

Committee on Resources

Witness Testimony

Testimony of

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Before the Subcommittee on Fisheries,

Wildlife, and Oceans

13 June 1996

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to speak to you about the current status of the science for Atlantic Bluefin Tuna.

I am Nelson Beideman, Executive Director of Blue Water Fishermen's Association (BWFA). I had served as Blue Water's President from December 1989 until April 1993 when my boat and all hands were tragically lost at sea. I have been a fisherman since childhood and began commercial fishing year-round after my graduation from Maine Maritime Academy in 1975. I am honored to represent a majority of the active fishermen in the U.S. Pelagic Longline Fishery for swordfish, tunas and shark. I grew up with most of these fishermen during my 33 years on the ocean.

Blue Water Fishermen's Association members are disappointed in the direction that NMFS continues to pursue regarding the domestic management of US Western Atlantic bluefin tuna (ABT). BWFA has made numerous comments to NMFS on practical alternatives to address long-standing concerns of the Incidental Pelagic Longline Category and has received many public promises from NMFS that these concerns would be addressed. We have shown tremendous patience as NMFS has worked to straighten out the priorities of other ABT categories. Now is the time to address the following legitimate concerns of the Incidental Pelagic Longline Category.

BWFA represents over 250 companies consisting of commercial fishermen, vessel owners, fish dealers and supporting supply companies with an interest in Atlantic highly migratory marine species, with members from Maine to Texas and California to the Caribbean Islands. The vast majority of our harvesting members use hook and line longline gear to catch swordfish, tunas and oceanic sharks. The pelagic longline fleet has traditionally harvested Atlantic Bluefin tuna since the 1960's. In 1982, American longline fishermen were unilaterally expelled from the directed bluefin fishery and designated as an incidental catch category. Our fishermen are frustrated by NMFS's apparent lack of understanding of the longline fishery and apparent disregard of joint recreational and commercial proposals that would minimize the wasteful regulatory discarding of dead fish while maintaining conservation goals under the country-specific and gear-specific quotas recommended by ICCAT.

The US ICCAT Advisory Committee's Species Working Groups have assumed the primary role for recommending research priorities species by species to the ICCAT Commissioners and NMFS/SEFSC. This integrated approach should be enhanced in the current restructuring of NMFS to include both involved science centers coordinated through the NMFS/HMS Division. Some funds were appropriated under Section 307 of the Fisheries Act of 1995 to provide for highly migratory species research and management, but to our knowledge have not yet been made available. It is difficult to discuss scientific programs in this limited time-frame. Current interest is focused on NMFS's soon to be final proposed rule which will affect many bluefin tuna catch categories. The current bluefin tuna science affects all of the following issues to one degree or another.

ICCAT Northwest Atlantic Longline Index of Abundance:

BWFA's fishermen have always been perplexed by NMFS's disregard for the potential value of scientifically monitoring ABT by working more closely with a year-round longline fleet that covers a vast temporal and

spatial range. Our vessels are fishing in the Gulf of Mexico, throughout the Caribbean, and up the East Coast to the Canadian Border, and as far east as the Azores and the Mid-Atlantic Ridge and south to offshore of South America. Specific information on interaction rates (CPUEs) with ABT in these areas and seasons would certainly be of value for scientific monitoring.

Both Eastern and Western Atlantic ICCAT stock assessments have incorporated the U.S. incidental discard estimates for many years. The average dead discard figure from 1987 to 1994 is 142.6 mt.. In more recent years 1992-1994 the average lowers to 51.5 mt. per year reflecting our conservation efforts to avoid ABT. At least this recent year average should be added to our country quota and be landed by the Incidental Category to provide for a proper Longline Index of Abundance. This will help to prevent unnecessary regulatory waste and will enhance the quality of the scientific data that is vital to properly conserve and manage these stocks. This information was very useful in the past and the "scientific monitoring" could benefit from resuming this index that was formerly provided by the Japanese industry. Only the United States prohibits directed longline harvesting of ABT. Existing analysis of swordfish longline catch rates of ABT indicate that gear comparisons can be made between nations to correct for gear and strategy differences between these fisheries. The US is also the only country that reports dead discards and shark-bitten fish.

The Advisory Committee to the U.S. Section of ICCAT supported this concept and the US formally proposed (attached) that the Scientific Committee on Research and Statistics (SCRS) evaluate the potential benefit of such an index which could result in better utilization of the regulatory discards from this fishery. We are pleased that NMFS/SEFSC is now in the process of submitting a study on this concept to the SCRS. We encourage NMFS to work closely with the affected fishing community on this study. This will have no effect on other bluefin categories nor are we seeking a directed fishery.

NMFS's flexible interpretation of ICCAT's quota recommendation:

-The Federal Register Notice of this proposed rule stated:

"The share allocated to the United States was set at 1,311 mt. With the provision that unused quota from 1995 be carried over or overharvest be subtracted from the 1996 total. This proposed rule would implement that quota recommendation, accounting for overharvest and underharvest in each regulatory category as well as inseason transfers between certain categories."

This formula certainly was not carried through in this rule. Categories that overharvested their quota were given more quota and the categories that kept their harvests below their allocation were penalized by having their underharvest rescinded. This is a very poor policy direction for the NMFS to take, in effect "rewarding overharvest while punishing compliance." NMFS will never be able to constrain each category to keep within its quota limits until NMFS commits to a consistent policy of subtracting overharvests from the following years allocation for those categories that exceed their quotas.

How does NMFS justify the transfer of 43 mt. from the Incidental Category to the Reserve, and then to the Angling Category? First, a large portion of this transfer tonnage is already incidentally killed fish that we are prevented from landing due to over-regulation of the Incidental Category. This is not available quota, it is fish that are already dead. Then, NMFS may convert this "false paperwork underharvest" of dead fish at 5-6 fish per ton into a high likelihood of 40-60 fish per ton, increasing bluefin mortalities by a factor of 10. Is this a rational biological strategy, let alone common sense? We recommend that any quota transfers from category to category should be converted into numbers of animals based on the average weight of fish harvested by the category whose quota is being transferred. The US should aggressively pursue an ICCAT policy to base bluefin management on fishing mortality target levels similar to the process that established Atlantic Swordfish management.

BWFA has consistently supported regulations that would constrain the Incidental Category to its quota. We are one category that has not attempted a "Grab Strategy" against other categories during these difficult times of severely reduced quotas in the ABT fishery. At the same time, we maintain that the incidental category regulations should be adjusted so that our fishermen could have a reasonable opportunity to harvest the longline quota. The incidental characterization of this allocation is an historic artifact of the

international negotiation (perhaps due to no US longline representation in 1982) and of ICCAT's recommendations. This is neither logical nor fair to the Atlantic fishery.

Since 1992 with the revisions in the incidental category directed-catch criteria and the reduction from two fish to one, the incidental category has been well within its quota each year. It is apparent that the revisions have resulted in over-restriction and NMFS must amend the regulations to allow this category to fill its quota and to reduce the wasted food and commerce caused by the current regulations. The Assistant Administrator for Fisheries has authority to make daily catch limit adjustments to ABT regulations and often does for other categories.

It is well documented that the US Pelagic Longline Fishery, although doing its best to avoid ABT and mortalities resulting from their capture, interacts with more bluefin that cannot be returned to the sea alive than our quota allows. This regulatory discarding is documented by observer coverage. Why then, if these fish are already dead, does our government over-restrict the landings in this category to a point that our quota cannot be met? This is not conserving ABT. This is not providing greater scientific monitoring precision for the fishery. This is simply more regulatory waste that NMFS has promulgated across many US recreational and commercial fisheries. The Environmental Industry uses this fodder to gain membership dollars. Recreational groups rally to this rhetoric and attack commercial fishermen. In general the American public remains unaware that their government's wasteful policies unnecessarily mandate much of this waste, at least in the longline industry.

At the repeated request of NMFS/HMS Division, BWFA expended a substantial quantity of time and resources to develop a comprehensive proposal that would address these long-standing Pelagic Longline Incidental Category concerns across all regions and segments of this fishery. Following a lengthy internal process, BWFA has presented several ideas that could accomplish this common goal (attached). Unfortunately, other than verbal encouragement from the HMS Staff, NMFS has not made any attempt to address these concerns in this rule. Why has this issue and the concerns of this category's fishermen been ignored?

In the course of this process, our comprehensive proposal has garnered the support of many diverse fishery interests; including members of Congress, the US ICCAT Advisory Committee and relevant organizations in the environmental, recreational and commercial fishing community. Yet NMFS continues to ignore these proposals.

Proper reporting of Eastern Atlantic bluefin tuna:

It is important that the United States properly report the catch (as opposed to landing) of highly migratory species in their proper management units. As was the case in South Atlantic Swordfish, if a country reported 1 pound of swordfish, they were permitted to expand their fishery to 250 mt. The US Distant Water Swordfish fleet has interacted with ABT east of 45° West Longitude since the early 1960's. These catches are landed on the US mainland and thus have been mis-reported as Western ABT and unfairly deducted from the Western quota.

We are not proposing to develop a directed fishery. We think these fish should be reported properly and that these larger distant water vessels should be permitted reasonable measures as proposed with proper catch criteria to prevent any development of a directed fishery until the stocks have recovered. This does not represent a substantial amount of fish, the average over the past 10 years is less than 30 fish per year. However, it is important that the US properly report this catch and this will help relieve regulatory discarding in both management units.

US Pelagic Longline Industry Comprehensive Proposal:

Following many years of frustration with required regulatory discarding of dead fish, our fishermen were encouraged by NMFS/HMS Division's repeated requests for us to develop a comprehensive plan to address our concerns. We now face the battle of moving this proposal into practical implementation, without NMFS even alluding to possible revisions that NMFS Staff is well aware of, in the Federal Register Notice. This looks like a bureaucratic stalling tactic. As with all negotiated settlements between diverse segments, each

detail is important to agreement on the proposal. Once general parameters had been agreed to by many commercial and recreational participants, as described in the letter to Congressman Saxton (attached), our regional segments negotiated a plan that will provide a "fair and equitable" approach for all regions while our category cautiously remains within its quota allocation.

Analysis of the numbers of bluefin caught on 1,523 observed sets and trip landings files, indicated slightly higher directed-catch levels for specific multiple landings than was the participants estimated perceptions. In addition, the analysis indicates that 93% of these sets interacted with no ABT, while an additional 6.2% of the sets caught 3 or fewer bluefin tuna. Attached to this comment is the step by step details of our comprehensive proposal. The scientific data analysis for this proposal is available upon request. Also included is a NMFS table on the Distribution of Numbers of Bluefin Tuna Sold in the Incidental Category, 1990-1993. This table vividly shows how few longline vessels fish in a manner that could be perceived as targeting ABT.

NMFS Proposed Changes to Minimum Sizes:

BWFA can support NMFS's proposal to unilaterally raise the Yellowfin and Bigeye tuna minimum sizes in order to reach uniformity with the existing ICCAT minimum size for Bluefin tuna if the proper dressed weight is added to the enforcing criteria. This will provide commercial vessels that must butcher their catch with a clearer description of the minimum size and facilitate greater enforceability since most tuna are landed as dressed carcasses. The minimum size criteria must also apply to all tuna product imported into the United States. It is tremendously unfair to US fishermen to be disadvantaged in relation to their foreign competitors by applying greater restrictions unilaterally without equivalent importation measures. It is unfortunate that NMFS and other "fish cops" do not know one tuna from another.

BWFA opposes the proposed 27" curved measurement as the sole criterion for determining size for yellowfin, bigeye and bluefin tunas. It should read "27 inches or 6.4 kg (14 lb. round weight)" to conform with the ICCAT recommendations. A fish with a 27 inch curved LJFL measurement is about double the size of the current ICCAT minimum size (3.2 kg). This clearly exceeds the ICCAT recommendation. However, we note that it is extremely rare for U.S. fishermen to catch bigeye or yellowfin tunas that small.

The proposed measurement resurrects the old problem of needing an equivalent measurement for fish landed with the head and tail removed since most are landed that way. An equivalent measurement must be calculated based on the ICCAT recommendations. The final rule should read 14 lbs. (6.4kg.) round weight, (27 inches) (68 cm.) curved Lower Jaw Fork Length (LJFL) or (11 lbs.) dressed weight.

Future Rebuilding Considerations:

BWFA's fishermen have experienced increased interactions with ABT since 1992. We are hopeful that this trend will continue as the status of the stock improves and we anxiously await rebuilding targets and timetables. Although we think it is premature at this point to discuss increases in the U.S. quota, the fishery managers should prepare to answer questions that have developed during this long and frustrating ICCAT bluefin tuna conservation and management program.

BWFA's fishermen have made great sacrifices to participate in the program to rebuild ABT. Before any quota increases are granted to the directed U.S. ABT quota categories, we think the following questions must be completely answered.

International

- What is the biological reasoning for "no directed fishing" in known spawning areas?

Domestic

- Why has U.S. longline been designated as "incidental only" regardless of geographical locations, even thousands of miles from designated spawning grounds?

We realize that the ABT fisheries are under immense political influences and turmoil. Longline fishermen have maintained a steady posture of not pressing sensitive quota issues until a recovery is clearly underway; however, we have always been consistent in stating that regulatory discard concerns must be addressed during a recovery before additional U.S. quota is allocated to the directed ABT fisheries.

Blue Water Fishermen's Association and the participants in the Pelagic Longline Incidental Bluefin Tuna Fishery have been patient and have worked hard to provide NMFS with sound scientific and biological proposals to address the urgent need to reevaluate the over-restriction of this fishery. Presently, it is difficult to focus on many other important general areas that NMFS could improve the scientific monitoring capabilities of this fishery because of the above pressing concerns of our fishermen.

Again thank you for this opportunity to express our views concerning domestic Atlantic Bluefin Tuna management.

Our comprehensive proposal consists of six steps that would be implemented on a trial basis for 1996 and possibly 1997. It could be adjusted by the AA as necessary to ensure that the Incidental Pelagic Longline Fishery is afforded the opportunity to fully utilize its ABT quota share without overharvesting. The proposal maintains the N/S line for the necessary quota and Winter season directed-catch criteria in the South, and sets up three time/quota segments for ALL Northern Incidental Longline Fishermen using historical landings patterns. We also request that NMFS recognize the U.S. Distant Water Fleet's Historical Catch of ABT East of 45_West Longitude and propose directed-catch criteria for that area.

Briefly, the steps consist of:

Item #1.

Maintain the 34° North Boundary Line between N/S subcategories because they require different Annual Quota and Catch Criteria.

Item #2

Transfer 21 mt. from the Southern to the Northern Category. This accounts for the reduction in vessel effort in recent years, lack of transfer when the line was moved from 36° to 34°, and provides a more equitable sharing of the longline allocation between areas where there have been traditional fisheries that interact with this species. It would also allow for greater consistency in regulations between regions. The entire fishery must be allowed multiple BFT landings in order to reduce regulatory discards.

Item #3

SOUTH

Annual Quota: **65 mt.**

Jan. - April: 1 ABT for 1,500 lb. directed catch (Calculated for 1992 Rule)

2 ABT for 4,400 lb. directed catch (mean 75th percentile trip production 92-95)

May - Dec: 1 ABT for 3,500 lb. directed catch (Calculated for 1992 Rule)

2 ABT for 6,000 lb. directed catch (mean 75th percentile trip production 92-95)

NORTH

Annual Quota: **44 mt.**

Year Round: 1 ABT for 4,100 lb. directed catch (mean 50th percentile trip production 92-95)

2 ABT for 9,100 lb. directed catch (mean 90th percentile trip production 92-95)

Quota Segments: Jan, Feb., March, April: 5.7 mt. (13% of traditional landings)

May, June, July, August: 24.2 mt. (55% of traditional landings)

Sept., Oct., Nov., Dec.: 14.1 mt. (32% of traditional landings)

Item #4

For the 1996 Fishing Quota Year, the approximately 43 mt. underharvest from 1995 Incidental longline categories should be divided between the N/S Longline sub-divisions using a prorated formula.

Item #5

NMFS must recognize and properly report the U.S. Distant Water Fleet's Historical Catch of BFT East of 45_West Longitude.

U.S. Eastern Atlantic

Annual Quota: (approx. 4-6)mt. ~ To be determined by Historical Catch Pattern

Year Round: 1 ABT for 4,100 lb. directed catch (consistent w/ Northern criterion)

2 ABT for 9,100 lb. directed catch (consistent w/Northern criterion)

Maximum 3 ABT for 27,000 lb. directed catch (mean GRB trip production 92-95)

Item #6

Each Area could be reduced to a maximum of 1 ABT allowed when it reaches 75% of the total Annual Quota for that Area.

Species Composition for Subdivisions: >75% total trip weight allowable tunas, swordfish, pelagic and Large Coastal Sharks and other standard marketable pelagic species (i.e. wahoo, dolphin, etc.). If a vessel documents sailing before Notice of reduced number of fish allowed or Closure, NMFS must allow them to land that last fish under the previous measure rather than be forced to discard.

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