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January 29, 2010

The Honorable Jane Lubchenco  
Administrator  
National Oceanic and Atmospheric Administration  
Room 5128  
14<sup>th</sup> and Constitution Ave, NW  
Washington, D.C. 20230

Dear Dr. Lubchenco:

I am writing to express my disappointment in your response to my October 26, 2009, letter that followed our meeting of October 6, 2009. My letter outlined major issues of concern to the Northeast commercial fishing industry that were discussed in detail at this meeting. While I appreciate the complexity of these issues and your willingness to meet with me and my staff as well as members of the commercial fishing industry for future discussions, the follow-up response to several of the key issues of immediate concern should have been more substantive and action driven. I am also upset with the length of time it took to respond to these concerns as it only adds to the delay in trying to initiate positive solutions.

I believe that a major opportunity to take substantive action which could have mitigated severe cuts in groundfish species such as Pollock and the skate species has been squandered. I believe the Pollock assessment is an issue that is of immediate importance to industry business plans, and the Agency should do all it can to accelerate its understanding of the Pollock stock before June 2010. With respect to skates, there should be alternative fishing strategies to avoid overfished skates while targeting populations in better condition. The expected job loss due to reduced catch limits demands an alternative management strategy.

I remain alarmed with the lack of specificity in your response to my concerns about sectors or any analysis that informs those affected by a sector program of the specific consequences of sector management. And, I must reiterate that the Agency cannot rely on the sector program to eliminate bycatch or wasteful discards of stocks and must develop a strategy of retention to the fullest extent possible. The Agency must take a lead role in maximizing fishing opportunities in order to avoid the consolidation sectors are likely to create.

With respect to the U.S. Canada Transboundary Agreement, will the Agency form a task force involving NOAA staff and members of industry to develop a comprehensive plan for fisheries interactions with Canada? Should legislative efforts to define the U.S. Canada Transboundary Management Agreement as an "international agreement" under the Magnuson Act's exceptions to the standard 10 year rebuilding period be successful, then creation of the requested task force would better position our fishermen for future negotiations and an informed management strategy.

Finally, I suggested the Agency take immediate action to create a White Paper that would outline a proposal to analyze all closed areas, their effectiveness, and economic impact. I remain unconvinced that the measures taken by the Agency to date have fully addressed this issue. The continued loss of tens of millions of dollars of unharvested scallops in the Georges Bank demands a thorough analysis and presentation to the Scallop industry.

Again, I can only look at this response as disappointing. However, I will remain committed on trying to get reasonable and focused solutions to the issues raised during our October 6<sup>th</sup> meeting, some of which I have not even mentioned here but will be following up on through future correspondence and discussion.

A handwritten signature in black ink that reads "Barney Frank". The signature is written in a cursive, flowing style.

BARNEY FRANK