

# United States Senate

WASHINGTON, DC 20510

January 5, 2015

The Honorable Kathryn Sullivan  
Administrator  
National Oceanic and Atmospheric Administration  
Herbert C. Hoover Building, Room 6811  
14th Street & Constitution Avenue, NW  
Washington, DC 20230

Dear Dr. Sullivan:

In November, NOAA Fisheries announced an interim rule for the Northeast groundfish fishery in response to an August 2014 stock assessment update of Gulf of Maine cod. The management decisions based off of this stock assessment update will have serious economic repercussions for fishing communities in Massachusetts and we request that you provide information about the stock assessment update, the interim rule, and future management actions.

On August 1, 2014, NOAA Fisheries announced that it had conducted an unscheduled stock assessment update for Gulf of Maine cod which indicated that the status of this important stock had declined since the 2012 full (benchmark) assessment. This stock assessment update was later reviewed through a scientific peer review, which was sponsored by the New England Fisheries Management Council (NEFMC). We have, however, heard concerns from stakeholders about the process through which this stock assessment update was conducted, as well as the interim rule that was put in place in response.

It is essential that fisheries management decisions are based off the best available science and that the scientific basis for management decisions is transparent and inclusive of stakeholders and relevant experts. Furthermore, the Magnuson-Stevens Act mandates fisheries management decisions must be based on the best scientific information available. Given the immediate impact of the interim rule, the serious impact it will have on Massachusetts communities, and the continuing importance of the 2014 stock assessment update to future management decisions, we request that you respond to the following questions no later than January 20, 2015.

1. It is our understanding that the stock assessment update was unscheduled and was conducted outside of the established procedure for conducting such updates. What factors caused NOAA to initiate the unscheduled stock assessment update? Why did NOAA choose to conduct this update in a way that did not follow the normal procedure for stock assessment updates?
2. It also our understanding that stakeholders were not notified of the pending update until the results were announced in August 2014. After NOAA decided to update the stock assessment, why did it choose not to include representatives of the

fishing industry, outside experts, or other stakeholders in the process before announcing the results of the assessment? Additionally, we have heard concerns that releasing the results of the update information before it was peer reviewed could have biased, or at least created the perception of bias, in the peer review process. Why did NOAA choose to release this information before it was peer reviewed? In addition to releasing a summary of the results before they were peer-reviewed, NOAA did not release the actual draft report until two weeks later after the results were announced. Please explain this delay.

3. Did NOAA consider including the Gulf of Maine cod assessment update in the July meeting of the Northeast Regional Stock Assessment Workshop so the Stock Assessment Review Committee could review the update? If not, why not?
4. It is our understanding that this stock assessment update was part of an effort by NOAA to provide more timely information to aid the fisheries management process. How does NOAA intend to incorporate the feedback received from on this stock assessment update and the process through which it was conducted to improve the transparency and scientific credibility of future efforts to provide more timely stock assessment updates?
5. The interim rule issued in November cites the following three reasons for the interim closures: reducing fishing mortality, protecting areas where the Gulf of Maine cod stock is located, and “protecting areas of likely cod spawning activity.”<sup>1</sup> We have heard concerns about the way spawning closures are defined, including the scientific basis for these particular closures. Please clarify which areas, if any, were closed solely for spawning purposes, and the scientific rationale for these closures
6. The interim rule includes trip limits, an effort control measure used under the previous management system. What was the conservation rationale for reinstating this control measure in the current sector system? Did NOAA analyze the impact on discards that trip limits would have? If not, why not and will this be done in the future?
7. The interim rule includes broad stock area closures that will also impact fishermen targeting other species like pollock and redfish. Did NOAA consider alternative management measures to these area closures? If so, what were they and why were they not adopted? If alternatives were not considered, why not?
8. At-sea monitoring and fisheries observers are critical aspects of managing the Northeast groundfish fishery. Given the interim rule’s likely impact on the number of fishing trips, has NOAA considered making changes to shift resources and prioritize coverage of areas in ways that can provide further help in the management of cod and other groundfish species? NOAA has also sponsored a

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<sup>1</sup> Emergency Gulf of Maine Cod Management Measures, 79 Fed. Reg. 67,362, 67,364 (Nov. 13, 2014).



number of pilot projects for electronic monitoring, including one run by the Northeast Fisheries Science Center that concluded this spring. Given the current cod situation, how might electronic monitoring be utilized to help fishermen and managers meet monitoring needs in the future? What are NOAA's plans for incorporating electronic monitoring into the management of the New England fisheries?

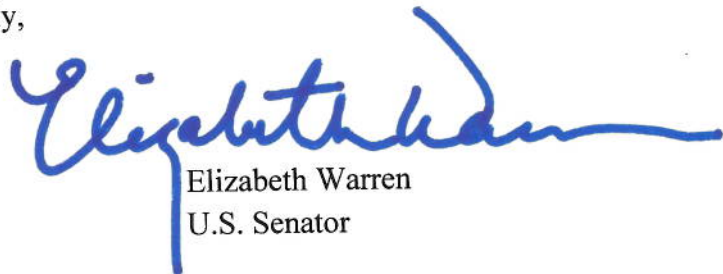
9. The Massachusetts groundfish industry has faced incredible economic challenges in the last few years. To maintain a viable fishing industry across Massachusetts, diversifying what is caught and marketed will be critical. Recent Saltonstall-Kennedy grants in New England have supported some of the important work needed for developing redfish and dogfish markets. Has NOAA engaged the industry to identify existing barriers to targeting alternate species and possible solutions for overcoming them? If not, what are NOAA's plans to do so?
10. How will the results and impacts of the interim rule be used by NOAA to evaluate the Framework 53 adjustment that the New England Fisheries Management Council recently adopted and is in the process of finalizing?
11. Finally, the New England states have agreed to set aside \$11 million in Federal Fisheries Disaster Assistance for consideration of a potential vessel buyout or buyback. Has NOAA set a timeline for this consideration? How has the latest cod stock assessment and management changes impacted the development of this possible program? What does NOAA Fisheries intend to do if an agreement cannot be used in regards to a vessel buyout or buyback?

Thank you for your prompt attention to these inquiries. Please contact Angela Noakes or Ana Unruh Cohen on Senator Markey's staff at 202-224-2742 or Bruno Freitas on Senator Warren's staff at 202-224-4543 with any questions.

Sincerely,



Edward J. Markey  
U.S. Senator



Elizabeth Warren  
U.S. Senator