

**MATT STOMMELL  
ROBERT LANE  
JAMES ODLIN  
VITO GIACALONE  
STEPHEN LEE  
ROBERT TETRAULT**

October 24, 2002

**VIA FACSIMILE AND HAND DELIVERY**

V ADM Conrad Lautenbacher, Jr.  
Undersecretary of Commerce for Oceans and Atmosphere  
United States Department of Commerce/NOAA  
14<sup>th</sup> and Constitution Avenues, NW  
Room 5128  
Washington, DC 20230

Dr. William T. Hogarth  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East West Highway SSMC3  
Silver Spring, MD 20910

**VIA FACSIMILE**

Ms. Patricia Kurkul, Regional Administrator  
NOAA/National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, MA 01930

**Re: Albatross IV-- Continuing Failures**

Dear Admiral Lautenbacher, Mr. Hogarth, Ms. Kurkul:

It is with regret, but resolve, that fishermen from the Northeast groundfish fleet write to explain why we cannot at this time continue participating in your Agency's efforts to minimize the very serious effects of the clear mishandling of trawl surveys over

Admiral Lautenbacher, Assistant Administrator Hogarth, Regional Administrator Kurkul  
October 24, 2002  
Page 2

recent years. On a moment's notice we took time from fishing, sent our men to workshops and out to sea with your employees, in the hopes that a fisherman's warning of clear negligence would have changed the attitude and approach of science professionals within NMFS and at Woods Hole, and brought us all improved surveys and science. Regrettably, that has not been the case. We cannot at this time continue to participate in what is an effort to paper-over the systemic problems, and white-wash results. While we have clamored for cooperative research and fishing methods for some time, the short version of our concern is that using us to achieve a predetermined result--minimizing the import of the improper survey methods--is not the cooperative research we had in mind. Until we see a better plan, a better protocol, and frankly a better attitude, we have regretfully determined that we cannot continue to help you grope for the easiest possible out.

The trawl surveys have been proven unreliable. And the quick "fix" we see coming will not make your unsupportable science reliable. If this were academic, we could erase the chalkboard and start over; but we are talking about a fishery the health of which is in all of our interests, and entire communities of fishing families who may no longer rely on your indifference. We ask you with great earnestness and urgency--please demonstrate a more serious commitment to getting the science right than that which you have shown. The integrity of your Agency, and our ability to be regulated by it, rest on this.

A brief recap makes it seem as if we are dealing with a B-rate slapstick movie, not the premier science unit of one of this great Nation's better-funded agencies. We attach for you a more comprehensive chronology of how the situation has gone from bad to worse, a letter written by a fishermen to you on October 15<sup>th</sup>, 2002. But the shorter version is as follows:

An experienced fishermen tried to get officials responsible for the *Albatross IV* to fix the clearly uneven trawl wires, even offering his own money to have it fixed. He was told, essentially, not to fret, go away. After three years of rebuffed attempts, the error was acknowledged, after the fishermen warned louder, and to more in the public. Immediately NMFS was interested in our participation in a short cruise to help them determine what could be changed and improved. We agreed; we had been asking for cooperative research for years. On September 20<sup>th</sup>, 2002, we asked Woods Hole in writing [see *attached*] for scientific and methodological information that would help us determine the gravity of the errors, and help inform how to improve the trawl surveys: we were told that they didn't have the time to provide us this information. We participated in the survey nonetheless, from which we were able to identify a host of issues in addition to the uneven trawl wires.

A lengthy and well-attended workshop for scientists, NMFS' employees, and fishermen, was arranged. Notwithstanding clear suggestions from fishermen about problems with the vessel unrelated to the trawl wires, the October survey was carried on

Admiral Lautenbacher, Assistant Administrator Hogarth, Regional Administrator Kurkul  
October 24, 2002  
Page 3

as if the Agency wasn't already under a cloud. Even after scrutiny and pointed suggestions for remedial acts, this survey relied on random tows, random nets, random doors and a host of other problems that were pointed out by fishermen but not addressed.

To our regret, it got worse. A consensus document laying out priorities for improved science and survey methods was hammered out, under a great deal of time pressure and scrutiny. Immediately thereafter, NMFS backed away from a key point of agreement--the calibration of coefficients/use of commercial fishing vessels in tandem with the *Albatross IV/Delaware*. In addition, there is a host of improvements that fishermen recommended to help ensure a science that is more reliable in the future, but the Agency appears to do triage, and recommends only a few. We seriously question whether our expertise, time and skills are being relied on to improve this fishery, or to hasten a result which was already determined--charge ahead with restrictions on fishing based on a house of cards.

A log entry from the *Albatross IV* from October 19th (which has now been deleted after a firestorm of criticism occurred) has metaphorically sent us off the edge. In our view, it underscores the unprofessional, uncommitted attitude that key officials manifest. It reads:

"[w]e have just received confirmation of the addition of a 5<sup>th</sup> leg to this fall groundfish survey. This is in response to recent public outcry over the use of wires that might have been mismarked. It is being put together quickly in direct response to pressure from commercial fishermen. The one thing that we are reminded of is of the sacrifices of the crew of this ship. Once again, the little things we plan for based on the schedule of the ship have to be changed at the last moment. But overall, the majority of us desire to assist in solving this problem to ensure accurate information is provided to the fishery management councils."

With respect for the commitment of government employees, you may from this entry understand better why we think we are being used. Candor is greatly appreciated on the docks up here, and this entry log is as candid as they get: the wires "might have been mismarked", and we're going through this because of "pressure from commercial fishermen".

It was our understanding that we could all agree that the wires were mismarked, that errors have been rampant, and covered-up, and that the government puts effort into analyzing and improving its methods because it's the right thing to do; because people's lives and careers depend on the integrity of methods and operations. Apparently we have been mistaken.

Admiral Lautenbacher, Assistant Administrator Hogarth, Regional Administrator Kurkul  
October 24, 2002  
Page 4

Until we can see better evidence of a willingness to get better science because it's the right thing to do, until we can see an attitude of wanting to have the very best methods because we are a great nation whose ability to regulate its people rests on their sense that the regulations are fair, we respectfully decline to be your partners at this time. *To be clear, as fishermen whose livelihoods depend on a healthy fishery and sound science, we are eager to restore a cooperative, working relationship between ourselves and your Agency. We will do everything we can to help you restore that relationship. We are not quite there yet.*

Sincerely,

Matt Stommel

Robert Lane

James Odlin

Vito Giacalone

Stephen Lee

Robert Tetrault

Enclosures