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Key element of fisheries regulation under fire

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The Congressional act that is the legal backbone of U.S. fisheries management came under fire this week, as U.S. Sen. Olympia Snowe, R-Maine, and U.S. Rep. Barney Frank, D-Mass., requested an independent review of the science that supports the current timelines for rebuilding fish stocks.

In a letter sent Tuesday to National Oceanic and Atmospheric Administration administrator Jane Lubchenco, Snowe and Frank referred to the 1996 Magnuson-Stevens fishing act requirement that fish stocks be rebuilt within 10 years as an "arbitrary timeline" not based in science.

They asked Lubchenco to request an independent study by the National Academy of Science looking at the scientific justification for the 10-year mandate, at the feasibility of restoring all fish stocks simultaneously and the impact of non-fishing factors like climate change.

In an e-mail response to questions from the Times yesterday, Frank also called the rebuilding period "rigid" and "excessively punitive."

"Flexibility is needed to mitigate socioeconomic impacts to fishing communities and the businesses that rely on commercial fishing," Frank wrote.

Frank and Snowe were particularly worried about new annual catch limits that go into effect in May and must be based on whether the fish stock can be restored to healthy levels within that 10-year period. If fishermen surpass the limit, they are automatically subjected to punitive measures, including closures, reduced daily catches and a shortened season the next year. These measures are expected to reduce groundfish revenues, including cod, flounder and haddock by 69 percent.

Fishermen argue those kinds of economic losses should be based on good science.

"I never said I didn't want science, but I may have said I didn't think the science was right," said Jim Kendall, of New Bedford Seafood Consulting, who captained a scallop boat for 32 years and served six years on the New England Fishery Management Council. Kendall worried that the existence of the New England fleet might be in jeopardy.

"Once the fleet goes, you'll be getting fish from those (foreign countries) who don't care about fishing regulations," he said.

Ken Stump, policy director for the Washington, D.C.-based Marine Fish Conservation Network, pointed out that studies had been done and found that the 10-year rebuilding time was generous for most species. He worried that people were sacrificing long-term gains of a rebuilt fishery to avoid the pain it would take to get there.

"If we keep pushing off rebuilding, the whole groundfish complex will remain in their depleted state, and that doesn't benefit anyone," he said.

Conservation Law Foundation Marine Conservation Program Director Priscilla Brooks thought the request was a political response to a big shift in New England fishery management. After decades of overfishing, the region largely converted this year from a top-down government management style to allocating shares of the overall quota to fishermen to manage themselves. That came with the stricter annual quotas and accountability measures.

"Now is not the time to roll back regulations, especially when we're seeing many fish populations rebound," she cautioned.

But Tom Dempsey, a fishery policy analyst at the Cape Cod Commercial Hook Fishermen's Association, thought Snowe and Frank made a very reasonable request, and that the science should undergo periodic external review.

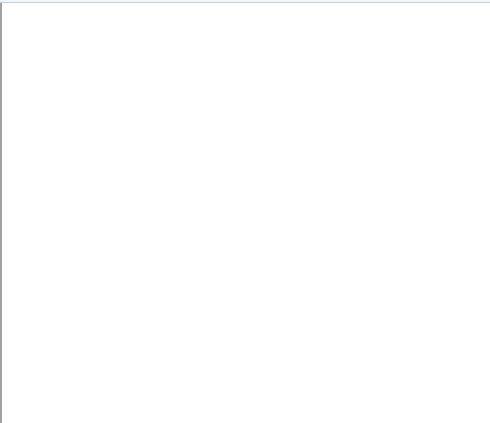
"How is it (the 10-year rebuilding period) working, and is it an achievable goal? To ask some of those questions in a reasonable way seems right," Dempsey said.

CLF vice president Peter Shelley agreed.

"I don't think anyone should be scared of the results as long as it's done objectively by good people," he said.

"I can't see jeopardizing anyone's job based on best guesses. We need to go the extra distance to get it right."

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