

**Written Testimony***Of*

**Dewey Hemilright, Captain**  
F/V Tar Baby, Wanchese, North Carolina  
PO Box 667  
Wanchese, NC 27981

Phone: 252-255-5791  
e-mail: fvtarbaby@vol.com

*Before the***107<sup>th</sup> Congress House of Representatives**

**Committee on Resources**  
**Subcommittee on Fisheries Conservation, Wildlife and Oceans**

*On the***Concurrent Resolution HR 427****September 26, 2002**

Mr. Chairman and Members of the Subcommittee:

Thank you, Mr. Chairman, and members of the Subcommittee for the invitation and opportunity to speak concerning HR 427. I am Dewey Hemilright, Captain of the 42 ft. longline fishing vessel Tar Baby of North Carolina that ranges, depending upon the season and weather conditions, from 3 to 75 miles offshore from Montauk, NY to Mayport, FL.

Before I begin, I must note with disappointment that the U.S. Commercial ICCAT Commissioner has not been asked to be here today to testify in order to give this subcommittee an increased understanding and his informed insight of the potential ramifications of this proposed resolution as it applies to the U.S. and ICCAT. With all due respect to Dr. Hogarth and Mr. Hayes, Mr. Glenn Delaney is the only current ICCAT Commissioner who has been directly involved at the ICCAT negotiating table, working on conservation for all Atlantic highly migratory species in recent years. This subcommittee does itself a disservice by his exclusion from these discussions and proceedings.

I also note that I am proud to be a member of the North Carolina Fisheries Association and the Blue Water Fishermen's Association. Our fishermen catch a variety of fresh domestically-caught fish for American seafood consumers who cannot or choose not to catch their own. We proudly carry on and wish to continue this important heritage of our Nation's coastal communities.

The U.S. Atlantic pelagic longline fishery has led the way with enormous sacrifices for both international and domestic conservation measures to rebuild Atlantic highly migratory species. I strongly note that swordfish have returned to 95.8% of optimal biomass *prior to* the imposition of the overly

extensive small swordfish closures placed only against commercial fisherman in U.S. waters.

In the past, U.S. longline fishermen harvested up to 29 to 34 percent of the N. Atlantic swordfish using only 8 to 10 percent of the overall hook effort for this species. Today, due to cheap, many of which are illegally caught imports and draconian domestic over-restrictions, it is unclear whether or not a profitable longline fishery can even continue. U.S. vessels cannot operate on \$2.00 per pound fish.

Today, our fishery is so over-restricted that we have lost the ability to harvest our full ICCAT quota on an annual basis. We're working hard through cooperative bycatch reduction research to develop gear modifications that will allow some of these domestic restrictions to be eased. Sadly, it has become politically correct to trade off our commercial longline fishery for progress within ICCAT. I caution Congress that the loss of it's most important HMS commercial fishery will only weaken the U.S.'s abilities within ICCAT.

We must not forget that the U.S. alone cannot rebuild highly migratory fish stocks. However, as we now see with North Atlantic swordfish; with the cooperation and compliance of harvesters throughout the range of a species, we can reach this worthy goal.

**I have many questions and reservations about the effectiveness of this resolution in its present form.**

My basic concern with the resolution is that it is too narrow. Focusing primarily upon marlin, ignores the overall compliance problems within ICCAT and isolates our U.S. Delegation because no matter how hard we may try, other cultures will not accept a higher priority for marlin, than what is to the world, more important food-fish species. The United States should make every effort to ensure international compliance with all ICCAT conservation measures, not just marlin.

A broader approach would also provide greater conservation for marlin because I think the combination of compliance with the existing marlin recommendations that my fishery helped to achieve and more importantly, the elimination of Illegal, Unregulated and Unreported Fishing (IUU Fishing) for ICCAT species will end Atlantic marlin overfishing and allow these important species to our country to rebuild. But other countries are not going to accept international trade prohibitions for marlin alone.

The Senate Magnuson-Steven's Reauthorization Staff Draft contains an international compliance provision that could eliminate all non compliant ICCAT fish from entering U.S. markets. I strongly recommend that Congress work in this direction, both to revise this Resolution and on future implementing legislation. Please end the embarrassing situation that our country continues to accept internationally pirated fish, ICCAT quota overages and undersized tunas from foreign fleets that are not adhering to ICCAT conservation measures. And in doing so, let's not sacrifice the world's most efficient and conservation minded pelagic longline fishery.

Before we start to embargo any member or nonmember country, I have to ask "What will the U.S. pelagic longline fisherman give up this time to achieve these goals at ICCAT?" Will it be more quota or more closures because the swordfish fishery has become the bargaining chip for the U.S. position for the past several years? We haven't filled the U.S. ICCAT swordfish quota in recent years due to unilateral restrictions. Last time, we gave our unharvested quota to Japan for marlin conservation and to ensure the security of our long-term country share. Who gets it this year?

Also, as an example of just how bad compliance within ICCAT’s own members can be, and the weakness of our U.S. Delegation’s ability to respond to member noncompliance; last year at ICCAT we learned that the E.U. exceeded their bluefin ICCAT quota by 15,000 metric tons. NMFS’s response to its constituencies was that they were glad the compliance reporting process worked. Would this resolution address these types of non-compliance by member nations?

It is critical that we are careful with the wording of Atlantic marlin mortality, because domestically, the NMFS turns a blind eye regarding the U.S. recreational industry’s Atlantic marlin mortalities. To the other countries, this may seem to be hypocritical and could hurt the U.S.’s overall positions. How can we go to ICCAT and demand more marlin conservation when even the U.S. does not accurately report its own mortalities? Should not these mortalities be included in ICCAT stock assessments? Yes—the U.S. recreational landings are reduced but its catches, both in and outside of tournaments, are not,. This year in 14 days, Mid-Atlantic tournaments reported catching and releasing more than 1,550 marlin.

A recently filed petition to list white marlin as endangered under the ESA provides documentation that U.S. recreational post-release mortalities may exceed landings by all Atlantic harvesters. The petitioners have presented data regarding the level of impact on the species caused by the recreational/sportfishing sector.

	Page 15	Page 23
U.S. billfish anglers	230,000	230,000
U.S. billfish days	2,137,000	7,744,100
Average days/year	9.29	33.67
Billfish caught (@ 0.25 billfish caught per fishing day)	534,250	1,936,025
Atlantic effort (60% of U.S. billfish effort)	320,550	1,161,615
White marlin caught (19% of Atlantic effort)	60,905	220,707
Number of dead white marlin @ 15% post-release mortality rate (Hinman)	9,136	33,106
Number of dead white marlin @ 12% post-release mortality rate (Graves)	7,309	26,485
Number of dead white marlin @ 32% post-release mortality rate (Domeier)	19,489	70,626
Assuming 45 lbs. average weight (page 17)		
Weight of dead white marlin @ 15% mortality rate	186.48 mt	675.76 mt
Weight of dead white marlin @ 12% mortality rate	149.18 mt	540.60 mt

Weight of dead white marlin @ 32% mortality rate	397.82 mt	1,441.61 mt
Weight of dead white marlin reported to ICCAT		
1999 U.S. Recreational/sportfishing sector	1.6 mt	
1999 U.S. Commercial fishing sector (regulatory dead discards)	56.67 mt	
1999 Total Atlantic	908 mt	

As the above indicates, the U.S. might be wiser to get its data straight before pointing fingers elsewhere.

As a U.S. pelagic longline fisherman, I think this resolution would be great if the language included swordfish and BAYS (Bigeye, Albacore, Yellowfin and Skipjack) tunas as the highest priority just like the marlins since the U.S. is using our swordfish underharvest as a trade-off for marlin conservation.

In conclusion, I think that if properly crafted, this resolution could show the other countries that the U.S. is strongly committed to the goal of rebuilding these fish stocks to sustainable levels by holding all fishermen accountable. If this subcommittee were to broaden and revise this resolution to include my suggestions, it would help to ensure the reality of rebuilding then sustaining healthy ICCAT species for a brighter future for all Atlantic HMS fisheries, commercial and recreational.