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Congress of the United States
House of Representatives
Washington, D.C. 20515

June 9, 1976

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Dear :

Thank you for contacting me regarding the Marine Mammal Protection Act Amendments currently before the Merchant Marine Committee.

As you know, the legislation would overturn Judge Richey's recent federal court decision banning the widely used method of tuna fishing which also kills porpoises.

In banning the so-called "on-porpoise" purse seining method of harvesting tuna as of May 31, the court ruled that this method, used in connection with one-third to one-half of the national tuna catch, violates the Marine Mammal Protection Act of 1972. The act identifies the porpoise as a mammal "in danger of extinction or depletion as a result of man's activities" and sets guidelines for protecting the porpoise. It forbids the taking of porpoise except by permit.

Current regulations which allow the incidental taking of porpoise by tuna fishermen, and the general permit granted to the tuna industry this year, don't comply with the Act's requirements, according to the court.

The purse seining method capitalizes on the fact that yellow fin tuna often swim beneath schools of porpoise. Fishermen throw the nets around the porpoise and then pull them closed, catching the porpoise along with the tuna. Although holes are provided in the top of the nets to allow the porpoise to escape, many of the mammals become tangled in the webbing and drown or are seriously injured.

According to government figures, approximately 600,000 porpoises were killed by the use of purse seine nets from 1970 to 1972. An estimated 130,000 were killed in 1975.

Judge Richey's decision has been stayed until July 1st. I am opposed to legislation which would overturn the decision and allow tuna fishermen to simply return to the "on porpoise" method.

The problem is complicated by the severe overfishing of tuna stocks. With the spreading of the expertise in the field, there has been a rapid expansion of foreign flag fleets. Numerous American owned vessels are engaging in unregulated "flag of convenience" operations. American companies are reportedly negotiating major investments in tuna processing facilities in Mexico, and other Latin American countries, as a means of avoiding constraints.

The protection of the porpoise and other marine mammals should not be interfered with. However, the protection against the depletion of the tuna resource and the maintenance of an American tuna industry are considerations beyond the short-range which should not be ignored by the Congress.

I appreciate your sharing your views with me. I am enclosing a copy of the "Tuna-Porpoise Story" by Tom Garrett, Conservation Director at Friend of the Earth which appeared in their monthly publication, Not Man Apart. It contains a good deal of factual material which might be of interest to you on this matter. If I can be of any further assistance to you on this or any other issue, please feel free to contact me.

Sincerely,

PAUL E. TSONGAS
Member of Congress

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Enclosure