

Bluefin extinction myth Part 3:

Evolution of the two-stock hypothesis

In this guest column series, industry advocate Rich Ruais is documenting the history of North Atlantic bluefin tuna fisheries and management, which, he argues, underscores the folly of repeated attempts to list bluefin under the Endangered Species Act (ESA).

Parts 1 and 2 of the series were published in the August and September 2011 CFNs. Part 3 picks up with the filing of the first ESA petition and an examination of the influence high-profile sportfishing organizations had on the early years of the US's participation in ICCAT, the International Commission for the Conservation of Atlantic Tunas.

GUEST COLUMN



by Rich Ruais

—Editor

Atlantic bluefin tuna was the first major species of serious attention at the initial few meetings of the International Commission for the Conservation of Atlantic Tunas (ICCAT) in the early 1970s and the subject of the first reports from ICCAT's Standing Committee on Research and Statistics (SCRS). From the beginning, the US and Canada pressed ICCAT for immediate conservation agreements on bluefin.

In 1973 and 1974, the US demanded a 25% reduction in catches from the 1968-to-1971 average for large fish, a 50% reduction in the harvest of smaller, less-than-seven-year-old fish, and a minimum size of 14 pounds, but to no avail.

ICCAT finally agreed in 1975 to a more modest two-part proposal: a prohibition on the taking and landing of Atlantic bluefin tuna less than 6.4 kilograms with a tolerance; and a limit on fishing mortality Atlantic-wide to recent levels without defining what measures were necessary to achieve the latter measure.

However, not willing to wait for implementation of domestic legislation allowing regulation of US fishermen

under ICCAT agreements – recall that the original 200-mile limit law of 1976 specifically

excluded authority to regulate tunas – the Sport Fishing Institute (SFI) petitioned the secretary of commerce on May 24, 1974 to declare “the northern bluefin tuna of the Atlantic Ocean to be a ‘threatened species’ under Section 4 of the Endangered Species Act (ESA) of 1973.”

Thus, the first petition for an ESA listing for bluefin was submitted and the Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) proceeded on March 25, 1975 with “a notice of proposed determination ... that Atlantic bluefin tuna ... is a threatened species.”

The SFI petition and NMFS fear mongering even convinced *National Fisherman* magazine Editor William Walker to write a bluefin story in the June 1974 issue sub-titled “Biologists See Extinction As Real Threat.”

The proposed SFI ESA petition was eventually “abrogated,” meaning made unnecessary, when President Ford signed the Atlantic Tunas Convention Act of 1975 (ATCA) into law on Aug. 5 and when the “voluntary” 1974 and 1975 tuna industry restrictions became federal regulations upon publication on Aug. 13, 1975 (visit <www.theabta.com> for a summary of the “volunteer” program).

While the US, Canada, and Japan immediately responded to the ICCAT action, the evidence is abundantly clear that no eastern Atlantic fishing country actively fishing for bluefin at the time took any effective conservation measures.

It was business as usual for the next

25 years for the Italians, Moroccans, Spanish, French, and other governments and fishing industries from the artisanal level up to the industrialized fisheries by purse seiners, driftnetters, and longliners, especially on small, now-illegal, undersized bluefin in the eastern Atlantic and Mediterranean Sea.

In fact, exactly 20 years after the SFI ESA petition and the passage of at least one generation of bluefin, catches for the eastern Atlantic and Mediterranean Sea, far from being reduced, had steadily risen to approximately 50,000 metric tons (mt) in 1995 and 1996 – more than double

the level of catches purported to be threatening the stock in 1974 and 1975.

Clearly, the first ESA petition seeking “threatened or endangered with extinction” status was sheer nonsense given the reality of continuing catches.

Rising catches

Interestingly, reported catch from the eastern Atlantic

and Mediterranean Sea during the four-year period 1970-1973 was less than 11,000 mt annually. After the ICCAT discussion and eventual passage of the recommendation to limit mortality to “recent levels,” reported catches for the next four years, 1974-1977, nearly doubled to 20,350 mt.

A similar “phenomenon” occurred and was recognized in ICCAT scientific reports when eastern quota and quota-share discussions began to get more frequent around 1994. The average reported catch from 1990 to 1993 of 28,948 mt jumped to an average catch of 47,930 mt for the four-year period 1994-1997.

ICCAT's SCRS suggested that the spikes in reported catch were strategic responses to provide a basis for claims

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Memorandum for: Commerce Department Officials

From: Helen Runnells, Fisheries Coordinator, National Fish and Wildlife Foundation 202-208-3040

Subject: Participants in Wednesday's meetings at the Department of Commerce

I am forwarding a list of the INTERCOM committee members. As I mentioned on the phone, these individuals formed this group after the 1988 election to promote better management of our fishery resources. Their name is derived from the two departments with major responsibility for marine and inland fisheries, Interior and Commerce. These individuals all contribute their time and expenses to the organization and have no staff.

They will have met with Roger Portax at the White House to discuss the bluefin tuna and advocate a more conservative approach to the management of that fishery.

Their visit to Commerce will focus on broader issues such as more support for Bill Fox, the Director of the National Marine Fisheries Service and for NMFS as an agency within Commerce.

George Barley served on the Florida Fisheries Commission with Fox in the early eighties and has been one of his strongest supporters. Barley has raised considerable funds for the Republican party and hails from Orlando.

George Hommel takes the President bone fishing every year off the coast of Florida and is president of World Wide Sportsman, Inc.

They will also be accompanied by John L. Morris, the founder of Bass Pro Shops, the leading supplier of premium quality fishing tackle which is headquartered in Springfield, Missouri. Morris currently serves as the Chairman of the National Fish and Wildlife Foundation's Board of Directors.

I will be escorting them to their various meetings in the Commerce Department on Wednesday afternoon.

Please don't hesitate to call me if you need additional information.

This National Fish and Wildlife Foundation (NFWF) memo, secured in 1992 by the East Coast Tuna Association, provides evidence of the high-level access and influence wealthy, well-connected individuals can have to achieve their objectives. In this case, the objective was to build support for NMFS SEFC Director Bill Fox's insistence that the US bluefin quota be reduced an additional 50% from the 65% reduction level achieved starting in 1983.

In addition to the personal fishing friends of President George H. W. Bush listed in the memo, INTERCOM Committee members included Curt Gowdy, star TV sports announcer, and Perry Bass, patriarch of a famous Texas oil family, who had a Forbes-estimated fortune in excess of \$9 billion when he died in 2006.

Created by Congress in 1984, NFWF is a nonprofit foundation run by a board of directors – all confirmed by the White House – that partners with the federal government, private corporations, foundations, natural resource agencies, and conservation organizations to secure funds, which it then distributes through natural resource-oriented grant programs. In 2010, combined federal grant and private contributions totaled about \$102 million, with just under 50% coming from the federal government.

Rich Ruais

of higher shares of any eventual quotas should they come to pass.

US stakeholder influence

With the onset of domestic and international management for the western Atlantic, East Coast commercial tuna fishermen found themselves without effective organizational representation in the new and evolving though somewhat remote ATCA process.

Filling the vacuum from the East Coast were well-financed elite recreational billfish groups, including the National Coalition for Maine Conservation led by Savannah, GA surgeon Dr. Frank Carlton and attorney Chris Weld, a partner in the prestigious Boston law firm of Sullivan and Worcester. The International Game Fish Association (IGFA) was another elite group exerting influence beginning in the early 1970s.

SFI, the Sport Fishing Institute led by Gil Radonski, was especially involved over the next 20 years, propelled by its members' and Radonski's bitter reaction to the rejection of their ESA petition.

The driving motivation behind most of these groups was their concern over the increase in billfish bycatch in the Japanese pelagic longline fishery in the Gulf of Mexico and off the East Coast.

Representing Gulf of Mexico big-game interests was attorney Maumus Claverie Jr. of the New Orleans Big Game Fishing Club. Before 1982, Claverie had arranged a voluntary agreement with Japanese interests whereby Japanese fishing operations would not transfer effort to yellowfin tuna in the Gulf. An expanded yellowfin fishery would have interfered more with billfish than the existing fishery targeted on bluefin.

Speaking for the US commercial fishery in the 1970s were representatives of the West Coast tuna canning industry from Van Camp, Star-Kist, Bumblebee, Chicken of the Sea, and other companies. They were joined by leaders of the West Coast tuna "clipper fleet" from San Diego, also known as the "Tuna Capital of the World," first from the American Tunaboat Association and later from the US Tuna Foundation, which was formed in July 1977.

Prior to 1982, there was little or no effective US East Coast commercial influence on bluefin government actions. The first US ICCAT commercial commissioners were West Coast cannery representatives.

Filling the East Coast commercial industry representation vacuum was easy and justified given the San Diego clipper fleet's production of tropical tunas

in the Atlantic off the west coast of Africa. In some years – coinciding with the beginning of US involvement in ICCAT – that production was significant, with catches of over 21,000 mt of skipjack in 1974, over 14,000 mt of Atlantic yellowfin tuna in 1975, and almost 900 mt of Atlantic bigeye in 1974.

Some of this Atlantic effort was exerted, no doubt, to escape the soon-to-explode controversy over purse seiner bycatch of Pacific dolphins, which swam above desirable yellowfin tuna schools. The tuna/dolphin conflict led, in large part, to the passage of the Marine Mammal Protection Act in 1972.

Science shift

Not only was San Diego the tuna-fishing capital of the world in the 1970s, it also was the capital of tuna scientific expertise. Within 30 miles of San Diego, the top world tuna scientists were pursuing tuna research at the Scripps Institution of Oceanography, Inter-American Tropical Tuna Commission, and the NMFS Southwest Fisheries Center (SWFC) in La Jolla, CA. Therefore, it was logical that the SWFC was the leading US contributor to ICCAT in the 1970s.

The first chairman of the US ICCAT Advisory Committee was Gordon

Broadhead, who was originally a scientist for Van Camp Canneries and then founder of the well-respected fishery analysis consulting company, Living Marine Resources Inc. in La Jolla.

In 1975, aware that the Atlantic tuna issues were going to be complicated and would require additional talent, NMFS leadership appointed Dr. Brian Rothschild the new director of the SWFC. He immediately initiated a reorganization. One of the new departments Rothschild created was the Oceanic Fisheries Resource Division and, in 1976, he appointed a new scientist, Dr. William J. Fox, to head up the division with Atlantic responsibilities.

From the beginning, it was clear that Fox had a mission for bluefin, one that might be more difficult to achieve operating in the West Coast shadow of the world's top tuna population assessment talent such as Dr.

Jim Joseph, arguably the 20th century's most renowned tuna expert, Dr. Gary Sakagawa, Rothschild, and many more.

The SWFC scientists were known for demanding well-grounded scientific analysis to support management recommendations and, thus, were characterized by early environmental groups as being "too close to the cannery industry" and reluctant to support aggressive conservation efforts.

At the age of 33, Fox cornered the appointment as director of the NMFS Southeast Fisheries Center (SEFC) in Miami, FL. The move to Miami occurred in 1978.

At least until 1976, the official US scientific "hypothesis" was that "North Atlantic bluefin tuna may constitute a single stock to which recruitment is contributed by older spawners in the Gulf of Mexico and younger ones in the Mediterranean Sea" (J. Tyler, R. Baglin, F. Berry, W. Parks, and L. Rivas, ICCAT Working Document SCRS/1976 with all authors from the NMFS SEFC).

Given the refusal of eastern ICCAT nations to implement even the minor 1974 action on minimum size and cap on effort, the single stock hypothesis was seen by Bill Fox and others as a political impediment to getting more serious restrictions in place on western commercial fisheries. The notion of unilateral western action, lacking scientific justification of some probability

of success on an Atlantic-wide resource, was not yet generally accepted, except among the most radical anglers and environmental groups.

A new "hypothesis"

"There is one great difficulty with a good hypothesis. When it is completed and rounded ... it is likely to become a thing in itself, a work of art. ... Even if subsequent information should shoot a hole in it, one hates to tear it down. ... When a hypothesis is deeply accepted, it becomes a growth, which only a kind of surgery can amputate." – "The Log from the Sea of Cortez," 1941.

This quote by John Steinbeck, author of "The Grapes of Wrath," "Of Mice and Men," and "Cannery Row," is a remarkable summation of the situation and what happened next.

The single-stock working hypothesis had to be changed so the argument could be that

the west could protect itself even without conservation in the larger eastern fisheries.

It didn't help this cause when Chris Weld returned from the 1975 ICCAT meeting and reported in a memorandum to the National Coalition for Maine Conservation Frank Mather's conviction that the real concern was the severe pressure on every age group in the eastern stock and on the more important spawning grounds.

In his memo, Weld suggested that Mather was warning ICCAT that without eastern reductions, "an irreversible wipe-out of the eastern Atlantic tuna stocks is in the making."

Not to be deterred, Fox ordered up a new hypothesis – "two stocks with limiting mixing" at levels assumed to be insignificant to affect the other stock. Even though Fox personally had been a member of the US scientific delegation to ICCAT since 1972, he hired Mike Parrack in 1979 to introduce a new management and stock hypothesis. In his 1995 book "Giant Bluefin," Douglas Whynott summarized an interview with Mike Parrack as follows:

"Parrack was told to devise two assessments – one for the entire Atlantic and a two-stock assessment for east and west. Though he complained that there was no proof of separate stocks, Parrack was told to follow orders and complete the assessments" (page 147).

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These assessments were to be presented at the 1981 ICCAT SCRS meeting. The one-stock assessment showed a severe decline Atlantic-wide, requiring immediate drastic reductions in the east and west. The two-stock assessment showed the east could continue at current levels but the west required catch levels to be set as "near zero as possible."

At first, the Japanese and eastern scientists reacted violently to the US dropping such a radical new hypothesis and completed assessment at the meeting without any prior notice or adequate time to review. In short fashion, the eastern scientists backed off from their protest of the US's flawed science since the results meant good news for the eastern fisheries.

The controversial SCRS recommendation was conditionally accepted by ICCAT at its Seventh Regular Meeting held on Tenerife Island in the Canary Islands Nov. 11-17, 1981. The second major condition imposed by the ICCAT Plenary was an additional meeting by the Contracting Parties actively fishing in the western Atlantic prior to Feb. 15, 1982 to develop conditions under which a monitoring quota not to exceed 800 mt for the western Atlantic for two years would be shared.

The next installment of this series will review the inconsistency or illegality of the mini-ICCAT meeting held on Jan. 19, 1982 in Washington, DC and the multiple critiques of the flawed US 1981 two-stock assessment, which led to an additional five counterproductive and wasteful CITES or ESA listing proposals.

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