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Paul R. LePage
GOVERNOR

November 21, 2011

2011 NOV 28 PM 2:54
OS EXECUTIVE SECRETARIAT

The Honorable John Bryson, Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Secretary Bryson:

The State of Maine formally requests that you declare the Northeast multispecies fishery a failure under section 312 (a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Our request is in part prompted by the recent release of NOAA's FY2010 Groundfish Performance Report¹ which documents significant impacts on Maine's groundfish fleet and the industry as a whole.

Maine applied for a disaster declaration in September 2008, but received a response from NOAA Fisheries in May 2011 that in their estimation, a fisheries disaster had not occurred. Unfortunately, the analyses that appear to form the basis of these decisions at the federal level fail to consider the severe cumulative impacts of multiple Amendments and Framework Adjustments that have eliminated the vast majority of vessels active in Maine's groundfish fishery. In 2008 there were roughly 70 vessels compared to 350 vessels prior to the first buyback program. Since 2007 there has been another drastic reduction (nearly 50%) in the number of Maine vessels with revenue from at least one groundfish trip representing a large loss of fleet diversity in Maine:

Between 2007 and 2010, the total number of vessels in New England with revenue from at least one groundfish trip declined by 32% (658 to 450 vessels – decline of 47 between 2007 and 2008, 45 between 2008 and 2009, and 116 between 2009 and 2010.)

By home port state, the largest percentage declines from 2007 to 2010 occurred in New Jersey (51%: 41 to 20 vessels) and in Maine (46%: 78 to 42 vessels). Between 2009 and 2010, the largest percentage reduction in number of vessels with revenue from at least one groundfish trip, by home port state, occurred in Maine (33%: 63 to 42 vessels)" (P22; Table 32)."

Groundfish landings in the top ten landings ports in Maine have steadily declined since 1982, decreasing from a high of 27,444,733 live pounds in the 1992 to an all time low of 3,178,345 live pounds in 2010, representing an 88% loss (Table 1, DMR Landings Data).

¹ Kitts A, Bing-Sawyer E, Walden J, Demarest C, McPherson M, Christman P, Steinback S, Olson J, Clay P. 2011. 2010 Final Report on the Performance of the Northeast Multispecies (Groundfish) Fishery (May 2010 – April 2011). US Dept Commer, Northeast Fish Sci. Cent Ref Doc. 11:19; 97 p



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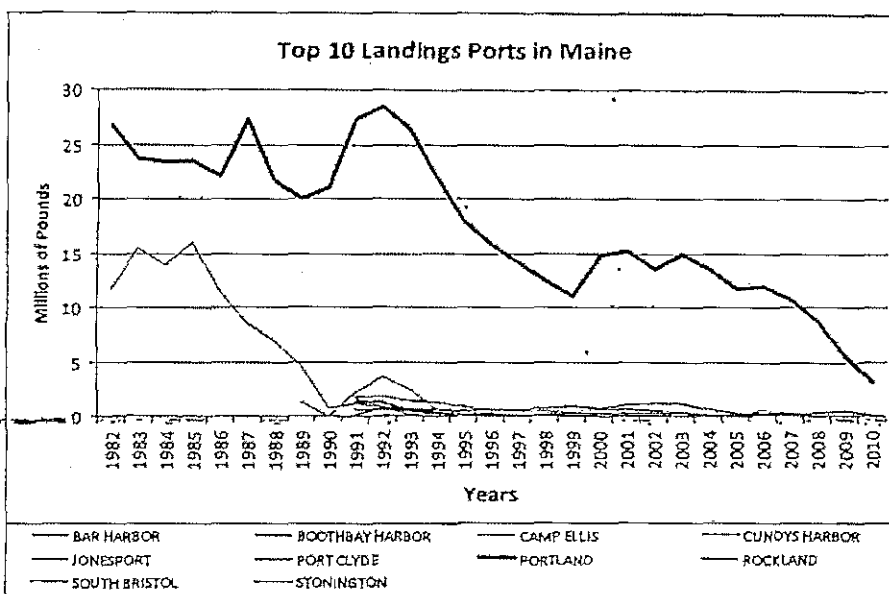


Table 1. Steadily declining groundfish landings by Maine port, with Portland highlighted in red.

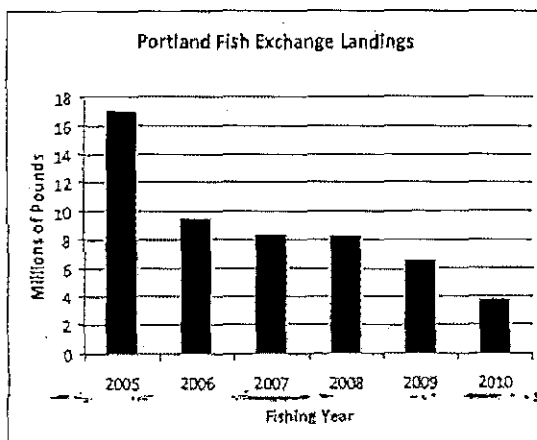


Table 2. Landings at the PFE since 2005,

13.2M lbs (78% reduction; Table 2), an overall decline in revenues of \$2.3M dollars (76% reduction), net operating losses totaling more than \$544,000, and a reduction in staffing by 28 individuals between 2005 and 2010. These results are mirrored in the recent FY2010 Groundfish Performance Report² which states that the nominal value of landing for all species in Portland had declined from \$12,590,656 in 2008 to \$6,956,041 in 2010 – a 55% reduction, while groundfish landings had steadily declined from

The Portland Fish Exchange (PFE), Maine's only fish auction, averaged approximately 20M lbs. of landings per year since its inception in 1986. In 2005, following the implementation of Amendment 13, landings began to precipitously fall off as the number of days-at-sea each permitted vessel was allocated was slashed along with decreases in trip limits. These reductions forced many of Maine's traditional off-shore druggers to relocate closer to the fishing grounds in Massachusetts. As a result, the PFE experienced a net loss in landings of

² Kitts A, Bing-Sawyer E, Walden J, Demarest C, McPherson M, Christman P, Steinback S, Olson J, Clay P. 2011. 2010 Final Report on the Performance of the Northeast Multispecies (Groundfish) Fishery (May 2010 – April 2011). US Dept Commer, Northeast Fish Sci Cent Ref Doc. 11-19; 97 p

\$10,194,963 in 2008 to an all time low of \$3,853,628 in 2010 – representing a decline of 62%.” (P6-7; Table 4 & 6).

The losses the PFE has experienced are significant and are all a direct result of the recent and compounding Amendments and Framework Adjustments to the federal management system. Due to this economic hardship, capital improvements have been held-off, with PFE infrastructure & equipment being mostly outdated and lacking needed repairs. The recent generous financial support of the City of Portland has allowed the PFE to keep its doors open; however, this support is a short-term fix and the PFE cannot continue to operate in the current regulatory environment.

At this time we are also hearing the first news of sudden and previously unexpected concerns about the status of the Gulf of Maine (GOM) cod stock. While the stock assessment results will not be available until after the SARC review meeting takes place (Nov 28 - Dec 2), it is anticipated that there will be a substantial decrease in the amount of GOM cod each fisherman will be allocated for FY2012. With GOM cod being the primary targeted species for Maine fishermen, this decrease in allocation will further contribute to the instability the groundfish industry is currently facing during the transition to the new catch shares management system.

Once again, the State of Maine is requesting your assistance to help preserve our cultural and historic participation in the groundfish fishery, while we adhere to the decreased fishing rates that are necessary to rebuild the multispecies stock back to sustainable levels. It would be a serious injustice to our maritime heritage if only a few fishermen, primarily from outside of Maine, were able to maintain future access to this marine based livelihood.

The Maine Department of Marine Resources is committed to working cooperatively with your department on this matter and is ready to assist your staff with the evaluation of this request. Please let us know what additional information you may require. Acting Commissioner Patrick Keliher can be reached at 207-624-6553 or by email at Patrick.Keliher@maine.gov.

Sincerely,



Paul R. LePage
Governor

cc: Senator Olympia Snowe
Senator Susan Collins
Congressman Mike Michaud
Congresswoman Chellie Pingree