

**American Bluefin Tuna Association  
Blue Water Fishermen's Association**

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Congressman Barney Frank  
2252 Rayburn Building  
Washington, D.C. 20515

Dear Congressman Frank:

This letter is to request your help with our North Atlantic bluefin tuna fishery that faces a proposal to list Atlantic bluefin tuna under Appendix I of the Convention on Trade in Endangered Species of Flora and Fauna (CITES). If adopted at the CITES meeting in March 2010, this proposal would eliminate all international trade in this fish including with the most valuable marketplace: Japan. As you are well aware, the bluefin tuna fishery provides thousands of jobs and millions of dollars of economic activity to the Commonwealth and residents of the Fourth Congressional District. Three of the five purse seine vessels now dock in Fairhaven at Harbor Blue Fisheries. These vessels once annually landed approximately 386 metric tons valued in excess of \$7.2 million dollars with their 18.6% share of the total US bluefin quota. They also have full time scallop permits and employ fishermen, dockside workers and boat yard workers year round from cities and towns surrounding New Bedford, Fairhaven and Dartmouth.

There are also substantial U.S. pelagic longline bluefin catches landed in ports extending from Portland, Maine to Galveston, Texas. Several of these vessels have homeports in New Bedford where they purchase their gear and provisions, and offload their catches of swordfish, bluefin tuna and many other species.

No state in the country benefits more than Massachusetts from the US share of the sustainable international quota of the western stock of Atlantic bluefin tuna (52 to 57%) set by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The value of this quota peaked in landings worth over \$32 million during the 1990's. Massachusetts has more General Category Permit holders (8,300) than any other State, and ranks second only to Florida in the number of Angling Category Permit holders (3,900). Collectively, these fisheries generate tens of millions of dollars of commercial and recreational economic activity to Massachusetts, including boat sales and maintenance, herring bait supplied by New Bedford companies like Norpel, Inc. and sales of fishing tackle.

Since 1981, the US bluefin fisheries have been strictly managed according to scientifically based sustainable quotas. The US has maintained a stellar conservation and management compliance record and an ecosystem approach to large pelagic fish and by catch management across all gear types.

Recent satellite tagging information has demonstrated that mixing of eastern and western management stocks has been much greater than previously envisioned by scientists. For example, DNA evidence from one recently published peer-reviewed study suggests that as many as 83% of the small bluefin caught off our MidAtlantic shores is comprised of eastern stock fish spawned in the Mediterranean Sea. This research has also confirmed that a substantial portion of our western stock spawned in the Gulf of Mexico travel eastward to the fisheries off Europe and North Africa. Unfortunately, years of gross non-compliance and over fishing by fishing nations of the European Community and in North Africa has done considerable damage to both the eastern and western stocks and, consequently, to the economics and sustainability of the fisheries off our coast.

The good news is that this pattern of abuse appears to have changed dramatically. Last month at the annual ICCAT meeting held in Recife, Brazil, the Mediterranean fishing nations presented substantial documentation of their progress in placing their bluefin fisheries and fattening farms under an effective regime of monitoring and compliance control. Catches have dropped over the last 3 years from a reported peak in excess of 60,000 mt. to less than 19,000 mt. in 2009.

### **New Agreement**

The most important development at ICCAT was the adoption of a new agreement to establish a rebuilding plan beginning in 2011 designed to completely rebuild the stock by 2023 with a 60% probability. Most scientific experts expect that when a new stock assessment is completed in 2010, this new agreement will have the effect of requiring further quota cuts for the Eastern & Mediterranean fisheries to well below 8,000 mt.

The new conservation agreement in Brazil essentially adopted everything the U.S. asked for and certainly every major objective identified in a Senate Resolution authored by Senators John Kerry, Paul Kirk and Olympia Snowe, among others. The U.S. simply asked that the agreement follow the ICCAT scientific advice for bluefin and ICCAT agreed to do so. Although the 60% probability rebuilding plan will begin just one year later than requested by some US Delegates, this was necessary to provide the EU and other fishing nations with a reasonable timeframe and opportunity to prepare for and implement the massive quota reduction. This is not unlike prior ICCAT actions to phase in catch reductions over several years that were supported by the U.S.

The new agreement also calls for an immediate quota reduction in fishing year 2010 from 22,500 mt to 13,500 and, with required paybacks of overages from previous years, the actual 2010 quota will be closer to 12,000 mt. This is fully consistent with the strong recommendation of the ICCAT scientists (SCRS) for a quota of between 8,000 and 15,000 mt. The SCRS also recommended an 11-month purse seine closure and the agreement includes this along with the elimination of a prior loophole providing additional "bad weather" fishing days.

For western Atlantic bluefin tuna the good biological news is that with the scheduled reduction in western quota to 1,800 mt in 2010, the west will no longer be over fishing

and the ICCAT and NMFS scientists predict full stock rebuilding by 2017 or 2019, depending on the recruitment scenario selected. Thus, there has never been a more productive and constructive year for bluefin conservation than the progress made by ICCAT in 2009. There is no doubt that the Senate Resolution mentioned above combined with the threat of a CITES listing pressured ICCAT to finally get serious about bluefin conservation.

### **Continuing CITES Threat**

Despite the extraordinary breakthrough at ICCAT, it is clear that the Department of Interior's US Fish and Wildlife Service continues to move forward in support of the CITES Appendix 1 listing proposal. The push for CITES is largely being carried out by PEW Charitable Trusts, World Wildlife Fund, Greenpeace and Oceana, among other organizations.

Your office recently announced your intent to call an East Coast Congressional caucus to deal with what you have called "some of the more rigid environmentalists". This is an awfully kind description by you. Frankly, our experience with these "rigid"-or as we prefer, "radical" groups-- is that they place a higher value on an arbitrary timeframe for fish stock recovery and deemphasize human suffering/misery, lost homes, lost careers, and the denial of higher educational aspirations caused by needless accelerated rebuilding time frames. We believe a majority of Americans, if aware, would emphatically reject such prioritization.

In addition, bluefin tuna is not remotely in danger or threatened with extinction. The latest 2008 stock assessment for the East and West suggest 5.2 million fish are prospering in the Atlantic Ocean; more than a million of these are of spawning age. This population constitutes enormous reproduction potential and can rebuild the entire Atlantic very rapidly as occurred with swordfish 3 years ahead of schedule.

There has been no suggestion by any mainstream, credible bluefin tuna scientist to the effect that there is any significant level of capability of a fishery or mankind to fish to extinction a species with the reproductive strategy of a highly migratory, highly fecund, widely distributed tuna species such as the Atlantic bluefintuna. Congressman, these fish swim/dive to depths of 6,000 feet, beyond the reach of most fishing gears. They travel between Argentina and the southern boundaries of the Arctic Circle.

### **Long Term Damage of CITES**

There are serious potential and real problems with a CITES listing; especially if the listing is supported by the U.S. Most importantly, it will undermine U.S. credibility with our partners at ICCAT. After achieving NOAA and Congress's major biological objectives, what kind of message does it send to then support having ICCAT parties stripped of authority or punished with a CITES trade ban for finally heeding the call to conserve? Why would they take the U.S. seriously again on other species we care about like bigeye and yellowfin tuna, sharks, turtles, seabirds, mammals, billfish and more? Most importantly, what kind of a message does it send to compliant US fishermen who have done nothing

to contribute to over fishing but which would suffer enormously by the loss of their bluefin export market?

A CITES listing will likely force countries to take formal "Reservations" freeing them from the trade ban obligation which could spread like a western wildfire. Japan has taken such a Reservation 7 times to every CITES proposal to list marine species. It is likely that Japanese markets will remain open to bluefin if CITES 1 is obtained. Libya, Turkey, Algeria, Taiwan, Philippines, etc. would seek windfall profits to supply shortages from countries likely to abide by the CITES decision, at our competitive disadvantage and resource damage.

A CITES listing will likely encourage a black market for Illegal, Unreported and Unregulated (IUU) fishing, which ICCAT has been seriously fighting and reducing for years. A CITES listing without considering "similarity in appearance" species (the so called "look alike clause") will create a nightmare from an enforcement perspective and lead to a huge increase, part phony part real, of bigeye and yellowfin tuna adding pressure to these stocks.

Meanwhile American fishermen will pay the price for abiding by the law, the science and conserving. We have been doing more, with larger minimum sizes in particular, than any other country to conserve bluefin tuna.

Although the U.S. is a net importer of bluefin our markets cannot absorb the bulk of our production that occurs in five months from June through October. We would be forced to freeze the product and accept a lower value product assuming minus 60degree storage freezers become available. Prices would likely crash and economically cripple the fishery injuring commercial tuna fishermen.

In addition, there is the market stigma attached to consumption of a species listed as threatened with extinction. The environmental groups are already having an impact forcing restaurants and retailers to avoid purchasing or placing on the menu bluefin tuna. The swordfish market, despite the resource being 5% over the biomass producing maximum sustainable yield, still suffers from the Pew Charitable Trusts led "Give Swordfish a Break" campaign.

The American Bluefin Tuna Association has started an online antiCITES petition process to help convince President Obama's administration and Congress of the damage that will be done by U.S. support of a CITES listing. As of today, 2879 organizations and individuals in the fishing industry have signed the Petition against U.S. support for CITES bluefin listing. With the dramatic progress made by ICCAT this past November, it should be given the opportunity to get the job done.

We are, of course, exceptionally pleased and will be supporting your leadership to "create a more equal balance between the reconstruction of fish stocks and community interests". However, our immediate needs do not require such major action as Magnuson Act or other legislative remedies.

We are requesting the highest level of personal communication you can have with President Obama's top appointee's with power to affect the political decision to determine the U.S. CITES position on Atlantic bluefin tuna. This includes, as you determine necessary, officials at the Council on Environmental Quality, Department of Interior, Department of Commerce (including most importantly Dr. Lubchenko, NOAA), Department of State and the U.S. Fish and Wildlife Service. These are the individuals who will make the final determination, as far as we know.

We believe this to be a major issue to the residents and businesses of the Fourth Congressional District and have the highest respect for your continuing outstanding representation locally and nationally. Unfortunately, time is likely critical on your input. The U.S. FWS comment period closes on January 4<sup>th</sup>. We are not privy to when the Administration will make a final decision on the U.S. CITES bluefin position. We are aware that there is a divergence of views within different Agencies and level of bureaucracies. We look forward to hearing back from you.

Sincerely,

Richard P. Ruais  
American Bluefin Tuna Association  
Blue Water Fishermen's Association