

**Written Testimony of
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**Hearing on
H.R. 2706 Billfish Conservation Act of 2011
H.R. 3472 Pirate Fishing Vessel Disposal Act of 2011
H.R. 4100 Illegal, Unreported and Unregulated Fishing Enforcement Act of 2011**

**Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs
Committee on Natural Resources
United States House of Representatives**

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Good afternoon, Mr. Chairman and Members of the Committee. I am grateful for the opportunity to appear before you today to provide testimony on H.R. 2706, the Billfish Conservation Act of 2011; H.R. 3472, the Pirate Fishing Vessel Disposal Act of 2011; and H.R. 4100, the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2011. I am a professor and chair of the Department of Fisheries Science at the Virginia Institute of Marine Science, College of William and Mary and have been studying highly migratory species such as tunas and billfish for nearly 30 years. In addition to my academic appointment, I am currently serving my eighth consecutive two-year term as chair of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT). I have been a member of the U.S. delegation to the annual ICCAT commission meeting each fall for the past seventeen years. It is with this background that I address you today.

I will begin with H.R. 2706, the Billfish Conservation Act of 2011. Istiophorid billfishes such as the marlins, sailfish, and spearfishes, are taken as bycatch in pelagic longline fisheries throughout the world's tropical and subtropical waters, and they are directly targeted by artisanal fisheries in many developing nations. The billfishes also support major recreational fisheries throughout their range. In general, these are "data poor" species, we do not have very good catch records. The most recent assessments of blue marlin, white marlin, and sailfish in the Atlantic Ocean suggest that stocks are overfished and that some continue to experience overfishing. Recognizing the depleted status of Atlantic billfish stocks and the economic value of the recreational billfish fishery, the United States prohibits the retention of billfish on commercial vessels as well as the sale or importation of Atlantic billfish. The U.S. recreational Atlantic billfish fishery is almost completely catch-and-release, a result of high minimum size limits and a strong conservation ethic among recreational anglers to release their fish alive. In fact, as a result of an ICCAT management measure, the United States is limited to an annual recreational harvest of 250 blue and white marlins combined. The increased use of circle hooks together with natural baits has significantly decreased mortality of released billfishes.

Billfish stocks in the Pacific and Indian oceans may not be as depressed as they are in the Atlantic, but they are not in great shape. As in the Atlantic, a fraction of Indo-Pacific billfish are taken in artisanal fisheries and are consumed locally. However, some artisanal billfish catches as well as many billfish taken as bycatch in pelagic longline fisheries do enter into international trade. Surprisingly, the United States is one of the major importers of billfish. Should we be providing an economic incentive for those harvests? A prohibition on the possession or sale of Indo-Pacific billfishes in the continental United States would decrease demand. As demand drops one would expect a decrease in ex-vessel prices for Indo-Pacific billfishes, and that could cause fishers not to retain them. The majority of billfish are alive at the time that longline gear is retrieved, and our research results show very high survival rates for billfish released from longline gear. As my colleagues from the recreational sector on the ICCAT Advisory Committee would be quick to point out, the economic value of the billfish to the recreational fishery is many times that of the value to the commercial fishery, and the recreational fishery is almost entirely non-consumptive. I strongly support efforts to reduce fishing mortality on Indo-Pacific billfishes.

Fisheries around the world are overcapitalized; there is more than enough capacity to harvest the available fish. In a typical growing fishery, successful fishers reinvest in new and bigger boats, and many of the older boats are sold to new entrants into the fishery. As this process continues, the fishery typically becomes overcapitalized and the stock overfished. As country-specific quotas are set to limit fishing effort, illegal, unreported, and unregulated (IUU) fishing often develops. Effective fishery management requires mechanisms to maintain fleet capacities consistent with sustainable harvests. H.R. 3472, the Pirate Fishing Vessel Disposal Act of 2011, provides a mechanism for ensuring that those vessels that have been forfeited for engaging in IUU fishing do not return to any fishery. I strongly support measures to permanently reduce IUU fishing effort.

IUU fishing is a significant problem worldwide, undercutting fishery management, depleting stocks of target and bycatch species, and financially impacting those fishers that comply with rules established by regional fisheries management organizations (RFMOs). Many fisheries are managed to maintain biomasses that support maximum sustainable yields. They are at the edge, with known fishing effort or landings adjusted to allow maximum sustainable catches without depleting the resource. IUU fishing increases fishing effort and landings and can tip the balance to overfishing. And overfished stocks are less productive. Furthermore, as IUU catches reach markets they drive prices down, making fishing less profitable for those who fish legally. As many fishing operations are just getting by, reduced prices can result in lost jobs. In a 2009 publication, Agnew and colleagues estimated that on a global level IUU fishing results in economic losses of 10 – 23.5 billion dollars annually.

IUU fishing has been a serious problem within ICCAT as well as the other tuna RFMOs. Of the nations identified by the United States for IUU activities under the Magnuson-Stevens Reauthorization Act, many have either failed to implement ICCAT conservation measures and/or had vessels that were engaged in fishing activities that

violated ICCAT management measures. As recently as 2007 it was estimated that the magnitude of IUU fishing for the overfished stock of eastern Atlantic bluefin tuna was roughly equivalent to the reported (managed) catch, and the actual catch was four times the level of 15,000 mt recommended by ICCAT's Standing Committee on Research and Statistics. Fortunately, the situation for this stock has improved dramatically over the past few years, in large part due to increased monitoring, control, and surveillance measures in ICCAT that made IUU fishing more difficult to carry out in the fishery.

The eastern stock of Atlantic bluefin tuna probably experienced the highest levels of IUU fishing of any ICCAT managed stock, but almost every other stock managed by the Commission faces challenges from IUU fishing. These challenges include a lack of data reporting (catch, effort, catch at size, etc.), late reporting of data (a practice that can hinder stock assessments and evaluations of compliance), misreporting of data, consistent quota overages, catches of fish below the minimum size, violations of time/area closures, the use of unauthorized gears and failures to implement other conservation and management measures. Data collection and reporting problems are significant for ICCAT's target stocks, and they are even more severe for bycatch species.

As I reported to this Committee three years ago, ICCAT has adopted several measures to combat IUU fishing, including recommendations and resolutions that address (1) timely data reporting, (2) implementation of vessel monitoring systems, (3) port inspection measures, (4) observer requirements for certain fisheries as well as for carrier vessels participating in at sea transshipments, (5) tracking of catch and/or trade for bluefin tuna, bigeye tuna, and swordfish, (6) the creation of authorized and IUU vessel lists, (7) quota overharvest payback requirements, and (8) an instrument that can result in the adoption of non-discriminatory trade restrictive measures under certain circumstances. Over the past three years, the Commission has made significant improvements to the IUU vessel list, the bluefin catch documentation program (including adoption of an electronic catch document system that will be piloted over 2012-13), increased observer coverage in certain fisheries, a measure to increase transparency of access agreements, and penalties for non-reporting of landings.

Developing and negotiating the adoption of management measures at ICCAT is a challenging process, but their success is ultimately dependent upon the resolve of member nations to implement and enforce ICCAT management measures, as well as the resolve of the Commission to address member and non-member compliance. Until just a few years ago, compliance was not taken very seriously by the Commission as a whole. An external review in 2008 noted in that "ICCAT, as a tuna RFMO, has a sound base, it has done many things well and continues to do so, but it has failed against its objective because its CPCs have failed in their responsibilities". Fortunately, under the leadership of Dr. Christopher Rogers of the United States as Chair of the Compliance Committee for the past four years, and with strong support from Dr. Fabio Hazin of Brazil who chaired the Commission during that time, there have been major changes in the operation of the Compliance Committee, resulting in a much more effective and transparent process. The compliance of parties with management and conservation measures is now presented in a compliance "report card", with the expectation that those members listed as non-

compliant will explain their problems and implement actions to correct the situation. Where needed, the Compliance Committee calls for the application of appropriate sanctions for the various lapses in compliance.

The changes in attitude of the Compliance Committee, and at ICCAT in general, are encouraging. It is great to see a multilateral resolve to eradicate IUU fishing. But the problems of non-compliance and IUU fishing facing ICCAT and other RFMOs are not always addressed by the multilateral bodies in a sufficiently timely or effective manner. More help is needed.

The Magnuson-Stevens Reauthorization Act (MSRA) was a step in the right direction, providing unilateral tools to combat IUU fishing, including the mechanism for the identification of IUU fishing nations and subsequent bilateral process, the opportunity to build capacity for fisheries data reporting and monitoring, the development of IUU vessel list, and the sharing of fisheries enforcement information.

Although the reauthorization of the MSA affords more opportunities to combat IUU fishing, there is room for improvement. One cause for this is procedural. Countries report their catch and effort data to ICCAT for a year late in the following year, and these data can be adjusted in following years. And not all parties report on time. We cannot let late reporting of data be a means to avoid compliance. Providing a lengthened time period to determine an IUU listing will help to improve this situation. Further, providing NOAA clear authority to identify nations for violations of RFMO measures, such as the lack of data reporting, could also help address these activities. IUU fishing is a major problem, and it certainly extends well beyond the six nations that were identified in the last round.

H.R. 4100 will provide the opportunity for increased enforcement actions relative to IUU fishing. However, in order to be effective, we will need to improve our ability to detect IUU fishing. The NOAA Office of Law Enforcement is already over committed, and it is not clear how they will be able to meet increased expectations without additional resources. It is also worth noting that use of the International Trade Data System will improve NOAA's ability to screen imports but also has limitations. Electronic data exchange is only part of the solution. It will require enhanced scrutiny of the reported information by fisheries experts to effectively identify and exclude IUU fishery products.

In closing, I would just like to reiterate that IUU fishing is a major problem within ICCAT and other international fisheries fora. Multilateral actions, while well intentioned, have fallen far short of combating this problem, mainly due to the fact that many nations do not implement or enforce the agreed upon conservation and management measures. Therefore, as a major fish importing nation, it is our responsibility to ensure that we do not promote IUU fishing through our markets. HR 4100 makes progress in this regard, providing new and improved tools to combat IUU fishing. And considering the financial incentive for this destructive practice, we need all the help we can get. I thank you for your time and consideration.