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May 27, 2011

John Pappalardo, Chairman
New England Fishery Management Council
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RE: Comment on New England Fishery Management Review and Recommendations: Phase 1

Dear Chairman Pappalardo:

I am pleased to have the opportunity to provide written comment regarding the recently released NOAA report entitled, "A Review of the New England Fishery Management Process." This written comment will allow me to expand upon my remarks during Assistant Administrator for Fisheries Eric Schwaab's visit to Gloucester to discuss the finding of this report along with its author Preston Pate.

The initiative taken to commission this report reflects sincere interest and concern in the problems experienced in the management of fisheries in the northeastern United States. This interest and concern was amplified by the Assistant Administrator's travel throughout our region to not only present and clarify the report's finding with Mr. Pate, but also to receive valuable input based on the information presented.

Contrary, however, to the assertions made by Assistant Administrator Eric Schwaab at the Gloucester meeting that the management system "is not broken" and requires refinement only, my belief is that it does suffer from significant dysfunction and requires major reform to become more effective and to rebuild the partnership between those who regulate and those who are regulated. Given the magnitude of the problems at hand, it would not be practical here to provide an exhaustive list of necessary corrective actions. However, some key steps include:

- Requiring that industry-sponsored alternatives to management plans, amendments, or frameworks be given at least preliminary analysis by the Scientific and Statistical Committee, or if such a review is not undertaken that the New England Fishery Management Council explains in writing why such a proposal is not reviewed.

Taking such actions would begin to address the problem described in a May 2, 2011 article in the Gloucester Daily Times documenting that many in the fishing industry have "felt patronized, ignored, and lectured to, but never sought for (their) knowledge." Further, this approach would, more actively involve harvesters in a productive dialogue about management and infuse the process with the years of observational experimental and practical knowledge those fishermen bring to the table.

- Requiring that NOAA certify in writing that any proposed plan, amendment, framework or other regulatory measure comply with the ten national standards established in Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act. The standards reflect the most fundamental and clear expression of Congressional intent as to the framing of regulatory measures that are available. In

cc: Conrad, Tech Staff (6/3)

turn, the safeguard and directive contained in the standards serve to protect the interests of the American people in rebuilding and consuming fish stocks and maximizing their benefit to the nation through commercial and recreational harvests.

This simple requirement would ensure that policy makers on the New England Fishery Management Council are consistently mindful of the need for compliance with the standards. In addition, such a requirement would also reduce the likelihood that approved regulatory actions would not transgress or violate the standards, as is currently the case in many instances.

- Preserving a defined amount of NOAA's budget as a minimum quantum of funding for collaborative research. Furthermore, utilizing such funds for transparent research with harvesters and other industry stakeholders in order to foster more regular and substantive cooperation. This collaboration will rebuild confidence in the management process in the northeast and elsewhere.
- The consideration of a modification of NEFMC meeting schedules to ensure scheduled periods for public input at reasonable intervals that are predictable.

While the leadership of the Council has historically been extremely attentive to providing opportunities for public comment and has worked diligently to make them available, some specifically scheduled periods would make it easier for fishermen and others to plan accordingly to be present and comment without sacrificing valuable and scarce time to earn a living.

- Scheduling at least one meeting each year in the New England Region between the Undersecretary of Commerce for Oceans and Atmosphere and other officials to discuss management issues with affected parties.

While there may have been a difference of opinions at Assistant Administrator Schwaab's meeting in Gloucester, the opportunity to have a frank and open discussion was extremely valuable and productive. Providing for such meetings regularly will be of incalculable value in restoring a collaborative spirit to the management process, and will convey a clear sense that those who govern the fishery management process at the highest levels are accessible and interested.

- Increasing the time and resources contributed to socioeconomic analysis and utilizing peer review to maximize its accuracy.

Clearly, the current system is in need of major reform, and confidence and collaboration in the fishery management process must be restored and rebuilt. While frustration and concern are prevalent today, I am confident that dramatic improvements can be accomplished effectively and promptly. The key to that transformation, above all else, communication.

I appreciate the demonstrated interest of NOAA and the NEFMC in communication represented by this opportunity to, comment, and offer my assistance in working toward the needed reforms outlined here and others.

Sincerely,



Bruce E. Tarr
State Senator
Minority Leader