

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

**TESTIMONY OF
JAMES COOK, CHAIRMAN
WESTERN PACIFIC REGIONAL FISHERIES MANAGEMENT COUNCIL
BEFORE THE
SUBCOMMITTEE ON FISHERIES CONSERVATION, OCEANS AND WILDLIFE COMMITTEE
ON RESOURCES
APRIL 13, 2000**

Introduction

Good morning, Mr. Chairman and members of the Subcommittee on Fisheries Conservation, Oceans and Wildlife. I am James Cook, chairman of the Western Pacific Regional Fishery Management Council, which has authority over the fisheries in the federal waters surrounding the State of Hawaii, Territory of American Samoa, Territory of Guam, Commonwealth of the Northern Mariana Islands and the US possessions of Johnston and Midway Atolls, Kingman Reef and Palmyra, Jarvis, Howland, Baker and Wake Islands. While the Western Pacific Region is small in land mass, it represents 48% of the US exclusive economic zone (EEZ). I want to thank the Chairman of the Subcommittee for inviting the Council to address you today regarding HR 3535, to amend the Magnuson-Stevens Fishery Conservation and Management Act to add the practice of removing the fins of a shark and discarding the carcass at sea as an unlawful act.

We recognize that the Committee places a high priority on managing our nation's fisheries in a sustainable manner so that these valuable resources will be conserved and maintained to provide optimum yields on a continuing basis. The Western Pacific Council shares that priority for the species it manages, including sharks. At its February-March meeting, the Council adopted measures to restrict the Hawaii longline fleet to a one-shark per trip limit for all non-blue shark species and a 50,000 annual quota for blue sharks. Non-blue sharks would have to be landed whole, that is discarding of the carcass at sea would not be allowed, and the blue shark quota would be adjusted periodically as needed. The Council's actions are precautionary and take into account the best available scientific information and the unique characteristics of the Western Pacific Region and its fisheries.

The Council encourages the Committee to support regionally based fishery management through the Council process. The Magnuson-Stevens Act recognizes that the "Pacific Insular Areas contain unique historical, cultural, legal, political and geographical circumstances which make fisheries resources important in sustaining their economic growth."

The Council also encourages the Committee to ensure that any amendments to the Magnuson-Stevens Act take into consideration the full suite of National Standards for Fishery Conservation and Management, including a) the use of "the best scientific information available"; b) the allowance for "variations among, and contingencies in, fisheries, fishery resources and catches"; and c) the accounting of "the importance of

fishery resources to fishing communities" in order to provide for their sustained participation and to minimize adverse economic impacts upon them.

Mortality Levels

One of the premises of HR 3535 is there are "high mortality levels associated with shark finning in waters of the United States." However, the mortality levels off the East Coast and Gulf of Mexico (where finning is not allowed in federal waters and most state waters) is more than ten times higher than the levels within the Western Pacific Region (where finning is allowed in federal and state waters).

- The reported commercial landings of all shark species throughout the Western Pacific Region (which contains 1,570,000 square miles of the US EEZ) is about 7 million pounds.
- By comparison, in the Atlantic, Caribbean and Gulf of Mexico Regions (which contain 516,600 square miles of the US EEZ, or less than a third of the waters in the Western Pacific Region), the shark mortality by commercial fisheries is about 71 million pounds. (The majority of these sharks are from an overfished stock that until last week lacked a fishery management plan (FMP).)

In the Western Pacific Region, the blue shark accounts for the overwhelming majority of sharks caught and makes up about 95% of the Hawaii longline shark catch. The 1991 blue stock assessment by Nakano and Watanabe (1991) estimated the minimum stock size in the North Pacific at 52 million to 67 million individuals. A quota of 50,000 blue sharks, as adopted by the Council, represents only 0.083% of this estimated stock.

Additionally, the blue shark species has a demonstrated ability to withstand sustained fishing pressure. Attached to my written testimony is an article on the International Pelagic Shark Workshop held in February. It quotes Pierre Kleiber of the National Marine Fisheries Service's Honolulu Laboratory as saying, "If anything, we proved that the pelagic sharks tend to be at the upper end of the productivity spectrum. If you're really worried about sharks, it would seem like pelagic sharks should be way down on your list, and what we really should be worried about is the coastal sharks and some of the freshwater sharks." Likewise, Dr. John Hoey of the National Marine Fisheries Service is cited as saying that "logbook and observer data, accounting for tens of thousands of observations, already suggest that Atlantic blue shark populations have held up despite 40 years of incidental catches in longline fisheries." Similarly, in the Pacific, US and Japanese scientists recently reported that there is no evidence of a decline in longline fishery catch rates for blue sharks over the past three decades or of overfishing of the North Pacific blue shark stock.

An updated stock assessment on the North Pacific blue shark is due to be completed within the next couple months by the National Marine Fisheries Service and Japan's National Research Institute of Far Seas Fisheries. The Council looks forward to that assessment and will adjust its blue shark quota as relevant scientific information, such as this assessment, becomes available.

Regional Management

Twenty-four years ago, Congress established the Regional Fishery Management Councils to prepare, monitor and revise, in accordance with national standards, fishery management plans that will achieve and maintain the optimum yield from each fishery. The Councils are to enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans. The Councils are also to take into account the social and economic needs of the States. The Councils are integral to the "fisheries federalism" ordained by the 1976

Fishery Conservation and Management Act (FCMA).

After recently interviewing 77 people from government, industry, environmental organizations and academia, The H. John Heinz III Center for Science, Economics and the Environment stated that "The formation of the regional fishery management council system under the 1976 FCMA is viewed by many as the most beneficial and important innovation in fishery management." (*Reauthorizing the Magnuson-Stevens Fishery Conservation and Management Act: A Handbook and Discussion Guide for Regional Fishery Management Councils*, 1999).

During this past quarter century, the Western Pacific Fishery Management Council has consistently led the way on many conservation measures.

- We were the first to advocate the inclusion of highly migratory species--tuna, in particular--within the FCMA.
- We were the first to ban high-seas driftnet fishing.
- We were among the early practitioners of limiting entry into fisheries.
- We pioneered the use of vessel monitoring by satellite.

The current status of the stocks in the Western Pacific Region also attests to the Council's good track record. Of the 64 stocks under the Western Pacific Council's authority, one was overfished by foreign vessels prior to the establishment of the Council and has not recovered, 50 are listed as not overfished and 13 as unknown.

In its 1998 publication, *Missing the Boat*, the Center for Marine Conservation (CMC) praised the Western Pacific Council on several accounts:

- "The Council gets good marks for getting the Sustainable Fisheries Act amendments done ahead of time, and for having adopted plans years ago that were sufficient to prevent the managed stocks from becoming overfished."
- "For its precautionary approach in setting target bottomfish threshold levels higher than required, for funding pelagics research that has mapped the Pacific-wide distribution of pelagic stocks (with juveniles concentrated in the Central and the Western Pacific), and for actively participating in Pacific-wide multilateral pelagics management efforts, the Council gets an above average grade."
- "The West Pacific Council earns good marks for comprehensively identifying Essential Fish Habitat. It adopted a precautionary approach in identifying habitat areas of particular concern, given the large gaps in knowledge about the life histories and habitat requirements of many FMP species. In addition, it has begun work on developing a coral reef ecosystem FMP in an effort to address the EFH requirements in a comprehensive way."

The CMC also commended the Council for its years of trying to shape fisheries to avoid interactions with marine mammals, seabirds and turtles, which comprise most of the recognized bycatch problem in the region.

The Western Pacific Council has approached the issue of shark conservation and management with the same innovation, attention to detail and integrity to the Council process as it has demonstrated in addressing other issues.

- The Council's Pelagics Fisheries FMP, which has been in place since 1986, specifically includes four families of sharks, namely Lamnidae (mackerel sharks), Alopiidae (thresher sharks), Sphyrnidae (hammerhead sharks) and Carcharhinidae (blue sharks and other requiem sharks).
- Overfishing of sharks is addressed by Amendment 1 to the Pelagics Fisheries FMP. It recognizes the vulnerability of sharks by setting a more conservative overfishing threshold for them than for tunas and billfish. The spawning potential ratio (the ratio of reproductive capacity of a stock in the exploited phase to the unexploited stock) is set at 35% for sharks as opposed to 20% for tunas, billfish, etc.
- The Pelagics Fisheries FMP prohibits the use of gillnets to catch sharks.
- The implementation of a federal logbook program specifically includes sharks and their disposition, i.e., finned, released or kept whole.

Where information on sharks in the Pacific Islands was lacking, the Council acted to fill the gap, as attested by the following studies, which were either written by Council staff, contracted by the Council or undertaken at the recommendation of the Council:

- "Overview of Pacific Fisheries Agencies and Institutions Collecting Shark Data" (1997)
- "Overview of Worldwide Blue Shark Utilization and the Pertinence to the US Based Hawaiian Longline Fishery" (1999), which emphasized the difficulties in handling, processing and marketing blue sharks
- "The Socioeconomic Importance of Sharks in the US Flag Areas of the Western and Central Pacific" (1999), which revealed that the revenues from shark fins account for about 10 percent of the crew member's earnings
- "Catch and Management of Sharks in Pelagic Fisheries in Hawaii and the Western Pacific Region" (in press)

Among other additional actions regarding sharks initiated by the Council are the following:

- The National Marine Fisheries Service has contracted a study on the cultural significance of sharks in the US Pacific Islands and is working with Japan's National Research Institute of Far Seas Fisheries on a population assessment of blue sharks in the North Pacific. Both studies are expected to be completed by June.
- The Council contacted the Hawaii Division of Aquatic Resources in June 1999 to work on formulating complementary regulations on shark fishing for all gear types for State waters and for federal waters closed to longline fishing adjacent to the Main Hawaiian Islands, i.e., 50 to 75 miles from shore depending on the season and location.
- With regards to waste, the Council requested that the National Marine Fisheries Service place top priority on Saltonstall-Kennedy projects for blue shark utilization in the Western Pacific Region. (However, the project was not funded, and the Western Pacific Region continues to receive disproportionately low amounts of S-K funding and is not adequately represented on the body that makes S-K funding decisions.)

As you can see, the Western Pacific Council's decision to allow the discarding of blue shark carcasses was made after careful consideration of not only the viewpoints of the various interested parties (see attached Summary of Comments Received on Proposed Shark Fishery Management Measures during Public

Hearings in the Western Pacific Region) but also the best scientific information available.

Conclusion

The Council is aware of the National Marine Fisheries Service's position that the removal of the fins of a shark and discarding the carcass at sea should be banned because it is a wasteful practice. Nevertheless, NMFS has recognized the Council's long history of achievements in addressing fisheries issues and has said that it "prefers to work through the Council process and has no desire to undermine Council authority" (see Dalton to Cook, 11 Dec. 1999). An amendment to the Magnuson-Stevens Act that would define "waste" would help both the Councils and NMFS to work out these and other issues. Without such a definition, the Western Pacific Council questions the selective nature of actions to restrict finning while other fisheries (e.g., roe, scallop, pearl, etc.) are allowed to have similar "waste" associated with them. According to NOAA Technical Memorandum NMFS-AFSC-58, about 70%, by weight, of "target" catch [in the commercial groundfish fisheries of the Gulf of Alaska, eastern Bering Sea, and Aleutian Islands] is returned to the sea as offal." Why then is full utilization of sharks being advocated as policy?

If the Committee wishes to pursue possible cruelty associated with shark finning, the Council suggests it endorse better observer coverage of fishing vessels in the Western Pacific Region. Current coverage indicates that 14% of the sharks caught by the Hawaii longline fishery are boated dead and that 98% of the sharks that are finned are done so to these dead sharks or those that are killed. The removing of the fins of the sharks is thus no more inhumane than the heading of swordfish after they are caught and similarly killed. Better coverage on fishing vessels would help NMFS and the Council not only with shark management but also with issues regarding fishery interactions with seabirds and turtles. It is our understanding, that despite increases to the NMFS budget this year, a decrease in observer coverage is being proposed for the Western Pacific Region.

The Council finds little merit and much harm in the proposed listing of shark finning as an unlawful act for all US federal waters. The measure lumps all shark species and shark fisheries in the US together. It does not discriminate between coastal and pelagic shark species and their different life histories. It doesn't discriminate between directed shark fisheries conducted nearshore and indirect fisheries conducted largely on the high seas. It doesn't recognize the differences between coastal states with large continental shelves and large land masses, and island states with limited land and virtually non-existent coastal shelves, which depend largely on pelagic species for their natural resources. It doesn't discriminate between the overfished Atlantic Ocean and the twice-as-large Pacific Ocean, where the combined catches of all domestic and foreign fleets have not reached maximum sustainable yield (MSY) for most stocks. For example, the current catch level of swordfish is 14,000 mt and the conservative MSY is 57,000 mt. It doesn't recognize that, while the continental United States has been provided with monies to develop its fisheries, including those for sharks, little federal monies have been spent to develop fishery products and markets in the Western Pacific Region. Nor does it recognize that, while the continental United States has enjoyed a decade of economic growth, the US Pacific Islands have experienced 10 years of recession. Furthermore, the proposed bill distracts from the larger, more important issues that need to be addressed, such as population assessments for pelagic sharks (which are attainable, in part, through catch and effort data), international agreements on total allowable catches for highly migratory sharks, such as the blue shark, and needed studies on the international trade in shark fins.

We ask you to critically consider all the available avenues to ensure the conservation and management of sharks and do your utmost to preserve the integrity of the regional approach to fishery management.

Attachments:

- Approximate Areas of Fishery Management and Continental Shelf Areas of the US and Its Territories

and Possessions, compiled by Charles E. Harrington, National Ocean Survey.

- "Scientists, Conservationists Eye Sharks' Status" by Brad Warren and John Lewis, *Pacific Fishing*, April 2000.
- Summary of Comments Received on Proposed Shark Fishery Management Measures During Public Hearings in the Western Pacific Region, Dec. 1999-Jan. 2000.
- Correspondence to Jim Cook , chairman, Western Pacific Fishery Management Council, from Penny Dalton, Assistant Administrator for Fisheries, NOAA, dated Feb. 29, 2000.
- Correspondence to Jim Cook , chairman, Western Pacific Fishery Management Council, from Penny Dalton, Assistant Administrator for Fisheries, NOAA, dated Dec. 11, 1999.
- "Council Restricts Finning, Sets One-Shark Limit for Most Species," *Hawaii Fishing News*, April 2000.

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