Committee on Resources
Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

U.S. House of Representatives

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Testimony Concerning the Final Rule on the Fishery Management Plan for
Highly Migratory Species

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Introduction

Mr. Chairman and distinguished members of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, I want to thank you for holding this hearing today in order to gather important testimony pertaining to the yellowfin tuna fishery and the federal recreational retention limit of three yellowfin tuna per person per day.

Mr. Chairman, Governor Whitman especially acknowledges your leadership on this important issue, and I am happy to inform you of the state's intent to file a "friend of the court" brief in support of the Recreational Fishing Alliance, Inc. Their recent court filing against the National Oceanic and Atmospheric Administration (NOAA) requests that the court set aside implementation of certain portions of the National Marine Fisheries final Management Plan for Atlantic Tunas, Swordfish and Sharks. The state of New Jersey is pleased to file additional documentation with the court to illustrate why this case has merit.

Further, the Governor has asked that the state continue to pursue discussions with NOAA as outlined in our June 2, 1999 letter to the National Marine Fisheries Service, finding that this final fishery management plan is "inconsistent" with New Jersey's coastal zone management plan. I would like to submit for the record this June 2 letter as well as the state's comments dated March 9, 1999 in opposition to the proposed fishery management plan. The state plans to file coastal zone management inconsistency findings on the final management plan later this month. As you know, the Coastal Zone Management Act requires that economic analyses on a state's coastal zone accompany any federal action that impacts that zone. The National Marine Fisheries Service did not conduct such an analysis for this federal rulemaking.

I would like to offer additional comments in my capacity as Research Scientist with the Division of Fish, Game and Wildlife at the New Jersey Department of Environmental protection. I also represent New Jersey at the Mid-Atlantic Fishery Management Council as well as the Atlantic States Marine Fisheries

Commission.

The U.S. Yellowfin Catch Limit

Just two weeks ago the National Marine Fisheries Service (NMFS) implemented this regulation as part of its Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish and Sharks (Federal Register Volume 64, Number 103, Page 29090 to 29160).

The National Marine Fisheries Service in its justification for its three yellowfin catch limit indicates that it is required to implement the recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) to limit effective fishing efforts for yellowfin tuna to 1992 levels. In its Fishery Management Plan for Tunas, Swordfish and Sharks, the fisheries service states that it has limited the commercial catch by prohibiting pair trawls and drift nets. The combined catch by these two gear types accounts for six tenths of 1% (0.6%) of the total U.S. harvest. The National Marine Fisheries Service indicates it has limited access in the purse seine and longline fisheries as justification for reducing effective effort. However, there are no catch limits imposed on these types of gear.

The difficulty lies in the fact that the major cause of mortality in yellowfin is on very young fish in the eastern Atlantic Ocean. And rather than getting those ICCAT member nations to reduce that mortality, NMFS chose to restrict the United States catch. Further, without any knowledge of the amount of effective effort which exists in the recreational yellowfin tuna fishery, the Federal agency has imposed a daily catch limit on the U.S. recreational fishery in order to control fishing effort. It further justifies its position by stating that this restrictive limit might, and I stress might, help to encourage catch and release fishing on the species. If the fishery agency had used existing information, they would have realized that the released rate on yellowfin, all of which are above the minimum size, already amounts to about 12%. Unfortunately, the agency has chosen not to acknowledge or use this information.

Shortcomings

1. The National Marine Fisheries Service has not used the best scientific information available to objectively evaluate the management actions it has placed into effect for the recreational fishery. This information which is freely available, and on at least two separate occasions made available to the agency, has not been used in any analysis.

2. Because the NMFS has not used all the existing catch information available to it, the landings data it uses and reports to ICCAT is greatly under reported, especially in the 1980's and early 1990's.

3. There has been no economic analysis or evaluation of the yellowfin catch limit for recreational fishing. While the agency acknowledges that yellowfin tuna along with bigeye, albacore and skipjack tuna support extensive recreational fisheries, and are an important source of income to charter and party boat companies as well as companies supplying associated goods and services to recreational participants, it provides no economic impact analysis, as required by the Coastal Zone Management Act.

4. The two statistical sampling survey methods used for well over a decade by the Federal agency to monitor the recreational catch of yellowfin tuna, as well as bigeye and albacore tuna, are not designed, nor do they adequately estimate the catch of these species. The first of these, the Marine Recreational Fishing Statistical Survey (MRFSS), while adequate for many recreational species, is not designed to account for the unique characteristics of highly migratory species. The second of these, the so-called Large Pelagic Survey (LPS),

is designed to estimate annual recreational catch of school and medium-size bluefin tuna from North Carolina to Massachusetts and to evaluate the abundance trend in bluefin tuna. It only collects incidental catch information on other species of tuna. Unfortunately, it seems the agency has depended upon these surveys for information pertaining to yellowfin tuna and is the basis for their management actions.

5. The agency is implementing a mandatory registration system for fishing tournaments involving highly migratory species, apparently as a way to monitor the catch. However, so far as yellowfin, bigeye and albacore tuna are concerned, only 16% of the catch of these species occurs during such tournament fishing. Unless the NMFS adequately monitors the recreational tuna fisheries, they will continue to underestimate the actual catch if they use tournament data only.

Recommendations

1. The NMFS should immediately withdraw that portion of their final rule requiring a three fish yellowfin tuna catch limit until existing catch and effort information is properly and thoroughly analyzed. Also, existing economic information should be used to analyze probable economic impacts that would occur if some catch limit were to be imposed.

2. The NMFS should take the necessary actions to have the U.S. ICCAT delegation obtain from the full Commission a binding recommendation to improve international compliance with minimum size regulations on yellowfin and bigeye tuna. The recommendation should require ICCAT member nations that harvest any yellowfin or bigeye tuna weighing less than 7 lbs. or whose harvest exceeds the 15% tolerance level be required to take appropriate action to prevent further overharvest.

3. The NMFS should take the necessary steps to obtain all available recreational catch information for yellowfin, bigeye and albacore tuna, especially prior to 1993, in order to accurately report the U.S. harvest to ICCAT. Our State and others are willing to help in this effort as evidenced by our past work on tunas and sharks.

Importance of Tuna Fishing

For more than 90 years, tuna fishing has been important to New Jersey. Recreational fishing for tunas off the New Jersey coast became popular just after the turn of the 20th Century. The fishery then occurred almost exclusively within 10 to 20 miles off the coast and was for bluefin tuna. Until the 1960's, bluefin tuna fishing was the most important big-game recreational fishery, not only in New Jersey, but in the entire middle Atlantic region.

While giant bluefin tuna, locally called horse mackerel and weighing as much as 900 pounds, gained much public attention as a trophy, the great amount of bluefins caught along the New Jersey coast were those weighting from 10 to 60 pounds. These are called school tuna. The fact that school tuna were plentiful throughout the summer when most anglers had time to fish, were easily available to small boats, put up a strong fight and could be landed with dependable, reasonably priced tackle all combined to make them extremely popular with anglers of moderate incomes.

School tuna became so popular in the late 1950's and early 1960's that the catches in New Jersey rose to nearly 90,000 fish. So popular and important had school tuna become that charter boat fleets specializing in tuna fishing developed all along the coast. There were some 20 such fleets from New Jersey and New York ports alone.

However, a tuna purse-seine fishery, initiated and subsidized by a federal fishery agency, rapidly increased off the middle Atlantic coast in the 1960's. As a result of this fleets fishing activity, the mortality of school tuna increased greatly, in some years to more than 400,000 school tuna. The results of the increased fishing pressure were soon felt in the recreational side of the fishery. By the mid 1970's when the NMFS first began to monitor the recreational catch, it had fallen to about 5,000 school tuna, and this catch was from a fleet of more than 16,500 recreational vessels fishing an area extending from Cape Cod, Massachusetts to Cape Hatteras, North Carolina.

Unfortunately, the NMFS at the time only considered the catch information it had collected beginning in 1975 and not the historical catches. The high mortality rates of the 1970's prompted the NMFS to implement a 14 pound minimum size. Quickly following the size limit were rules to restrict the catch limit to four-school tuna per angler, then to four tuna per boat, later to two tuna per boat as well to impose an annual quota.

As the federal bluefin tuna regulations became more and more restricted, the purse-seine fleet moved to other areas and targeted larger size bluefin. But unlike the purse seine fleet, anglers had very limited ability to change fishing areas; thus, they were left with having their catches severely limited. New Jersey's once thriving fishery experienced great economic disruption, especially to local ports that once depended upon school tuna. We saw one of our area's principal saltwater game fish become reduced to one which can only occasionally be caught.

Canyon Fishing

Partly in an effort to find a substitute fishery for bluefin tuna, anglers began to explore more offshore waters. Trips were made to the offshore edge of the continental shelf. These trips, requiring one way travel of 80 to 100 miles or more, concentrated in the areas of submarine canyons along the edge of the continental shelf. The catches consisted mostly of yellowfin and albacore tuna and white and blue marlin. By the early 1970's, as the recreational boating industry began developing more affordable fast, planning hulls and better electronic navigational equipment, depth recorders and radar became available, more and more recreational anglers began fishing the far offshore waters. This became know as "canyon fishing".

Because of the growing importance of this offshore fishery, New Jersey recognized the need to describe and document the catches being made. We did not want ever again to repeat the unfortunate experience we had with the school bluefin tuna fishery. Since the bluefin fishery was not adequately described or scientifically monitored by a fishery agency prior to 1975, its historical importance was not pertinent to federal management measures.

We recognized the importance of obtaining factual information about the participation in the canyon fishery, the catches being made, and the amount of fishing effort as well as the economic importance of this fishery. Also, we knew the importance of collecting such information over a fairly long time period was important in order to evaluate trends in the fishery. Thus, New Jersey embarked on an eleven-year program to monitor this fishery and accurately determine its catch characteristics.

The Canyon Fishery and the Yellowfin Catch

New Jersey designed a monitoring survey that covered a portion of the continental shelf extending east to west from the 30 fathom contour to 1,200 fathom counter (45 nautical miles), and extending north to south from the Hudson Canyon to the Washington Canyon (160 nautical miles). The survey area covers more than

7,000 square miles (Figure 1). This area was chosen because the recreational activity between these geographic bounds constituted a distinct fishery and represented a fairly homogeneous group of boats which employ similar fishing techniques and fish for and catch the same group of fishes.

Results of this eleven-year study reveal that the recreation season extends from about mid June to late October, though the great majority of fishing activity occurs between July and September. Over the course of our study, the New Jersey canyon fishing fleet consisted of between 800 and 1,700 vessels, which made between 3,952 and 7,367 fishing trips annually. While the number of vessels canyon fishing show an increase over time, the number of vessels and trips they make in any one year depended greatly upon weather conditions and availability of fish.

By far, the most commonly caught species of fish in the canyon fishery is yellowfin tuna. This species accounts for nearly 50% of the catch. The catch of yellowfin, as well as albacore and bigeye tuna, varied greatly from year to year. Some years the catch of yellowfin tuna can be as low as 3,678 and other years or as high as 29,820 fish. The average weight of yellowfin varies from about 55 to 70 lbs. Private boats account for between 70 and 90% of the yellowfin catch and charter and party boats between 10 and 30%. Anglers regularly release back into the water between 9 to 15% of their catch.

When we compare New Jersey catch results in the 1980's and early 1990's with those of the NMFS, we find what appears to be gross underreporting in the federal system. For example, the recreational catch of New Jersey alone exceeds the entire U.S. East coast recreational catch in 3 out of 4 years between 1981 and 1984 (Table I). From our cooperative survey work with New York, Delaware, Maryland and Virginia in 1983, New Jersey accounts for about 25% of the middle Atlantic yellow-fin catch, the other states 75%.

Based upon an economic survey of this fishery done during the mid 1980's, the average recreational canyon fishing boat costs about $126,000 fully equipped (The 1986 Economic Survey of New Jersey's Big Game Fishery). The value of the New Jersey canyon fleet during that time was about $202 million. An average canyon boat has aboard over $5,000 in fishing tackle. Annual expenditures to dock and maintain this fleet were over $40 million. An additional $2.3 million was spent in charter-boat fees to fish the offshore waters. An average offshore boat makes about fifteen trips per year and spends nearly $300 in trip expenses. Overall, there is considerable economic information available for yellowfin tuna, as well as for bigeye tuna, albacore tuna and sharks from these surveys.

Practically, these expenditures are substantial and are only made worthwhile if the fishermen and women believe they have the potential for a significant catch. In addition to the expenditures made by fishermen and women who own and maintain the boats, there are large expenses borne by the recreational anglers who wish to rent those boats for day excursions. Customer may not wish to pay as much for boat rentals if they do not have the opportunity to return home with a sizeable catch.

If the rental customers no longer see the value in paying for these daily trips, not only will the boat owners who take them out see a loss in income, but other related businesses will also feel the negative economic impact. For example, bed and breakfasts, inns, hotel/motels, restaurants, tackle shops and tourist shops will also experience a decrease in customers who would otherwise patronize their businesses prior to or after a fishing trip.

Status of the Yellowfin Tuna Resource

The Standing Committee on Research and Statistics (SCRS), the scientific arm of the International

Commission for the Conservation of Atlantic Tunas (ICCAT) assesses the status of the yellowfin stock on an Atlantic ocean-wide basis. The SCRS uses various production models and several types of virtual population analysis (VPA). The results of the 1994 through 1997 analyses indicate that the stock of Atlantic yellowfin tuna is at a level close to full exploitation. All the production models indicate that the stock is fully exploited and is at a level of maximum equilibrium yield.

According to the SCRS (1998), the Atlantic-wide catch of yellowfin tuna totals some 137,000 metric tons, of which 110,000 metric tons or 80% is taken in the eastern Atlantic, mostly off central Africa by Spanish and French purse-seine fleets. The western Atlantic catch is some 27,000 metric tons, or 20% of the ocean-wide total. The entire U.S. catch, including both commercial and recreational, is about 7,700 metric tons or 5.6% of the ocean-wide harvest. According to the National Marine Fisheries Service, in the last several years the U.S. recreational fishery accounts for about 4,400 metric tons or 57% of the U.S. total catch, thus, the U.S. recreational harvest accounts for 3.2% of the ocean-wide harvest.

Since about 1991, the major purse seine fleets, mainly Spanish and French, operating in the eastern Atlantic off equatorial Africa, developed a fishery which targets tunas using artificial floating objects. This translates into important increases in the catches of skipjack tuna and juvenile bigeye and yellowfin tuna. The ICCAT, concerned with the harvest of small yellowfin tuna, recommended a minimum size of 7 lbs. (3.2 kilograms) with a tolerance level of 15% by number of fish. However, according to the ICCAT information, the proportion of yellowfin harvested less than the minimum size averaged 48% during the 1975 to 1994 period. In 1995, this increased to about 50%, and based upon the fishing technique information, the percent of undersized yellowfin is expected to increase even more. In its 1998 scientific report, ICCAT indicated that fishing mortality on yellowfin in the eastern Atlantic remains high and that the minimum size has not been applied.

In order to accommodate the biological concerns, ICCAT recommended, in 1993, that its member nations not increase the level of effective fishing effort for yellowfin tuna beyond the level observed in 1992. In addition, the Commission recommended that effective measures be found to reduce fishing mortality of small yellowfin, based on the results of the yield per recruit analysis. Further, ICCAT indicated that increases in the effective minimum size offers the greatest opportunity for increasing long-term yields.

Thank you for the opportunity to present New Jersey's comments on this important issue. I would be happy to answer any questions you may have.

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