



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

January 7, 2011

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

Dear Representative Frank:

This week President Obama signed into law the International Fisheries Agreement Clarification Act. This is an important step forward that allows the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) to begin negotiations on catch limits with its Canadian counterpart and the New England Fishery Management Council (Council). We hope this important change in the law will provide some relief to the New England fishermen, and we are working diligently to that end. I appreciate and applaud your and Senator Snowe's leadership on this important legislation.

Thank you for your letter supporting Governor Patrick's request regarding catch limits and economic assistance for the New England groundfish fishery.

On October 14, 2010, I wrote to you and other members of the New England delegation stating, "I am prepared to issue an emergency regulation to revise catch limits whenever there is both sufficient economic and sound scientific data available to meet these requirements." To ensure we would receive the specific data necessary to invoke the emergency authority to increase catch limits, NMFS Assistant Administrator Eric Schwaab met with senior Massachusetts officials in late October to identify the information that NMFS required.

Following receipt of Governor Patrick's letter, I asked NMFS to conduct a thorough review of the Massachusetts Marine Fisheries Institute's "Report on Economic and Scientific Conditions in the Massachusetts Multispecies Groundfishery" (Report) to determine whether it presented sufficient economic and scientific data to enable me to exercise my emergency authority to revise the catch limits. As the enclosed letter from Assistant Administrator Schwaab to Governor Patrick details, the Report does not present new scientific data that would justify increasing the catch limits. Rather, it presents alternative methods for evaluating the scientific data used to determine the current catch limits. These alternative methods were previously considered and rejected by the Council.

I need scientific data not previously considered by the Council because the Magnuson-Stevens Act does not permit me to overrule Council decisions on the basis of a disagreement over scientific judgment. In the absence of new scientific data, I am consequently unable to exercise my emergency rule authority in response to information in the Report.

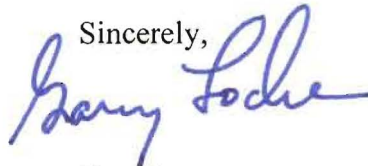
The Honorable Barney Frank
Page 2

I stand ready to increase catch limits whenever new scientific data are available that meet the requirements of the Magnuson-Stevens Act. NMFS will continue to conduct stock assessments on priority stocks in order to gather new data and continually review catch limits. For example, new scientific data allowed NMFS to increase catch limits for pollock last summer, while remaining consistent with the Magnuson-Stevens Act.

With respect to Governor Patrick's request for \$21 million in direct economic relief for the impacts caused by the transition to catch shares under Sections 312(a) and 315 of the Magnuson-Stevens Act, the data provided are insufficient to warrant either a fishery disaster or a commercial fishery failure under that Act. NMFS is prepared to work with Governor Patrick's staff to identify and more finely analyze necessary data regarding fishermen and communities specifically in need of targeted assistance and will reconsider the request once those data are received. Assistant Administrator Schwab has contacted Governor Patrick's staff to set up a meeting within the next two weeks to continue discussions. As you are aware, even if I am able to make a positive disaster determination, the relief funds must be appropriated by Congress.

I appreciate your engagement on these issues and look forward to our continued collaboration. If you have questions, please call April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at 202-482-3663.

Sincerely,

A handwritten signature in blue ink that reads "Gary Locke". The signature is fluid and cursive, with the first name "Gary" and last name "Locke" clearly distinguishable.

Gary Locke

Enclosure