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United States Department of State

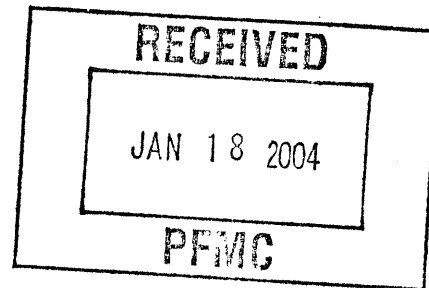
*Bureau of Oceans and International
Environmental and Scientific Affairs*

Washington, D.C. 20520

JAN 14 2005

Mr. Rod McInnis
Regional Administrator
Southwest Region
National Marine Fisheries Service
501 West Ocean Boulevard
Long Beach, California 90802

Mr. William Robinson
Regional Administrator
Pacific Islands Region
National Marine Fisheries Service
1601 Kapiolani Boulevard, Suite 110
Honolulu, Hawaii 96814



Dear Bill and Rod:

I am writing in regard to the notice published in the Federal Register on December 30, containing the text of a December 15, 2004, letter to the Chairmen of the Pacific and Western Pacific Fishery Management Councils concerning the determination of the National Marine Fisheries Service (NMFS) on the conservation status of bigeye stocks in the Pacific Ocean. Both the letter and the FR Notice were developed without consultation with the Department of State.

According to the FR notice, the letter "notifies the Councils of a determination that overfishing is occurring Pacific-wide on bigeye tuna, provides the legal background on how NMFS made the determination, provides the legal basis for the Councils to act in response to a determination that overfishing is occurring, and requests the Councils to take appropriate action to end overfishing of bigeye tuna." Leaving aside the matter of the legal basis for the notification, the call to the Councils to take action to stop overfishing of bigeye tuna, in particular the deadline of June 14 for the Councils to take remedial action, raises important questions that warrant further consideration.

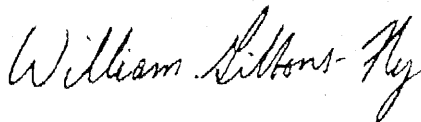
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In essence, the question arises as to what action NMFS is asking or expecting the Councils to take. As the Notice itself recognizes, "Pacific bigeye tuna occurs not only in waters under the jurisdiction of the Council, but in the waters of multiple nations and on the high seas and is fished by the fleets of other nations in addition to those of the United States. The capacity for unilateral action by the United States to prevent overfishing...is limited, as is the capacity for action by the Councils to end overfishing."

As a result, a solution to the overfishing of Pacific bigeye tuna can be achieved only through concerted and coordinated action by the United States Government working with other governments, in particular through the multilateral organizations established by international treaties to conserve and manage tuna and other highly migratory fish stocks in the Pacific Ocean. As part of this process, it will be important to consider the views of the Councils and other affected interests and constituent groups. The Councils have an important role to play in this process by providing input, advice and guidance with respect to waters and fisheries under the Councils' jurisdiction. At the same time, such views must be considered within the context of our broader international fisheries policy, developed and implemented through close cooperation between the Departments of Commerce and State.

I look forward to working closely with both of you, the Councils, appointed US Commissioners, members of the respective advisory committees and other affected interests, including conservation organizations with an interest in these issues, as the U.S. delegations develop negotiating positions and strategies to implement effective management regimes for Pacific bigeye tuna, other highly migratory species, and the ecosystems they inhabit.

Sincerely,



William Gibbons-Fly

Director

Office of Marine Conservation

Cc: William Hogarth
Rebecca Lent
Jean-Pierre Ple
Roy Morioka
Donald Hansen ✓
Kitty Simonds ✓
Donald McIsaac