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FIRST ESSEX AND MIDDLESEX
DISTRICT

September 10, 2012

Mr. Samuel D. Rauch
Acting Assistant Administrator
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East West Highway
Silver Spring, MD 20910

Dear Mr. Rauch,

I am writing to strongly express my support for, and request reconsideration of, the proposal submitted by the Northeast Seafood Coalition (NSC) on August 10, 2012, for a one-year modification to the harbor porpoise consequence closure currently due to take effect in the Gulf of Maine this fall. Specifically, NSC proposed that the October and November Coastal Gulf of Maine Closure area remain open, and that the Agency within its authority¹ replace the closure with a February 15, 2013 through March 31, 2013 closure with a southern boundary change of 42° 24'. A 2012 economic analysis by Dr. Joshua Weirsma documents that the total economic loss associated with the planned closures would be approximately \$10 million dollars.² This kind of economic devastation will inflict serious harm upon an industry struggling for survival and should be avoided if at all possible.

Progressive hardships due to a difficult summer and weak landing point to fall being a critical time for the successful harvest of groundfish in the area set for closure. Furthermore, the NSC

¹ February 18, 2010 Final Rule 50 CFR 229 Section 229.33(f) page 7399, "The Assistant Administrator may revise the requirements of this section through notification published in the Federal Register if: (1) NMFS determines that pinger operating effectiveness in the commercial gillnet fishery is inadequate to reduce bycatch below the stock's PBR level; or (2) NMFS determines that the boundary or timing of a closed area is inappropriate, or that gear modifications (including pingers) are not reducing bycatch to below the PBR level."

² Weirsma, Joshua Dr., "Economic Impacts of Potential Harbor Porpoise Consequence Closure," July 31, 2012.

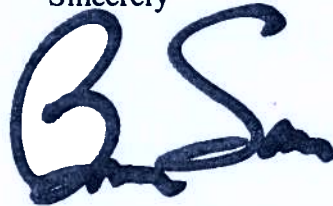
has indicated that many fishermen rely heavily on the fall season: "it is the time when fishing is at its best-the weather is good and the fish are more readily available to the dayboat fleet."³

Given these circumstances, the response of Mr. Bullard to the NSC on September 6 does not accurately depict the actual situation. Furthermore, Mr. Bullard's assertion that there is a low compliance rate among gillnet fishermen with respect to efforts to reducing porpoise takes is contradicted by the fact presented by the NSC that fishermen have invested in new pingers and are seeking to work collectively with the NMFS and the Northeast Sector Service Network to develop programs to conduct more regular testing of pingers.⁴

The alternative plan advanced by the NSC represents a strong collaborative effort amongst members that are directly impacted by the closures. The NSC worked closely with the affected sectors and the fishermen in the Gulf of Maine region to develop a solid, thoughtful plan that was supported by a bipartisan group of 12 members of Congress. Consequently, the proposal will provide greater conservation benefits for harbor porpoise and reduce the adverse economic impacts of the current closure plan.

The NSC proposal should be reconsidered in a timely manner. I look forward to working collaboratively with all parties involved. Thank you for your consideration of my request, and please don't hesitate to contact my office.

Sincerely

A handwritten signature in blue ink, appearing to read "B. Tarr", with a stylized flourish at the end.

Bruce E. Tarr
State Senator
Minority Leader

Enclosure: Economic Impacts of the Potential Harbor Porpoise Consequence Closure, Weirisma, Joshua

Cc: John Bullard, Regional Administrator, NMFS Northeast Regional Office
Mary Colligan, Assistant Regional Administrator, NMFS Protected Resource Division
Elizabeth Etrie, Program Director, Northeast Sector Service Network
Joshua Weirisma, Sector Manager, Northeast Fishery Sector XI & XII
James Reardon, Sector Manager, Northeast Fishery Sector X
Robert Banks, Sector Manager, Northeast Fishery Sector III
Vito Giacalone, Sector Manager, Northeast Fishery Sector IV
Jacqueline Odell, Executive Director, Northeast Seafood Coalition

³ Letter to Mr. Samuel D. Rauch, Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, August 10, 2012

⁴ Letter to Mr. Samuel D. Rauch, p 4, August 10, 2012