Committee on Resources
Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

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Mr. Chairman, my name is David Wilmot and I am the Executive Director of National Audubon Society's Living Oceans Program. National Audubon Society is a national conservation organization with more than 550,000 members. We at National Audubon are deeply concerned about the conservation and management of highly migratory species including yellowfin tuna, and I appreciate the opportunity to testify today.

The yellowfin tuna population in the Atlantic Ocean is fully-fished and may be approaching an overfished condition. According to the 1998 report of the International Commission for the Conservation of Atlantic Tunas' (ICCAT) Standing Committee on Research and Statistics (SCRS)--ICCAT's scientific body-- yellowfin tuna landings "appear to be close to the MSY [maximum sustainable yield] level and fishing effort and fishing mortality may be in excess of the levels associated with MSY." In other words, the current level of yellowfin killed is the most fish that can be taken from the population without causing it to decline, or alternatively the level killed may be too high and declines could follow. The SCRS reaffirmed its previous recommendation to reduce overall fishing effort; however, due to the difficulties of defining and estimating "effective effort" (difficult in part because the direction and amount of change in effective fishing effort depends on assumptions made about annual rates of increase in efficiency) the SCRS recommended setting a limit on total catch of yellowfin tuna, but ICCAT did not set catch limits. Based on the most recent yellowfin assessment, the SCRS's recommendations, and the need for precautionary management, I support efforts to reduce fishing mortality for yellowfin tuna. Thus, I support the National Marine Fisheries Service (NMFS) taking cautionary actions to prevent excessive landings of yellowfin so that it does not suffer the fate of other highly migratory species.

A list of Atlantic highly migratory species (HMS) reads like a Who's Who of overfished species. Bluefin tuna, blue marlin, white marlin, bigeye tuna, and swordfish have all suffered dramatic declines in their

Atlantic populations in recent decades. In case after case, ICCAT has proven incapable of halting overfishing and reversing the declines. Swordfish, for example, has been overfished for many years and is still being overfished. The conservation community continues to call on ICCAT to finally develop a plan to rebuild north Atlantic swordfish in less than 10 years. Domestically, the HMS Fishery Management Plan (FMP) does not include adequate measures to halt overfishing and rebuild the swordfish population nor minimize bycatch and bycatch mortality of juvenile swordfish. The result is a domestic debate over halting overfishing and reducing bycatch and a likely international debate over halting overfishing and rebuilding the north Atlantic swordfish population. What is most alarming is that it has taken years just to get to this point in the debate. This is not what we want for yellowfin. Yellowfin tuna is for the moment absent from the overfished list. We have a brief opportunity to keep it off the growing list of overfished highly migratory species.

In general, the HMS plan sought at every opportunity, in tone and in statement, to deflect responsibility and the impetus for domestic action away from the United States and place it within the international arena, but the United States has a separate and independent obligation to conserve Atlantic HMS including yellowfin tuna. ICCAT does not currently set an allocation, quota, or fishing mortality level for yellowfin tuna. Therefore, other than a 1993 ICCAT recommendation to limit effective fishing effort for yellowfin tuna to 1992 levels, there is nothing in the Magnuson-Stevens Fishery Conservation and Management Act (M-S Act) or Atlantic Tuna Convention Act that limits NMFS from imposing strong management measures in order to reduce fishing mortality on yellowfin tuna. To the contrary, the M-S Act requires NMFS to do so.

In this context, NMFS' decision to impose a 3-fish bag limit on recreational fishers represents one means of controlling fishing mortality. While we endorse NMFS' efforts to be precautionary, the agency should have gone farther in order to be effective: NMFS should impose a catch limit that constrains both commercial and recreational fishers. Whether killed by a recreational or commercial fisher, a dead yellowfin tuna is dead. The key to conservation is managing mortality from all sources including recreational and commercial fishing operations.

NMFS maintains that they have placed "limits" on the commercial fishery including the prohibitions on pair trawls and driftnet gear and limited access in the purse seine and pelagic longline fisheries. This is insufficient. The longline fishery may be highly regulated, but it is poorly managed. A commercial catch limit is needed. Given the concerns regarding the status of the yellowfin population, commercial catches should be strictly controlled. In addition, without such limits commercial fishing operations may shift effort from tightly restricted fisheries to other fisheries, including yellowfin.

In closing, I am cautiously optimistic that NMFS' precautionary measures will benefit yellowfin tuna, but they must do more to conserve yellowfin tuna and other highly migratory species. Too often in the past NMFS has resisted calls for caution and delayed action until overfishing resulted in dramatic declines. The results of this risk-prone approach are familiar to us all. NMFS can and must do better. Yellowfin management is a good place to start.

Mr. Chairman, we appreciate the opportunity to share my thoughts with the subcommittee and look forward to working with you in the future.

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