



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Frank Blount, *Chairman* | Paul J. Howard, *Executive Director*

February 10, 2006

Senator Ted Stevens, Chair
Commerce, Science and Transportation Committee
United States Senate
2nd & C Streets, NE
Washington, DC 20510

Dear Mr. Chairman:

The New England Fishery Management Council appreciates the efforts that you and members of the Senate Commerce, Science, and Transportation Committee have made to incorporate in S. 2012 many of the suggestions forwarded by the Regional Fishery Management Councils. Last week our Council approved further remarks for your consideration based on comments developed by our Magnuson-Stevens Act (MSA) Reauthorization Committee. The suggestions addressed only provisions on which the Council had questions or comments.

Comments on Provisions of S. 2012

General

Again, the New England Council is very pleased with S. 2012 as approved last December. A remaining concern, however, is one also expressed by the Council Chairs last spring and relates to a number of the provisions in the bill, most notably Title II, a section that addresses the collection of new information and research. Our Council fully supports these initiatives. To adequately address previous as well as any new mandates, however, the Secretary and Councils must have the funds to support such activities. This has been a chronic problem for a number of years in the New England region during a period in which the workload has increased exponentially. Management initiatives have been postponed and the quality and timeliness of work products has been affected and counterbalanced only by staff diligence. The Council respectfully requests that Congress address this very pressing issue and provide sufficient funding for mandated activities and any new initiatives that are being contemplated.

Definition of Limited Access Privilege - Page 5, Line 19. It is our understanding that this provision applies only to IFQs and not to sectors as they are currently described in the New England Council's Northeast Multispecies Fishery Management Plan. The Council also suggests adding the phrase "to harvest a 'directly allocated' quantity of fish that may be received or held for exclusive use by a person;" to the definition of Limited Access Privilege.

Peer Review - Page 12, Line 8. The Council agrees with this provision of the bill, but adds the recommendation to include the word independent in establishing a peer review process. The committee also reiterates the need to sufficiently fund this very expensive undertaking.

Compensation for Service on SSCs and Advisory Panels - Page 12, Line 18. The NEFMC questions the need to compensate for service on SSCs and advisory panels, but acknowledges that in certain geographic areas this may be a necessity. Again, if included, this provision highlights the need for adequate funding for both the Secretary and Councils to adequately conserve and manage fishery resources.

Council Training Program - Page 14, Line 7. Regarding training, our Council supports the development of such a program, but not only for newly appointed Council members, and not as a condition of membership or voting. We suggest the training course be available to "new and existing Council, committee, or advisory panel members as resources allow."

Conflicts of Interest – Page 16, Line 20. The Council agrees with the need for transparency and guidance on matters involving the disclosure of financial information, but we are concerned that the additional language in this bill may create confusion. We ask for clarification concerning the shaded phrase:

(C) any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; in any harvesting, processing, lobbying, advocacy or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction, or with respect to any other individual or organization with a financial interest in such activity.

The Council also recommends, in addition to the new language "lobbying" and "advocacy", adding the words "fisheries-related research activities", after "advocacy" to ensure the disclosure of all sources of Council member income, including grants and contracts that have been awarded through cooperative research programs, research set-asides and by environmental advocacy groups.

Annual Catch Limits - Page 21, Lines 4-19. The requirement to specify annual catch limits in fishery management plans will be extremely resource intensive for Councils with limited staff. Further, our Council has just completed several actions that establish biennial adjustments to our plans. Two and three year schedules will allow staff to more efficiently address a greater range of issues and better coordinate management actions with the availability of biological, social and economic information that form the basis of our analyses.

Limited Access Privilege Programs, New England Referendum – Page 37, Line 20. As a result of a formal vote at its January/February meeting, the New England Council agreed that a uniform standard for all Councils should apply with respect to conducting referenda to approve or implement fishery management plans that create individual fishing quota programs. As approved to date, S. 2012 requires approval of more than two-thirds of those voting in the referendum. The Council commented that the fishery management plan process allows for broad public participation and promotes industry dialog during consideration of any issue. This is sure to occur on a subject that has historically generated a high level of interest and industry reaction in New England. Our Council believes it is reasonable to abide by whatever standard might be adopted for the other Councils.

Emergency Regulations – Page 46, Line 20. Concerning use rather than the timeframe associated with emergency regulations (as addressed in S. 2012), the Council agreed that emergency and/or interim measures would be a very useful tool to implement Council fishery management plan measures that are under consideration by NOAA Fisheries, but prior to the completion of a full review by the agency. This circumstance may not meet the current definition of an “emergency” nor would it necessarily relate to overfishing, but might occur, for example, as a remedy to unforeseen delays in the development or implementation of an action. Broadening the use of these tools may increase the agency’s response time and flexibility in any number of problem areas where NOAA Fisheries is currently precluded from acting --- either on behalf of the resource and/or the fishing industry.

Deep Sea Coral Research – Page 97, Line 14. The Council suggests that S. 2012 provide a definition of deep sea corals and the areas in which they are likely to occur to better target species that are rare and/or vulnerable to anthropogenic impacts and ensure the prioritization of research activities.

Framework Adjustments. Given that the Act currently does not address mechanisms that would allow Councils to make more expeditious changes to fishery management plans other than fishery management plan amendments, we recommend further consideration of this tool as discussions on reauthorization continue.

The New England Council is grateful for the opportunity to provide input during this important process and we appreciate your consideration. Please feel free to contact the Council staff or me if you have questions or require more detailed information.

Sincerely,



Frank Blount
Chairman

cc: New England Congressional Delegation