

# Committee on Resources,

## Subcommittee on Fisheries Conservation, Wildlife & Oceans

[fisheries](#) - - Rep. Wayne Gilchrest, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6232 - - (202) 226-0200

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### Witness Statement

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Statement of James A. Donofrio, Executive Director, Recreational Fishing Alliance

My name is Jim Donofrio, and I am the Executive Director of the Recreational Fishing Alliance, also known as the RFA. The RFA is a national 501(c)(4) non-profit political action organization whose mission is to safeguard the rights of salt water anglers, protect marine, boat, and tackle industry jobs, and ensure the long-term sustainability of our nation's marine fisheries. Thank you Mr. Chairman and members of the Subcommittee for inviting me here today to testify on H.R. 1367, the Atlantic Highly Migratory Species Conservation Act of 2001.

H.R. 1367, introduced by Congressman Jim Saxton, is the legislative remedy needed to reduce the number of pelagic drift longlines in the Atlantic EEZ and the Gulf of Mexico. It is imperative that the Congress makes clear its commitment to remove this destructive gear from our nation's waters. Under the current regulations finalized by the National Marine Fisheries Service, the closed areas for HMS (Highly Migratory Species) are under fire by numerous and disparate lawsuits. These lawsuits have been filed by all sectors of the fishery - the longliners, some recreational groups and some environmental groups - all looking for a different outcome. When management by lawsuit becomes the way fisheries are handled in this country, it is time for the Congress to take the lead.

There are many excellent provisions in H.R. 1367 and the RFA leadership, membership and affiliated clubs applaud Mr. Saxton for his willingness to take on this battle again. In particular, we like the following sections and hope to see them as part of this package when it is signed into law. In the purposes section, we like purpose #4, which strives to ensure a sustainable fishery for highly migratory species. We like that the Mid-Atlantic Bight is afforded protection, especially in light of the high interaction this destructive gear has with marlin. Expanding this protection both to a larger geographic area and for a longer period of time - throughout the seasonal migration of the marlin, for example - would afford even more protection. We strongly urge Mr. Saxton to discuss the best approach with affected parties.

The effort limitation provision looks workable and should achieve its goal to limit the number of sets in the Mid-Atlantic Bight. The RFA applauds the expansion of the Bycatch Mortality Reduction Research Program to include all highly migratory species and sea turtles. This program will be an excellent model for the other nations with which we share our highly migratory species. The research that is done through this program should show whether the gear is truly destructive, as the RFA maintains, or is simply misunderstood, as the longliners themselves claim. The RFA members strongly believe that an observer program that can verify the actual bycatch from these vessels, while they experiment with different gear configurations, may make a huge difference in how longlines impact non-target species. I'll speak more on that later in my testimony.

Section 12, which reallocates the portion of the total allowable catch (TAC) of swordfish to the hand gear and harpoon fisheries, will certainly answer the argument that if the U.S. longliners do not fish for these fish,

some other nation will. We will retain our domestic quota and judging from the huge swordfish being landed by harpooners from Menemsha, Massachusetts, we will be able to fill our quota as well. The enclosed July 20<sup>th</sup> edition of the Martha's Vineyard Gazette reports that two boats landed 47 harpooned adult swordfish that dressed out at over 200 pounds each, an astonishing amount of these high value fish. In fact this one trip resulted in almost 10,000 pounds of swordfish. Why this is astonishing is that according to the NMFS statistics, last year's entire total of harpooned swordfish was a mere 960 pounds. Mr. Chairman, that is less than ten percent of these two recent trips. I suspect the recent closure to the Northeast distant fleet of longliners may be a factor in this dramatic rebound of the swordfish population. According to marine biologists, swordfish are highly resilient fish and if given a chance to spawn before harvested, stocks will rebound in a very short period of time.

Another example of the swift return of swordfish, which also shows that a localized effort makes a big difference, can be found in the NMFS' publication entitled "Draft Amendment 1 to the Fishery Management Plan for Atlantic Swordfish Including an Environmental Assessment and Regulatory Impact Review." (see enclosed chart) As you can see by this chart, when the mercury scare occurred in 1971, the longliners had no market for swordfish and directed their gear on other fish. The swordfish population starts a quick and steady climb. The information in this chart was compiled from the NMFS data that longliners themselves reported. But let me get back to H.R. 1367.

Section 13, which requires the Secretary of Commerce to closely monitor the fishery on an annual basis - and further requires the Secretary to take steps to minimize bycatch is light years ahead in conservation, and we hope to see this section retained in its current form.

Our main concern about pelagic drift longlines is the non-selectivity of the gear. The longliners argue that their gear can be managed so that bycatch does not occur. The RFA maintains that if this were the case, longlines would not have been thrown out of the Grand Banks for jeopardizing the continued existence of endangered sea turtles. The RFA offers this - if the gear is destructive, it should be out of the water - not just in the areas that NMFS has regulated, not just in the areas where H.R. 1367 deems necessary, but everywhere. In order to discover if this gear is manageable, research needs to be conducted. We can all agree it has not yet been done - the jury is still out on this gear - **literally**. However, the record clearly shows that since the introduction of longlining in U.S. waters, white marlin and blue marlin and swordfish populations have been on a dramatic downward spiral.

Should the NMFS be directed by Congress to implement the comprehensive research program outlined in Mr. Saxton's bill, all interested parties will know the whether this gear should be a part of our fisheries harvesting mix, or should be removed from our waters permanently. We strongly urge the Subcommittee to approve such a comprehensive research program during this Congress. Our HMS species are too valuable to leave to chance or to bad science or what we have now - incomplete science and inadequate observer coverage. To be candid, the RFA does not think it is possible to fish this gear without causing appalling levels of bycatch. Therefore, it is the goal of the RFA to help insure that pelagic drift longline gear will be phased out of all U.S. waters by 2006.

Thank you for this opportunity to testify. I will be pleased to answer any questions you may have.

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