



August 31, 2009

Margo Schulze-Haugen
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910
FAX: 301 713-1917

RE: 0648-AX85 Advanced Notice of Proposed Rulemaking on Adjustments to Atlantic Bluefin Tuna and North Atlantic Swordfish Fisheries

Dear Ms. Schulze-Haugen:

Please accept the following comments from the Recreational Fishing Alliance (RFA)¹ regarding the advance notice of proposed rulemaking for adjustments to the management of Atlantic bluefin tuna and north Atlantic swordfish fisheries. RFA is equally concerned as National Marine Fisheries Service (NMFS) about the habitual failure to utilize the commercial quotas for these species. Particularly in the ICCAT realm, unused quota is often transferred to contracting parties that have monitoring, enforcement and management systems far below the US standard. Furthermore, the US has expressed and demonstrated the strongest conservation ethic of all ICCAT contracting parties so it is troubling if unused quota is transferred to less conservation minded nations. For this reason, it is in the best interest of Western Atlantic bluefin, North Atlantic swordfish, and US fishermen to ensure that US HMS quotas are preserved and fully utilized. However, RFA cannot support all of the actions proposed by NMFS to increase commercial swordfish and bluefin tuna landings.

RFA does not support modifications to the pelagic longline bluefin tuna incidental retention limits that would increase incidental bluefin landings in this sector. According to data submitted to ICCAT, the US pelagic longline bluefin tuna quota is already fully utilized when dead discards are counted along with landings. Based on these numbers, it is unclear why NMFS would even consider liberalizing bluefin takes in the longline fishery when its quota is already fully utilized. RFA is concerned about the potential increase in bluefin bycatch and longlining effort as fishermen try to maximize increased incidental take limits. Longline vessels may also redirect the location, technique, and timing of their fishing in response to the increased incidental take limits. This could result in an increase of undersized bluefin tuna and bycatch of non-target species such as billfish particularly if effort is focused in or around known bluefin spawning areas in the Gulf of Mexico.

¹ The Recreational Fishing Alliance (RFA) is a national, 501(c)(4) non-profit grassroots political action organization that has been representing individual sport fishermen and the sport fishing industry since 1996. The RFA Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries. RFA members include individual anglers, boat builders, fishing tackle manufacturers, party and charter boat businesses, bait and tackle retailers, marinas, and many other businesses in fishing communities.

RFA points out that the Angling category has the most potential to land unused bluefin quota from other categories without having any unwanted negative impacts on other HMS species. RFA questions why NMFS does not consider transferring bluefin quota to the Angling category. If there is no regulatory framework currently in place to make such transfers, then RFA requests that NMFS immediately began rulemaking to change this. RFA believes that it makes the most sense from an economic and conservation standpoint to transfer unused quotas to the Angling category before any other action is considered. Therefore, RFA does not support moving forward with proposed action in sections *B(1)* and *B(2)* at this time.

Finally, the RFA opposing a CITES listing for Atlantic bluefin tuna. Even though this option is not specifically addressed in the Federal Registry docket number 090508897-9896-01 which our comments are in response to, several non-profit organizations are urging NMFS to pursue CITES listing for bluefin tuna. Based on our experience, the RFA does not agree that a CITES listing would provide meaningful protection or spur rebuilding. The RFA has a long history and record of promoting bluefin tuna conservation. We have been represented on the U.S. ICCAT Advisory Committee, the U.S. Delegation to ICCAT and the NMFS Highly Migratory Species Advisory Panel for over 12 years. In our opinion, the successful rebuilding of Atlantic bluefin tuna can be achieved if ICCAT contracting parties simply comply with and enforce SCRS recommended fishing quotas. It is unfortunate that many members of ICCAT do not limit their landings to the Standing Committee on Research and Statistics (SCRS) annual quotas recommendation and it is these excessive landings that have occurred for the past 10 years that have caused the decline of Atlantic bluefin tuna. During this same period, the US has complied with its county specific quota sometimes to the disadvantage of it fishermen. RFA believes this is patently unfair that other ICCAT contracting parties fishing over their quotas at the expense of the Atlantic wide bluefin stock and US fishermen and believes action needs to be taken.

At considerable expense, the RFA first petitioned President George W. Bush on September 11, 2002 to take action against the European Union (EU) under Section 301 of the Trade Act of 1974, as amended. Certain members of the EU are among the biggest violators of ICCAT recommendations. In our petition, the RFA noted that the “actions of the EU have and continue to greatly undermine the biological objectives of the International Commission for the Conservation of Atlantic Tunas.... These actions by certain EU fishing parties also result in serious and unfair economic injury to fishermen of the U.S. who are required to comply with programs designed to achieve the ICCAT mandate for sustainable fishing practices.”

A CITES Appendix 1 listing of bluefin tuna would not provide any additional resources or incentive for contracting parties to comply with or enforce CITES or existing ICCAT recommendations. The SCRS has indicated that noncompliance is a major cause of eastern bluefin tuna’s failure to respond to its rebuilding plan that has been in place since 1998. Research indicates that mixing between the three Atlantic bluefin stocks is upwards of 40% so overfishing of Eastern and Mediterranean bluefin is of major consequence to the US. However, a CITES listing is grossly excessive particularly in a quota management system. There is a much greater chance that successful Atlantic bluefin rebuilding can be achieved if all ICCAT contracting parties are forced to comply with annual harvest quotas that current exist. Trade

sanctions under A Section 301 petition, such as the one RFA submitted, would be far more effective in enforcing science based quota and spurring real rebuilding progress.

The CITES listing will be ineffective at reversing the damage done to western, eastern and Mediterranean bluefin because the domestic markets throughout Europe and North Africa are plenty strong to keep the illegal fishing going without international trade. These domestic markets would continue to operate even under a CITES listing. In our opinion, prohibition is never as effective as regulation and control. Most of the world's major seafood markets are volume based. If a CITES listing prevents bluefin tuna from entering international markets, the void will be made up by other species. RFA is concerned that a bluefin CITES listing would greatly increase fishing pressure on bigeye tuna and possibly marlin which are extremely important to US anglers.

In closing, RFA is concerned about the decline in domestic commercial landings of Atlantic bluefin tuna and North Atlantic swordfish. These declines in landings are in part due to regulations NMFS has implemented to protect, sea turtles and marine mammals in addition to swordfish, billfish and bluefin tuna. RFA submits that all of these regulations need to be maintained and that NMFS should look to the recreational sector to utilize quota that other categories have not been able. Hook and line gear does not have the conservation problems as the PLL fishery and NMFS immediately begin rulemaking process to allow category transfers. Furthermore, RFA believes a 301 petition under the Trade Act of 1974 is a far more effective means of rebuilding Atlantic bluefin tuna than a CITES listing and we are willing to pursue this again with other partners in the recreational, commercial and environmental sectors.

Thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim', with a large, stylized flourish that loops back to the start of the signature.

Jim Donofrio
Executive Director