



UNITED STATES DEPARTMENT OF COMMERCE
The Inspector General
Washington, D.C. 20230

February 26, 2009

MEMORANDUM FOR: Dr. James W. Balsiger
Acting Assistant Administrator for Fisheries

A handwritten signature in blue ink that reads "Todd J. Zinser".

FROM: Todd J. Zinser

SUBJECT: Northeast Fisheries Science Center

With this memorandum we are transmitting our recommendations resulting from our investigation into a series of issues regarding the work and scientific methods of the National Marine Fisheries Service's (NMFS) Northeast Fisheries Science Center. Our investigation was conducted pursuant to an August 28, 2008, request from Senators Snowe, Collins, Kennedy, and Kerry. On Feb 26, 2009, we sent our response to the Senators detailing our findings with respect to their specific concerns about "the quality of the science used to determine catch limits for New England commercial fisheries" and related allegations from the fishing industry and non-NOAA scientists.

Although we found merit with several of the specific allegations, overall we found the Science Center meets the "best available science" requirements of National Standard 2. We also found issues with NMFS' management of a particular FOIA request, but did not do additional work on these issues since they are beyond the scope of this review.

Our investigation of the allegations concerning the groundfish industry found an underlying lack of confidence in NOAA among industry members in this region. This finding echoes a conclusion from a 1998 National Research Council review of the Northeast Fishery Stock Assessments: "stock assessment science is not the real source of contention in the management of New England Groundfish fisheries ... the social and economic concerns created by strong management measures and lack of participation in the management process were the more important concerns."¹



¹ National Research Council. 1998. *Review of Northeast Fishery Stock Assessments*, p. 7.

The history of contention between the groundfish industry and NOAA in the northeast, where industry views NOAA as biased towards conservation goals, provides the backdrop for the decisions made by NOAA that impact the northeast groundfish industry. Of the nine allegations we examined, we concluded that six are the result of ineffective communications and ongoing tension between the groundfish industry and NOAA.

The challenges inherent to balancing a sustainable fishery with industry's interests, coupled with ineffective efforts to rebuild stocks, have contributed to this unproductive relationship.

In our view, the lack of trust and confidence in NOAA by the groundfish industry manifests itself as doubt in the science. Our investigation ultimately turned its focus on what NOAA is doing and can do to improve its relationship with the groundfish industry. Without an improved relationship, we believe the science will continue to be questioned.

To address the allegation that NMFS has denied the fishing industry access to essential scientific data, we examined one particular data access issue related to a Freedom of Information Act (FOIA) request, including the transparency of NMFS' procedures for responding to data requests, the timeliness of its response, and the appropriateness of costs it charged to process the request. In this case, we found that the FOIA process was loosely managed, and internal and statutory deadlines were not met. With respect to the allegation regarding sea scallops and turtle interactions, early discussions with industry representatives and NOAA officials and scientists indicated that this is an important issue, however, this matter is the subject of litigation and therefore not appropriate for our office to review at this time.

A copy of our response to the Senators is attached. Our recommendations are as follows:

Recommendation #1:

NMFS should enhance the participation of the northeast groundfish industry in the fisheries management process by:

- (a) incorporating data from scientifically rigorous groundfish industry-based surveys (such as industry-based surveys in the sea scallop and monkfish industries);
- (b) doing more targeted cooperative research with the groundfish industry;
- (c) improving communication and education efforts with the groundfish industry, including making the Science Center website more user-friendly and easier to navigate; and
- (d) highlighting creative efforts of groundfish industry members working towards sustainable, profitable local fisheries.

Recommendation #2:

NOAA should clarify its policy on the multi-species exemption.

Recommendation #3:

NOAA should more aggressively pursue ecosystem approaches to fisheries management, which require additional data and new models.

Recommendation #4:

NMFS should examine why statutory deadlines were not met for this particular FOIA request, and ensure that it meets the statutory FOIA requirements and NOAA's internal guidelines for FOIA requests by holding NMFS staff responsible for FOIA responses accountable for process deadlines.

Please advise us of the actions you propose to take in response to our recommendations within 30 days of the date of this memorandum. If you have any questions, please call me at (202) 482-4661 or Judith Gordon at (202) 482-5643.

Thank you for the courtesies extended to my staff during this review.

cc. Judith J. Gordon, Assistant Inspector General for Audit and Evaluation
Mary M. Glackin, Deputy Undersecretary for Oceans and Atmosphere
John Oliver, Deputy Assistant Administrator for Operations, NMFS
Mack Cato, NOAA Audits