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United States Senate

WASHINGTON, DC 20510-3205

February 4, 2011

The Honorable Gary Locke
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

Dear Secretary Locke,

I am writing on behalf of the New York fishermen who have been denied the opportunity to have grievances heard on the National Oceanic and Atmospheric Administration's (NOAA) enforcement processes with the Office of Inspector General. The decision made to limit the scope of cases being reviewed by the special master to only those fishermen who were included in the Inspector General's investigation, will hurt many in the fishing community who believe that they have a legitimate case against NOAA.

As you know, last year, the Office of the Inspector General released a scathing report that outlined various abuses and misuses of the enforcement office at NOAA. I have no doubt that this report was just the tip of the iceberg, and that there were many more cases that had gone unreported. In order to begin rebuilding the trust between this community and the enforcement agencies, we must offer them the same opportunities to make their cases, regardless of when they came forward.

Additionally, your decision to not grant stays for civil penalties for complainants currently being reviewed by the Special Master is equally disheartening. Some of these penalties are upwards of several thousand dollars. During these difficult economic times, it seems just to provide some flexibility for those individuals who have been successful in securing a review of their case.

For my fishermen on Long Island, who for years have been struggling to maintain their livelihood, and continue businesses that, in some cases, have been operating for generations, this decision has only further stoked anger at regulators and fueled their quest for fairness. It is essential that strong measures are taken without delay to increase transparency and restore trust in the system.

If NOAA is serious in its attempt to correct these abuses, the first step is to allow New York fisherman the ability to have their cases heard, reviewed and ruled upon.

I thank you for your attention to this important request. If you have any questions or concerns please contact Ben Rosenbaum (202-224-4451) in my Washington office.

Sincerely,



Kirsten E. Gillibrand
United States Senator

CC: Dr. Jane Lubchenco, National Oceanographic and Atmospheric Administration