

FISHERIES SURVIVAL FUND

For Immediate Release

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THE FISHERIES SURVIVAL FUND EXPRESSES PROFOUND DISAPPOINTMENT, DECRIES NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S JUSTIFICATION FOR FRAMEWORK 21 AND AGENDA ACTION

Washington, D.C. – The Fisheries Survival Fund, the largest national organization dedicated to protecting and strengthening the nation's Atlantic Sea Scallop Fishery, today in a written response strongly criticized the New England Fishery Management Council's recent justification for Framework 21 to the Atlantic scallop fishery management plan and expressed profound disappointment at the Council's decision to remove reconsideration of Framework 21 from its January 26-28 meeting agenda. The full text of the response is attached.

"The New England Fishery Management Council staff is undertaking what appears to be an unprecedented effort to issue press releases and other public statements to build justification and support for the Atlantic scallop fishing levels the Council had recommended in November to the National Marine Fisheries Service. The Commonwealth of Massachusetts, the City of New Bedford, 17 Members of Congress, and well over 1000 members of the public who rely on the scallop fishery all asked the Council to reconsider this decision. Indeed, the Council's own Executive Committee agreed the matter should be reconsidered at the Council's January 26-28 meeting. Regrettably, this decision was reversed, apparently without any transparency or debate."

"The Fisheries Survival Fund ("FSF") represents the interests of the full-time limited access scallop fleet. It has worked constructively with the New England Council since its inception in 1998. In that time, scallop stocks have rebounded and the scallop resource is more than 150% of the level that will produce maximum sustainable yield over the long run. Scallops are an undisputed management success story, and the economic engine for fishing ports in New Bedford, MA, Cape May and Barnegat Light, NJ, and Hampton Roads, VA. FSF's participants from Maine to North Carolina are disappointed about the way the Council staff are presenting their case for a 25% reduction on fishing on this abundant resource next year, in an effort to support limiting further debate."

"In November, the New England Council was confronted with a series of very important decisions regarding the scallop fishery. FSF and the scallop fishery in general appreciate the hard work and consideration the Council and its staff undertook. However, the Council's decision-making on the annual fishing levels for 2010 was based on a presentation that may have highlighted the justifications the Council is offering now, but did not address, among others, the important considerations identified [in this letter]."

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Fisheries Survival Fund

Response to New England Fishery Management Council Justification for Framework 21 and Agenda Action

The New England Fishery Management Council staff is undertaking what appears to be an unprecedented effort to issue press releases and other public statements to build justification and support for the Atlantic scallop fishing levels the Council had recommended in November to the National Marine Fisheries Service. The Commonwealth of Massachusetts, the City of New Bedford, 17 Members of Congress, and well over 1000 members of the public who rely on the scallop fishery all asked the Council to reconsider this decision. Indeed, the Council's own Executive Committee agreed the matter should be reconsidered at the Council's January 26-28 meeting. Regrettably, this decision was reversed, apparently without any transparency or debate.

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First, there were several issues discussed and decided in Framework 21, and the only controversial issue under review is the Council's decision to allocate only 29 "open area" days at sea for 2010. FSF supported another alternative in Framework 21, which would have allocated 38 days at sea. FSF also has advocated for consideration of one more ecologically friendly "access area" trip for 2010, in as much as these trips would be reduced from 5 to 4 from 2009 to 2010.

The Council's Scallop Plan Development Team (its technical advisors on scallop management) was comfortable with either 29 or 38 open area days. The Council narrowly voted, 7-10, to choose 29, rather than 38, days. Council press statements cite a 16-0-1 vote on the total package of scallop measures for 2010. While the Council releases cite "long-standing protocols" that were ostensibly used to limit further discussion of this issue in January, it fails to acknowledge the general, long-standing convention among Council members that all will generally approve a final total, package, even if they vehemently disagreed with certain elements of it.

Second, overfishing is not occurring in the scallop fishery. As the Council statements note, projected scallop catch for 2009 is 56 million pounds. The Council document also correctly notes that its Scientific and Statistical Committee (which is tasked by law to set maximum scallop fishing levels) recommended an acceptable biological catch of 65 million pounds. However, the Council omits to mention in its public releases that the SSC recommended an overfishing limit of a full 80 million pounds. The projected landings of 56 million pounds for

2009 are not in the vicinity of the overfishing limit of 80 million pounds. Council statements confuse the issue when they claim that overfishing may be occurring in 2009 (it is not, under the SSC standard), but then argue also that the 56 million pounds was very close to the acceptable biological catch (“ABC”). ABC is not an “overfishing limit” but a conservative management target set well below the overfishing level to preclude the possibility of overfishing.

Council releases also unfortunately neglect to mention that federal scientists adjusted their analytical models they employ to project scallop catches to ensure that catch levels will not exceed expectations in 2010, the way they apparently have in 2009. The 38 open area day fishing level supported by a near-majority of Council members, the scallop industry, and wide segments of the public was developed using these more refined catch estimation levels. In fact, in a public presentation to Council members, the federal scientist who prepared the projections for both 2009 and 2010 likened the chances for a catch over-run in 2010 such as occurred in 2009 to the 50-1 Mine That Bird winning The Kentucky Derby.

The Council relies on six-year revenue projections (2010-2016) to justify the allocation of 29 days at sea, claiming there are significant economic benefits. What the Council fails to note is that its own analyses show only a difference of .75% (less than one percent) in net present value between the two alternatives. It also fails to note that the difference between the two alternatives will result in over a \$40 million loss to the scallop fishery in 2010, in exchange for a \$20 million gain that will only be realized in 2014-2016. As Members of Congress and the public have correctly identified, recovery from the Great Recession is happening now, with the recovery lagging in scallop-dependent fishing communities. In addition, independent economic analysis has called into question the Council’s economic analysis due to the vast uncertainty in its long-term projections.

Finally, the Council attempts to make a series of procedural claims to justify not revisiting its decision. These claims are without merit, as the industry supported alternative was fully analyzed and would not require additional analysis. Choosing another alternative now before the anticipated June implementation of Framework 21 would not delay it. Nor would a change in alternatives delay Framework 44 to the groundfish fishery management plan. Framework 44 analyzed the yellowtail allocation to the scallop fishery under all the alternatives and would not require any new analysis. Groundfish sectors and quotas have not yet been implemented, and therefore are not impacted.

In November, the New England Council was confronted with a series of very important decisions regarding the scallop fishery. FSF and the scallop fishery in general appreciate the hard work and consideration the Council and its staff undertook. That being said, the Council’s decision-making on the annual fishing levels for 2010 was based on a presentation that may have highlighted the justifications the Council is offering now, but did not address, among others, the important considerations identified above.