



November 16, 2010

Via Electronic Submission

Dr. Jane Lubchenco  
Administrator  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue, NW  
Washington, DC 20230

Re: Listing Endangered and Threatened Wildlife and Plants: 90-Day Finding on a Petition to List Atlantic Bluefin Tuna as Threatened or Endangered under the Endangered Species Act, RIN 0648-XW96

Dear Dr. Lubchenco:

The Office of Advocacy (Advocacy) submits this comment to the National Oceanic and Atmospheric Administration (NOAA) in response to the 90-Day Finding on a Petition to List Atlantic Bluefin Tuna as Threatened or Endangered under the Endangered Species Act (the 90-Day Finding). Congress established Advocacy to represent the views of small business before Federal agencies whose policies and activities may affect small businesses.<sup>1</sup> Advocacy is an independent office within the Small Business Administration (SBA), so the views expressed by Advocacy do not necessarily reflect the views of the SBA or the Administration.

Advocacy recognizes that the 90-Day Finding merely opens an inquiry into whether listing the bluefin tuna as endangered or threatened is warranted and that NOAA must make this determination relying upon scientific evidence. Generally, the economic impacts of such a listing would be considered when NOAA begins its determination of critical habitat for a newly listed species. However, in this instance a determination of endangered would prohibit all take of bluefin tuna, effectively ending the bluefin tuna fishery; as such Advocacy feels it is appropriate to submit these comments prior to a critical habitat determination.

Advocacy has spoken to representatives of fishing associations, fishermen, and charter boat owners in the fishing industry who are very concerned about this possible listing. Small businesses in the bluefin fishery recognize the stress that has been placed upon the bluefin stock. However, much of that stress is a result of illegal overfishing by non-U.S. vessels in the Eastern Atlantic Ocean and Mediterranean. Such illegal overfishing would

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<sup>1</sup> See, 15 U.S.C. § 634c (4).

not be stopped by NOAA's listing of the bluefin as endangered.<sup>2</sup> Advocacy notes that the International Commission for the Conservation of Atlantic Tunas (ICCAT), which is responsible for the conservation and management of bluefin tunas, has implemented measures and restrictions designed to increase the bluefin stock.<sup>3</sup> Certain of these measures went into effect in 2009 and, while there has not been sufficient time to completely measure their effectiveness, indications are that the western bluefin tuna stock is growing.<sup>4</sup> The U.S. has supported the rebuilding of the bluefin stock and complied with ICCAT recommendations and regulations by implementing extensive regulations governing the U.S. bluefin fishery.<sup>5</sup>

Advocacy is concerned with the impact that listing the bluefin tuna as an endangered species may have on small businesses in the bluefin fishery, small businesses that support the bluefin fishery, and the small communities that are dependent on the fish stock for economic vitality. The bluefin tuna fishery has already seen declining revenues over the last decade. From 2000 to 2009, gross revenues in the commercial bluefin tuna fishery declined more than 36 percent from 19.1 million to 6.9 million.<sup>6</sup> The bluefin tuna fishery is also important to the for-hire charter industry. One charter boat owner/operator that spoke with Advocacy estimates that he would experience a significant decrease in business as a result of this listing and that it is possible that a number of charter boat businesses would leave the industry altogether.<sup>7</sup>

Advocacy thanks NOAA for the opportunity to submit these comments and encourages NOAA to carefully consider all the relevant scientific and commercial information; designating the bluefin tuna as endangered will have a significant impact on small businesses and communities that rely on the bluefin tuna fishery.

Sincerely,

//signed//

Winslow L. Sargeant, Ph.D.  
Chief Counsel for Advocacy

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<sup>2</sup> *2010 Report of the Standing Committee on Research and Statistics*, International Commission for the Conservation of Atlantic Tunas, 76-80 (October 2010).

<sup>3</sup> *Id.* at 83.

<sup>4</sup> *Id.*

<sup>5</sup> *Atlantic Highly Migratory Species (HMS) Fisheries; Fishery Management Plan (FMP), Plan Amendment, and Consolidation of Regulations*, 64 Fed. Reg. 29090 (May 28, 1999); *Atlantic Highly Migratory Species; Recreational Atlantic Blue and White Marlin Landings Limit; Amendments to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks and the Fishery Management Plan for Atlantic Billfish*, 71 Fed. Reg. 58058 (October 2, 2006).

<sup>6</sup> *Supplemental Environmental Assessment, Regulatory Impact Review and Final Regulatory Flexibility Analysis for the Final 2010 Atlantic Bluefin Tuna Quota Specifications*, April 2010

<sup>7</sup> One study found that 22 percent of charters on the North Carolina coast are hired by customers targeting tuna. See Christopher F. Dumas, et al., *Economic Impacts and Recreational Value of the North Carolina For-Hire Fishing Fleet* 26, [http://www.ncseagrant.org/images/stories/ncsg\\_pdf/documents/research/07-FEG-05.pdf](http://www.ncseagrant.org/images/stories/ncsg_pdf/documents/research/07-FEG-05.pdf) (2009).

//signed//

**Kia Dennis**  
Assistant Chief Counsel for Advocacy

Cc: The Honorable Cass Sunstein, Administrator, Office of Information and Regulatory Affairs