



CITY OF NEW BEDFORD

SCOTT W. LANG, MAYOR

May 10, 2010

The Honorable Gary Locke, Secretary  
Department of Commerce  
1401 Constitution Avenue  
Washington, DC 20230

Re: May 12, 2010 Meeting with Federal Delegation on Catch Shares / Sector Management of  
the Northeast Multispecies Fishery

Dear Secretary Locke:

I write to you today to express my full support of the letter furnished by key members of the federal delegation (attached herein) on the northeast multispecies fishery and the request to exercise the authority granted to the US Department of Commerce under section 305(c)(1) of the Magnuson-Stevens Fishery and Conservation Act (MSA) and promulgate emergency regulation to increase the annual catch limits of groundfish. Your prompt attention to this matter and commitment to meet with the members of the federal delegation on May 12, 2010 is most appreciated. As you engage in this dialogue, I think it is important that you hear and understand the perspective of fishing communities. As Mayor of the number one value fishing port, I would like to take this opportunity to explain some of our concerns and re-emphasize the urgent need to increase allocations for groundfish.

New Bedford's commercial fishing industry creates a one billion dollar economic impact and employs over 4,000 people. New Bedford is a full service port with over 200 businesses that support commercial fishing. The jobs as well as the tax base the businesses provide to the City are tied to the vitality of the fishing industry. Former reductions in fishing effort because of fewer days at sea, closed areas, and methods for allocating allowable catch have already cut deeply into profits of fishermen and boat owners. According to a study on employment, income and working conditions of commercial fishermen performed by Daniel Georgianni out of the University of Massachusetts in 2008, wages for offshore druggers decreased post the implementation of Amendment 13 to the Multispecies Management Plan. Wages dropped from \$35,987 in 2002 to \$29,614 in 2005.

The promulgation of Amendment 16 drives yet another sword through the very heart of the fishing industry and fishing communities. The Amendment created seventeen sectors throughout the New England region that are "self-selecting" and "largely self-regulating." "For each permit that is eligible to join a sector, the sector's Potential Sector Allocation (PSA) is calculated (text

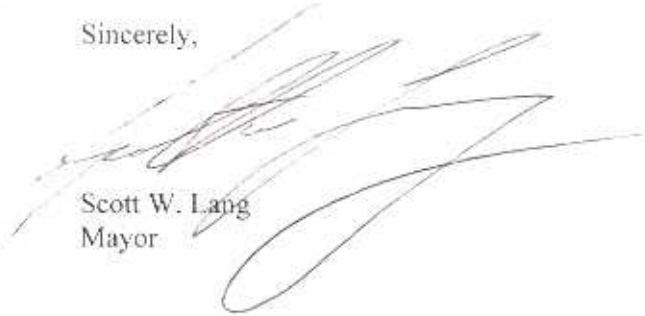
on Page 9 of Amendment 16)." The New England Fisheries Management Council sets the Total Allowable Catch – Annual Catch Limits (ACL), for each sector. Due to the high capital costs of running a boat, the owner is likely to allow other fishermen to fish his allocation based on negotiated compensation through contract agreements for that sector in large part because the ACLs for each sector are not high enough to make the sectors profitable. Conservative estimates from industry experts predict that 50% of the vessels will no longer be utilized. The Port of New Bedford / Fairhaven is home to over five hundred fishing vessels of which 50% of the vessels are druggers. The lack of sufficient ACLs for groundfish will inevitably and significantly downsize the fleet and trigger a domino effect of economic harm.

In my letter dated March 22, 2010 (attached herein), I requested that the catch share / sector system be delayed on the grounds that the system in its current configuration is not well designed or ready for implementation. Although the framework has been promulgated and went into effect on May 1, 2010, I maintain my position that the catchshare system is premature and will have catastrophic impacts. Part of this relates to very risk adverse ACLs. With scheduled quotas, 50-75% of the fleet and thousands of jobs will be lost in a relatively short time. Important structural details in the exchange of quotas, shares, or allocations are ill-aligned. Stock assessments used to determine ACLs are not current. Of utmost concern, the intent of Congress as expressed in the language of the Magnuson-Stevens Act does not appear to have been taken into account, particularly with regard to National Standard 8 and the consideration of socio-economic impacts.

Economic and public resource implications must be the cornerstone of any management system. The impacts on industry and fishing communities (i.e. households, employment, schools and drop-out rates, etc.) merit important consideration and must be equally weighed by the US Department of Commerce, NOAA, and the New England Fisheries Management Council. The commercial fishing industry will suffer irreversible economic damage without a sustainable ACL. The very fabric of New Bedford's fishing community is on the verge of collapse and the economic sustainability of New Bedford is challenged by the potential loss of this critical industry. It is for this pressing reason that I endorse the letter furnished by the federal delegation to ensure that allocations, the ACL, for each sector are high enough to sustain the industry. I respectfully ask that you honor their request to use the legal tools available to your agency and increase the ACLs for groundfish at the May 12, 2010 meeting.

Thank you for your consideration.

Sincerely,



Scott W. Lang  
Mayor

Cc: Senator Olympia Snowe  
Senator Charles Schumer  
Senator Jeanne Shaheen  
Senator Jack Reed  
Senator Sheldon Whitehouse  
Senator Susan Collins  
Senator John Kerry  
Senator Judd Gregg  
Senator Scott Brown  
Senator Kirsten Gillibrand  
Congressman Michael Michaud  
Congressman Paul Hodes  
Congressman Barney Frank  
Congressman John Tierney  
Congressman Chellie Pingree  
Congressman Michael Capuano  
Congressman Jim Langevin  
Congressman Joe Courtney  
Congressman Timothy Bishop  
Congressman Peter King  
Congressman James McGovern  
Congressman Patrick Kennedy  
Congresswoman Carol Shea-Porter

Congress of the United States  
Washington, DC 20510

April 21, 2010

The Honorable Gary Locke, Secretary  
Department of Commerce  
1401 Constitution Avenue  
Washington, DC 20230

Dear Secretary Locke:

The northeast multispecies fishery, more commonly referred to as the groundfishery, has helped sustain New England's coastal communities for generations, yet in recent years, this historic industry has fallen on hard times. In 2010, the groundfishery will begin operating under a new management approach, a catch share system known as sector management. In order to ensure that sector management can maximize job retention to the fullest extent possible, we request that you exercise the authority granted to the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to implement emergency regulations and increase the 2010 annual catch limits (ACL) for the nineteen fish stocks in this multispecies fishery. Additionally, given the urgency surrounding this issue we ask that you meet with us as soon as possible so we can discuss this request in greater detail.

In years past, New England's groundfish landings have contributed as much as \$313 million annually<sup>1</sup>, but by 2007, that value had fallen to just \$92 million. Past efforts to regulate this fishery have failed to return this industry to long-term economic viability. Unfortunately, the implementation of sector management in the 2010 fishing year will coincide with new mandates under the MSA requiring fishery management plans to include strict ACLs in fisheries subject to overfishing.<sup>2</sup> Once fishermen reach an ACL for any of the 19 fish stocks within the groundfish multispecies fishery management complex, the entire fishery will be shut down for the remainder of the year. Further complicating this concern is that individual sectors, which are comprised of self-selecting groups of fishermen, will have to cease operations when the sector as a whole catches its allotted quota of any of the stocks.

This problem is compounded because certain fish stocks within the groundfishery face 2010 ACLs which are mere fractions of what the catch levels were in 2009. These fish, which have come to be known as "choke stocks" include pollock (75% reduction from the 2009 level), Gulf of Maine winter flounder (61% reduction), southern New England yellowtail flounder (38% reduction), Gulf of Maine cod (15% reduction), and Georges Bank yellowtail flounder (14% reduction) also face significant cuts. Some fishermen have informed us that last year with a single pass of their trawl they landed more of one species, pollock, than they were allocated for

<sup>1</sup> Figure adjusted for inflation to 2007 dollars.

<sup>2</sup> Per note to MSA §303(a)(15), also at 16 U.S.C. 1853 note. This requirement will take effect in all fisheries in 2011.

the entire 2010 fishing year. We cannot expect fishermen to operate in an environment where quite literally the first tow they make could be their last.

In 2007 (the last year for which we have data) only 27% of the total allowable catch was harvested, because of regulatory measures designed to protect the weakest stocks. Thus, 73% of the allowable, sustainable catch was left in the ocean, costing our fishermen and our coastal economies approximately \$500 million. Without an emergency action to adjust the 2010 allocation levels for these stocks, fishermen will yet again be forced to walk away from abundant species within the groundfishery leading to significant job loss and tens or even hundreds of millions of dollars in forfeited revenue.

More broadly, sector management is part of NOAA's prioritization of catch share management systems in our Nation's fisheries. Underscoring this commitment is the inclusion of \$54.4 million in the President's fiscal year 2011 budget request for NOAA to "accelerate and enhance the implementation of a National Catch Share Program."<sup>3</sup> NOAA has made the groundfishery's transition to sector management a harbinger of this effort, investing over \$40 million in the transition to date, and requesting an additional \$18 million in the FY 2011 budget for that purpose. Thus, success of the catch share program is imperative both for the Administration's effort to encourage use of this management tool nationwide, and to the region's long-standing efforts to revitalize this historic fishery.

Though the decision to implement sector management has not been without controversy, we are united in our desire to help our states' fishermen adjust to this new management system in order to continue rebuilding these fish stocks and secure an economically and ecologically sustainable future for our fishing communities. We also acknowledge and thank you and the National Oceanic and Atmospheric Administration (NOAA) for the ongoing financial commitment to a fishery that represents such a large part of New England's coastal heritage and economy, as well as for efforts to implement the emergency interim rule that helped the fishery remain solvent in 2009. Still, it is clear that sectors will lead to considerable consolidation to the groundfish fleet. Thus, we also ask for your immediate support for a groundfish permit buyback plan, crew retraining programs, and a loan assistance program to help mitigate the expected economic hardships that occur within the fishery. Further, NOAA must provide the necessary resources to improve scientific research through a cooperative partnership with fishermen, and increase the frequency of fisheries stock assessments. Such actions will provide needed economic relief and confidence in the established catch limits that will help improve fisheries management and ameliorate the relationship among industry members, scientists, and regulators.

While fishery management councils are bound under the MSA to set ACLs that do not exceed the recommendations of their Science and Statistical Committees, the MSA does not place that same requirement on emergency Secretarial action. Therefore, we ask that you exercise the authority granted to your office under section 305(c)(1) of the MSA and promulgate an emergency regulation increasing the ACLs of groundfish—especially the five choke stocks—sufficiently to minimize the risk of the failure of the sector management system while still preventing overfishing from occurring. We further request that you seek ways to reduce the scientific uncertainty that has led directly to the reductions for 2010. As NOAA has stated many

<sup>3</sup> National Oceanic and Atmospheric Administration FY2011 Budget Summary, February 9, 2010, p. 2-44.

times, the increased monitoring that already will be required as part of the sector management system will greatly enhance the agency's stock assessment capabilities, and bring desperately needed clarification to the scientific picture of the groundfishery. Taking these steps to ensure sector management has a better chance to succeed will pay dividends to future fishery management efforts, provide a sense of security to our coastal economies, and improve the relationship between the agency and the community.

We thank you for your timely consideration of this request and look forward to meeting with you as we continuing to work cooperatively to ensure a sustainable future for our Nation's fisheries.

Sincerely,

Dyann Swaney

Barny Kunk

Chuck Sch

John F. Tierney

Deanne Hakeen

Clay Pe

John Reed

Michael E. Capone

Whitmore

Jim Langeworn

Susan M. Collins

Joe Courtney

John F. King

Trey J

Judge Gregg  
Staff P. Brown

~~Personnel~~  
Jim Walsh

Kirsten E. Hillibrand

Patrick O. Kennedy

Michael H. Michael

Carol Shea-Porter

R. A. ...

Senator Christopher Dodd  
Senator Joseph Lieberman  
Senator Kristen Gillibrand  
Senator Charles Schumer  
Senator Frank Lautenberg  
Senator Robert Menendez  
Senator Thomas Carper  
Senator Edward Kaufman  
Senator Benjamin Cardin  
Senator Barbara Mikulski  
Senator Mark Warner  
Senator Jim Webb  
Senator Richard Burr  
Senator Kay Hagan  
Congressman Mike Michaud  
Congresswoman Chelli Pingree  
Congresswoman Carol Shea-Porter  
Congressman Patrick Kennedy  
Congressman Jim Langevin  
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Congressman Jim Himes  
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Congressman Steve Israel  
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Congresswoman Carolyn McCarthy  
Congressman Gary Ackerman  
Congressman Gregory Meeks  
Congressman Joseph Crowley  
Congressman Anthony Weiner  
Congressman Adolphus Towns  
Congressman Michael McMahon  
Congresswoman Carolyn Maloney  
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Congressman Joseph Serrano  
Congresswoman Nita Lowey  
Congressman Albio Sires  
Congressman Donald Payne  
Congressman Frank Pallone  
Congressman Chris Smith  
Congressman John Adler  
Congressman Frank LoBiondo  
Congressman Michael Castle  
Congressman Frank Kratovil



Congressman Dutch Ruppersberger  
Congressman Elijah Cummings  
Congressman John Sarbanes  
Congressman Steny Hoyer  
Congresswoman Donna Edwards  
Congressman Jim Moran  
Congressman Gerald Connolly  
Congressman Robert Wittman  
Congressman Glenn Nye  
Congressman Robert Scott  
Congressman J. Randy Forbes  
Congressman G.K. Butterfield  
Congressman Walter Jones  
Congressman Mike McIntyre

Signatures:

Senator Olympia Snowe

Senator Charles Schumer

Senator Jeanne Shaheen

Senator Jack Reed

Senator Sheldon Whitehouse

Senator Susan Collins

Senator John Kerry

Senator Judd Gregg

Senator Scott Brown

Senator Kirsten Gillibrand

Congressman Michael Michaud

Congressman Paul Hodes

Congressman Barney Frank

Congressman John Tierney

Congresswoman Chellie Pingree

Congressman Michael Capuano

Congressman Jim Langevin

Congressman Joe Courtney

Congressman Timothy Bishop

Congressman Peter King

Congressman James McGovern

Congressman Patrick Kennedy

Congresswoman Carol Shea-Porter



CITY OF NEW BEDFORD  
SCOTT W. LANG, MAYOR

March 22, 2010

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

Re: Catch Share / Sector Management in the Northeast Region

I hope this letter finds you well. I sincerely appreciate Assistant Administrator, Eric Schwaab, participating in the Northeast Fisheries Summit to open a dialogue on how to foster change in fisheries management, and best balance conservation of fish stocks, with the economic vitality of fishing communities. With over 300 in attendance representing the fishing industry, non-profits, the banking industry, and all levels of government we took a major step forward, but much more work needs to be done to establish a framework of trust, cooperation and respect between all parties.

Several key points regarding the catch share/ sector management system were raised at the Summit that merit your prompt attention. First, there continues to be a lack of understanding and buy-in from much of the industry regarding this system. Secondly, the science driving allocations is problematic. The allocations for certain "choke" species (i.e., Pollock, Yellowtail, Winter Flounder) appear extremely conservative. Extreme precautions associated with these allocations will terminate fishermen's ability to harvest target species for which he/she may have remaining allocation, but can no longer fish due to inadequate allocations of "choke" species. Further compounding the problem is that the allocation of skate is based on pooling 6 underfish with 2 overfish species. As we have pointed out on several occasions, this makes no sense. Skate allocations will cost New Bedford 300 to 500 jobs. If we proceed along the lines contemplated, we will lose 50% of our fleet. This cannot be accepted in these difficult economic times.

At the Summit, key NOAA officials admitted that the catch share/sector system is a "work in progress" and that they will adjust the management allocations as the program develops. An admission of this magnitude by the regulatory authority is disconcerting, and is an irresponsible way to launch a new program that we know will cause certain harm to the people who work in the industry if not done properly. Given your extensive experience with catch share/sector management, you clearly can understand our position that once a regime of catch share/sector management is implemented it is irreversible. Therefore, it is paramount that the system be

implemented correctly based on solid scientific data, that NOAA has a real understanding of the socio-economic impacts of the system, and that it is fair to all fisheries.

Based on these very real concerns, I urge you to temporarily delay the implementation of the catch share/sector program until such time that these issues have been addressed and the government has a clear understanding of the effects of the new system on the fishing families of New Bedford. The individuals in this industry do not deserve to be subject to a system which is a "work in progress". In other words, let us insure that the appropriate species allocations are in place based on relevant scientific data prior to beginning the catch share/sector management system.

I am confident that collaboratively we can build an action plan that brings a successful new management procedure and together we can work to frame a plan that takes into account due process, fairness, contemporary data and analysis of stock assessments, and provides adequate infrastructure for management.

Thank you in advance for your consideration, and I look forward to your reasoned response.

Sincerely,



Scott W. Lang  
Mayor, City of New Bedford

Cc: Secretary Gary Locke, U.S. Department of Commerce  
Senator John Kerry  
Senator Scott Brown  
Congressman Barney Frank  
Congressman John Olver  
Congressman Richard Neal  
Congressman Jim McGovern  
Congresswoman Niki Tsongas  
Congressman Jim Tierney  
Congressman Ed Markey  
Congressman Michael Capuano  
Congressman Stephen Lynch  
Congressman William Delahunt  
Senator Susan Collins  
Senator Olympia Snowe  
Senator Judd Gregg  
Senator Jeanne Shaheen  
Senator Jack Reed  
Senator Sheldon Whitehouse