

United States Senate

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April 12, 2011

The Honorable Eric Schwaab
Assistant Administrator
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 2091

Dear Mr. Schwaab,

I am writing to express concern with the dockside monitors provision included in the March 3rd Department of Commerce proposed rule (0648-BA27) regarding the Multispecies Framework 45 (FW45).

Specifically, I am concerned that this provision will require dockside monitors to board vessels after an offload to inspect fish holds. It is my understanding that there are serious objections to this proposal from many fishing industry participants, including fishermen, dockside monitors and dockside monitoring companies.

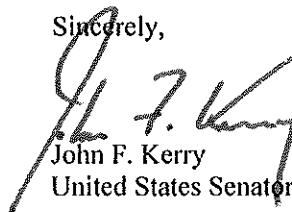
I am concerned about the potential for physical injury to the dockside monitors and the liability and insurance issues that necessarily flow from such injuries. The implementation of this proposed rule may cause significantly increased costs to a new management system that is already burdened by significant implementation costs that will eventually be placed on the fishermen.

It is my understanding that this proposal will not result in the collection of any data that will be used to improve fishery management. Instead, it is solely aimed at ensuring that all of the fish has been removed from the vessel. This process has previously fallen squarely within the purview of the Office of Law Enforcement. The desire to inspect fish holds must be balanced against the costs, both physical and monetary, that will be placed upon the industry. This proposal, as structured, fails to strike this balance.

Accordingly, I ask that you seriously reconsider including this proposal in any final rule until an appropriate study on the costs and potential liability issues have been completed.

I thank you for your attention to this matter.

Sincerely,



John F. Kerry
United States Senator