



Mayors of New Bedford and Gloucester ask all 100 Senators to support Jones Amendment

NEW BEDFORD, Mass. - March 16, 2011 - Yesterday, Mayor Carolyn Kirk of Gloucester joined Mayor Scott Lang of New Bedford and wrote to all 100 United State Senators to ask their support for inclusion of the Jones Amendment, which passed the U.S. House of Representatives with a bipartisan majority of 259-159 in any final 2011 budget legislation. It is not yet clear what specific mandates the Senate leadership will allow in such legislation.

The Jones Amendment, authored by Congressman Walter Jones of North Carolina and supported by Congressmen Barney Frank of Massachusetts and Frank Pallone of New Jersey would prevent NOAA from expending funds on the creation of additional Catch Share programs on the east coast. It would not prevent NOAA from providing funding to existing programs to cover mandated costs such as the cost of paying observers (as much as \$75/hour for the entire duration of a trip) and operating computer monitoring systems, etc.

The mayors stated "Before the implementation of the system, elected officials and industry representatives asked NOAA for a reasonable delay on implementation, to allow for time to get it right. We noted that extraordinarily conservative and scientifically unnecessary low allocations were likely to cause the "sectors" to fail. We noted that the retention of parts of the old effort control regulations from the previous system was contradictory and incompatible with LAPP or quota systems such as catch shares. We noted that Magnuson-Stevens requires an industry-wide referendum before LAPP systems are implanted, a requirement which NOAA ignored using legal slight-of hand."

Yesterday, [in Federal Court in Boston](#), attorneys for the Mayors argued a case that accuses the Commerce Department and NOAA of violating the intent of the Magnuson-Stevens act in implementation of the most recent fishing rules in the Northeast.

Having previously appealed unsuccessfully to National Marine Fisheries Service Administrator Eric Schwaab, National Oceanic and Atmospheric Administration Administrator Jane Lubchenco, and Commerce Secretary Gary Locke, the mayors support the effort in Congress to de-fund new programs for the upcoming year in order to force NOAA to slow down implementation in order to get it right.

The text of the joint letter follows:

Dear Senator _____:

As the mayors of the port cities of New Bedford and Gloucester, the number one fishing port and the oldest fishing port in America, we are writing together to urge your support for retaining Amendment No. 548 to H.R. 1 - the Jones Amendment -- in any final 2011 budget legislation. This bipartisan amendment, authored by Congressman Walter Jones of North Carolina and supported by Congressmen Barney Frank of Massachusetts and Frank Pallone of New Jersey, is a vital move needed to support fishing industry jobs and families that are the backbone of the nation's coastal communities.

The amendment would prevent the National Oceanic and Atmospheric Administration's (NOAA) from expending funds to create new regulatory systems under its highly-controversial National Catch Share Program, a regime that has created regulations that are crippling the livelihoods of ground fisherman in the South Atlantic, Mid-Atlantic, New England and Gulf of Mexico.

Of the 500 groundfishing vessels in Massachusetts only 253 were active in the first five months of 2010. Vessels formerly in operation are now sitting at the dock. The loss of jobs in our region has been devastating to local economies. The implementation of Amendment 16 has done nothing to slow the deterioration of New England's fishing ports; on the contrary it has accelerated consolidation. As of December, the economic pressure to consolidate operations deriving from per-boat fishing limits resulted in 55 of the 247 boats fishing in New England earning 61 percent of sector revenue. The remaining 192 earned only 39 percent.

The term "Catch Shares" has no consistent meaning, but rather is used to describe different systems in various fisheries across geographic regions of the nation. In fact, the term does not exist in law. It was originally promoted by the Environmental Defense Fund (EDF), and describes many versions of Limited Access Privilege Permit (LAPP) systems. NOAA refers to Catch Shares as merely one "tool" available to fisheries regulators.

For some fisheries in some geographic areas, some forms of Catch Shares have been successful. But as EDF, the chief proponent of Catch Shares in the United States, notes Catch Share systems must be well designed. Unfortunately, in a rush to urge - even force - fisheries regulators to adopt this "tool", ill-conceived and poorly designed versions of Catch Shares are being implemented prematurely.

The bipartisan House vote is a sign of the increasing opposition to failed, fiscally unsound programs that have already put thousands of fishermen out of work. With the Obama administration planning to spend \$54 million next year to further ramp up these regulations on a highly questionable scientific basis -- and one that makes industrialized fishing operations win out over the small family-owned businesses that are the economic and social

heart of our communities -- the economic costs are too high.

Introduced in May 2010, the "sector" version of Catch Shares forced Northeast boat operators and groundfishing operations into costly and complex management cooperatives that are destroying an otherwise viable historic industry. The system is failing to implement the law and intent of Magnuson-Stevens, which is the balancing resource conservation with community needs. Fishing interests from Maine to North Carolina - including both of our cities - are currently involved in a federal lawsuit to force NOAA to correct these problems and to change its methods of operation.

Before the implementation of the system, elected officials and industry representatives asked NOAA for a reasonable delay on implementation, to allow for time to get it right. We noted that extraordinarily conservative and scientifically unnecessary low allocations were likely to cause the "sectors" to fail. We noted that the retention of parts of the old effort control regulations from the previous system was contradictory and incompatible with LAPP or quota systems such as catch shares. We noted that Magnuson-Stevens requires an industry-wide referendum before LAPP systems are implanted, a requirement which NOAA ignored using legal slight-of hand.

Despite the sustained efforts of local fishing communities, Massachusetts Governor Deval Patrick, as well as Republican and Democratic lawmakers in the House and Senate, NOAA has refused to use their power under the Magnuson-Stevens Act to allow for the increased, yet scientifically sound, fishing quotas that might allow the program to work. This has left many small fishermen with little choice than to sell their allocation to large entities and close.

As Governor Patrick noted in his November plea to Commerce Secretary Gary Locke for regulatory relief, the Division of Marine Fisheries and the University of Massachusetts Dartmouth found that an additional 14,500 metric tons of fish caught in East Coast waters can be brought to market with no negative impact on species sustainability.

Please join the bipartisan, bicameral group of lawmakers who have urged the unresponsive Commerce Department to consider alternatives to this terribly flawed, economically and scientifically unsound regulatory scheme by supporting its defunding.

Thank you for your time and consideration of the hard working people and families of our communities.

Scott Lang
Mayor
New Bedford, Massachusetts

Carolyn A. Kirk
Mayor
Gloucester, Massachusetts