



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

October 25, 2010

The Honorable John D. Rockefeller IV
Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This letter provides the views of the Department of Commerce (Department) on S. 2856 and H.R. 4369, the International Fisheries Agreement Clarification Act, which would facilitate transboundary fishery management with Canada in the Northeastern United States.

The Department recognizes, appreciates, and supports the intent of the legislation to treat the United States–Canada Transboundary Resource Sharing Understanding (Understanding) in a similar fashion to international agreements under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for fishery management purposes.

The Understanding is a nonbinding, consensus-based process for specifying annual catch recommendations for transboundary Georges Bank groundfish stocks. Effective U.S. management of these transboundary stocks is intertwined with, and dependent upon, the Understanding and continued cooperation with Canada. As with recognized international agreements, it is necessary to provide the United States with added flexibility for the purpose of negotiating with Canada mutually acceptable harvest limits of these stocks.

The Magnuson-Stevens Act provides an exemption from its rebuilding time period provisions in cases where management measures dictate otherwise under an international agreement in which the United States participates. The goals of, and activities conducted under, the Understanding are similar to those under international fishery agreements that qualify for this exemption. Therefore, consistent with the intent and purpose of the Magnuson-Stevens Act section granting this exemption to fish stocks subject to international agreements, it is appropriate to allow limited flexibility in setting rebuilding timeframes for fish stocks subject to the Understanding.

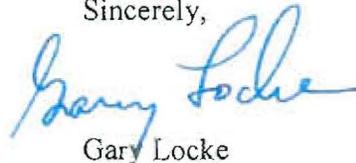
The Understanding was incorporated into the management scheme of the Northeast multispecies fishery management plan in 2004. Since that time, the Understanding has facilitated management of transboundary stocks in a manner consistent with the provisions of the Magnuson-Stevens Act. The Understanding has resulted in reduced fishing mortality, progress toward rebuilding the pertinent shared stocks, increased economic benefits for U.S. fishermen, and enhanced certainty in the fishery. Without this cooperation, conservation and management efforts would have been negatively impacted. Enacting this legislation would authorize the requisite flexibility for cooperative management to continue.

The Department strongly supports the International Fisheries Agreement Clarification Act, as proposed to be amended by Senator Snowe (see attached proposal) to allow limited flexibility regarding the rebuilding requirements of the Magnuson-Stevens Act, provided certain conditions are met.

The Department appreciates this opportunity to present its views. The Office of Management and Budget advised the Department that there is no objection, from the standpoint of the Obama Administration's program, to the submission of the views expressed in this letter for the consideration of Congress.

I commend Senator Snowe, Congressman Frank, and the bipartisan New England Congressional Delegation for their continued commitment to building sustainable fisheries and fishing communities. If you have any questions, please contact April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,



Gary Locke

Enclosure

cc: Senator Olympia J. Snowe
Representative Barney Frank

IDENTICAL LETTERS SENT TO:

The Honorable Kay Bailey Hutchison
Ranking Member
Senate Commerce, Science and Transportation

The Honorable Nick J. Rahall II
Chairman
House Committee on Resources

The Honorable Doc Hastings
Ranking Member
House Committee on Resources

AMENDMENT NO.

CAL. NO.

September 29, 2010

Purpose: To revise section 2 of the bill as reported.

IN THE SENATE OF THE UNITED STATES—111TH Cong., 2D Sess.

S. 2856, 111TH Congress, 2D Session

SEPTEMBER —, 2010

() Referred to the Committee on _____ and
ordered to be printed

() Ordered to lie on the table and to be printed

INTENDED to be proposed by Ms. SNOWE

Viz: Strike out all after the enacting clause and insert the
following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “International Fisheries
3 Agreement Clarification Act”.

4 **SEC. 2. INTERNATIONAL FISHERY AGREEMENT.**

5 Consistent with the intent of provisions of the Mag-
6 nuson-Stevens Fishery and Conservation and Management
7 Act relating to international agreements, the Secretary of
8 Commerce and the New England Fishery Management
9 Council may—

10 (1) take into account the United States-Canada
11 Transboundary Resource Sharing Understanding

1 and decisions made under that Understanding for
2 purposes of section 304(e)(4)(A) of the Act (16
3 U.S.C. 1854(e)(4)(A));

4 (2) consider decisions made under that Under-
5 standing as “management measures under an inter-
6 national agreement” that “dictate otherwise” for
7 purposes of section 304(e)(4)(A)(ii) of the Act (16
8 U.S.C. 1854(e)(4)(A)(ii); and

9 (3) establish catch levels that exceed the catch
10 levels otherwise required under the Northeast Multi-
11 species Fishery Management Plan if—

12 (A) overfishing is ended immediately;

13 (B) if subject to a rebuilding plan, the
14 fishing mortality level allows for progress to-
15 ward rebuilding; and

16 (C) such catch levels are consistent with
17 that Understanding.

18 **SEC. 3. EFFECTIVE DATE.**

19 Section 2 shall apply with respect to fishing years be-
20 ginning after April 30, 2010.

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