



The Commonwealth of Massachusetts

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April 1, 2013

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

Dear Acting Administrator Rauch,

Given the unprecedented gravity of the situation facing the New England groundfishery, and the expansive uncertainty surrounding the accuracy of decisions to make drastic cuts in allowable catches we are writing to seek a change in the course of regulation planned for the new fishing year to begin on May 1, and the corresponding avoidance of incalculable harm to those who depend on this fishery and the ports they populate.

The context surrounding the looming allowable catch reductions of as much as 77% for species such as Gulf of Maine (GoM) Cod is deeply troubling, and demands a reexamination of alternative courses of action. According to published data from the NOAA Fisheries Social Sciences Branch, landings of cod in late February and early March exceeded 20,000 pounds on 5 days in the past six weeks, despite the constraints imposed by severe winter storms. In addition, published reports in the Gloucester Daily Times have documented significant increases in landings at the two auction facilities in Gloucester. Specifically, the Times reports that cod have returned in notable concentrations on Stellwagen Bank and are being "landed with plentiful yellowtail flounder by the inshore fleet." (March 22, 2013)

Beyond the discrepancy, compelling information about the uncertainty and inaccuracy of the methods used to establish catch limits is provided by a report issued in mid-January by the University of Washington. That report, entitled "*The frequency and intensity of productivity regime shifts in marine fish stocks*," documented that the current abundance modeling methods used to establish catch limits are ineffective at maximizing sustainable harvests. The report indicates that reaching the abundance levels developed by current models fails to effectively cause maximum sustainable yields for 82% of the stocks examined. Thus, the industry is being subjected to possible financial ruin for scientific methods that have a roughly 18% chance of success. The report also concludes that potential fish harvests are either random or controlled more by irregular shifts in environmental conditions than abundance or shifts in environmental patterns.

In the context of large and growing discrepancies between stock assessments and the abundance reflected in harvester observations and landings and the pervasive inaccuracies documented by the University of Washington, the impending irreparable damage that would be caused by planned reductions in catch limits on species such as GoM cod is unwarranted and indefensible.

A far more reasonable, practicable and justifiable course of action is available and we request that you take that course. More specifically, that course of action involves at least the following four steps:

1. Suspension of the drastic cuts in allowable catch limits for GoM cod, GoM yellowtail flounder, and GoM haddock scheduled to go into effect for the next fishing year on May 1, 2013.
2. The implementation of an interim action to reduce, but not end, overfishing of Gulf of Maine Cod and Gulf of Maine Haddock for 2013.
3. Completion of an interim stock assessment, on an emergency basis, to analyze current observations of relative stock abundance and reconcile them with the stock assessments upon which the currently planned catch reductions were based.
4. Development and implementation of new catch limits, following the expiration of an interim action, based on the best available science. That science can be achieved through the completion of the interim stock assessment as described in step 3, above.

A unique and prime opportunity to develop better science and achieve step 3 is presented by the fact that both NOAA Fisheries and the Massachusetts Marine Fisheries Institute are conducting a systematic review of the scientific method in developing stock assessments. An interim assessment of GoM cod, GoM haddock and GoM yellowtail flounder could be conducted in collaboration with the institute or independently, and in concert with these reviews.

Furthermore, a compelling case exists for the interim action involved in step 2, and it involves the following factors:

- The declaration in September of 2012 by Acting Secretary of Commerce of the New England groundfish industry as an economic disaster.
- The provisions of §304 (e) (6) of the Magnuson Act, which specifically authorize interim actions for the purpose of allowing Regional Councils to develop new and protective rebuilding plans. The section provides that such interim measures, "may be implemented even though they are not sufficient by themselves to stop overfishing of a fishery."
- The written expression of Congressional intent provided to you by the letter of January 25, 2013 from several members of the Massachusetts Congressional Delegation, a copy of which is attached and highlighted, indicating the implementation of successive interim measures in the circumstances presented here, and does not violate the Congressional intent that produced the enactment of §304 (e) (6).

Throughout the last several years the New England Fisheries Management Council and federal regulators have repeatedly used extremely precautionary measures to hedge against the uncertainty of the science being used to manage our fisheries, and that precautionary approach has taken its toll on fishing families, ports, and infrastructure. Now, it threatens their economic survival.

We appreciate the difficulty of the path now before you, and your consideration of our views in this matter. Please do not hesitate to contact us if we may be of any further assistance.

Sincerely,


Bruce Tarr
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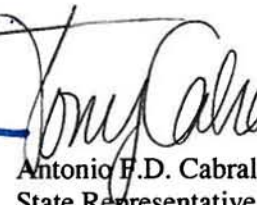

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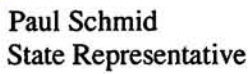

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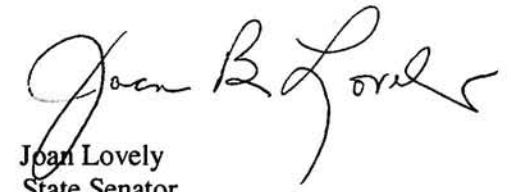

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