

**Congress of the United States**  
**Washington, DC 20515**

July 31, 2015

Ms. Eileen Sobeck  
Assistant Administrator for Fisheries  
NOAA National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Administrator Sobeck:

As the National Oceanic and Atmospheric Administration (NOAA) continues to expand the Northeast Fishery Observer Program (NEFOP) coverage, we are writing to express our concerns with the potential impacts this action would have on the lobster industry in Massachusetts.

Since 1981, the Department of Marine Fisheries' Coastal Lobster Investigations Project has monitored the stocks of the American lobster along the coast of Massachusetts. This program conducts annual sea samplings of biological data from several coastal regions in the Commonwealth during a given season. Through the Investigations Project, commercial lobstermen volunteer to have scientists onboard their vessels to monitor daily catches and discards of both lobster and finfish. The information gathered on these trips is then converted into a fisheries population dynamics model that is made publicly available through the Atlantic States Marine Fisheries Commission. This data is coupled with the 2015 management plan for the stock, which was approved by NOAA and incorporates requirements for specified gear types and area restrictions. At a time when financial resources to federal agencies are limited, efforts by NOAA to expand the NEFOP to a subset of lobster vessels that hold federal permits, and to require Vessel Trip Reports in order to meet the requirements of the Standardized Bycatch Reporting Methodology (SBRM) appear duplicative and unnecessary.

Additionally, with at-sea monitoring funds for the remainder of the 2015 fishing year expected to run out by mid-August, NOAA will require fishermen to cover the costs of having observers aboard. For New England groundfishermen, the cost is estimated to be \$650 to \$800 per trip, causing many workers to leave the fishery to pursue more economically viable livelihoods in other industries. While NOAA has indicated that lobstermen will not be financially responsible for observer coverage during the 2015 season, the agency has not indicated if this will be the case in subsequent years.

Our constituents have also expressed their frustrations over NOAA's failure to address the serious safety issues that could result from adding observers and their equipment on the small vessels that comprise the majority of the Massachusetts lobster fleet. If an accident does occur involving an observer, it is unclear to the industry as to who would be financially liable, and the

attendees at NOAA's June 4<sup>th</sup> informational meeting were frustrated by the agency's inability to provide a clear answer to this important question. Many in the lobster industry simply cannot afford the costs for legal services that would be required in the event of an observer injury.

NOAA's at-sea monitoring and observer programs are vital in the assessment of the health of fish populations along the coasts of the United States. The real-time information and catch data that is collected through these initiatives allow both federal and state agencies to determine best practices for conservation and sustainable management of our fisheries. We are encouraged by NOAA's intentions to gather the best data possible regarding groundfish bycatch rates throughout New England's fisheries. However, the agency needs a comprehensive plan to address the concerns raised by the Massachusetts lobstermen whose industry is directly impacted by expansion of the NEFOP. We request that you provide clarity to our constituents on the questions they have raised relating to the cost, duration, and responsibility for the safety of observers onboard vessels.

Thank you for your prompt attention to this important matter.

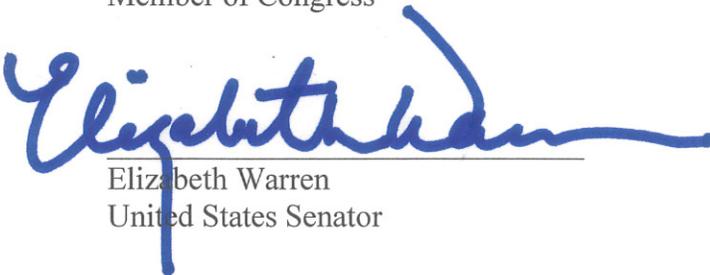
Sincerely,



Seth Moulton  
Member of Congress



Edward J. Markey  
United States Senator



Elizabeth Warren  
United States Senator



Stephen F. Lynch  
Member of Congress



William Keating  
Member of Congress

CC: Dr. Kathryn Sullivan, Administrator, National Oceanic and Atmospheric Administration