

**Congress of the United States**  
Washington, DC 20510

June 13, 2016

The Honorable David Smith  
Acting Inspector General  
United States Department of Commerce  
1401 Constitution Avenue, Northwest  
Washington, District of Columbia 20230

Dear Inspector General Smith,

We write to raise a growing concern of our constituents in the fishing industry who are facing extreme economic hardship related to the structure of fisheries management across the Northeast and mid-Atlantic. We request that your office investigate how the current system impacts the region's fishermen and whether the structure should be reformed to bring quota allocations in line with current data on actual fish population distribution. As species of fish move further north, the allocation levels should migrate with them.

As you know, the country's fisheries are managed by eight regional fishery management councils that were established by the Magnuson-Stevens Act. These councils are under the jurisdiction of the National Marine Fisheries Service, an office in the National Oceanic and Atmospheric Administration within the Department of Commerce. On the Atlantic Coast, the Mid-Atlantic Fishery Management Council governs fisheries from North Carolina to New York and the New England Fisheries Management Council oversees the waters of the five coastal New England states. Where fish population distributions overlap, the waters of both regions are managed solely by the Mid-Atlantic Council. We are concerned that the resulting state allocations disadvantage New England fishermen and encourage boats from mid-Atlantic states to meet their quotas in New England's waters.

On several occasions during town halls and meetings in Connecticut with many of the fishermen who operate in the state, we have repeatedly heard concerns that black sea bass, summer flounder, and scup have migrated northward, but the state-by-state allocations for these species still reflect historical numbers when they were in greater abundance in the mid-Atlantic. Warming ocean temperatures are driving these populations up the coast and Connecticut fishermen are witnessing a dramatic increase in abundance in the waters they fish. Additionally, summer flounder, which migrate northward with age, are now returning to southern New England waters after the cessation of persistent overfishing that was occurring when the state allocations were made. However, the 2014 through 2016 state allocations of summer flounder and black sea bass provided Connecticut based fishermen with only 2.25 and 1 percent of the overall quota share along the Atlantic Coast despite the plentiful nature of the fish in Connecticut and New England waters. In response to our constituents' concerns, we wrote on May 23, 2016

to Secretary Pritzker expressing our support for joint management of these migrating species between the mid-Atlantic and New England Councils. We hope that this letter can begin a dialogue between our offices to help determine the best solution for fair and equitable management.

These outdated allocations are disadvantaging fishermen in the Northeast. Limited landings undermine their livelihoods while fishermen from the mid-Atlantic with higher quotas end up fishing in New England waters to supplement the low catch in their home states. This dynamic has environmental as well as ecological consequences. Efforts to avoid breaching the allocation limit have resulted in higher levels of by-catch discards by Connecticut fishermen in the same waters that mid-Atlantic fishermen are free to catch in much greater abundance. The impacts of a changing climate will be far more severe if the data used – and regulation that follows – fails to keep pace with environmental changes. For these reasons, we are requesting that your office conduct a full evaluation of the management framework for the aforementioned species as well as address the following questions:

1. MSA requires that any fishery management plans (FMP) developed and implemented by the fishery management councils (FMC) adhere to 10 statutory national standards (NS). NS 2 states that management be “based upon the best scientific information available,” NS 4 states that management “should not discriminate between residents of different states; any allocation of privileges must be fair and equitable,” and NS 9 requires that FMPs “minimize bycatch or mortality from bycatch.” Does the current management structure for black sea bass, summer flounder, and scup meet the statutory requirements of these National Standards?
2. The result of the current allocation distribution is that fishermen from the mid-Atlantic can take fish in New England waters to meet their higher quota while Connecticut fishermen cannot. This decision lies solely with the mid-Atlantic FMC although New England fishing interests are impacted. Does the current structure of management appropriately limit influence in the allocation decision-making process? Would it be more equitable for New England fishing interests to have a larger role in that process?
3. The Summer Flounder, Scup, and Black Sea Bass FMP has been amended several times over its existence. Amendment 5 which occurred in 1993 established the ability for states to transfer their quotas between each other in the event of uneven population distribution being misaligned with state quota levels. Over the past several years, Connecticut has worked out quota transfers with other states along the Atlantic Coast. Does the frequency of quota transfers indicate that the allocation levels should be revisited? Is quota transfer a sufficient solution since it must occur at the end of the fishing season when states feel comfortable ceding a share of their allocations? Does this exacerbate uncertainty and instability for the receiving states?
4. NOAA has assured us that Connecticut has the ability to weigh in on the management decisions regarding black sea bass, scup, and summer flounder through the New England FMC’s liaison to the mid-Atlantic FMC as well as Connecticut’s seat on the Atlantic State Marine Fisheries Commission, which regulates fishing in state waters

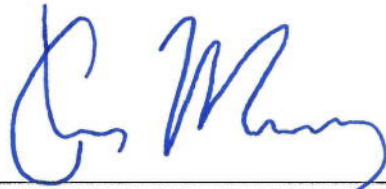
and sets state allocations in certain instances. However, in the mid-Atlantic Council's 2007 report to Congress on management coordination between the New England and mid-Atlantic FMCs, it was concluded that while liaisons can provide input and perspective at council meetings, their authority and influence is limited without voting rights. Additionally, for most species, any change to state allocations must be approved by both the Commission and the mid-Atlantic FMC, again limiting New England's influence. Does the liaison model sufficiently address concerns where one council has jurisdiction over a shared species? If not, what practices can be implemented to improve the governance of shared species? What is the relationship between the FMCs and the Commission? What species must be approved by both the mid-Atlantic FMC and which fall under the sole responsibility of the Commission?

Please provide answers to these questions to our offices as well as any other findings and recommendations you happen to conclude in the requested evaluation in as timely a manner as possible. With this information, it is our hope to work with all involved parties to ensure the most fair and equitable system of fishery management is in place. To be clear, our intent is not to question NMFS's determination that summer flounder must continue to be rebuilt and that further assessment of black sea bass is necessary to determine that population's full health. We do, however, believe that irrespective of the total coast wide quota NMFS determines is necessary to successfully rebuild these stocks, the state-by-state allocations should reflect coastal population distribution. We look forward to the contributions your findings will have in strengthening fishery management practices in the Northeast.

Sincerely,



RICHARD BLUMENTHAL  
United States Senate



CHRISTOPHER S. MURPHY  
United States Senate



JOE COURTNEY  
Member of Congress