member of Congress