

Congress of the United States
Washington, DC 20515

July 31, 2012

Samuel D. Rauch III
Acting Assistant Administrator for Fisheries
NOAA Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

Re: Georges Bank Yellowtail Flounder Assessment

Dear Sam:

As representatives of the Commonwealth of Massachusetts we are very concerned about the future of the Georges Bank Yellowtail stock. As you know, Georges Bank yellowtail is a critical stock for both the groundfish and the scallop industries. Knowing how important this stock is to our region's fishermen, we were dismayed to learn about the troubled state of the assessment. As we understand it, the assessment is not suitable for catch advice in its current state. We fear that if the agency does not take the appropriate actions both critical fisheries will be in jeopardy, along with the coastal communities that depend on them. This is an unacceptable outcome on the basis of an unsuitable stock assessment. Accordingly, we strongly urge you to advise the New England Fishery Management Council and its Scientific and Statistical Committee on the proper terms of reference for reviewing the Georges Bank yellowtail assessment and an explanation of available alternatives for setting catch advice.

When Congress passed the Magnuson Act, it required the agency to set annual catch limits, but we also required NMFS to rely on the best scientific advice available. It was our intent by including the best scientific advice requirement, that NMFS would make decisions on ACL's that were based on objective catch advice derived from a credible scientific source, not whatever science happens to be available. If NMFS pushes ahead with basing its catch advice on an extremely flawed Georges Bank yellowtail assessment, it will violate our Congressional intent and the law's requirement to use the best scientific advice available. NMFS must take the proper course of action and not base catch advice upon a clearly flawed assessment. The use of alternative catch advice is justified and needed in this case. Flawed science cannot be the basis of significant cuts to our critical fishing industry.

Additionally, we believe that it is imperative that fishermen be included in the collection methods that determine how a fish stock is managed and allocated, and we urge you to implement side-by-side trawl survey tows using a commercial vessel to compare data and provide a more reliable assessment of fishery species. Participation in the collection process will

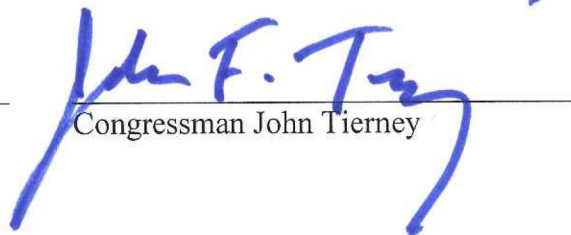
increase trust in the surveys, providing a stronger foundation to cooperatively build our management frameworks.

We are appreciative of the initial steps you've taken to address these difficulties facing the fisheries and hope you will use all methods available to help prevent financial collapse and further consolidation in the industry.

Thank you for your time and attention. We look forward to your reply.

Sincerely,


Congressman Barney Frank


Congressman John Tierney


Congressman William Keating