



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

October 1, 2010

The Honorable Gary Locke
Secretary
U.S. Department of Commerce
1406 Constitution Avenue, N.W.
Washington, DC 20230

Dear Secretary *Gary* Locke:

Thank you for being the first U.S. Secretary of Commerce in 15 years to come to Massachusetts to meet with fishermen from up and down our coast. I am grateful for the time you devoted this past Monday to meet with and listen to our hardworking fishermen, who are struggling to survive while we work with them to replenish our fish stocks. The stories and testimonials you heard during your visit represent the hardship that is currently taking place in our historic fishing communities.

Because of the urgency to act now to help our fishermen, I wanted to offer four points to follow-up our productive dialogue.

First, I commend you for the actions the Department of Commerce has taken to fix the problems with NOAA's law enforcement unit. I am fully aware that the abuses go back almost a decade, and correcting them is a tribute to your leadership. As you heard during Monday's meeting, NOAA's enforcement excesses have resulted in a fundamental breach of trust between the fishing industry and NOAA. Reopening cases of abusive enforcement identified by your Department's Inspector General is a huge step forward, but I also strongly urge you to open a 45 day window for

aggrieved parties who have not previously come forward, so that they, too, have the opportunity to have their cases reviewed by the new Special Magistrate.

Second, I ask you to bring the same sense of urgency to adjusting Annual Catch Limits that you brought to addressing enforcement problems. My team will be in touch with your General Counsel to work on the development of a legally and scientifically sound path to raise catch limits to the maximum possible extent within the constraints of the Magnuson-Stevens Act. Given the number of fishermen who testified to the severe economic impacts and increasing bankruptcies among small family fishermen due to unnecessarily low limits, I ask you to take action no later than October 15, 2010.

Third, I appreciate the funds that you announced in Boston on gear research to reduce bycatch. However, none of these funds address the serious need for a credible groundfish stock assessment, which was the cornerstone of my original request. Parties around the table noted that the solution to historic mistrust between industry science and NMFS science will only be overcome through the kind of collaborative effort that I requested in June 2009. I ask you to identify \$2.1 million in additional funding to allow us to conduct a truly cooperative groundfish assessment program in partnership with federal, state, and industry stakeholders. You asked for suggestions as to how a portion of NOAA's asset forfeiture fund could be used to benefit fishermen. I believe such funds could be used to conduct a cooperative groundfish assessment program.

Finally, I'm deeply concerned about the prospect of hundreds of fishermen and their families facing hardship this winter due to overly restrictive federal fishing regulations. I ask NOAA to immediately begin identifying funding, either from the asset forfeiture fund or another source, to assist with transitional and health care coverage in the event that progress is not made on raising limits in the next several weeks.

The Honorable Gary Locke
October 1, 2010
Page Three

Thank you again for your personal attention and leadership on issues important to Massachusetts fishermen and their families.

Sincerely,

A handwritten signature in black ink that reads "Gerald". The signature is written in a cursive style with a large, sweeping initial "G".

*I really appreciate
your coming and
all your help.*

cc: Jane Lubchenco, Administrator, National Oceanic and Atmospheric Administration
Eric Schwaab, Assistant Administrator, National Marine Fisheries Service
Pat Kurkul, Northeast Regional Administrator, National Oceanic and Atmospheric Administration
Senator John Kerry
Senator Scott Brown
Representative Barney Frank
Representative John Tierney
Representative William Delahunt
Ian Bowles, Massachusetts Secretary of Energy and Environmental Affairs
Mary Griffin, Massachusetts Commissioner of Department of Fish and Game
Paul Diodati, Massachusetts Director of Marine Fisheries