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August 17, 2015

The Honorable Penny Pritzker
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

The Honorable Thad Cochran
Chairman
Senate Committee on Appropriations
S-128 United States Capitol
Washington, D.C. 20510

The Honorable Hal Rogers
Chairman
House Committee on Appropriations
H-305 United States Capitol
Washington, D.C. 20515

The Honorable Barbara A. Mikulski
Vice Chairwoman
Senate Committee on Appropriations
S-146A United States Capitol
Washington, D.C. 20510

The Honorable Nita A. Lowey
Ranking Member
House Committee on Appropriations
H-305 United States Capitol
Washington, D.C. 20515

Dear Madam Secretary, Chairman Cochran, Chairman Rogers, Vice Chairwoman Mikulski and Ranking Member Lowey:

We write with serious concern over recent actions taken by the National Oceanographic and Atmospheric Association (NOAA) Fisheries Service. As you know, the fishing industry in Massachusetts is not just one of historical significance but also of major economic importance. From the fishermen and their families to the shore side businesses to the economies of Massachusetts' coastal communities, every decision that is made by NOAA Fisheries has serious economic impacts on our Commonwealth. The fishing industry has attempted to work with the NOAA Fisheries and members of the scientific community to improve existing fisheries management data and policies. While we too respect the importance of proper fisheries management, we question the fiscal and programmatic decisions that the agency has made of late with regards to the Northeast Fishery.

NOAA Fisheries recently denied a request by the New England Fisheries Management Council to suspend At-Sea Monitoring (ASM) and to evaluate the program for "effectiveness in support of stock assessments, its total costs to the groundfish fishery, data precision and accuracy, and whether it is actually ensuring catch accountability." NOAA Fisheries has yet to act on the Council's request for administrative actions to address cost issues of the At-Sea Monitoring program while meeting monitoring requirements. NOAA Fisheries has also continued forward with plans to

shift the cost of At-Sea Monitoring onto the backs of the New England Groundfish Fishermen, which is in direct disregard to the Senate FY 2015 Commerce, Justice, and Science (CJS) appropriations report language which directed NOAA to cover the costs of at-sea monitoring. NOAA continues to misinterpret this language despite Congressional direction to prioritize the ASM requirements. We are further concerned that NOAA is expanding ASM to the Northeast Lobster fishery without properly factoring the impacts of this requirement to the long term economic viability of the lobster industry in Massachusetts.

In light of these actions, we respectfully urge your support in covering the costs of ASM for the entire Northeast fishery.

Additionally, we request that NOAA expedite electronic monitoring and other cost-saving alternatives to ASM. Former Acting Secretary Rebecca Blank declared a commercial fishery failure in the Northeast Groundfish fishery in 2012. To shift the cost of this ineffective program onto the fishery just as the industry begins to rebuild is not only imprudent, but irresponsible. NOAA Fisheries' own analysis indicates that at a rate of \$710/day, cost to groundfish sectors will be about \$2.64 million in the first year of At-Sea Monitoring coverage alone. That same analysis predicts that with this coverage as a required cost for the groundfish industry, about "60% of vessels will have negative returns to vessel owners." This equates to an unfunded mandate that could lead to the end of the Northeast Groundfish Fishery as we know it.

We are troubled that NOAA Fisheries has also suggested that the Northeast Groundfish Fishery use the "Bin 3" allocation of disaster federal aid to pay for At-Sea Monitoring. While NOAA's Regional Administrator has previously advocated that disaster funds be used for At-Sea Monitoring costs, the Congressional intent was for the funding to be used for the future viability of the fishing industry. Using this money to make up for NOAA's reinterpretation of how to prioritize funding is far afield from the intent for which this money was appropriated, and would only help NOAA's inability to fund their own budget gap, which hardly relates to the viability of the fishermen of Massachusetts. It would create a short lived future for many of these fishermen who will be forced into inactivity or worse.

We continue to urge the Department of Commerce to direct NOAA Fisheries to prove the cost effectiveness of the At-Sea Monitoring program and then to support federal funds to pay for it. We also ask NOAA to work as close as possible with the fishing community on alternatives to ASM such as electronic monitoring. We encourage the agency to use the fishing industry as a resource, especially while trying to gather the best available data and develop effective monitoring practices. To do otherwise is to jeopardize the future of the Commonwealth's groundfish fishery.

Sincerely,



Charles D. Baker
Governor



Elizabeth Warren
US Senator



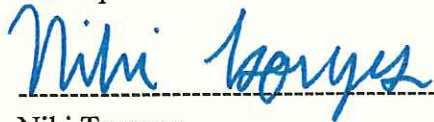
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US Senator



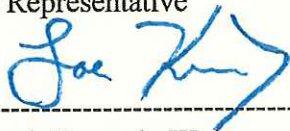
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US Representative



Niki Tsongas
US Representative



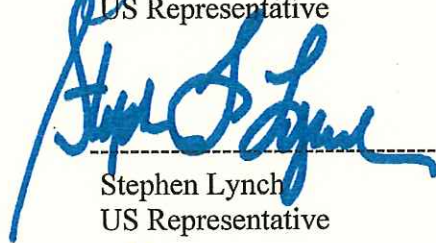
Joseph Kennedy III
US Representative



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US Representative



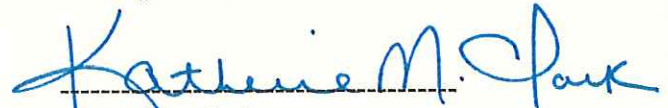
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US Representative



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