

# United States Senate

WASHINGTON, DC 20510

June 18, 2013

Mr. John K. Bullard  
Regional Administrator  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Mr. Rip Cunningham, Chairman  
New England Fishery Management Council  
50 Water Street  
Newburyport MA 01950

Dear Mr. Bullard and Mr. Cunningham:

As elected officials in Atlantic coastal states, we take a strong interest in preserving our maritime heritage and sustaining diverse coastal economies. We are proud of our fishing communities and in particular, the hard-working families who have chosen fishing as a way of life.

Many of these fishing families and businesses in the New England and Mid-Atlantic and regions have been struggling with a consistent pattern of major harvest reductions. Indeed, a serious emergency situation exists for the Northeast groundfish industry where the Department of Commerce took an unprecedented step of declaring an economic disaster for the groundfish fishery before the fishing season started. This decision demonstrates how dire the situation has become for fishermen, and it foreshadows the severe economic hardship for coastal communities unless appropriate actions are taken.

During these difficult times for our nation's fisheries, the Atlantic scallop fishery has been a vital economic stabilizer for our Coastal communities, as well as a positive model of cooperative fishery management. However, the scallop industry is also being impacted by major harvest reductions, stemming at least in part from the industry's inability to operate in certain of its historic fishing grounds on the Northern Edge of Georges Bank. Federal and cooperative

surveys show the closed portion of the Northern Edge alone contains approximately 30 million pounds of harvestable scallops, valued at over \$300 million at today's market prices.

We understand the Fisheries Service and New England Council are currently nearing the conclusion of a lengthy effort to develop what is known as the Omnibus Essential Fish Habitat (EFH) Amendment. This action is designed to meet the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) requirement that adverse impacts of fishing on such habitat be minimized "to the extent practicable." We believe that any reasoned practicability analysis must fairly consider potential adverse impacts – including foregone opportunities – on fishing communities and loss of sustainable scallop yield that providing or maintaining access to fishing grounds would otherwise provide, as well as reasonable conservation needs.

As part of the Omnibus EFH Amendment process, fishery managers are evaluating whether to re-open areas that have been closed to fishing for nearly twenty years, including the Northern Edge area that we previously referenced. We have been informed the Council's technical advisors and habitat experts that ocean areas affected by the limited short-term sea scallop fishery were similar to changes in the control areas that remained closed to fishing. Indeed, a wealth of new habitat and fishery abundance information – much of it obtained through cooperative research led by the scallop industry and its academic partners – has become available since the closures were enacted long ago.


New areas are apparently also being considered for long-term EFH closure, such as historically productive fishing and scalloping grounds in the Great South Channel, located to the south and west of Georges Bank. Closures are also being debated for other areas along the Northern Edge that are currently open to fishing. High levels of quality scallop abundance in the Great South Channel and in the open areas of the Northern Edge are helping to support robust scallop landings this year, despite current conservation cut-backs.

Fish habitat and abundance are not the only issues at stake. We understand that areas such as the Northern Edge offer opportunities to harvest scallops and haddock with lower levels of bycatch of less abundant species such as yellowtail flounder. Harvesting more target species with lower bycatch provides a dual benefit of bringing in more seafood dollars into the economy, and meeting conservation goals in a more efficient manner.

The MSA requires NMFS and its regional councils to balance conservation and community considerations, and to use the best scientific and economic information available. Research conducted by the UMASS S Mast has stated that "changes in the number of fish and macroinvertebrate categories and the density of individuals within each category in the areas impacted by the limited short-term sea scallop fishery were similar to changes in the control areas that remained closed to fishing." We ask that you incorporate this science that supports re-opening the historic fishing grounds on Georges Bank and in the Great South Channel into your


analysis. We remain committed to preserving this historic way of life, and we believe that such decisive steps by the council and agency would provide much needed relief to already overburdened fishermen and coastal communities at the same time that it would continue to ensure sustainable scallop grounds. Thank you for your attention and your continued support for improving conditions for our fishermen.

Sincerely,



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Elizabeth A. Warren  
U.S. Senator



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William "Mo" Cowan  
U.S. Senator