



STATE OF MAINE
OFFICE OF THE GOVERNOR
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AUGUSTA, MAINE
04333-0001

JOHN ELIAS BALDACCI
GOVERNOR

September 26, 2008

The Honorable Carlos M. Gutierrez, Secretary
Department of Commerce
1401 Constitution Avenue
Washington DC, 20230

Dear Secretary Gutierrez,

The State of Maine formally requests that you declare the Northeast multispecies fishery a failure under section 312 (a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Act). While this request follows your formal rejection of my previous appeal in 2007, the severe cumulative impacts of the current management measures have resulted in the continued decline of the multispecies resource and of Maine's groundfish industry. The combination of two vessel/permit buybacks, severe cuts in days at sea, large area and rolling closures, increased mesh sizes and trip limits have greatly reduced the fishing effort, but with the exception of haddock have not successfully rebuilt the Gulf of Maine (GOM) stocks.

The overall news from the final GARM 3 report is grim. The mortality reductions needed for the GOM are in the 40% range. With the exception of haddock, plaice and redfish in the GOM, the report concludes that 11 of the multispecies stocks are now both overfished and experiencing overfishing compared to 7 in 2004. In the GOM, pollock, witch flounder, winter flounder and northern windowpane flounder have seriously deteriorated in status.

For the State of Maine, the cumulative impact of multiple Amendments and Framework Adjustments has eliminated over three quarters of the active groundfish fleet since the early 1990's. There are currently around 70 vessels compared to 350 vessels prior to the first buyback program. Over the same time period, the overall landings have also dropped over three quarters from a high of 44.8 million pounds (worth approximately \$33 million) in 1991 to 9.7 million pounds (worth approximately \$10.3 million) in 2007. Consequently, the shore-side infrastructure associated with the groundfish fleet has greatly declined. The Portland Fish Exchange is forecasting 8 million pounds for this calendar year; 8-9 million pounds is barely their break-even point. Portland's remaining gear shop has closed, and many large and small vessel owners are reducing their maintenance and safety schedules to the point where there are clear concerns for human safety. For a number of reasons, the exodus of large vessels to Massachusetts also continues. With the \$13 million of emergency relief funds recently distributed, the



Maine based boats that left all received assistance. I am very concerned that the majority of Maine's off-shore boats will eventually re-locate and that the historic groundfish ports of Port Clyde and further Downeast will soon cease to exist. With the recent high cost of fuel, a number of draggers have not fished, or have only made a hand-full of trips since the price sky-rocketed. Some boats have been tied-up since April. The cost of fuel has eliminated any margin of profit that these boats used to make. I have been advised that many off-shore draggers barely break-even or perhaps loses money on a fishing trip.

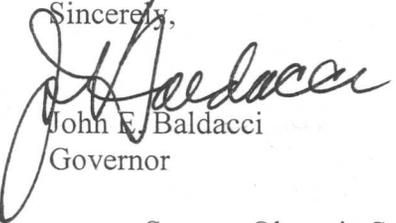
Maine, together with the New England Fishery Management Council and the National Marine Fisheries Service, has been committed to aggressively rebuilding the groundfish stocks in order to sustain our fishery. Our current work on Amendment 16 and the large number of sector applications clearly demonstrates this commitment but I am extremely concerned that Maine's future in the ground fishery will be threatened without your help through a declaration under the Act.

I am requesting your assistance to help the people of the state of Maine secure their cultural and historic participation in the ground fishery at the decreased fishing rates that are necessary to rebuild the multispecies stock back to sustainable levels. It would be a serious injustice if only a few fishermen, primarily from outside of Maine, were allowed future access to this fishery.

The Maine Department of Marine Resources is ready to assist your staff evaluate this request. Commissioner George Lapointe can be reached at 207-624-6553 or by e-mail at george.lapointe@maine.gov.

Thanks you for your consideration of this request which is essential to the survival of Maine's remaining and future groundfish industry.

Sincerely,



John F. Baldacci
Governor

cc: Senator Olympia Snowe
Senator Susan Collins
Congressman Tom Allen
Congressman Michael Michaud