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March 19, 2008

Dear Senators Kuehl, Migden and Wiggins
Dear Assembly members DeSaulnier, Feuer, Smith and Saldana

With all due respect to you in your positions in the California legislature, I find Senate Concurrent Resolution No. 85 (with your names as sponsors) to be one of the most horrendous examples I have ever seen of misguided, misinformed, and illogical "legislation."

First, I would point out that I do not know of a single reputable and peer reviewed stock assessment of north Pacific bluefin tuna that suggests the alarming picture the proposed resolution portrays. I worked in the National Marine Fisheries Service for 30 years, including 10 years of involvement in U.S. delegations to regional fishery management organizations such as the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission (the U.S. is party to both of these organizations). Both commissions are supported by experts in tuna and associated species. In addition, I have read and followed work by the International Scientific Committee for Tuna and Tuna-like Species of the North Pacific (ISC). This organization provides scientific advice (including stock assessments) to regional fishery management organizations and member governments. None of these bodies has concluded that north Pacific bluefin is overfished or is being subjected to overfishing. The ISC – as a precautionary move – has recommended that fishing mortality for this stock not be increased above current levels but has not suggested any further fishery controls. I note that there is no citation in the resolution that indicates the source of information you must have relied on for your conclusions; I doubt that there is such a source that is scientifically sound. I believe that you, as legislators, have a responsibility to check out the facts of the situation before promoting action to deal with a crisis that is not a crisis.

The chapeau of your resolution refers to "the cessation of illegal, unreported and unregulated bluefin tuna overfishing" and the "imposition and enforcement of catch limits for countries fishing for Pacific bluefin tuna in the Exclusive Economic Zone" (which I presume means the U.S. EEZ). There is no foreign fishing for bluefin tuna in the U.S. EEZ; I repeat, there is ZERO foreign fishing for bluefin (or any other fish) in the U.S. EEZ. Also, I am not aware of any illegal, unreported and unregulated overfishing of bluefin tuna anywhere in the Pacific

Ocean. There may be some IUU fishing on the high seas, but it is not determined that bluefin is a target, or that there is any overfishing of Pacific bluefin, nor does it seem likely that bluefin would be a major target of any IUU fishing that is occurring.

The first WHEREAS of your resolution refers to the Atlantic bluefin tuna stock situation as if conditions there have a relationship to conditions in the Pacific. This is ludicrous; conditions are very different in the Atlantic and Pacific. Bluefin are NOT overfished in the Pacific.

The second WHEREAS of your resolution argues that the diminishing bluefin tuna population in the Pacific results in coastal economic losses to California including decreased security of the pelagic seafood market and fishing industry, etc. This is incorrect in that the decreased landings and economic activity associated with tuna fishing are a result of the shift/decline in the California-based fleet and not a result of a decline in the bluefin stock, which extends across the Pacific Ocean (see next comment).

The third WHEREAS uses the decline in bluefin tuna landings into California ports as a reason for concern about the stock. This is simply illogical; it takes a single fact to reach an incorrect conclusion. Yes, it is true that landings of bluefin tuna into California are much lower now than they were historically. However, this is not a reflection of a decline in the stock but is a consequence of the virtual disappearance from California of the U.S. purse seine fishery for tuna. In the 1970s, the U.S. had the largest tuna purse seine fleet in the Pacific, with 150 or so large vessels. There were major canneries on Terminal Island in Los Angeles harbor, and the fleet was headquartered in San Diego. Thousands of people worked at the canneries. Millions of pounds of tuna were canned there including large amounts of bluefin tuna. Now, the canneries are closed; the large U.S. purse seiners have either relocated to the Western Pacific or have been sold to foreign interests; and there are only one or two moderate sized purse seiners operating out of California ports. The purse seine fishery was partly driven out by the tuna-dolphin controversy. In addition, the U.S. canning industry could not survive in California against regulation and foreign (lower labor cost) competition. It was not a stock decline that drove the fishery away; it was other factors. It stands to reason that landings of bluefin tuna would drop to almost zero given what happened to the fleet based in California. If there are no boats fishing for the species, it won't be caught and landed.

The fourth WHEREAS seems to hypothesize that "overfishing of the Pacific bluefin tuna, sparked by increasing demand by countries around the world, poses an imminent threat to California's economy," even though bluefin now make up a very small portion of California's total fish landings and economy; a drop from the cited 300,000 pounds (rounded) per year would seem miniscule in impact. If

California's coastal economy is threatened by declines in bluefin tuna landings from 300,000 pounds, then the coastal economy should really have collapsed in the 1980s when landings dropped from 11 million pounds. That didn't happen then and it won't happen now.

The sixth WHEREAS, which tries to link the decline in bluefin tuna landings, to an undocumented decline in the stock of bluefin, to the prospective rise and terror of giant squid, is an especially awesome feat of logic. I have neither read nor heard of any credible scientific analyses that would support this proposition.

The point of the seventh WHEREAS is simply not clear. Yes, tuna generally swim in large schools, and this does often facilitate their capture; but so what? From a fishing point of view, this is good as it promotes efficiency, which in turn can help provide a really good food source to the public at a moderate price. As long as controls can be put in place to limit total fishing mortality (which would have to be done at the international level) when needed, it should not matter whether the fish swim in large schools or as independent fish.

The ninth WHEREAS is simply misguided; the bluefin tuna population is NOT endangered!! There may be fishing on juveniles (note that this is far, far from the California coast) in some waters, but in and of itself this is not necessarily a threat to the stock. It depends on how much fishing occurs there and how much additional fishing occurs as the fish grow and migrate. Further, much of the mortality from fishing at this small size merely means that humans are getting the fish instead of other animals getting the fish. The natural mortality rate at very small sizes is thought to be very high for this species.

The WHEREAS that references the Pacific Fishery Management Council reflects that the authors simply don't know what agencies are involved at what level in fishery management in the ocean. The Pacific Council does not "enforce" the Magnuson-Stevens Act; the Pacific Council develops fishery management plans that essentially set the ground rules for fishing. Regulations to implement approved fishery management plans are promulgated by the National Marine Fisheries Service, which is part of the National Oceanic and Atmospheric Administration in the Department of Commerce. NMFS in cooperation with the U.S. Coast Guard enforces the regulations and NOAA prosecutes violators. In the case of tuna, there may also be regulations promulgated by NMFS to implement conservation and management measures agreed to by regional fishery management organizations such as the IATTC. The Council does have a fishery management plan for highly migratory species, and Pacific bluefin tuna is among the management unit species, but the Council has so far not recommended any controls on fishing for bluefin either in or beyond the EEZ. NMFS has NOT presented the Council with any determination that bluefin are overfished or that overfishing is occurring.

Finally, turning to the “resolved” portions of the resolution, the first resolved repeats the erroneous conclusion that bluefin are overfished and further charges that there has been mismanagement of the “seriously impaired Pacific bluefin tuna species;” since the species is NOT overfished according to any sound scientific analysis, it can hardly be correct that there has been mismanagement.

The second “resolved” section repeats the charges about IUU fishing and calls for the imposition of catch limits for countries fishing for bluefin in the EEZ; again, there are NO foreign vessels fishing for bluefin tuna in the EEZ. This section also calls for creation of marine protected areas, presumably in U.S. waters, as if this would be beneficial to Pacific bluefin. If the areas to be closed were important for spawning, perhaps some good could come from such action. For the most part, however, bluefin tuna are widespread across the north Pacific; they only occasionally enter U.S. waters, typically from the south; and they are not at all resident in the EEZ and do not spawn in the EEZ. It is inconceivable that marine protected areas in U.S. waters could provide any benefit at all to the species.

In sum, I am disappointed that you would affix your names to such a resolution. I am not concerned about the effects of the resolution; it has no regulatory or policy effect as far as I know. My concern is that I think you have a responsibility to take and promote policy positions and actions that are based on fact and science, that are logical, and that are well thought out. This resolution suggests that you were simply talked into supporting this resolution without any consideration of whether the facts were correct or whether the position was solidly based and logical. It suggests that you simply took the word of a number of environmental organizations that want to use you to get attention (and funds) to fight against fishing and against fishermen and fisherwomen, especially on the matter of marine protected areas. I think you owe it to the fishermen and fisherwomen of California to seek to understand and to help them, not to inappropriately suggest that they have overfished a stock that is not overfished. If you are concerned about losses to the coastal economy, then pay more attention to the pressures these folks are under as salmon seem to have disappeared and as rockfish are strained and as marine protected areas make more and more areas unavailable to them.

Perhaps even more important in some ways, I would hope that you would want to be able to show children and students how your positions in the Senate and Assembly reflect careful consideration of facts, science and logic. This resolution is not a shining example of such a pattern of behavior.

And finally, if I were a politician like you, I would not want my name on this kind of resolution as it could be available to my political foes who, if they knew the facts, could then use it to ridicule me in a campaign.

My recommendation is to withdraw the resolution before it gets more publicity and save yourselves the trouble.

Sincerely,

Svein Fougner

Cc:
Pacific Council