

THE
PEW
ENVIRONMENT GROUP



April 14, 2011

The Honorable John F. Kerry
Russell Senate Office Building, Room 218
Washington, DC 20510

Dear Senator Kerry:

We are writing in response to your recent letter to Secretary Locke in which you propose to rollover uncaught groundfish quota from the 2010 fishing year to the 2011 fishing year. We share your interest in the success of New England's fishing communities and the new sector management system for groundfish, and are willing to work with you on this proposal to ensure that conservation is not negatively impacted and that any rolled over quota will help the fishermen most in need.

With the first year of the new sector management program nearing an end, finding legal and scientifically defensible opportunities to maximize catch, without allowing overfishing or undercutting rebuilding plans, is essential to the long term success of the traditional New England groundfish fleet. A one-time quota rollover that exceeds the 10% allowed in the current plan could provide opportunities for those in the fleet that may not have fared as well as others under the initial allocation. While we support the spirit of your proposal we also recognize that any rollover plan will require some analysis to ensure that it can both benefit those fishermen most in need and ensure that stocks will continue to rebuild. We have attached a more detailed discussion of the rollover proposal to this letter for your consideration.

With this letter we make two requests. First, we urge you and the Secretary of Commerce to engage the Northeast Science Center, National Marine Fisheries Service, in a rapid analysis of this proposal to determine what level of rollover is scientifically sound and will offer maximum relief without compromising stock rebuilding and the longer-term future of the fishery. Second, we request the opportunity to meet with your staff, and the Commerce Department, to discuss your idea and to help ensure that it optimally supports smaller-scale fishermen while continuing the recovery of overfished populations of fish.

Many thanks for your interest and initiative on this important issue for the New England fishing communities.

Sincerely,

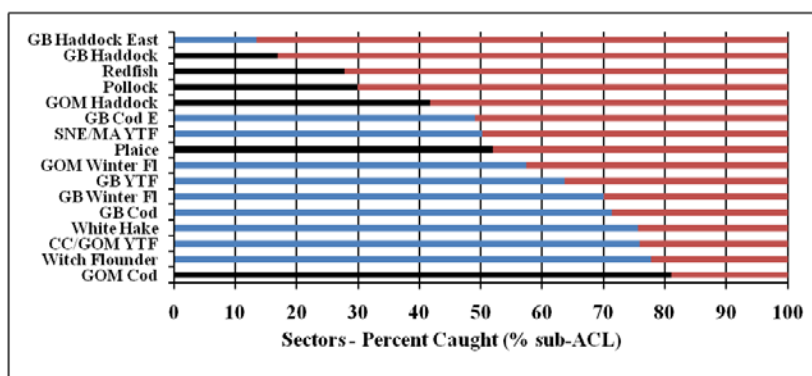
Peter Baker, Manager
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Discussion of Rolling Over Quota for New England Sectors

A scientific analysis of rollover options is called for. The New England sectors fish on a diversity of stocks, some abundant and others depleted, making the implications of a rollover more complicated than it might first sound. The implications of quota rollover were considered during the development of Amendment 16 and are discussed in the Environmental Impact Statement for that amendment. A rollover must be designed to ensure that benefits go to the fishermen most in need and the risk of overfishing and undercutting rebuilding is minimal. We urge you to initiate a scientific evaluation of the options for increasing the rollover of quota by the Northeast Fisheries Science Center. The Science Center can evaluate the implications of any rollover for all stocks, with attention to those that are overfished and in rebuilding programs. This will help determine whether uncaught quota of all stocks could be rolled over without causing overfishing, or whether the rollover should be limited to particular healthy stocks, or be less than the full amount of uncaught quota.

As of March 26, 2011, with only one month left in the fishing year, the available data from the National Marine Fisheries Service show that less than half of the sub-ACL has been caught for six of sixteen stocks, as shown in the chart to the right (black & blue bars; blue indicates *overfished* status).¹ The average portion of the sub-ACL caught was 53%, potentially leaving large amounts of quota available for a rollover of many stocks.



For some stocks, GB Haddock for example, this amounts to a substantial amount of fish (about 33,000 metric tons) and for other stocks smaller amounts could be available, on average about 3,900 metric tons. Even these seemingly small amounts will be important for some fishermen.

As the chart indicates, many sectors will likely have available more than the current 10% limit for a number of their stocks. If the 10% limit were fully relaxed so that all unused quota could be rolled over (i.e., 100% rollover), the increases over the next year's science-based sub-ACL could be large. Since large portions of the sub-ACL for some stocks have not been caught, there is the potential to provide an opportunity for the fleet to catch substantial additional quantities of fish in Fishing Year 2011. Stock-by-stock consideration should be given to the rollover amounts based stock status and other scientific considerations. For this to be a viable opportunity, the biological risks of increasing the rollover limits must be determined to fall within scientific and legally acceptable parameters.

The rollover should be designed to benefit those most in need. The additional bounty for fishing year 2011, if it materializes through an increased rollover, should be directed toward fishermen who have been identified as struggling under the Amendment 16 system. There are legal challenges to making this happen, but those identified as shortchanged under the Amendment 16 allocation formula will only benefit if this formula is adjusted for this one-time rollover increase. One potential solution would be to allocate the rollovers to the state permit banks, that would then be in a position to lease this quota to those they identify as most in need. We are optimistic that this or another option to offer some short-term relief to disadvantaged fishermen can be instituted without jeopardizing the long-term success of sectors, the health of fish stocks and New England's fishing communities.

¹ The chart shows fish caught, fleet-wide, as a percent of the sector sub-ACL (i.e., quota) by stock for all Amendment 16 stocks. The balance of the sub-ACL (fish not caught) is shown to the right (red bars). Data provided by the NMFS covering the first 11 months of the 2010 fishing year (May 2010 through March 26, 2011); www.nero.noaa.gov/ro/fso/reports/Sectors/Sector_Summary.html