

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

Witness Statement

Statement of J. Timothy Hobbs, Jr., Fisheries Project Director, National Coalition for Marine Conservation

Good morning Mr. Chairman, Mr. Saxton and members of the Subcommittee. I am Tim Hobbs, Fisheries Project Director with the National Coalition for Marine Conservation. The NCMC is the nation's oldest public advocacy organization dedicated exclusively to conserving ocean fish and their environment. My organization has been involved in fisheries management issues since 1973 and we are widely recognized as a leading advocate for the conservation and responsible management of highly migratory species-swordfish, billfish, tunas and sharks. I sincerely appreciate the opportunity to testify before you on HR 1367 and efforts to control pelagic longline fishing in U.S. waters.

First of all, I would like to thank Mr. Saxton for the tremendous amount of time and effort he has put forth to address the problems facing our highly migratory species. These species are vital to the health of our marine ecosystems and extremely important to U.S. recreational and commercial fishermen and to the well being of our coastal communities. We commend Mr. Saxton for championing this issue.

The current state of highly migratory species in the Atlantic is deplorable, largely due to the widespread use of pelagic longline fishing gear. Pelagic longlines are highly indiscriminate in the number, size and type of marine species they catch, and produce high rates of mortality, a combination that makes this gear especially detrimental to the offshore marine ecosystem.

Since Congress made reductions in bycatch and bycatch mortality a domestic priority under National Standard 9 of the 1996 reauthorization of the Magnuson-Stevens Act, my organization has been calling for measures to improve data collection and to address the documented bycatch problems of pelagic longline gear in U.S. waters. In February of 1998, NCMC published a report, titled Ocean Roulette: Conserving Swordfish, Sharks and Other Threatened Pelagic Fish in Longline Infested Waters. This report examines every conceivable management option for its potential in reigning in longline bycatch. A lengthy analysis reveals that the only way to effectively reduce longline bycatch is to remove the gear from the water where and when it is doing the most damage. More traditional management measures, such as size or trip limits, are simply unsuited to address the bycatch problems of such an indiscriminate fishing gear.

Since completing Ocean Roulette, my organization has urged the National Marine Fisheries Service (NMFS) to implement a comprehensive bycatch reduction program to reduce longline bycatch of all impacted species through a suite of time-area closures. At long last, NMFS published Amendment 1 to the Highly Migratory Species Fishery Management Plan (HMS FMP) on August 1, 2000, which closed 133,000 square miles to longline fishing, either seasonally or year-round. NCMC fully supports the NMFS closures. Under NMFS estimates, these closures, which are now fully implemented, will reduce longline bycatch of juvenile swordfish by up to 42%, large coastal shark bycatch by up to 43%, and sailfish bycatch by up to 44%. These reductions are substantial and will provide significant benefits to the rebuilding efforts of these overfished species.

Unfortunately, blue and white marlin only receive a residual benefit from the NMFS closures and estimates of bycatch reduction for these species are, at best, a meager 6-12%. This fact is made worse because blue and white marlin are by far the most overfished of the Atlantic highly migratory species. The most recent ICCAT stock assessment estimates blue marlin at 40% of healthy population levels (MSY) and white marlin at a mere 15%. Clearly, more action must be taken to stop the decline of these important species. Additional time-area closures to longline fishing in U.S. waters should be implemented to achieve a level of bycatch reduction for blue and white marlin commensurate with the level of relief provided to swordfish, sharks and sailfish from the closures now in place.

We are aware that one of the primary objectives of Mr. Saxton's bill is, in fact, to achieve additional conservation for blue and white marlin. We fully support this goal and we look forward to working with Mr. Saxton and the Subcommittee towards achieving it. At this time, however, while we support the intent of this legislation, we do not feel the bill as currently drafted goes far enough in securing the needed level of conservation for overfished blue and white marlin.

Time/Area Closures in HR 1367

HR 1367 would leave the existing longline closures promulgated by NMFS (by the August 1, 2000 Final Rule) in place and would implement additional closures to achieve a higher level of conservation. We fully support this course of action. The NMFS closures were developed through the established fishery management process, have been thoroughly reviewed and commented upon by the public several times, and are based on the best scientific data available. Previous legislation addressing longline fishing in U.S. waters would have rescinded these area closures, an act we feel would be entirely inappropriate. As stated above, the conservation benefits of these closures to certain highly migratory species are significant.

The Mid-Atlantic Bight is an area where white marlin are known to congregate during the summer months. HR 1367 proposes two annual time-area closures to longlining in this region: a 40-day closure covering approximately the 100- to 1,000-fathom depth contours from the Hudson Canyon to the Poorman's Canyon; and a 30-day closure covering approximately the 100- to 1,000-fathom depth contours from the Washington to the Norfolk Canyons.

NCMC concurs that white marlin are concentrated in these areas at these times. However, we believe that both of these closures are of such limited scope, both spatially and temporally, as to provide little benefit to white marlin. We are concerned that displaced longline fishing effort concentrated on the fringes of these small closures could negate the conservation benefits achieved by them. We believe the mid-Atlantic closures in HR 1367 must be expanded to achieve a greater level of conservation for white marlin.

HR 1367 would also close an area in the western Gulf of Mexico from the shore out to 500 fathoms, from the U.S./Mexico border to approximately Cape San Blas, Florida. This is exactly the same closure that appeared in previous legislation. Unfortunately, there is very little longline fishing occurring in this area and, therefore, closing it would do little for conservation. In fact, in an April 5, 2000 letter to Senator John Kerry last year, then-Assistant Administrator for NOAA Fisheries Penny Dalton stated that this same closure would only result in a reduction in billfish bycatch of "generally less than 1%." This closure will accomplish little towards achieving the purposes and objectives of this legislation.

There are, however, areas in the Gulf of Mexico with higher levels of longline bycatch that should be considered for closure. NMFS originally proposed a seasonal closure in the western Gulf of Mexico that was expected to reduce billfish bycatch by up to 15%.

There are other documented areas of high blue and white marlin bycatch, such as in the northern Caribbean, which should also be considered for potential closure. I would be happy to work with Mr. Saxton and the Subcommittee in obtaining and reviewing studies and data showing longline bycatch in all of these areas.

Buyout

NCMC could support a properly structured buyout of U.S. Atlantic pelagic longline vessels either to reduce longline fishing effort or to compensate fishermen demonstrably impacted by the time-area closures, having derived a substantial portion of their income from an area now off-limits to fishing. A buyout for the purposes of effort reduction should focus primarily on removing active vessels from the fishery, with addressing latent fishing effort and preventing reinvestment into the fishery important, but secondary, goals. Removing active vessels from the fishery provides immediate relief to overfished stocks.

Vessels accepting a buyout for compensatory reasons must be able to demonstrate a significant, adverse economic impact directly resulting from recently enacted time-area closures. This can be achieved through appropriate qualification criteria.

Quota Transfer

We strongly support Section 12 of HR 1367, which would transfer the portion of the U.S. swordfish quota caught by bought-out vessels from the longline to the handgear (harpoon, rod and reel) categories. Harpooning swordfish is a traditional fishery that first started in the late 1800s. Contrasted with longlines, fishermen using harpoons or rod-and-reel take only large, mature fish with absolutely no bycatch, thus avoiding the two major problems with pelagic longlines. The selectivity of harpoon fishing is probably why this fishery was sustainable for over 100 years.

The objectives of the Highly Migratory Species FMP implemented by NMFS in 1999 include restoring both the traditional harpoon fishery as well as the traditional recreational fishery, participation in both of which has dwindled in recent years as the swordfish stock declined from unsustainable fishing practices.

NCMC strongly supports a transition from the use of pelagic longlines to more sustainable and selective fishing gears, such as harpoon or rod-and-reel. Time-area closures to longlining are necessary to protect juvenile swordfish (and other fish) while stocks recover, but a shift to more sustainable gears is necessary as we begin to rebuild these stocks, as we do not believe the swordfish fishery can be sustainable, especially in an ecosystem context, if longlines (as commonly fished) are the primary gear used.

Research

Methods of modifying the way longlines are fished to reduce bycatch have been discussed for years, but so far, few gear modifications have actually been tested to determine whether or not they hold any promise for reducing bycatch. We need to determine, once and for all, whether any modifications exist that could be adopted to reduce bycatch. We would support legislation mandating NMFS to conduct a comprehensive research program to test various gear modifications for their bycatch reduction potential. We envision a research program that would test, among other things, the duration of soak time, length of the mainline used, or various hook types to determine potential for reducing bycatch.

Conducting this research is essential for the future management of these species, both in U.S. waters and internationally, for we must fully assess all options at our disposal for reducing longline bycatch. The value

in conducting this research lies not only in finding modifications that would presumably allow longline fishing to continue in U.S. waters, but in finding an exportable method of bycatch reduction that could be adopted by foreign fleets as well. This research would also help determine whether or not we must rely upon time-area closures as the sole method of reducing bycatch.

Future Action

As you may be aware, my organization strongly opposed previous legislation that restricted the ability of the Secretary to take future additional action to modify or expand the time-area closures. We see absolutely no reason why such a restriction should ever accompany management action with uncertain effects.

My organization fully endorses Section 13 of HR 1367, which charges the Secretary with monitoring the effectiveness of the area closures on an annual basis and taking additional action as necessary to reduce bycatch and to comply with the law. As it is difficult to judge the effectiveness of the area closures-due to shifts in fishing effort and effort displacement, annual variations in movements of the fish and other factors-continually analyzing their effectiveness is crucial to maximize their success in reducing bycatch over the long term.

Vessel Monitoring Systems

There are several time-area closures in the Atlantic and Gulf of Mexico currently in effect to reduce longline bycatch of finfish and sea turtles, yet there is no adequate means of enforcement. The only effective method of enforcing large-scale time-area closures, the boundaries of which are often far out to sea, is with Vessel Monitoring Systems (VMS). We have repeatedly urged NMFS to implement VMS to be ready concurrent with the implementation of time-area closures, yet the system is still not in place. Logbook entries and dockside sampling, the means by which NMFS claims it can enforce the closures, are by no means adequate. NMFS has dragged its feet and has failed to respond to a Court-ordered injunction against VMS for almost a year. As there is a dire need for timely implementation of VMS, we believe NMFS should focus its efforts primarily on lifting the injunction, thus mandating VMS for all Atlantic pelagic longline vessels, and secondarily to securing congressional appropriations. If NMFS is ultimately successful in gaining congressional appropriations for VMS, it could later reimburse fishermen who were required to purchase it. Enforcement of important conservation measures should not be stalled while NMFS pursues congressional funding with no guarantee of success. VMS must be implemented as quickly as possible.

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Mr. Chairman, Mr. Saxton and members of the Subcommittee, I am grateful for the opportunity to share my thoughts with you today on future efforts to achieve needed conservation measures for overfished Atlantic highly migratory species. We are highly supportive of your efforts on this issue, Mr. Saxton, and commend you for providing the leadership necessary to tackle these issues, which are often contentious and difficult to find solutions palatable to all sides. We especially look forward to working with all of you to achieve additional conservation measures for blue and white marlin. I would be happy to answer any questions.

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