

U. S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-0921
Phone: (202) 372-3500
FAX: (202) 372-2311

DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

**REAR ADMIRAL SALLY BRICE-O'HARA
DEPUTY COMMANDANT FOR OPERATIONS**

ON

ILLEGAL, UNREGULATED AND UNREPORTED FISHING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON INSULAR AFFAIRS, OCEANS AND WILDLIFE

U. S. HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Good morning Madam Chair and distinguished members of the Subcommittee. It is a pleasure to appear before you today to discuss the Coast Guard's role in deterring Illegal, Unregulated, and Unreported (IUU) fishing both within areas of national jurisdiction and on the high seas.

Protecting living marine resources through active patrolling to detect, deter, and interdict vessels engaged in illegal activity is a longstanding Coast Guard mission. Beginning with 19th Century protection of the Bering Sea fur seal herds and continuing through the post-WWII expansion in the size and efficiency of global fishing fleets, the Coast Guard has embraced its role as the principal federal law enforcement presence at sea for the defense of U.S. maritime sovereignty and protection of U.S. living marine resources. Today, Coast Guard enforcement presence has a particular focus within the 3.4 million square mile U.S. Exclusive Economic Zone (EEZ), the largest in the world, as well as in key areas of the high seas.

Coast Guard efforts to deter and combat IUU fishing span domestic and international fisheries and they bridge the Service's maritime security and maritime stewardship goals. These goals are outlined in the *U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship* and it is this strategy that describes the basis of U.S. Coast Guard activities and operations. The *U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship* is driven by national policy including Presidential Decision Directive 36, Protecting the Ocean Environment, legislation such as the Magnuson-Stevens Fishery Conservation and Management Act, and international ocean governance structures, such as U.S. membership within international Regional Fishery Management Organizations (RFMOs). This Strategy links the Coast Guard's Living Marine Resource Law Enforcement Program's goal of providing effective and professional at-sea enforcement to support the conservation and management of living marine resources and their environments to other national and international efforts to combat and deter IUU fishing.

IUU fishing activity is global in reach and adversely affects marine ecosystems by distorting competition and jeopardizing the economic survival of coastal communities that are reliant on local fisheries for their livelihood. IUU fishing negatively affects the marine resources and habitats in both domestic waters and on the high seas, and is conducted by all types of fishing vessels. The environmental consequences of IUU fishing go well beyond direct damage done to fishing stocks, as IUU fishers are more inclined to disregard management efforts aimed at minimizing destructive fishing and illegal by-catch and discard practices which negatively affect other marine protected species and habitats. These abuses leave fish stocks and their habitats with a smaller margin of resilience to buffer the effects of climate change¹. The Coast Guard shares the view that deterring and controlling IUU fishing is vital to optimally managing and protecting vital living marine resources and their environments.

There are tremendous social and economic incentives at play in IUU fishing, for both the coastal states and the IUU fishers. Revenues generated by coastal states through responsible and sustainable fishery management lead to a healthier economy, increased societal stability, and enhanced maritime security. Threats that undermine this linkage are of critical concern for both fully developed and developing states, and are pertinent to U.S. security interests, particularly in

¹ Climate change potential impacts on fish stocks/habitats: The State of World Fisheries and Aquaculture, 2008, UN Food and Agriculture Organization (FAO), 2009.
IUU fishing impacts fish stocks: National Plan of Action of the United States of America to Prevent, Deter, and Eliminate Illegal, Unregulated, and Unreported Fishing, 2004.

unstable regions of the globe. Revenue loss from IUU fishing is a direct theft from maritime communities, including many of the world's most vulnerable small and developing coastal states where a more significant portion of available natural wealth comes from the fisheries sector than in the U.S.

Given that living marine resources do not recognize national boundaries, the Coast Guard works alongside key partners at home and abroad to protect marine resources and their environments. We enforce U.S. domestic fisheries laws in conjunction with the National Oceanic and Atmospheric Administration (NOAA) Fisheries' Office of Law Enforcement (OLE) and General Council for Enforcement and Litigation (GCEL), as well as the Department of Justice, supporting conservation and management of domestic resources that sustains an estimated two million jobs and \$185 billion dollars in sales in the United States².

The Coast Guard supports NOAA and the State Department in their efforts to bring additional tools to bear on combating IUU, such as the application of Port State Measures to deter the landing of IUU catch, implementation of Catch Documentation Schemes to better track the trade of legal fishery products, and development of an International Trade Data System. These tools will help restrict market access for IUU products, thereby making IUU activity less profitable. However, at-sea enforcement and the ability to detect, deter and deliver consequences to those engaging in illegal fishing activity remains a critical element of the overall U.S. Government effort to address the IUU threat and maintain maritime security, as outlined in the *U.S. National Plan of Action to Prevent, Deter, and Eliminate IUU Fishing*. To this end, the Coast Guard has high hopes that current discussions in international fora relating to the strengthening of the International Monitoring Control and Surveillance Network and the development of a Global Record of Fishing Vessels including the application of a unique vessel identifier will yield valuable outcomes. A global record incorporating a unique vessel identifying number could be an extremely valuable tool whereby vessels and owners would be identifiable over time irrespective of changes in the name, administrative ownership and flag, hopefully increasing the transparency of international fishing operations where there are attempts to avoid compliance with international conservation and management measures.

As the only agency with the infrastructure and authority to project a law enforcement presence throughout the U.S. Exclusive Economic Zone (EEZ) and in key areas of the high seas, the Coast Guard implements *Ocean Guardian*, our strategic plan for fisheries law enforcement. This strategy incorporates four principles for Coast Guard effort:

- 1) Assisting with the development of sound regulations based on effective and enforceable legal regimes which act as a system of "rules" that shape acceptable activities;
- 2) Development and maintenance of productive partnerships that facilitate law enforcement cooperation;
- 3) Use of technology to advance Maritime Domain Awareness, and
- 4) Providing an effective law enforcement presence on the ocean.

We believe these principles offer a useful framework for addressing the threat posed by IUU fishing.

² Report: Fisheries Economics of the United States 2006, U.S. Department of Commerce

The Coast Guard is dedicated to supporting multilateral efforts to bolster legal regimes that deter IUU fishing and deliver *consequences* to violators. Considering particular maritime initiatives and policies as part of a larger system enables a better understanding of their inter-relationships and effectiveness. A well designed system of regimes creates the opportunity for mutually supporting domestic and international regulations. Together, they provide a comprehensive system of maritime governance.

One of the fundamental building blocks of this system is the United Nations Law of the Sea Convention. The United States is not yet a party to the Convention. Acceding to the Convention is an important step to ensure that we can exercise the necessary leadership in international regime development across the full spectrum of concerns including international fisheries management and conservation. This action will strengthen the position of the United States when negotiating additional agreements and working in international forums to address IUU fishing.

We also support modernization of Regional Fishery Management Organizations (RFMOs) to include comprehensive boarding and inspection regimes as called for by the *1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*, more commonly referred to as the U.N. Fish Stocks Agreement. The Western and Central Pacific Fisheries Commission's (WCPFC) recent incorporation of these enforcement principles into its management regime is a particularly relevant example. This Commission is one of the first in the world to employ a fully-developed boarding and inspection protocol for high seas enforcement based on the U.N. Fish Stocks Agreement. The Coast Guard is proud to have been involved in its development and a leader in its execution. Since these procedures were adopted, the Coast Guard has conducted eight inspections of vessels from China, Japan, and Korea while they engaged in fishing operations on the high seas and within the Convention area. Our most recent inspection occurred on February 6th, 2009 when the Coast Guard Cutter *RUSH* boarded a Chinese-flagged and WCPFC permitted fishing vessel 210 nautical miles south of Jarvis Island. As with the previous seven boardings, the Coast Guard boarding team, trained as WCPFC authorized inspectors, found the vessel in compliance with the Commission's Conservation and Management Measures.

The Coast Guard continues to develop active international partnerships through the development of bilateral enforcement agreements and participation in multilateral groups like Regional Fishery Management Organizations (RFMOs) and the North Pacific Coast Guard Forum. Applying the principle of productive partnerships to combating IUU fishing in an international context requires that the Coast Guard work closely with NOAA and the U.S. Department of State to develop and advance cooperative enforcement agreements and improve communications with industry and environmental groups. We accomplish this not only at the national level, with liaisons at the State Department's Office of Marine Conservation and at NOAA Fisheries Office for Enforcement, but also regionally as Coast Guard officers on District staffs coordinate with interagency and international partners to address and deter IUU fishing.

Additionally, the Coast Guard engages directly with our international enforcement counterparts. For example, over the past year the Coast Guard harmonized efforts with our North Pacific Anadromous Fish Commission and North Pacific Coast Guard Forum partners including Canadian, Chinese, Japanese, and Russian surface and air patrols to cooperatively deter IUU in the North Pacific. Much of the operational planning for the 2009 North Pacific high seas driftnet (HSDN) enforcement season took place in February during the North Pacific Anadromous Fisheries

Commission Enforcement and Compliance Committee meeting in Japan. There, we coordinated multilateral operational plans for upcoming North Pacific surface and air patrols. North Pacific Anadromous Fish Commission planning efforts overlap, and are coordinated with meetings of the North Pacific Coast Guard Forum. These two forums further supplement the Coast Guard's implementation of a bilateral U.S.-China Memorandum of Understanding to enforce the U.N. moratorium on large-scale high seas driftnet fishing. Similar HSDN coordination with partner agencies from Canada, Japan, Korea, the Russian Federation, and the Peoples Republic of China took place in 2008 and resulted in the interdiction and seizure of two Chinese-flagged driftnet vessels by a Chinese fisheries law enforcement officer embarked onboard the Coast Guard Cutter *MUNRO*.

Beyond our work in the North Pacific, the Coast Guard is increasingly involved with West Africa and Pacific Island nations striving to develop their own maritime safety, security, and stewardship efforts. As another example of global maritime partnerships, I would like to share with you a recent success story in international cooperation and effective enforcement. The Coast Guard currently makes use of bilateral "ship-rider" agreements with five Pacific Island Nations: Cook Islands, Republic of Kiribati, Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau. These agreements allow foreign enforcement personnel to embark U.S. Coast Guard assets to exercise their authority and jurisdiction from the deck of a Coast Guard cutter. In early February of this year, Coast Guard Cutter *RUSH*, with embarked Republic of Kiribati ship-riders, interdicted a Japanese-flagged fishing vessel in Kiribati's EEZ, 330 nautical miles southeast of Christmas Island and adjacent to the U.S. EEZ surrounding the U.S. territory of Jarvis Island. The Japanese fishing vessel was found to be fishing in violation of Kiribati law. The Coast Guard, acting under authority of their embarked Republic of Kiribati fisheries enforcement officers, escorted the suspected IUU fishing vessel toward Christmas Island for further Kiribati investigation and prosecution. The enforcement action that I just described would not have been possible without sound regulations and productive partnerships such as developed regimes for maritime governance including Pacific Islands Forum Fisheries Agency capacity building measures, Republic of Kiribati fisheries regulations, and a U.S.-Kiribati bilateral agreement allowing ship-rider operations.

In June 2008, the Coast Guard Cutter *DALLAS* deployed to West Africa in support of the Department of Defense Africa Partnership Station (APS) initiative to enable maritime security in the region. This operation involved maritime law enforcement operations with Cape Verde maritime law enforcement ship-riders operating from *DALLAS*. This operation was in direct support of Cape Verde maritime enforcement initiatives and provided the Cape Verde ship-riders an opportunity to hone their skills. During their two week patrol, *DALLAS* sailed 3000 miles with Cape Verde ship-riders embarked, providing a law enforcement presence within Cape Verde's territorial seas and EEZ. This highly successful operation resulted in the boarding of six vessels and enabled the Cape Verde Coast Guard to issue several warnings for minor fishing infractions. Similar to efforts with Pacific Island nations, this engagement demonstrated the unique competencies and capabilities the Coast Guard brings to maritime security operations, while providing valuable lessons for future operations in West Africa.

The Coast Guard also continues to establish even more comprehensive Maritime Domain Awareness (MDA) to inform decisions on how best to employ finite resources to deter the threat of IUU fishing. MDA is enhanced through application of technologies such as Vessel Monitoring Systems, or "VMS." VMS is a general term that applies to ship tracking systems used as part of a living marine resources regulatory regime. VMS is a component of many domestic fishery

management plans and international fishery agreements alike. For example, the Pacific Islands Forum Fisheries Agency requires that foreign fishing vessels seeking access to fish within member EEZs must carry operable VMS. In the Fourteenth Coast Guard District, encompassing Hawaii and the Pacific, we have executed agreements with Pacific Islands Forum Fisheries Agency countries to gain near-real time access to this VMS position data. We can see the movement of many U.S. and foreign-flagged vessels operating in the non-contiguous U.S. EEZs of the Pacific, which provides the Coast Guard with improved visibility on what is happening in this geographically expansive area. VMS is also a provision of other Regional Fisheries Management Organization management schemes, including the Western and Central Pacific Fisheries Commission. Effective enforcement of the regulations necessary to combat IUU fishing ultimately requires that we put “steel on target” and “boots on deck.”

This leads me to the final *Ocean Guardian* principle, effective presence, which has two main components. First, the Coast Guard requires a high level of knowledge and professionalism from all of our Boarding Officers who conduct the fisheries enforcement mission at sea. The five U.S. Coast Guard Regional Fisheries Training Centers and the Maritime Law Enforcement Academy are our primary means of maintaining this competency.

Second, we must sustain the ability to provide a timely response and place capable resources on-scene when and where they are needed. The U.S. EEZ is not only the largest in the world; it is also vulnerable because it is one of the most productive. The U.S. EEZ contains an estimated 20 percent of the world’s fishery resources. Foreign fishers operating illegally in this area are, effectively, stealing U.S. resources. As fish stocks throughout the world dwindle and the fleets of distant water fishing nation’s voyage farther from home in search of lucrative catches, the U.S. EEZs, along with those of coastal states everywhere, will become even more attractive targets. Preventing illegal encroachment of the U.S. EEZ by foreign fishing vessels and deterring IUU in the face of these increased pressures is vital to protecting the integrity of our maritime borders.

Enforcement of both the outer reaches of the U.S. EEZ and international fisheries management schemes is a mission largely conducted by Coast Guard deepwater assets. Our cutters, boats, and aircraft must be up to this task. Most of the eight non-contiguous U.S. EEZs in the Western and Central Pacific require several days to over a week in transit time for a cutter from the nearest Coast Guard base. The centerpiece of the Coast Guard’s future ability to deal with incursions of IUU fishing activities at our Nation’s maritime borders is our Deepwater Acquisition. The capability that the Deepwater acquisition project is designed to deliver, along with proper positioning of these assets, will maintain our ability to conduct Coast Guard missions in distant reaches of the U.S. EEZ and on the high seas beyond.

Finally, the Coast Guard supports the intent of H.R. 1080 and the subcommittee’s efforts to align and strengthen the U.S. Government’s ability to detect, deter, and prevent IUU fishing. Regarding the provisions authorizing NOAA to develop an IUU vessel list, we note that many RFMOs maintain IUU vessel lists, and there are efforts underway to consolidate such lists at the international level. While H.R. 1080 authorizes the United States to create an IUU vessel list, it may instead make more sense for the United States to work towards harmonization and consolidation of such lists at the international level. Finally, the provision for information sharing with international and domestic partners may improve our ability to collaborate with like minded partners to address the global IUU problem. We look forward to working with the subcommittee on H.R. 1080 as the legislation moves forward.

The Administration may have additional suggestions with regard to H.R. 1080, and we welcome the opportunity to work with the Committee as the bill moves forward.

In conclusion, the Coast Guard will continue to work closely with NOAA, the State Department, and our international partners to achieve national and international objectives for managing sustainable fisheries worldwide and to address IUU fishing. The world's oceans are truly a global commons, requiring a global approach toward their conservation and management. In the face of an increasing need for food security and the increasing scarcity of marine resources, the U.S. Coast Guard stands ready to confront IUU fishing to preserve the long-term viability of fish stocks around the globe.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions you may have.