

Congress of the United States
Washington, DC 20510

April 29, 2011

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

Dear Assistant Administrator Schwaab:

We are writing to express our concerns about a March 2011 proposed rule outlining the specification for the 2011 Atlantic Bluefin tuna fishery (FR Doc. 2011-5858).

Specifically, we are concerned about the NMFS proposal to deduct 160 metric tons (MT) off the top of the U.S. Total Allowable Catch (TAC) to account for dead discards by the pelagic longline (PLL) fleet before the overall TAC is distributed among the different user groups. We understand that there has been a very high level of opposition to this proposal. We are concerned that the proposed rule punishes quota compliant user groups by forcing them to share the burden of the dead discards attributable to the PLL fleet.


It is our understanding that when total quota is shared by various user groups within a fishery NMFS has generally followed the principle that each group is held responsible for its compliance with its quota share. This is both reasonable and equitable. However, by deducting 160 MT of dead discards in the PLL fleet from the overall quota before distributing tonnage among the various groups, NMFS could be increasing the PLL share from the current 8.1 percent to at least 28 percent. This could cause a significant shift in allocation and would not follow the principle that each group is held responsible for its own compliance with its quota share. We believe this provision is unacceptable because it unfairly penalizes a large portion of the tuna fishery that relies upon its legitimate historical share of the U.S. ICCAT quota to remain in business.

Accordingly, we urge NMFS to work with the tuna industry to develop alternative methods to address the PLL quota overrun without penalizing the more than 90 percent of the Bluefin fleet that has been quota compliant.


The Honorable Eric Schwaab
April 29, 2011
Page 2

Thank you in advance for your consideration of our request.

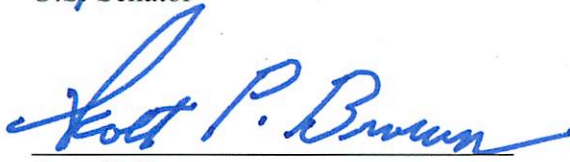
Sincerely,




John F. Kerry
U.S. Senator



Jeanne Shaheen
U.S. Senator



Scott P. Brown
U.S. Senator



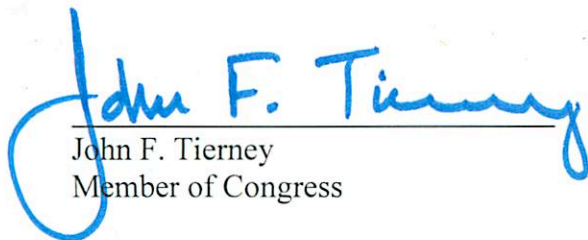
Kelly Ayotte
U.S. Senator




Edward J. Markey
Member of Congress



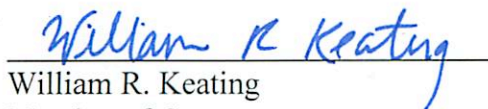
Barney Frank
Member of Congress



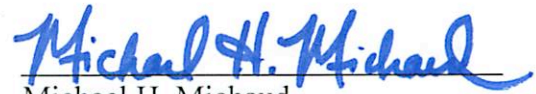
John F. Tierney
Member of Congress




Stephen F. Lynch
Member of Congress




William R. Keating
Member of Congress



Michael H. Michaud
Member of Congress



Chellie Pingree
Member of Congress



Frank Guinta
Member of Congress