

Statement of Brian Hallman
Executive Director
American Tunaboat Association

before the

Subcommittee on Water, Power and Oceans
Committee on Natural Resources
US House of Representatives

regarding

The Creation and Management of Marine Monuments and Sanctuaries

March 15, 2017

Washington, DC

Chairman Lamborn, Ranking Member Huffman, and Members of the Committee, thank you for the opportunity to testify. My name is Brian Hallman, and I am the Executive Director of the American Tunaboat Association (ATA). In my career in international management of fisheries, I have also held policy positions with the Inter-American Tropical Tuna Commission (IATTC), the National Oceanic and Atmospheric Administration, and the Department of State.

The ATA represents all the large U.S. flag purse seine vessels fishing in the Pacific Ocean, where ATA members' vessels fish pursuant to three international Conventions. In the eastern Pacific, there is the Convention establishing the IATTC. In the west, where the bulk of the U.S. fleet has operated in recent years, there are both the Treaty on Fisheries between the United States and certain Pacific Island States (popularly known as the South Pacific Tuna Treaty), as well as the Convention establishing the Western and Central Pacific Fisheries Commission (WCPFC).

The U.S. purse seine fleet consists of 40 vessels, making it one of the most significant fleets operating in the western Pacific Ocean and the largest U.S. distant water fishery anywhere on the globe. The largest tuna purse seine fishery

in the world -- for fish that typically ends up as a canned tuna product -- takes place in this region in the western Pacific. Although somewhat variable, the U.S. purse seine fleet catches tuna with a landed value of approximately half a billion dollars a year.

Around one half of the U.S. flag purse seine tuna fleet lands its catch at Pago Pago, in the Territory of American Samoa, where the tuna industry accounts for approximately 80 percent of the private sector economy, and where the tuna processing sector is the largest private employer in the Territory. The purse seine vessels that utilize American Samoa as a home port contribute significantly to the economy of American Samoa through the purchase of fuel, oil, deck supplies/other local supplies, maintenance/repairs, hotels, restaurants, staff payroll, etc. We estimate that this economic contribution is between 50-60 million dollars annually, which is directly to the benefit of American Samoa's economy.

The other half of the U.S. flag purse seine fleet transships to canneries around the world, including in the United States. I further note that the United States is the country with the largest canned tuna market in the world.

Mr. Chairman, the Committee has asked me here today to discuss the impact of marine monument designations under the Antiquities Act on fishing, and, in particular, the experience of the U.S flag purse seine tuna fleet regarding marine monument designations. The fundamental purpose of marine monuments, as I understand it, is to preclude, or at least severely limit, human activity in the designated area. Perhaps that makes sense for certain activities such as drilling on the ocean floor or seabed mining, but limiting fishing via marine monuments makes no sense whatsoever.

Actually, not only do marine monument fishing prohibitions make no sense, they are downright dangerous. Several anti-fishing groups have publicly stated their desire and intention to prohibit fishing in up to one third of the ocean, regardless of whether the fish stocks involved are already being managed and conserved, and regardless of the best scientific advice. This kind of approach to ocean governance could be devastating to sustainable fisheries.

Let me say at the outset that, while I am not a legal expert and prefer not to discuss the legal aspects of designating extensive marine monuments under the Antiquities Act, I note that such legality has been questioned.

That aside, there are reasons of both principle and practicality why marine monuments affecting commercial fishing are problematic, which I shall address now, elaborating on an example of a marine monument established by the last Administration which has a detrimental impact on the U.S. fishermen who I represent, and on the economy and prosperity of the Territory of American Samoa.

The main reason why fishing activities involving U.S. fishermen should never be included in a marine monument designation is that all relevant fisheries are effectively conserved and managed by other legislative and legal means. For fisheries under U.S. jurisdiction, there is a Congressionally mandated process established by the Magnuson-Stevens Fishery Conservation and Management Act. For fisheries in waters beyond U.S. jurisdiction, there are Treaties or Conventions, to which the U.S. is a Contracting Party, setting forth the conservation and management procedures and responsibilities that are promulgated in regulations that are assiduously monitored and enforced. I am not intimately familiar with the conservation and management processes for fisheries in waters under U.S. jurisdiction, such as the regional Council process, but I have had a close involvement with Treaty-based management of fisheries in waters outside of U.S. jurisdiction. In both cases, the establishment of marine monuments completely pre-empts and usurps these longstanding, legally binding, and effective processes.

A second and related point relative to the establishment of marine monuments is that the prohibitions on fishing found in these unilateral declarations are not based on science. That is not to say that fishing area closures cannot be based on science. In fact, science-based area closures do exist and have at times proven to be effective fisheries management measures. But, again, there are established procedures for basing any such measures on meaningful scientific analyses. This is true for both fisheries in U.S. waters and for those involving U.S. fishermen in waters beyond U.S. jurisdiction. I could elaborate on those processes, Mr. Chairman, but suffice it to say here that the existing systems for the conservation and management of fisheries are rigorous and well established, involving some of

the best fisheries scientists in the world. Why should these scientific processes be bypassed for closures not based on science, or even worse, junk science?

Mr. Chairman, let me speak for a minute about the Pacific Remote Islands Marine National Monument expansion plan (PRIMNM) established by the previous Administration in September of 2014. The initial announcement, on June 17, 2014, of the intended White House action was done, incredibly, with no advance consultation with U.S. fishing interests. These closures involved traditional and productive U.S. fishing areas around Johnston Atoll, Jarvis Island, Wake Island, Howland and Baker Islands, Palmyra Atoll, and Kingman Reef. The initial intention of the White House was to prohibit all commercial activity in these areas. The proposed action was modified somewhat following an uproar from U.S. fishing interests – including ATA -- the American territories in the region, tuna science experts, and the Western Pacific Regional Fisheries Management Council (WPRFMC).

These areas are traditional fishing grounds for U.S. flag tuna vessels operating mainly out of Pago Pago, American Samoa and Honolulu, Hawaii. From a practical point of view, the fishing closures dictated by the U.S. monument areas and U.S. EEZs in the central Pacific, along with like closures of fishing areas within the EEZ of Kiribati and areas on the high seas by U.S. regulations, have been estimated to cost the Territory of American Samoa upwards of \$100 million dollars annually as estimated by NOAA Fisheries.

In arguing against this action, ATA made the point that the US fisheries in these areas are for highly migratory tunas, which are already being effectively conserved and managed via a legally-binding multilateral Treaty. Tuna fishing by U.S. vessels in these island areas is sustainable. These fisheries are some of the most regulated of any in the world, with catch restrictions, full reporting, electronic position monitoring, on-board observers, and strict regulations to protect non-tuna species and the environment.

We made the additional points that these remote, pristine waters have essentially been unaffected over the years from operations by U.S. purse seine and longline fisheries. Our surface fishing gear does not touch corals or the ocean bottom, and the fishing has had no negative impact on the ecosystems of these areas. What

our sustainable fishery does do is generate healthy food, jobs, businesses and revenue for U.S. interests.

Finally, we commented that fishing access for U.S. purse seine vessels to the waters of Pacific island countries in the south Pacific is organized pursuant to a multilateral Treaty. To close U.S. waters in the same region without scientific justification undermines the continued viability of this Treaty, which provides access to 14 Pacific Island countries and a Pacific Island Territory (of New Zealand), and which has for almost 40 years now been considered by many to be the cornerstone of overall U.S. relations with all these Pacific Island states.

Then there is the issue of basic biology -- highly migratory species such as tuna cannot be conserved or effectively managed by marine protected areas, marine parks, or marine monuments -- a simple scientific fact not disputed by reputable fisheries scientists. These species may travel thousands of miles through the waters of many nations and the high seas -- that is why highly migratory fish stocks are managed throughout the world by U.N.-sanctioned multilateral conventions covering their extensive migratory routes, and including all fishing nations involved.

Another point that should be made regarding the previous Administration's efforts to establish marine monuments prohibiting fishing is the process and its total lack of transparency. As previously noted, the initial announcement of the PRIMNM was done with no consultation whatsoever with the affected fishing interests, although there apparently was close consultation with environmental non-governmental organizations. Afterwards, when the proposed action became public, there was minimal such consultation, and U.S. fishing interests had to push hard to be heard.

Mr. Chairman, one of the tenets of the ATA's approach to international fisheries management crucial to the survival of the U.S. fleet is that there must be a level playing field for American fishermen on which to compete. The U.S. purse seine fleet is in fierce competition with fleets from China, Japan, Korea, the Philippines, and Taiwan, as well as with others. The United States' unilateral prohibition on fishing healthy stocks by its own fishermen -- that is not based on any science -- seems to be unique to the United States. In my 40 years of working in this field, I have never heard of any major fishing nation doing the same, and, as alluded to

above, for the U.S. government to do so is a terrible example and precedent for other countries to follow.

Mr. Chairman, for these many reasons, ATA strongly supports the call Chairman Bishop and Congresswoman Amata Radewagen have made in their letter to the President for him to remove all fishing restrictions in all Marine National Monuments, thus restoring the conservation and management processes for highly migratory fish stocks established by U.S. supported multilateral Treaties, and the prerogatives of the Councils and the Secretary of Commerce to effectively conserve and manage fisheries in U.S. waters. For the longer term, to further ensure that the existing fisheries management processes are respected, it would seem that legislation to restrain future unilateral executive branch actions prohibiting fishing in these types of situations would be appropriate.

Thank you, Mr. Chairman and members of the Committee, for the opportunity to address you today on this important matter.