

**Testimony of Kitty M. Simonds  
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**Before the US House of Representatives  
Committee on Natural Resources, Power, and Oceans  
Subcommittee on Water, Power and Oceans**

**Hearing on H.R. 4576: “Ensuring Access to Pacific Fisheries Act”**

**Longworth House Office Building, Room 1334, Washington, DC  
March 1, 2016, at 2:00 p.m.**

Chairman Fleming and Committee Members: Aloha, Talofa, Hafa Adai, Tirow – Greetings in the official languages of the State of Hawai‘i and the US Pacific Island Territories of American Samoa and Guam and the Commonwealth of the Northern Mariana Islands (CNMI). My name is Kitty Simonds. For the last 33 years, I have served as the executive director of the Western Pacific Regional Fishery Management Council. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, the Western Pacific Council has authority over the fisheries in the Pacific Ocean seaward of the state/territory waters of the aforementioned island areas as well as the possessions of the United States in the Pacific, which are known as the US Pacific Remote Island Areas. Prior to my current position, I worked for US Senator Hiram B. Fong of Hawai‘i, so being here and testifying on Capitol Hill brings back fond memories. Thank you for the invitation to testify today on House Bill 4576, the Ensuring Access to Pacific Fisheries Act.

My testimony today will focus on the North Pacific and South Pacific Conventions and on the Western and Central Pacific Fisheries Commission (WCPFC). The latter is of great importance to the conservation and management of tuna resources in the Western Pacific Region.

## North Pacific Convention

The Western Pacific Council notes that the US ratification of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean was adopted on February 24, 2012. Signatories include Canada, China, Chinese Taipei, Japan, Korea, Russia and the United States. Japan and Canada have deposited their instruments of ratification, and Chinese Taipei has submitted a separate instrument for the Participation of Fishing Entities. The convention will come into effect upon the fourth instrument of ratification received.

While the North Pacific Convention Area includes only the high seas of the North Pacific Ocean, the Hawai‘i Archipelago and surrounding US Exclusive Economic Zone (EEZ) around Hawai‘i, Johnston Island, and the CNMI are fully encompassed within the area of competence of the North Pacific Convention. A portion of the US EEZ around Wake Island is also found within the Convention Area. Given these geographical considerations, the United States and the Western Pacific Council have a conservation and management interest with regard to shared stocks that are covered under the North Pacific Convention.

Fisheries resources covered by the North Pacific Convention are all fish, mollusks, crustaceans and other marine species caught by fishing vessels within the Convention Area, excluding the following:

- (i) sedentary species subject to the sovereign rights of coastal States and indicator species of vulnerable marine ecosystems as listed in or adopted pursuant to the North Pacific Convention;
- (ii) catadromous species;
- (iii) marine mammals, marine reptiles and seabirds; and
- (iv) other marine species already covered by pre-existing international fisheries agreements.

To date, the North Pacific Commission has focused on high seas bottom-trawl fisheries operating on the Emperor Seamounts of the Northwestern Pacific targeting North Pacific armorhead, splendid alfonsin, oreo, and mirror dory. The Emperor Seamounts are part of the Hawaiian-Emperor Seamount chain, which stretches 3,600 miles from the Aleutian Trench in the Northwest Pacific to the Hawaiian Islands in the Central Pacific. Other fisheries that the North

Pacific Commission has identified that could be subject to its management regime include the sablefish longline fishery on the Eickelberg, Warwick, Cobb, and Brown Bear Seamounts in the Northeast Pacific. High seas fisheries for Pacific saury and flying neon squid have also been identified as being potentially managed under the North Pacific Commission.

Of particular interest to the Western Pacific Council are the bottom-trawl fisheries targeting armorhead and alfonsin. In the late 1960s, Russian and Japanese fishing vessels began bottom-trawling on the Emperor Seamount chain targeting these stocks. The vessels worked their way down the chain and fished on the northern Hawaiian ridge, including the Hancock Seamounts. By 1975, the combined catches of the former Soviet and Japan trawl fleet had reached some 1 million metric tons (mt) of armorhead harvested from the Southern Emperor-Northern Hawaiian Ridge Seamounts.

After passage of the Fishery Conservation and Management Act of 1976, which later became the Magnuson-Stevens Fishery Conservation and Management Act, the Hancock Seamounts became included within the 200-mile US Fishery Conservation and Management Zone around the Hawai'i Archipelago. A Preliminary Management Plan developed that year provided for limited foreign harvesting at the Hancock Seamounts under a permit system during 1978-1984. Japanese trawlers were the only vessels to apply for such permits and were subject to a combined annual harvest quota of 1,000 mt and required to carry a US fishery observer aboard each permitted vessel. By the end of 1984, armorhead trawl catches on the Hancock Seamounts remained low with harvest quotas never attained in any of the years during 1978-1984. When the Western Pacific Council's Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region was approved in 1986, a six-year moratorium on fishing at the Hancock Seamounts was established to aid the recovery of the armorhead, which was in poor condition. Although no domestic US fishery has ever targeted this stock, the catch by foreign vessels harvested and depleted the armorhead stock throughout its range. In 1992, the armorhead stock at the Hancock Seamounts was determined to be overfished and thus subject to a rebuilding plan. A no-catch moratorium was recommended by the Western Pacific Council every six years from 1992 to 2010. In 2010, the Western Pacific Council and NMFS established the moratorium to be in effect on an indefinite basis. This final rule prohibits fishing for bottomfish and seamount groundfish at the seamounts until the armorhead stock is rebuilt and classifies the EEZ around the Hancock Seamounts as an ecosystem management area.

This final rule will aid in rebuilding the armorhead stock and facilitate research on armorhead and other seamount groundfish.

The Council has also extensive experience monitoring the fishery at the Cross Seamount. Located approximately 140 miles to the southwest of the Big Island of Hawai‘i, the seamount rises to about 385 meters of the surface, an excellent depth for aggregating several commercially important species, such as bigeye tuna, yellowfin tuna and monchong (pomfret). The fishery has historically targeted tuna and tuna-like species. Even though the fishery accounts for only 0.5 percent of the annual non-longline pelagic effort in trips, it lands 50 percent of the non-longline bigeye tuna in the State. The Council analyzes catch and effort data and socioeconomic and human dimensions of this seamount fishery.

Mr. Chairman, I recapped the history of the armorhead and Cross Seamount fisheries in US waters to recognize the long standing interest and management history that the Western Pacific Council holds with respect to the management of seamount fisheries in the North Pacific Ocean. The proposed legislation establishes that the chair of the Western Pacific Council, or his or her designee, would be provided a mandatory US Commissioner position to the North Pacific Commission. Please note that Section 102 of the legislation describes the selection of the US Commissioners, of which two of the five are to be selected from either the Departments of Commerce or State or the US Coast Guard. According to the proposed legislation, mandating a US Commissioner position to the North Pacific Commission is expected to benefit the US ability to participate in the management of stocks. There might be more knowledgeable or experienced federal government representatives who do not work for the three mentioned federal agencies. The Committee might consider revising the language to simply state that “two of the Commissioners appointed by the President shall be an officer or employee of the federal government.”

I also draw the Committee’s attention to the Mariana Archipelago, whereby to the west of the emergent islands in the group lies a chain of seamounts within the US EEZ. These areas may hold significant fishery resources and shared stocks that are covered under the North Pacific Convention. As the Western Pacific Council manages fisheries in the US EEZ around the Mariana Archipelago, it is important for the Council to participate in the North Pacific

Commission as this would facilitate consistent conservation and management with the North Pacific Commission to the extent necessary and practicable.

Mr. Chairman and members of the Committee, passage of the bill to ratify the North Pacific Convention would enable US participation in the management and conservation of these resources for the benefit of US fisheries.

#### South Pacific Convention

With respect to the South Pacific Convention, the Western Pacific Council notes that, while the South Pacific Convention applies only to the high seas, the Convention Area also encompasses areas of the US EEZ around American Samoa and the US Pacific Remote Island Areas. As previously stated, these areas of the US EEZ are under the management jurisdiction of the Western Pacific Council. In this regard, ensuring that the Western Pacific Council chair, or his or her designee, is provided a mandatory position as a US Commissioner to the South Pacific Commission is prudent.

While the South Pacific Commission is mostly concerned with jack mackerel fisheries occurring in the Eastern Pacific Ocean, the Western Pacific Council has extensive experience with the fisheries management issues before the South Pacific Commission, including vessel monitoring systems, which the Council pioneered in the early 1990s. Other fishery management measures under consideration by the South Pacific Commission in which the Council has experience include appropriate levels of observer coverage; marine mammal, sea turtle and seabird bycatch mitigation; boarding and inspection procedures; and consistency with the United Nation's FAO Code of Conduct for Responsible Fisheries.

#### Western and Central Pacific Fisheries Convention

Mr. Chairman, I would like to take this opportunity to explain how the modifications to the Western and Central Pacific Fisheries Convention Implementation Act contained in the bill before the Committee may benefit management or conservation. In our view, the Advisory Committee to the US Commissioners to the WCPFC has been underutilized. The bill would require the Advisory Committee to transmit recommendations to the US Commissioners. In the past, advice coming from the Advisory Committee has been generally in the form of a watered down report. The current bill language in sec. 301(a)(1)(E), however, could be improved by

replacing “15 days” with “45 days” in references to the time before each annual meeting that the US Advisory Committee provides recommendations to the US Commissioners. I highlight this because, under the WCPFC Rules of Procedure, Commission members are to provide proposals for conservation and management measures at least 30 days prior to the start of the regular annual meetings of the WCPFC. It would be best that the US Advisory Committee meets at an appropriate time in the calendar year to provide meaningful advice for the development of US proposals to the WCPFC. This brings me to another concern I have in this section. It would be useful to clarify that the US Advisory Committee should be transmitting recommendations on US proposals for WCPFC conservation and management measures and not just on issues related to the agenda of the annual meeting. Improving the Advisory Committee process should facilitate clearer input to the US WCPFC Commissioners and the US government.

The bill proposes to add Section 511 to the WCPFC Implementation Act, which would instruct the US government representatives leading the US delegation to meetings of the WCPFC to minimize any disadvantages to US fishermen in relation to other members of the Commission. The Western Pacific Council was integrally involved in the development of the WCPFC and even hosted the last three Multilateral High-Level Conferences in Honolulu that led to the signing of the WCPFC Convention, otherwise known as the Honolulu Convention, in 2000. If I knew now how US fisheries would be disadvantaged as a result of the uneven playing field among members of the WCPFC, the Council’s involvement in the development of this Commission would have been different. The Hawai‘i longline fishery, for example, is the only longline fishery in the WCPFC Convention Area that has been subject to in-season closure due to reaching its bigeye tuna catch quota, which by the way, represents only 3 percent of the total catch of bigeye in the Western and Central Pacific Ocean. Closure of the Hawai‘i longline fishery has had severe impacts on fishery participants, local markets, and Hawai‘i seafood consumers. The Hawai‘i longline fishery is the most comprehensively managed and highly monitored longline fishery operating in the region, yet it faces closure every year due to a small US quota agreed to by the US government. The Hawai‘i longline fishery is a model fishery in terms of ecologically sustainable longline fishing, employing high observer coverage levels, vessel monitoring systems, a limited entry program, spatial management to minimize fishery interactions, and innovative turtle and seabird bycatch reduction methods. Indeed, the Hawai‘i fishery was evaluated and found to be overall 93 percent compliant with the United Nations

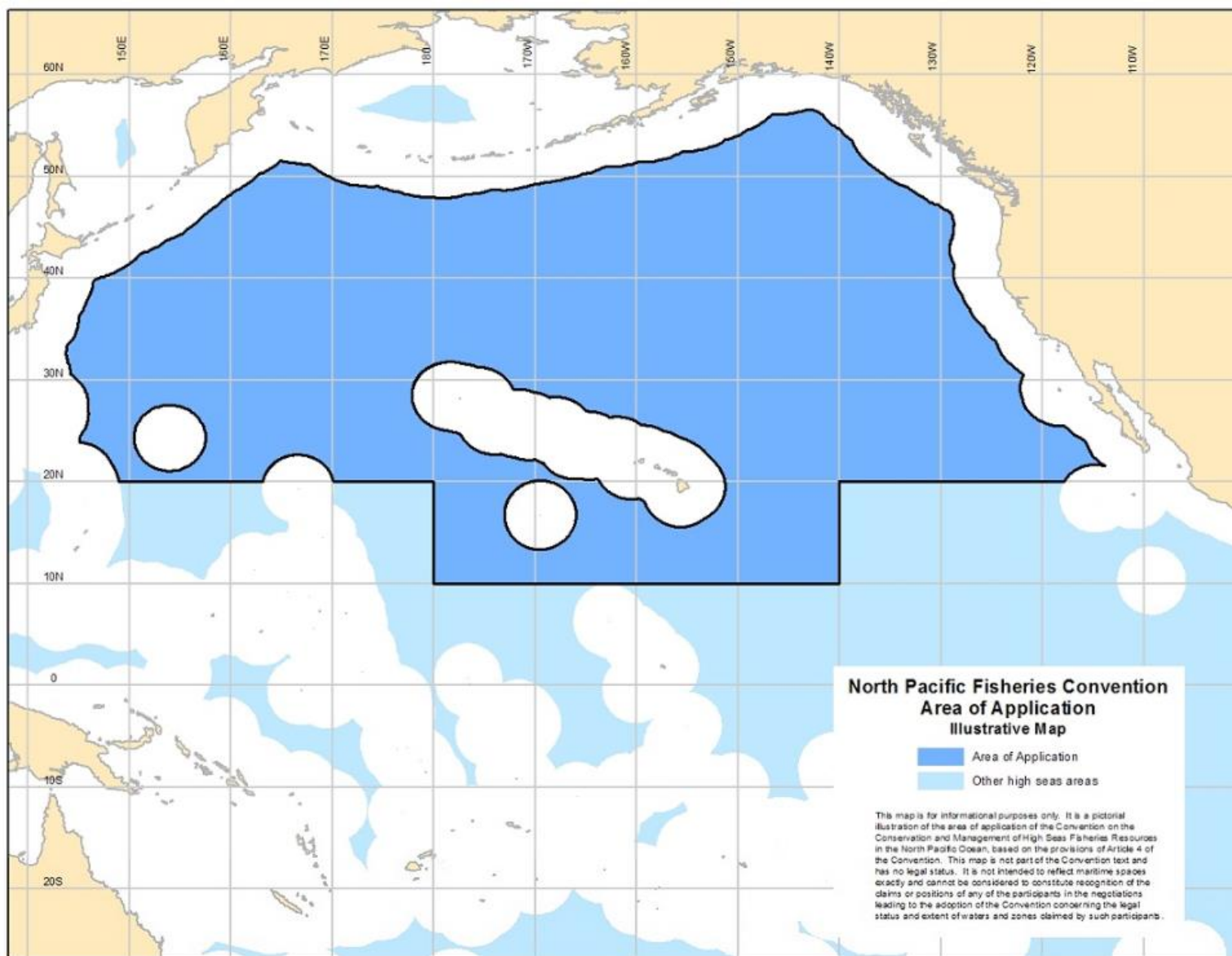
Food and Agriculture Organization's Code of Conduct for Responsible Fisheries. Well managed fisheries can also be profitable. This is evident from Honolulu being ranked consistently in the top 10 ports nationally in terms of landed, wholesale (ex-vessel) fish value, generating approximately \$100 million annually. Profitable, well-managed US fisheries in the Western Pacific and Central Ocean, such as the Hawai'i longline and US purse seine fisheries, are in danger of being lost forever due to geopolitics and being on the losing end of WCPFC negotiations. Couple this with an uneven playing field with regard to enforcement and domestic implementation of Commission measures and it is no wonder that these fisheries face a perilous future.

The domestic implementation of WCPFC conservation and management measures and the enforcement of those measures are not evenly conducted among Commission members, to the detriment of fish stocks and US fisheries. In this regard, US fisheries would benefit from the adoption by the WCPFC of an effective and transparent compliance monitoring scheme to ensure that all fishing fleets comply with the Commission's conservation and management measures. The Commission's compliance monitoring scheme would be further improved by including an independent auditing mechanism, because the current system of self-reporting and self-assessment of compliance by Commission members lacks credibility.

I would like to take this opportunity to note also that the US government has agreed to non-science based catch and effort limits in the WCPFC, to the detriment of US fisheries. Whether this was due to geopolitics, or just simply being out-negotiated, such results are unacceptable when the consequences on US fisheries are so great. In our view, the proposed bill would, in Sec. 511(2), help put a stop to this trend as it would require the US government to agree only to measures that have a strong scientific basis with regard to high seas fishing restrictions.

In closing, Mr. Chairman, I would like to reiterate that the draft legislation under consideration would benefit the Council's ability to sustainably manage fisheries in the Western Pacific Region and I express my appreciation in being allowed the opportunity to testify before the Committee today. Mahalo, Fa'afetai Tele Lava, Si Yu'us Mā'āse', Olomwaay, Thank you!

**Figure 1: North Pacific Fisheries Convention Area of Application**





**Figure 2: South Pacific Fisheries Convention Area of Application**

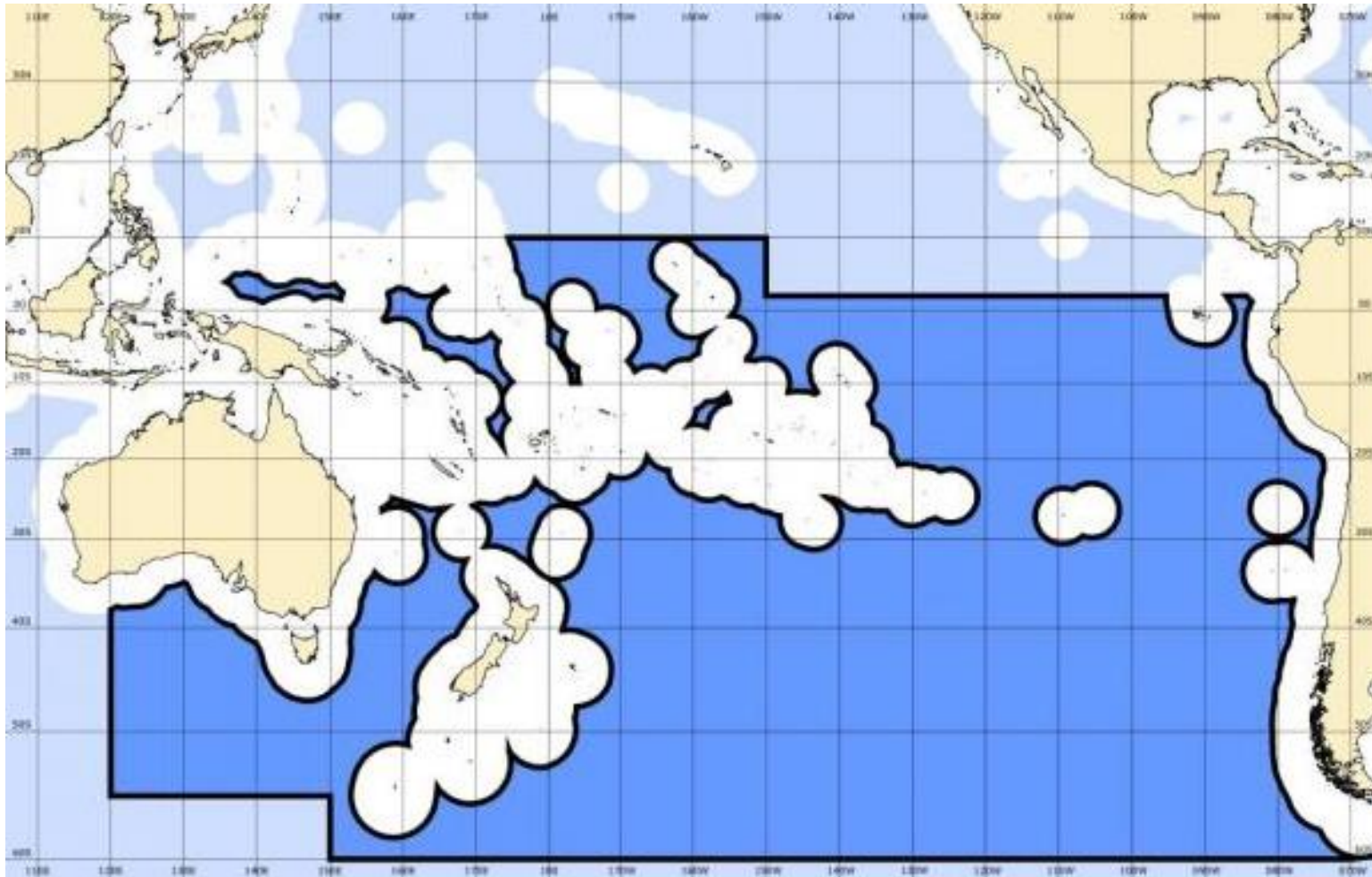


Figure 3: Regional Fishery Management Organizations in the Pacific Ocean

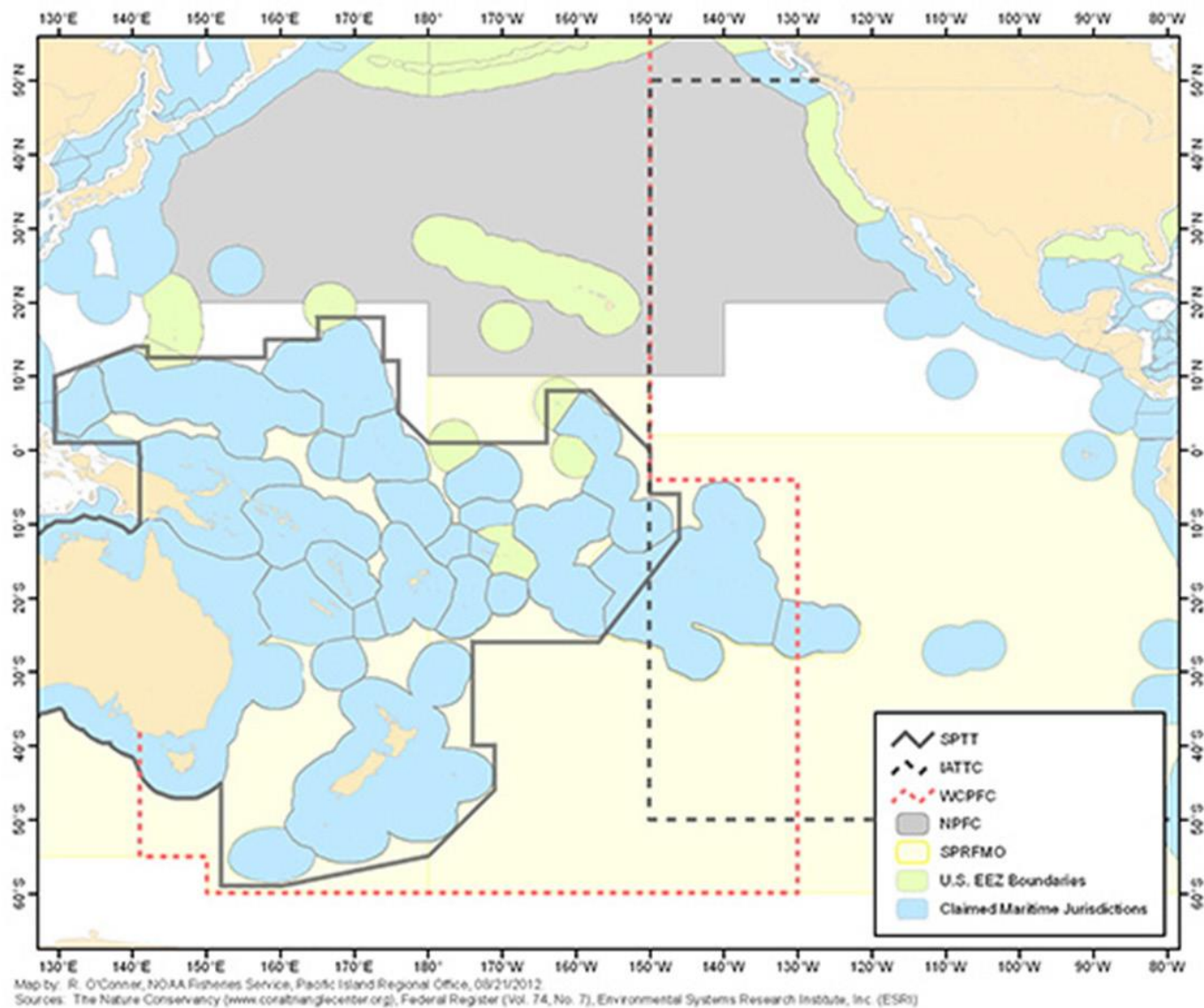


Figure 4: Western and Central Pacific Fisheries Commission Bigeye Longline Quotas

