



CITY OF NEW BEDFORD

SCOTT W. LANG, MAYOR

April 27, 2011

John Pappalardo
Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Chairman Pappalardo:

I am writing to you to once again strongly advise the members of the New England Fishery Management Council that the fishing regulations that you promulgate have very real impacts on the economic health of fishing communities.

I know you agree that the loss of even one job without scientific merit is one too many. The shutdown of NORPEL, a leading commercial fishing business in New Bedford, with the loss of 120 jobs, because of a policy that has no conservation or scientifically-based justification, is unconscionable in this economy, and I believe unlawful under the Magnuson-Stevens Act.

The New England Fishery Management Council is required under the law to ensure that its actions "to the extent practicable, minimize adverse economic impacts on [fishing] communities." Magnuson-Stevens Act Sec. 600.345; National Standard 8. The current haddock by-catch allocation to the mid-water trawling vessels in the herring fishery, which resulted in the closing of NORPEL, is a clear example of inflexible regulations enacted with neither a scientific basis nor full consideration of the ensuing devastating economic impact to fishing communities.

It is difficult to comprehend how Georges Bank haddock could be considered a choke species. Artificially low haddock by-catch has already led to the shutting down of a significant part of the herring fleet, which caught only 80% of their haddock allocation, leaving approximately 30,000 tons of herring unharvested. Framework 43, adopted by the New England Fishery Management Council, established a haddock by-catch cap in the sea herring fishery. The cap was established by the New England Fishery Management Council based on the recommendation of the Science Center's groundfish

biologist, who suggested a 2% cap would not jeopardize the haddock stock.

During past Council deliberations, it was stated that given the low herring fishery observer coverage at the time (<5%), the by-catch cap should be lower. The Council then proposed 0.2%. There was no scientific basis for reducing the 2.0% cap proposed by the Science Center's groundfish biologist down to only 0.2%. This number was completely arbitrary, and has caused significant harm to the individuals who work in the herring industry.

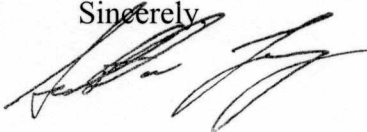
Given the chronic underfishing of the haddock stock and the economic harm caused by the recent shutdowns of part of the herring fleet, an increase in the haddock cap is justified for the herring industry. This adjustment of the cap will have a positive effect on jobs and the economy in Massachusetts. Increasing the haddock by-catch cap to ensure that the herring fishery achieves its allocation would have a negligible effect on other fisheries. Specifically, the multispecies fleet has caught less than 25% of the haddock quota for the past several years. Even if the midwater trawl fishery were to reach an appropriate cap, the overall catch of haddock would remain significantly below the overfishing level.

More specifically, Option 3, Sub-Option A, which includes haddock by-catch in the "other subcomponents" category, would lead to fairer treatment of Mid-Water Trawlers, would lessen the economic hardship, and would allow the fleet to operate more efficiently. It is clear that adopting this option, and lessening the restrictions on haddock by-catch limits, would not significantly affect haddock Annual Catch Limits, and would help return the herring fishery to economic health, and thus begin to restore employment within the fishery.

As you deliberate Framework 46, I ask that you take a common-sense approach that reflects the true intent of the Magnuson-Stevens Sustainable Fisheries Act. Sacrificing the ability of the herring fishery to achieve optimal yield based on a by-catch cap that is, for all intents and purposes, insignificant, is counter to the tenets of the Magnuson-Stevens Act. I believe it is your responsibility to promulgate frameworks that make economic, socioeconomic, and conservation sense. As this is not a conservation issue, please consider making the fishing families and the port communities as your first priority in this matter. By raising the cap on haddock by-catch, the Council will save a viable and important industry for our ports.

I respectfully request that you adopt Option 3, Sub-Option A, at this time. Thank you for your consideration.

Sincerely,



Scott W. Lang
Mayor