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UNITED STATES
HOUSE OF REPRESENTATIVES

September 19, 2017

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

Dear Chairman Quinn:

As you know, Congress is considering the reauthorization of the Magnuson Stevens Act (MSA), through legislation introduced by Congressman Don Young, H.R. 200, the *Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act*. I write to request your feedback regarding a specific provision set forth in Section 4(a)(2) of H.R. 200, which provides greater flexibility for fishery rebuilding plans through the fishery management councils.

It is my understanding that the intent of this provision is to reflect the recommendations of the National Research Council in its 2013 Report to Congress entitled, "Evaluating the Effectiveness of Fish Stock Rebuilding Plans of the United States."¹ The report highlights that the current rebuilding approach, established by the current legal framework and MSA guidelines, is highly prescriptive. Consequently, it leaves little room for flexibility or innovation, and can severely limit the tailoring of rebuilding plans to the specifics of each stock and its fisheries.

To address this problem, the modified provision below provides separate and additional authority for fishery managers to apply a fishing mortality rate-based rebuilding strategy should the Scientific and Statistical Committee determine that a reliable rebuilding timeframe or a reliable biomass target cannot be established. The purpose of the proposed revisions is to ensure that this intent and effect is precisely stated.

"(8) Notwithstanding subparagraph 4(A), if the Scientific and Statistical Committee determines that a reliable fixed rebuilding period or a reliable biomass target cannot be established, then a fishery management plan, plan amendment, or proposed regulations may use alternative rebuilding strategies, including harvest control rules and fishing mortality-rate targets to the extent they are in compliance with the other requirements of this Act."

I believe that this is consistent with the "Regional Perspectives" provided by the Council in the June 2017 Council Coordination Committee's draft white paper on MSA Reauthorization

¹ National Research Council. 2014. *Evaluating the Effectiveness of Fish Stock Rebuilding Plans in the United States*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18488>

regarding the need for greater flexibility in the MSA's rebuilding provisions.² With that in mind, please advise how this provision, if adopted, would affect how the Council carries out its responsibilities under the MSA.

The Council is vital to our further understanding of the technical, scientific, and statistical analyses involved with fisheries management as we continue to address the long-term viability of New England fisheries, including Northeast Multispecies fishery. I appreciate your consideration of this request. Please contact Eric Kanter (Eric.Kanter@mail.house.gov) in my office with any additional questions.

Sincerely,

SETH MOULTON
Member of Congress

² Regional Fishery Management Council Positions on Magnuson-Stevens Act Reauthorization Issues.
http://s3.amazonaws.com/nefmc.org/9b_170601_CCC_MSA_White_Paper.pdf