



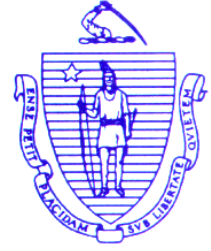
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January 4, 2010

Dr, Robert Gabel
Division of Scientific Authority
U.S. Fish and Wildlife Service
4401 North Fairfax Drive
Room 110
Arlington, VA 22203

Re: CoP15 & Northern Atlantic Bluefin Tuna

Dear Mr. Gabel:

I'm submitting comments on behalf of the Massachusetts Division of Marine Fisheries (*Marine Fisheries*) opposing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix I listing proposal for northern bluefin tuna (*Thunnus thynnus*) that will be discussed during the Fifteenth Conference of Parties (CoP15). *Marine Fisheries* is the lead agency in the Commonwealth responsible for developing and implementing all laws pertaining to the harvesting of marine species.

Massachusetts has a long history of substantial involvement in fisheries for Atlantic bluefin tuna dating back to colonial times. In recent years, harpoon fishermen from Massachusetts have caught the bulk of the U.S. quota. The bluefin tuna fishery over the years has produced tens of millions of dollars in ex-vessel landings.

At the last New England Fishery Management Council (NEFMC) meeting in early December, Massachusetts supported the NEFMC unanimous vote in opposition to any U.S. support for a CITES listing. Our rationale for doing so has both a biological and political component.

Biological Rationale for Not Supporting CITES Listing for Bluefin Tuna:

We are aware of the new International Commission for the Conservation of Atlantic Tunas (ICCAT) Standing Committee on Research and Statistics (SCRS) report "Extension of the 2009 SCRS Meeting to Consider the Status of Atlantic Bluefin Tuna Populations with Respect to CITES Biological Listing Criteria" (Doc. No. PA2-604/2009

– October 30, 2009). We note that according to SCRS and the latest stock assessment that some 5 million eastern Atlantic bluefin tuna - with approximately 1 million of these being adult spawners - are estimated to populate the Mediterranean Sea and adjacent Atlantic Ocean waters. For the smaller western Atlantic bluefin tuna unit, the estimate is around 170,000 fish.

Regarding the three CITES criteria for consideration of a listing for commercially exploited aquatic species, SCRS found that Atlantic bluefin tuna do not meet the criteria that the “wild population is small”. A minimum of almost 5.2 million highly fecund fish, under adequate conservation measures can easily and relatively rapidly replenish and rebuild a stock of fish to B_{MSY} .

Under the “restricted area of distribution” criteria, again the SCRS found bluefin do not meet this criterion. SCRS noted that the population structure is poorly understood and requires further scientific research. But it is well known that the historical distribution range extends from Argentina to Norway and the southern boundaries of the Arctic circle. SCRS “agreed that the special distribution of Atlantic bluefin tuna can be generally considered to be wide”.

Regarding the CITES criteria relative to a “marked decline in population size”, the SCRS advice is complex and attempts to deal with the uncertainty about virgin population size and other baseline reference points to measure the current decline against. SCRS notes that the results of their analysis of the extent of decline clearly depends on the baseline chosen, for which extended legitimate scientific debate can be made.

Our view is that, although this debate may have some utility, given the estimate that almost 5.2 million bluefin remain in the oceans, constituting enormous production and rebuilding potential, the more relevant consideration is the SCRS analysis on the potential for improvement during the next 10 years under existing (and now more restrictive) conservation agreements in place under ICCAT.

For the western bluefin component, under the current agreement Total Allowable Catch (TAC) of 1,800 mt, the results of SCRS are as follows: “the probability that (Spawning Stock Biomass) SSB in 2019 will remain below 20% of SSB_{max} is 9% and the probability that SSB in 2019 will be below SSB_0 is 95%. However, in all cases the results indicate it is very unlikely that depletion will continue. In more than 99% of the model realizations SSB in 2019 was predicted to be greater than SSB in 2009.” Under 1,800 mt TAC the west is no longer overfishing western bluefin tuna.

Thus, under the current western rebuilding plan there is a near certainty that the stock will be rebuilding and is not therefore, threatened with extinction or fishery collapse.

For the eastern stock, SCRS conducted projections using ICCAT Agreement Rec. 08-05, which called for catches in 2010 of 19,500 and in 2011 of 18,500 and allowed purse seine fishing during the peak spawning season. These analyses are no longer relevant in light of the dramatic changes to the ICCAT rules for the eastern stock in 2009 which include immediate 2010 implementation of a TAC of 13,500 (and with deduction of overages will be closer to 12,000) and an extension of the purse seine closure to 11 months covering the peak spawning season. Further, the agreement calls for establishment in

2010 of a rebuilding plan with a 60% probability of achieving B_{MSY} by 2023. Current analyses suggest that this plan will require a TAC in the range of zero to 8,000 mt.

The SCRS projection model run likely closest to the reality of the future incorporates catches of 8,500 annually from 2010 to 2019 which results in an estimate that there is a 93% probability that SSB 2019 will be higher than SSB 2009.

Thus, under the latest ICCAT agreement, there is a very high probability that the eastern stock will be higher than the 5 million population today and therefore the eastern stock is not threatened with extinction.

Political, Social and Economic Considerations

Marine Fisheries is not convinced that a CITES listing is an appropriate remedy to correct past mismanagement by ICCAT and there appears to be ample opportunity to allow recent major changes to the ICCAT rules for eastern bluefin tuna the opportunity to rebuild the resource.

U.S. fishermen have been following the scientific advice (imperfect and incomplete as it may be) since 1981. A CITES listing will punish these fishermen and cause irreparable economic harm to their businesses, families and markets. It will also likely add additional fishing pressure on other Northeast species already experiencing exceptionally restrictive management regimes to meet Magnuson Stevens Fishery Conservation and Management Act mandates. We see no justification for such drastic action.

NOAA itself has publicly noted the significant progress made at ICCAT 2009 by the U.S. delegation. For the U.S. to now support a CITES listing would appear to undermine 2009 progress and the credibility of the delegation to make further progress.

Finally, the evidence we have seen on the results of the ICCAT Recife meeting from NOAA press releases strongly suggests that all 4 of the major biological and conservation improvements requested by a Senate Resolution have been met by the 2009 ICCAT rules for the eastern Atlantic bluefin tuna stock. We respectfully suggest a CITES listing would not be consistent with the intent of Congress.

We strongly recommend that the U.S. stay the course with ICCAT and oppose any effort to list bluefin tuna at CITES.

Sincerely,



Paul Diodati
Director

Cc: David Cash, EEA
Commissioner Mary Griffin, DFG
Marine Fisheries Advisory Commission