

Congress of the United States
Washington, DC 20510

January 28, 2021

Mr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Mr. Robert E. Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200-A-N
Arlington, VA 22201

Dear Mr. Moore and Mr. Beal:

In advance of the February ASMFC meeting, we write to request strong support for two potential methodologies which would provide urgently needed fairness to Connecticut fishermen with respect to commercial black sea bass harvest allocations.

As we expressed to you in the letter we sent on this topic in December, the black sea bass population in the Southern New England region has increased significantly for several decades due to changes in ocean temperatures. Unfortunately, Connecticut's quota has not been updated to reflect the northward expansion of black sea bass and remains at only 1% of the entire coastwide quota – a quota which has not been changed in almost 18 years. It is unconscionable that Connecticut fishermen still have a quota five times smaller than the state with the next smallest allocation (Delaware) given the unprecedented abundance of sea bass off our coast.

To this end, we again request that the ASMFC and MAFMC increase Connecticut's black sea bass allocation to 5 percent of the coastwide quota. We firmly believe that increasing Connecticut's quota to 5 percent, equal to the allocation assigned to the next lowest state, remains the fairest approach taking into account the growth of the sea bass population in the Northeast in comparison to the more stable numbers in southern regions.

We do understand that these conversations have been difficult, and are aware of opposition to this proposal from a number of states. While we continue to believe that an immediate 5 percent allocation to Connecticut is the most equitable path forward, we also understand that there is another option being discussed that we feel is worth considering should the 5 percent allocation not receive the votes necessary to move forward. This is a "trigger" approach, in which the trigger would be set at either 3.0 or 3.5 million pounds, per tradition, with any given year's quota above the trigger being used first to increase Connecticut's quota to 5 percent and New York's to 9 percent, and then for the remaining quota to be allocated proportionally among the states. This approach would achieve a number of admirable objectives – Connecticut's concerns would be dealt with fairly, northern states would benefit from the expanding population of black sea bass in their waters, and southern regions would have their historic allocation protected and would continue to benefit from the overall growth of the sea bass population. In order for this approach to be equitable it is essential that the trigger to be set at 3.5 million pounds or less as this amount is reflective of historical quota allocations. Implemented thusly, this bifurcated approach would

provide fairness to our fishermen, and we believe should be seriously considered if the ASMFC and MAFMC cannot reach a consensus on giving Connecticut 5 percent of the quota outright.

We appreciate your consideration of this fundamentally important issue to our region. Should you need supporting documentation or information, please do not hesitate to contact us.

Sincerely,



JOE COURTNEY
Member of Congress



RICHARD BLUMENTHAL
United States Senate



CHRISTOPHER S. MURPHY
United States Senate



ROSA L. DELAURO
Member of Congress



JOHN B. LARSON
Member of Congress



JIM HIMES
Member of Congress



JAHANA HAYES
Member of Congress

CC:

Sherry White
Assistant Regional Director of Fish and Aquatic Conservation
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

Michael Pentony
Regional Administrator, Greater Atlantic Regional Fisheries Office
National Oceanic and Atmospheric Administration
55 Great Republic Drive
Gloucester, MA 01930

United States Senate

WASHINGTON, DC 20510-3203

January 28, 2021

Wynn Coggins
Acting Secretary of Commerce
United States Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Acting Secretary Coggins:

I write today in advance of the February 1st joint meeting of the Mid-Atlantic Fishery Management Council (MAFMC) and the Atlantic States Marine Fisheries Commission (ASMFC) where they are scheduled to deliberate final action on the Commission's *Draft Addendum XXXIII* and the Council's *Black Sea Bass Commercial State Allocation Amendment*. As you know, this joint action by the Council and Commission will consider adjusting the current state-by-state commercial fishing harvest allocations for states from Maine through North Carolina based on current distribution and abundance. This pending decision by fisheries managers is of paramount importance to me and the commercial fishermen within my home state of New York who have been historically disenfranchised by fisheries managers when redistributing quota to address shifts in biomass. Previous joint decisions by the Council and Commission with regard to the reallocation of quota have not adequately reflected the shift in stock and have been inconsistent with the requirement of fair and equitable allocation among fishermen described in National Standard Four of the Magnuson-Stevens Act. In order to achieve a more equitable distribution of quota based on the most current and accurate assessments of stock, I urge you to consider adopting the Dynamic Adjustments to Regional Allocations (DARA) management option for the Addendum and the Amendment.

As you are aware, the most recent black sea bass stock assessment shows that there has been a significant increase in biomass and a change in distribution of the resource. Eighty-four percent of the biomass is now located in the northern region while 16% of the biomass remains in the southern region. Despite significant shifts in the geographic distribution of the stock, the quota allocations still reflect antiquated distributions; while the northern region has 84% of the biomass, its fishermen are only allotted 33% of the total fishery's harvest. Next week's action must address this discrepancy and produce a more fair and equitable quota distribution for New York's fishermen.

New York's fishermen are all too familiar with inequities created by a commercial fishing state-by-state quota allocation system which does not adequately account for stock distribution. New York's anglers have long suffered under the current federal fisheries regime as it pertains to the management of the summer flounder (fluke) fishery. Created from a previous decision by the Council and the Commission, the current fluke allocation system has hamstrung New York's commercial fishermen since it was enacted and placed them at a serious disadvantage by basing allocation decisions on incomplete historical catch data and by failing to update allocations to reflect shifts in stocks due to climate change. Though the ASMFC and MAFMC sought to address this problem through Amendment 21, the Amendment still distributes the majority of the

quota based on inaccurate historical data, resulting in continued inequitable treatment of New York fishermen. This unfair and inequitable allocation of fluke quota runs contrary to National Standard Four of the Magnuson-Stevens Act and serves as forewarning for any decision by the Council and Commission regarding black sea bass not based on the latest stock assessment.

I am concerned that a similar scenario will occur for black sea bass. Another allocation based on regional historic catch would fail to reflect the current distribution of biomass which has shifted northward in response to climate change. In the case of the fluke fishery, reluctance to adjust allocations to take shifting stocks into account resulted in New York and other states in the northern region receiving an unfair and inequitable portion of the fishing quota. This must not be repeated with black sea bass.

Again, I ask that National Standard Four be carefully considered during this reallocation process so that the states in the northern region, which have the greatest portion of biomass off their shores, have a truly fair and equitable allocation. Of the possible reallocation options contained in the Amendment and Addendum, the use of Dynamic Adjustments to Regional Allocations (DARA) may have the least likelihood of violating Standard Four.

So it is with great interest that I will be following the joint meeting next week with the hopes of a fair and equitable distribution of quota that is more in alignment with biomass distribution. Thank you for your attention to this matter and if you have any questions please don't hesitate to reach out to my staff.

Sincerely,

A handwritten signature in blue ink that reads "Charles E. Schumer". The signature is written in a cursive, flowing style.

Charles E. Schumer
United States Senator

CC:

Gina Raimondo, Nominee for the Secretary of Commerce, U.S. Department of Commerce
Dr. Paul Doremus, Acting Assistant Administrator for NOAA Fisheries
Dr. Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council
Robert Beal, Executive Director, Atlantic States Marine Fisheries Commission
Mike Pentony, Regional Administrator, NOAA Greater Atlantic Regional Fisheries Office