

OLYMPIA J. SNOWE
MAINE

154 RUSSELL SENATE OFFICE BUILDING
(202) 224-5344

Web Site: <http://snowe.senate.gov>

DEPUTY WHIP

United States Senate

WASHINGTON, DC 20510-1903

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION

FISHERIES AND COAST GUARD
SUBCOMMITTEE

FINANCE

INTELLIGENCE

RANKING MEMBER, SMALL BUSINESS

October 7, 2009

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

Dear Dr. Lubchenco,

The New England Fishery Management Council is currently developing catch limits for Atlantic herring for fishing year 2010. Last month, the region's Science and Statistical Committee (SSC) recommended that the acceptable biological catch (ABC) of herring be slashed by 53 percent from the 2009 limit. This decision was based on data which, according to the SSC itself, contains high degrees of uncertainty. I recognize that under the Magnuson-Stevens Act (MSA), the Council is not mandated to accept the SSC's recommendation for this fishery until fishing year 2011, but I will not stand by and allow this fishery and the businesses it supports to be decimated based on information so woefully outdated that the scientists themselves complain about its applicability. It is absolutely critical that National Marine Fisheries Service (NMFS) carry out a new benchmark assessment as soon as possible to ensure that our fishermen are not unfairly punished by the absence of viable data.

The MSA, as reauthorized in 2006, includes a requirement that all fisheries must operate under strict annual catch limits (ACL) by fishing year 2011 when, like herring, they are not overfished or subject to overfishing. The MSA further requires that once this provision takes effect, the Regional Fishery Management Councils cannot set an ACL higher than the level recommended by their SSC. We must ensure that when that mandate enters into force, our scientists are not faced with a paucity of data that could lead to drastic, unsubstantiated catch reductions. I firmly believe in managing our fisheries based on strong scientific data, but I also recognize—as does the MSA—the joint mandate to balance a requirement to achieve optimum yield from our fisheries with the need to minimize adverse economic impacts to the extent practicable.

Herring is often described as a keystone species in the Gulf of Maine, which, in addition to the directed fishery, provides forage for larger fish and marine mammals. In Maine, landed herring is most often used as bait for our lobster fishery, which last year brought in \$238 million, 79 percent of Maine's fisheries landings value. Recently, lobstermen have been forced to absorb one blow after another. New regulations intended to protect endangered whales have imposed additional annual gear costs estimated at \$10,000-15,000. Simultaneously, the price lobstermen

AUBURN
TWO GREAT FALLS PLAZA
SUITE 7B
AUBURN, ME 04210
(207) 786-2451

AUGUSTA
40 WESTERN AVENUE, SUITE 408C
AUGUSTA, ME 04330
(207) 622-8292

BANGOR
ONE CUMBERLAND PLACE, SUITE 306
BANGOR, ME 04401
(207) 945-0432

BIDDEFORD
227 MAIN STREET
BIDDEFORD, ME 04005
(207) 282-4144

PORTLAND
3 CANAL PLAZA, SUITE 601
PORTLAND, ME 04101
(207) 874-0883
MAINE RELAY SERVICE
TDD 1-955-3323

PRESQUE ISLE
169 ACADEMY STREET, SUITE 3
PRESQUE ISLE, ME 04769
(207) 764-5124

IN MAINE CALL TOLL-FREE 1-800-432-1599

PRINTED ON RECYCLED PAPER

receive for their catch has plummeted to as low as \$2.50 per pound, more than a sixty percent reduction from what they received prior to the onset of the global economic recession.

Before herring became the preferred bait in the lobster industry, many lobstermen used redfish in their pots. After years of overfishing followed by drastic regulatory changes, in 2007 Acadian redfish was removed from both NMFS's "overfished" and "overfishing" lists. Subsequently, Maine's Department of Marine Resources proposed to NMFS an experimental fishery for Acadian redfish. If found to be successful, this proposal could benefit the lobster and herring fisheries by diversifying the bait supply and reducing pressure on the herring stock. Furthermore, it could provide additional fishing opportunities for groundfishermen, as redfish is managed under the Northeast Multispecies Fishery Management Plan. As such, in addition to prioritizing a herring assessment, I request that you expedite review of this redfish proposal to determine whether it is viable under the terms of current law.

The SSC itself has acknowledged the shortcomings of its data set and has called for NMFS to fund a new benchmark assessment of Atlantic herring. When our scientists clamor for better data, it is the responsibility of the Federal government to heed that call and ensure that our fisheries managers are capable of setting limits that meet the MSA's mandate of achieving, "on a continuing basis, the optimum yield" from our oceans. A new herring benchmark assessment will help achieve this goal and I urge you to prioritize such research.

Sincerely,



OLYMPIA J. SNOWE
United States Senator

cc: Patricia Kurkul, Administrator, Northeast Region, National Marine Fisheries Service
Nancy Thompson, Director, Northeast Fishery Science Center
John Pappalardo, Chair, New England Fishery Management Council

P.S. I appreciate your consideration of this vital issue to Maine and the industry -