

September 29, 2009

U.S. Senate
Washington, DC 20515
RE: Oppose *The Flexibility in Rebuilding American Fisheries Act of 2009 (S. 1255)*

Dear Senator:

As scientists from across the nation, we ask you to maintain America's legal commitment to quickly rebuilding depleted fish populations. The health of marine ecosystems depends in large part on sustaining fish populations at healthy levels, making rebuilding depleted fish populations a federal management priority. As such, we strongly urge you to oppose S. 1255, a bill which would weaken requirements to rebuild.

Decades of managing for short-term economic gain and ignoring scientific recommendations has left 46 fish populations at unsustainably low levels and 41 populations experiencing overfishing, according to the most recent data from the National Marine Fisheries Service. The reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) addresses these challenges by elevating the role of science in fisheries management, mandating an end to overfishing, and strengthening the requirement to rebuild depleted fish populations.

The MSA requires rebuilding to be completed in a time frame that is "as short as possible," and no longer than 10 years, unless not biologically possible. This deadline was based on a conservative estimate of expected rebuilding times of federally managed fish derived from the best available science, as described by Safina *et al.* (2005) in "U.S. Ocean Fish Recovery: Staying the Course," *Science* (Vol. 309). Furthermore, the MSA gives reasonable exceptions for biological differences in the regeneration time of fish species, international agreements or other environmental factors, thus injecting a degree of flexibility to the legal requirements to rebuild fish populations to sustainable levels.

Recently, however, two bills have been introduced that would weaken the MSA's rebuilding requirements, effectively undermining current rebuilding efforts. S. 1255 would add loopholes and exceptions that delay rebuilding deadlines and favor short-term economic gains over the long-term health of fish populations and coastal communities.

Delaying rebuilding may have significant adverse impacts that reverberate throughout marine ecosystems, affecting prey and predator relationships and impeding depleted species' ability to recover.

While we recognize the need for flexibility in managing variable natural systems, we believe that the MSA already provides a sufficient level of flexibility. Now is the time to remain true to Congress' intent to end overfishing and rebuild depleted fish populations. If sustainably managed today, fish can be important renewable resources that provide sustenance and income for many generations to come.

Thank you for your consideration.

Sincerely,

The following 118 signatories are listed alphabetically, by state. Note: individual signatories' institutions are given for identification purposes only and do not constitute an endorsement on the part of the institutions of information contained in this letter.

ARIZONA

Leah Gerber, Ph.D.

Associate Professor, School of Life Sciences
Arizona State University
Tempe, AZ

CALIFORNIA

David G. Ainley, Ph.D.

Senior Ecologist
H.T. Harvey & Associates, Ecological Consultants
Los Gatos, CA

Richard Ambrose, Ph.D.

Professor and Director, Environmental Science and Engineering Program
University of California, Los Angeles
Los Angeles, CA

Gail Ashton, Ph.D.

Post-Doctoral Fellow
Smithsonian Environmental Research Center
San Francisco, CA

John C. Avise, Ph.D.

Distinguished Professor of Ecology and Evolution
University of California, Irvine
Irvine, CA

James P. Barry, Ph.D.

Senior Scientist
Monterey, CA

Peter Castro, Ph.D.

Professor of Biological Sciences
California State Polytechnic University, Pomona
Pomona, CA

Paul K. Dayton, Ph.D.

Professor of Marine Ecology, Scripps Institution of Oceanography
University of California, San Diego
La Jolla, CA

Steve Gaines, Ph.D.

Director, Marine Science Institute
University of California Santa Barbara
Santa Barbara, CA

Thomas R. Haglund, Ph.D.

Principal Senior Scientist
San Marino Environmental Associates
San Marino, CA

Ellen Hines, Ph.D.

Associate Professor, Department of Geography and Human Environmental Studies
San Francisco State University
San Francisco, CA

Jeremy Jackson, Ph.D.

Professor of Oceanography, Scripps Institution of Oceanography
University of California, San Diego
La Jolla, CA

John L. Largier, Ph.D.

Professor of Coastal Oceanography, Bodega Marine Laboratory
University of California, Davis
Davis, CA

Rebecca Lewison, Ph.D.

Assistant Professor, Biology Department
San Diego State University
San Diego, CA

Catherine S. McFadden, Ph.D.

Vivian and D. Kenneth Baker Professor of Biology
Harvey Mudd College
Claremont, CA

Fiorenza Micheli, Ph.D.

Associate Professor, Hopkins Marine Station
Stanford University
Pacific Grove, CA

Kathy Ann Miller, Ph.D.

Research Associate, University Herbarium
University of California, Berkeley
Berkeley, CA

Peter E. Miller, Ph.D.

Principal Scientist, Biology Department
Southern California Coastal Water Research Project
Costa Mesa, CA

Steven G. Morgan, Ph.D.

Professor, Bodega Marine Laboratory
University of California, Davis
Davis, CA

Richard Murphy, Ph.D.

Director, Science and Education
Ocean Futures Society
Santa Barbara, CA

Wallace "J." Nichols, Ph.D.

Research Associate, California Academy of Sciences
Founder/Co-Director, Oceanrevolution.org
Davenport, CA

Karina J. Nielson, Ph.D.

Associate Professor of Biology
Sonoma State University
Rohnert Park, CA

Geoff Shester, Ph.D.

Senior Science Manager of Seafood Watch
Monterey Bay Aquarium
Monterey, CA

Theresa Sinicrope Talley, Ph.D.

Postdoctoral Researcher, Scripps Institution of Oceanography
University of California, San Diego
La Jolla, CA

Richard Vance, Ph.D.

Professor Emeritus, Department of Ecology and Evolutionary Biology
University of California, Los Angeles
Los Angeles, CA

Nicholas C. Wegner, Ph.D.

Postdoctoral Researcher Scholar, Scripps Institution of Oceanography
University of California, San Diego
La Jolla, CA

Inge Werner, Ph.D.

Associate Adjunct Professor and Director, Aquatic Toxicology Laboratory
University of California, Davis
Davis, CA

Rob Wilder, Ph.D.

Chief Executive Officer
WilderShares, LLC.
Encinitas, CA

COLORADO

Baylor Fox-Kemper, Ph.D.

Assistant Professor, Department of Atmospheric and Oceanic Sciences
University of Colorado at Boulder
Boulder, CO

CONNECTICUT

Peter Auster, Ph.D.

Research Associate Professor of Marine Sciences
University of Connecticut
Groton, CT

DISTRICT OF COLUMBIA

Helen E. Fox, Ph.D.

Marine Conservation Biologist, Conservation Science Program
World Wildlife Fund
Washington, DC

Dennis Heinemann, Ph.D.

Senior Scientist
Ocean Conservancy
Washington, DC

Michael Hirshfield, Ph.D.

Chief Scientist and Senior Vice President for North America
Oceana
Washington, DC

Kiho Kim, Ph.D.

Chair, Department of Environmental Science
American University
Washington, DC

Glenn-Marie Lange, Ph.D.

Senior Economist, Policy and Economics
The World Bank
Washington, DC

Naomi A. Rose, Ph.D.

Senior Scientist
Humane Society International
Washington, DC

FLORIDA

Andrew C. Baker, Ph.D.

Assistant Professor, Rosenstiel School of Marine and Atmospheric Science
University of Miami
Coral Gables, FL

William P. Davis, Ph.D.

Research Ecologist (retired)
Environmental Protection Agency/Office of Research and Development
Quincy, FL

Dan DiResta, Ph.D.

Coordinator, Marine and Atmospheric Science Program
University of Miami
Coral Gables, FL

David H. Evans, Ph.D.

Emeritus Professor, Department of Biology
University of Florida
Gainesville, FL

Ben Fusaro, Ph.D.

Adjunct Professor of Mathematics
Florida State University
Tallahassee, FL

David Hastings, Ph.D.

Associate Professor of Marine Science
Eckerd College
St. Petersburg, FL

Chuck Hess, Ph.D.

Professor, Department of Biology
Florida State University
Tallahassee, FL

Christine A. Klein, Ph.D.

Chesterfield Smith Professor of Law
University of Florida Levin College of Law
Gainesville, FL

Gary K. Meffe, Ph.D.

Professor of Conservation Biology and Editor of *Conservation Biology*
University of Florida
Gainesville, FL

Reed F. Noss, Ph.D.

Davis-Shine Professor of Conservation Biology
University of Central Florida
Orlando, FL

John C. Ogden, Ph.D.

Director, Florida Oceanographic Institute
University of South Florida, St. Petersburg
St. Petersburg, FL

Gustav Paulay, Ph.D.

Curator of Marine Malacology, Florida Museum of Natural History
University of Florida
Gainesville, FL

Jorge Rey, Ph.D.

Professor, Florida Medical Entomology Laboratory
University of Florida
Vero Beach, FL

Enid Sisskin, Ph.D.

Associate Professor, School of Allied Health and Life Sciences
University of West Florida
Pensacola, FL

D. Scott Taylor, Ph.D.

Central Region Land Manager, Wetlands Scientist & Invasive Exotics
Brevard County Environmentally Endangered Lands Program
Melbourne, FL

Eric A. Treml, Ph.D.

World Wildlife Fund Fuller Fellow at University of Queensland
Osprey, FL

Katie Tripp, Ph.D.

Director of Science and Conservation
Save the Manatee Club
Maitland, FL

GEORGIA

James Byers, Ph.D.

Associate Professor, Odum School of Ecology
University of Georgia
Athens, GA

Dorinda G. Dallmeyer, Ph.D.

Director, Environmental Ethics Certificate Program
University of Georgia
Athens, GA

Gary D. Grossman, Ph.D.

Professor of Animal Ecology, Warnell School of Forestry & Natural Resources
University of Georgia
Athens, GA

HAWAII

M. J. Atkinson, Ph.D.

Professor
Hawaii Institute of Marine Biology
University of Hawaii
Kaneohe, HI

K. David Hyrenbach, Ph.D.

Assistant Professor of Oceanography
Hawaii Pacific University
Honolulu, HI

Kimberly Selkoe, Ph.D.

Postdoctoral Researcher
Hawaii Institute of Marine Biology and National Center for Ecological Analysis and Synthesis
Kane'ohe, HI

Craig Smith, Ph.D.

Professor, Department of Oceanography
University of Hawaii at Manoa
Manoa, HI

ILLINOIS

Stephen J. Mullen, Ph.D.

Professor and Interim Associate Chairman, Department of Biological Sciences
Eastern Illinois University
Charleston, IL

KENTUCKY

John J. Cox, Ph.D.

Adjunct Assistant Professor of Wildlife and Conservation Biology
University of Kentucky
Lexington, KY

MAINE

Malcolm L. Hunter, Jr., Ph.D.

Libra Professor of Conservation Biology
University of Maine
Orono, ME

MARYLAND

Donald F. Boesch, Ph.D.

President, Center for Environmental Science
University of Maryland
College Park, MD

John R. Cannon, Ph.D.

Conservation Biologist, Department of Biology
University of Maryland
College Park, MD

Louis A. Codispoti, Ph.D.

Research Professor, Center for Environmental Science-Horn Point Laboratory
University of Maryland
College Park, MD

Drew Ferrier, Ph.D.

Professor of Biology and Director, Coastal Studies Program
Hood College
Frederick, MD

Anthony R. Picciolo, Ph.D.

Chief Scientist, NOAA's Coral Reef Information System
National Oceanic and Atmospheric Administration
Silver Spring, MD

MASSACHUSETTS

John D. Crawford, Ph.D.

Visiting Scholar, Biology Department
Boston University
Boston, MA

Ron J. Etter, Ph.D.

Associate Professor, Biology Department
University of Massachusetts
Amherst, MA

Rob Moir, Ph.D.

President and Executive Director
Ocean River Institute
Cambridge, MA

L. David Smith, Ph.D.

Associate Professor and Director, Environmental Science & Policy Program
Smith College
Northampton, MA

Megan Tyrrell, Ph.D.

Cape Cod, MA

MICHIGAN

Gary Mittelbach, Ph.D.

Professor, Kellogg Biological Station
Michigan State University
Hickory Corners, MI

Gerald R. Smith, Ph.D.

Professor Emeritus of Zoology
University of Michigan
Ann Arbor, MI

MISSISSIPPI

Chet Rakocinski, Ph.D.

Associate Professor, Gulf Coast Research Laboratory
University of Southern Mississippi
Ocean Springs, MS

MISSOURI

John Faaborg, Ph.D.

Professor of Biological Sciences
University of Missouri-Columbia
Columbia, MO

NEW HAMPSHIRE

Andrew A. Rosenberg, Ph.D.

Professor of Natural Resources and the Environment
University of New Hampshire
Durham, NH

NEW JERSEY

Christopher Claus, Ph.D.

Chief Park Naturalist, Cooper Environmental Center
Cattus Island County Park
Toms River, NJ

David Ehrenfeld, M.D., Ph.D.

Professor II of Biology, School of Environmental and Biological Sciences
Rutgers University, Cook Campus
New Brunswick, NJ

Jessica M. Reichmuth, Ph.D.

Edison, NJ

Judith S. Weis, Ph.D.

Professor, Department of Biological Sciences
Rutgers University
Newark, NJ

NEVADA

Peter F. Brussard, Ph.D.

Professor Emeritus of Biology
University of Nevada
Reno, NV

NEW YORK

Nancy L. Jacobson, Ph.D.

Assistant Professor, Marine Biology
Ithaca College
Ithaca, NY

Arthur H. Kopelman, Ph.D.

President
Coastal Research and Education Society of Long Island
Oakdale, NY

Jeffrey Levinton, Ph.D.

Distinguished Professor, Department of Ecology and Evolution
Stony Brook University
Stony Brook, NY

Eugenia Naro-Maciel, Ph.D.

Marine Biodiversity Scientist, Center for Biodiversity and Conservation
American Museum of Natural History
New York, NY

Carl Safina, Ph.D.

President
Blue Ocean Institute
East Norwich, NY

Susan K. Willson, Ph.D.

Associate Professor, Department of Biology
St. Lawrence University
Canton, NY

NORTH CAROLINA

Ronald Dimock, Ph.D.

Thurman D. Kitchin Professor of Biology
Wake Forest University
Winston-Salem, NC

Paul W. Gabrielson, Ph.D.

Associate, Herbarium Research Associate
University of North Carolina at Chapel Hill
Chapel Hill, NC

Robert "Bob" George, Ph.D.

Professor Emeritus and President
George Institute for Biodiversity and Sustainability
Wilmington, NC

Niels L. Lindquist, Ph.D.

Professor, Institute of Marine Sciences
University of North Carolina at Chapel Hill
Morehead City, NC

Stuart Pimm, Ph.D.

Dorris Duke Professor of Conservation Ecology
Duke University
Durham, NC

John Terborgh, Ph.D.

Research Professor and Director, Center for Tropical Conservation
Duke University
Durham, NC

Shea Tuberty, Ph.D.

Associate Professor of Biology
Appalachian State University
Boone, NC

OREGON

Bruce Coblentz, Ph.D.

Emeritus Professor of Wildlife Ecology
Oregon State University
Corvallis, OR

Richard O'Hara, Ph.D.

Instructor of Life Science
Chemeketa Community College
Salem, OR

PENNSYLVANIA

Jean Geary Boal, Ph.D.

Professor, Department of Biology
Millersville University
Millersville, PA

John A. Cigliano, Ph.D.

Associate Professor and Chair, Department of Biological Sciences
Cedar Crest College
Allentown, PA

SOUTH CAROLINA

Daniel C. Abel, Ph.D.

Associate Professor of Marine Science
Coastal Carolina University
Conway, SC

Willam D. Anderson, Jr., Ph.D.

Professor Emeritus
Grice Marine Biological Laboratory
Charleston, SC

Gorka Sancho, Ph.D.

Associate Professor, Department of Biology
College of Charleston
Charleston, SC

TENNESSEE

Timothy Gaudin, Ph.D.

Associate Professor, Department of Biological & Environmental Sciences
University of Tennessee Chattanooga
Chattanooga, TN

TEXAS

Fran Gelwick, Ph.D.

Associate Professor, Department of Wildlife and Fisheries Sciences
Texas A&M University
College Station, TX

Paul Montagna, Ph.D.

Endowed Chair for Ecosystems Studies and Modeling, Harte Research Institute for Gulf of Mexico Studies

Texas A&M University-Corpus Christi
Corpus Christi, TX

Frank L. Pezold, Ph.D.

Dean, College of Science and Technology

Texas A&M University-Corpus Christi
Corpus Christi, TX

Thomas C. Shirley, Ph.D.

Endowed Chair for Biodiversity and Conservation Science, Harte Research Institute for Gulf of Mexico Studies

Texas A&M University-Corpus Christi
Corpus Christi, TX

John W. (Wes) Tunnell, Jr., Ph.D.

Associate Director, Harte Institute for Gulf of Mexico Studies

Texas A&M University-Corpus Christi
Corpus Christi, TX

VIRGIN ISLANDS

Simon J. Pittman, Ph.D.

National Oceanic and Atmospheric Administration, Biogeography Branch

University of the Virgin Islands
St. Thomas, VI

VIRGINIA

Malcolm Hill, Ph.D.

Associate Professor and Chair, Department of Biology

University of Richmond
Richmond, VA

Judith C. Lang, Ph.D.

Scientific Coordinator

Atlantic and Gulf Rapid Reef Assessment Project
Ophelia, VA

G. Carleton Ray, Ph.D.

Research Professor, Department of Environmental Sciences

University of Virginia
Charlottesville, VA

WASHINGTON

P. Dee Boersma, Ph.D.

Wadsworth Endowed Chair in Conservation Science
University of Washington
Seattle, WA

Patrick Christie, Ph.D.

Associate Professor, School of Marine Affairs and Jackson School of International Studies
University of Washington
Seattle, WA

Martha Groom, Ph.D.

Professor of Conservation Biology
University of Washington
Seattle, WA

E. Eric Knudsen, Ph.D.

Consulting Fisheries Scientist
Past President, Western Division American Fisheries Society
Mt. Vernon, WA

Alan J. Kohn, Ph.D.

Professor of Biology, Emeritus
University of Washington
Seattle, WA