

# Committee on Resources

## Subcommittee on Fisheries Conservation, Wildlife and Oceans

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### Statement

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#### Testimony of Captain Howard Bogan

My name is Howard Bogan. I run the party boat Jamaica from Brielle, NJ. I am representing the United Boatmen of New Jersey and New York. I would like to thank the committee for allowing me to speak today.

My family has been in the party and charter boat business in Brielle since the 1930's. Since 1940 we have had boats sailing from our dock for Tuna. Tuna fishing has traditionally been a very important fishery for charter and party boats which take passengers for hire to catch fish. Over the past 40 years, party and charter boats have taken hundreds of thousands, if not millions of passengers offshore to fish for Tuna.

We strenuously object to the three (3) fish bag limit for yellowfin. This restriction is ridiculous in that it will bring little conservation benefit while it will hurt the recreational industry in a number of ways. A 3 yellowfin limit will not result in any appreciable conservation savings to the stocks. It will disadvantage U.S. fishermen in the international arena, and recreational fishermen domestically. This ill conceived regulation is done in the name of the precautionary approach. We only wish that NMFS was half as cautious with the economic viability of our industry. It will hurt the party and charter boat industry and other support industry such as tackle shops and marinas. It all but disregards the need of fishermen.

Very few people catch 3 or more yellow fin in any given trip, however, on vessels for hire such as party boats, charter boats and private boats, passengers expend a significant amount of money and time for the opportunity for a big day. NMFS' proposal will encumber that opportunity for no good reason.

A rationale given for this unnecessary rule is the requirement to restrict U.S. fishermen to 1992 fishing effort levels. NMFS has already done that. The pair-trawl "experiment", which existed in 1992, has been terminated. Purse seine catches are capped. Recreational effort has remained fairly constant in the last several years, or may be waning. We are subject to a minimum size twice that of the ICCAT requirement which is ignored by almost all other nations.

According to NMFS' own data on charter boats that carry 4 to 6 passengers, 98.4% of trips that land at least one yellowfin tuna land 12 yellowfin or fewer. 99.9% of trips land 18 yellowfin or fewer.

The summary of the plan, however, goes on to speculate that a three fish limit "could prevent expansion of the recreational fishery for yellowfin tuna in expectation of effort shifts away from other HMS that are subject to more restrictive rebuilding measures". This rationale is bogus. Recreationally caught bluefin tuna (the angling category) have been restricted for many years. Bill fishing is already a severely restricted fishery with most of the fish being released. Sharks and swordfish have been restricted for some time. Despite this fact, we have not seen a significant shift into the yellowfin fishery within the last five to seven years. This regulation is based on speculation. Conversely, on the other hand, we are sure that a three (3) fish limit will decrease participation in the fishery with no ecological benefit.

NMFS ignored large charter vessels or party boats in its data. There is a small fleet of boats, such as mine, that carry between 8 and 32 passengers offshore to fish for yellowfin tuna. None of these vessels could financially exist by carrying fewer people. These passenger carrying vessels derive 15% to 40% percent of our yearly income from yellowfin. Because this is an offshore fishery in the Mid-Atlantic and New England, the cost to the anglers is more than twice as much, and the hours of the trip are twice as long as an inshore trip. This bag limit will have a serious impact upon our ability to book passengers for these trips.

As we have tried to explain, it is not only the actual catching of fish, but the opportunity to catch and bring home fish, that draws customers to our boats. Each year there are a number of customers on party and charter boats that make 3 or 4 trips at about a cost of \$250.00 to \$500.00 per person, per trip. This does not include the purchase of expensive equipment, and other expenses. These anglers average 1.5 or less tuna per trip. That is an investment of \$1,000.00 to \$2000.00, and 100 hours aboard a fishing boat for very little fish.

Perhaps to a marine scientist with a PHD \$1,000.00 is not a significant amount of money but, to many of our customers that represents a substantial amount of their yearly income. Under this proposal, if they are lucky enough to have a good trip, they will not be able to keep enough fish to make multiple fishing trips worth the time and money they will have to spend. So why go fishing?

Perhaps for the policy makers, 3 tuna may be enough. But since most of them probably do not fish, and have probably not spent much time, if any, on the deck of a party boat, I believe it is safe to say that they do not have a clue as to what happens, and what we must deal with, in order to make a living, and what our customers really desire.

Already this season we have had trouble booking passengers because of the three (3) fish limit. With the average yellowfin of 40 lbs., an angler will only have 18 lbs of edible fish per fish. If the angler has already made one or two unsuccessful trips, which happens often, the three fish limit will preclude him or her from coming close to catching their monies worth of fish. Please be aware, many party boat customers justify the expense of a trip by the amount of fish they bring home. I can not tell you how many times I have often hear one of my customers remark about the cost of each fish they have landed. For example: After catching one tuna, "well there is a \$250.00 fish". When the next one is landed, "well now it is down to \$125.00 per fish". If by the end of the trip the price per fish is not favorable, often, we will not see that customer on another trip.

Our industry has already been knocked right out of the bluefin tuna fishery, because of a bag limit that was basically reduced to zero. The loss of this fishery also had a serious impact on local tackle shops, bait suppliers, and marinas. Bag limits were placed on bluefin tuna over a decade ago. At that time there were dozens of party boats, hundreds of charter boats and many recreational craft sailing multiple trips per week for bluefin tuna. Many tackle and bait dealers concentrated their sales on Bluefin tuna. A bag limit of four fish per person was implemented, which we agreed with thinking it was prudent in order to save a fishery. Since then, we were subjected to sudden seasonal closures, reduced bag limits, and ultimately a bag limit that is so low that it became impossible to book trips. Last season the best we could do was keep one small school bluefin tuna per boat, and one large school tuna per boat, regardless of whether there was one person on board or 32 persons. No consideration was given to vessels carrying more passengers than the "NMFS" average vessel.

Last season my vessel was the only party boat in the New York bight to schedule any bluefin tuna trips at all. We made a total of 4 trips, and we were not able to fill all of them even though fishing was very good. There are just not enough party boat or charter boat customers willing to pay good money to catch fish and

then release them. Most of our customers justify the money they spend by the amount of fish they bring home.

To add insult to injury, many of the same fish that we carefully netted and then returned to the sea last season, will have migrated across the ocean and be netted by foreign fishermen, regardless of their size.

ICCAT has said that if member nations abide by the minimum size requirement of 3.2 kg (with a tolerance level 15% by number of fish) for yellowfin, we will have an 11% increase in biomass. The minimum size for U.S. fishermen is 6.4 kg with a zero tolerance. Compliance is very high. However, the average of sublegal fish caught by foreign nations in 1995 was about 48%.

At recent trilateral meetings between the U.S., Japan, and Canada, it was confirmed that historical landings will be a key factor in determining allocation between ICCAT members. This three (3) fish limit will reduce our landings, which will likely result in our obtaining a smaller portion of international quotas, thereby disadvantaging domestic fishermen.

Domestically NMFS will have memorialized a smaller domestic allocation to recreational fishermen, in general, and charter and party boats in particular. This will have a huge negative economic and social impact on our fishing communities. If ICCAT then decides that further cuts are needed, the only way the bag limit will go is down, just as it did with bluefin tuna.

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NMFS has suggested that they have already put restrictions on certain commercial groups. There are no restrictions, however, on the amount of hooks deployed by long liners or amount of fish they catch. The purse seiners have been "capped" at the highest catches in their history for yellowfin. Pair trawlers were eliminated from the fishery, but they were new entrants into a fishery which was deemed "fully exploited".

The real problem, which has resulted in yellowfin being designated fully exploited, is the fishery for sub legal fish in the Eastern Atlantic. In terms of numbers of fish, even if NMFS adjusted recreational landings to reflect higher numbers, our landings are minuscule in the context of Atlantic landings. This three fish limit is not precautionary. It is based upon a bogus conservation rationale which will ultimately be devastating to our industry. What the party and charter boat fleet catches each season is comparable to a drop in a barrel. The numbers of yellowfin tuna caught by the entire domestic fleet represent only one percent (1%) of the Atlantic wide catch by numbers of fish.

Saving 20% of 1%, of the worldwide catch is not going to restore the biomass. Throughout history there has been no species of fish that have been depleted when there existed only a rod and reel fishery. It is not until commercial exploitation occurs that stocks become seriously depleted. New and larger nets, longer long lines with more hooks, artificial floating objects to attract fish and make them easier to catch, have all increased the ability of the world wide commercial fleet to catch tuna.

When the Jamaica left port in 1977 to fish for tuna with 32 passengers on board, we had 32 people with rod and reel in hand, equipped with monofilament line, and a baited hook or jig. Today, in 1999, we are still using the same basic equipment and methods. There has not been any great technological advance that has increased the efficiency of the rod and reel fisherman. Rod and reel fishing is the most inefficient means of catching fish.

It is time for NMFS to face reality. The overseas fishing effort is so significant that landings by rod and reel fishermen, even if they are increased, will have little impact on this fishery's viability.

Since I believe that these NMFS bureaucrats and scientists on staff are not incompetent, then it appears as though there is some kind of plot to drive us out of business or some sort of political power play aimed against the party and inspected charter boat industry. Why else would anyone impose a limit that they know will severely impact an industry, when, in fact no conservation benefit will be achieved. Our concern is supported by remarks made by NMFS personnel, in other contexts, to the effect that their aim was to reduce recreational participation.

In our area the party and charter boat fleet has about a two month season where we can carry enough passengers to economically fish for yellowfin tuna. Restrictive bag limits on bluefish have negatively impacted our business. Bluefin tuna restrictions have eliminated that portion of our business, and now we face being unfairly regulated out of another part of our business. In order to make a profit catching yellowfin tuna, New Jersey and New York charter and party boats must travel 90 to 125 miles from port to catch fish. The trips are 24 hours long (longer for some boats on Eastern Long Island) and the weather is not always cooperative. The hours are long and the expenses are high. This is how we make our living. In order to book passengers on a 24 hour trip leaving at 6 PM, riding 5 hours out, and then fishing from mid-night until noon, in the middle of September and October, the opportunity to bring home a lot of fish is imperative.

Most party boat owners, captains, and crew, derive much or all of their income through the boat. If we lose the yellowfin tuna business, most of us will not be able recoup the lost income by, for example, creating a new operating system and then licensing it to IBM. When the boat sails with enough paying customers on board we make money. When it sits at the dock, or sails with only a few passengers, we lose.

Party boat and charter boats have been around for many years. Rod and reel fishermen have just as much right to catch their own fish as anyone else. Why must they be forced to purchase fish at a market when historically they have been able to board a charter boat or party boat to go fishing and bring home their catch. Under most of the recent plans party and charter boatmen and recreational fishermen have not only been stripped of the right to sell the fish we catch, but now we can not even eat the fish we catch.

We are willing to do our part to help improve fish stocks, however when an unfair burden is consistently placed upon us we can not stand by and be forced out of business. It is time that some one from the NMFS had the guts to stand up and do the right thing.

Thank you,

Capt. Howard Bogan, Jr.

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