



UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

April 29, 2010

The Honorable Barney Frank
U.S. House of Representatives
Washington, DC 20515

Dear Representative Frank:

Thank you for your letter regarding issues pertaining to the Northeast's commercial fishing industry as it transitions to catch shares. You requested that the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) fast-track new scientific information for skates, pollock, yellowtail flounder, and spiny dogfish as a way to help fishermen through this difficult interim period. I want you to know that NMFS is taking steps to incorporate new information into its decisionmaking.

On March 23, 2010, NMFS, on my behalf, approved Amendment 3 to the Skate Complex Fishery Management Plan as developed and submitted by the New England Fishery Management Council (Council). However, at the Council's Scientific and Statistical Committee meeting on March 17, 2010, new data indicated the stock was in better condition than previously thought. Given the new data, NMFS has been working with the Council to incorporate this new information as quickly as possible. Toward that end, the Council's Skate Plan Development Team met on April 8, 2010. Once its analysis is final, NMFS will consider how to incorporate the results into management. This will most likely occur through a Secretarial action, as authorized under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, to be issued in conjunction with the final rule for Amendment 3. This seems to be the fastest way to provide relief to the fishery.

With respect to pollock, NMFS is actively working on the pollock benchmark stock assessment and recently completed three of the five steps in the stock assessment process: a meeting with fishermen; a complete re-examination of all relevant data; and the development of a more advanced, age-based stock assessment model. A fourth meeting will be held next month which will complete the stock assessment using 2008-2009 data. The final step in the process will be an independent peer review by the Stock Assessment Review Committee on June 1-5, 2010. If the new assessment indicates revision is warranted, NMFS will work with the Council to revise catch limits as quickly as possible.

The only recent assessment of Cape Cod (and Southern New England) yellowtail flounder was conducted as part of the Groundfish Assessment Review Meeting in 2008. Georges Bank yellowtail is assessed annually as part of the Transboundary Resources Assessment Committee process. We are aware that a student at the University of Massachusetts Dartmouth, School for

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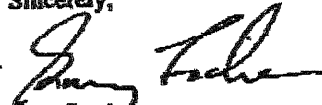
Marine Science and Technology, used information collected from a Georges Bank yellowtail tagging study to estimate yellowtail flounder abundance in the scallop access area of Closed Area II. However, her faculty committee did not consider comparisons to the entire Georges Bank stock to be appropriate. The potential implications of the student's thesis for current and future stock assessments will be considered when setting catch levels for fishing year 2011. I also understand the Council intends to begin work on extension of the Georges Bank yellowtail flounder rebuilding program. This action may provide some relief to industry while maintaining rebuilding progress on this stock.

Analyzing the effects of marine predators such as spiny dogfish on other stocks is now part of many of our stock assessments. The Northeast Fishery Science Center's Ecosystem Assessment Program is targeting research toward a better understanding of these ecosystem interactions.

With respect to the spiny dogfish assessment, substantial progress has been made on redefinition of the biomass reference point. It appears that new biological reference points will be accepted by NMFS and that spiny dogfish will be deemed rebuilt. NMFS already worked with the Council to ensure that the process for setting the 2010 commercial quota is flexible enough to respond to new scientific information. Therefore, if spiny dogfish is determined to be rebuilt, a higher quota for 2010 can be set in the final specifications.

We intend to be responsive to evolving scientific advice, and we share your goal of mitigating impacts on the industry through this difficult period, while remaining consistent with that scientific advice. If you have any questions, please contact April Boyd, Assistant Secretary of Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,


Gary Locke