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Before the House of Representatives  
Committee on Resources  
Subcommittee on Fisheries Conservation, Wildlife and Oceans

On

United States Participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT)

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Mr. Chairman, my name is David Wilmot and I appreciate this opportunity to testify regarding the United States participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT). I will focus my testimony on issues of importance to the conservation community and our suggested priorities for the United States at this year's ICCAT meeting in Dublin, Ireland.

I am the co-founder and principal of Rising Tide Consulting. For the past decade I have been actively working to improve the conservation and management of Atlantic highly migratory fishes, in particular Atlantic highly migratory species (HMS). I served as Director of the Ocean Wildlife Campaign, a coalition of environmental organizations and leading voice for conserving big fish, from 1995 through 2002. I currently serve as a member of the ICCAT Advisory Committee, as well as NMFS' HMS Advisory Panel, and have served on the U.S. Delegation to ICCAT numerous times.

During my years of involvement, I have seen many changes at ICCAT. While progress has been made on specific fronts, the Commission continues to struggle to control overfishing and protect the fish and fisheries under its purview. ICCAT's list of managed species is a Who's Who of overexploited fish. With the exception of North Atlantic swordfish, which are under an effective rebuilding plan and making a rapid recovery, many species, including marlin and bluefin tuna, stand at or near historic low population levels. In addition, compliance with fundamental Commission obligations including data collection and reporting, as well as critical conservation measures such as quota limits, remains poor, and in some cases is actually getting worse.

While ICCAT's poor track record has brought its very credibility into question, to its credit, the United States has worked to strengthen the Commission and has been the leading voice for conservation and sustainable fisheries (Canada also deserves mention for a strong conservation record). The United States has consistently gone to ICCAT and demonstrated that its commitment to domestic conservation goals also applies internationally. While the environmental community has not agreed with every position taken by the United States, we have agreed with the majority of positions and recognize that current ICCAT conservation measures would NOT exist, without the strong and determined leadership of the United States. Yet, in too many instances ICCAT's conservation and management measures have fallen short of what was needed because we were thwarted by other ICCAT members. In many cases, key fishing parties such as the European Community and Japan block our efforts, or worse, they agree on paper but do not follow through in practice. The result is a rising tide of frustration among all sectors in the United States and ever increasing threats to the fish. The conservation community shares the frustration and wonders if ICCAT members will ever find the political will to do what is necessary. Yet, like the other sectors, my community remains committed to working to achieve management and conservation measures that will ensure sustainable Atlantic HMS fisheries.

Looking to the upcoming meeting and beyond, there are several issues that will require the United States' attention. These include (1) conservation of white and blue marlin, (2) continuing rebuilding of North Atlantic swordfish, (3) halting overfishing of bluefin tuna and rebuilding both eastern and western populations, (4)

improving information on bycatch species including sharks, and last but not least (5) improving compliance with existing and future conservation and management measures.

#### Marlin Conservation

We believe the top priority of the United States at ICCAT over the next few years is the conservation of Atlantic billfish, specifically blue and white marlin. Because of the dire condition of these fish, and the difficult challenge of managing a bycatch species, halting overfishing and rebuilding marlin populations will require continued aggressive leadership by the United States.

Populations of blue and white marlin in the Atlantic are at historic lows. White marlin has the inauspicious distinction of being the most overfished and depleted ICCAT species. The white marlin population currently stands at only about 14% of the level needed to produce MSY and is being fished at a rate more than 8 times a sustainable level. Although recently denied for listing as a threatened or endangered species, the white marlin remains a Candidate Species for listing under the U.S. Endangered Species Act (ESA). In fact, another ESA review is scheduled for 2007. Blue marlin populations have also been reduced dramatically and continue to be subjected to overfishing.

Improving the conservation of marlin has been a slow and difficult process, yet the United States, with strong support from the environmental, recreational, and commercial sectors, has won some hard-fought advances. Current ICCAT regulations strictly limit landings and promote the voluntary release of marlin. These conservation measures have not been in place long enough for the SCRS to evaluate their effectiveness. Moreover, as with virtually every ICCAT measure, compliance is a problem. Nevertheless, even prohibiting all landings for marlin and achieving perfect compliance would not necessarily recover these species, as they will continue to be caught and killed when commercial longliners and purse seiners are fishing for swordfish and tuna.

The conservation community believes the only viable method of recovering marlin stocks in the Atlantic, is a combination of strict landings limits and international time-area closures to longline and other indiscriminate fishing methods where marlin congregate to feed and spawn. The United States is already using this approach domestically to reduce marlin bycatch by closing known "hotspots" off the southeastern United States, and in the Gulf of Mexico. While designed primarily to reduce underage swordfish discards, preliminary results are encouraging for marlin – indicating the closures are effective in reducing bycatch mortality of blue and white marlin.

The U.S. should continue to monitor the effectiveness of domestic time-area closures and make sure they remain in place (and are adjusted as necessary). We should also continue to investigate potential gear modifications that will minimize interactions with billfish and enhance the survival of released billfish. U.S. fishermen – recreational and commercial – have led by example in billfish conservation. It is now time to demand more from other nations fishing in the Atlantic Ocean because they are responsible for over 95% of the mortality of billfish mortality.

The next ICCAT marlin stock assessment is not until 2005. At that time, Phase II of the so-called marlin rebuilding plan, which requires development of specific timetables to rebuild both white and blue marlin to levels that will support MSY, is scheduled to begin. Considering the slow pace of progress at ICCAT, 2005 is just a moment away. Therefore, the next three ICCAT meetings (beginning this year) will be critical to the future of white and blue marlin. Advancing international longline closures at ICCAT will take dedicated and prolonged leadership from the United States because most other countries are opposed to placing restrictions on their longline fleets in order to conserve bycatch species. In fact, there will be continued resistance to all marlin conservation measures by several key ICCAT members. Protecting current conservation measures and achieving additional ones including time-area closures will be difficult, but necessary to protect marlin.

We ask Congress to insist that the U.S. delegation to ICCAT, at each meeting between now and 2005, including the upcoming ICCAT meeting, be united in its mission -- to get the strongest possible conservation of blue and white marlin as part of a long-range billfish rebuilding program when the commission reviews the next scheduled assessment following the 2005 assessment and develops a long-range billfish rebuilding program.

#### Continue Rebuilding Swordfish

All indications are that North Atlantic swordfish is on its way to recovery. In fact, the population may already have rebuilt to a level that can support MSY. While too early to declare complete victory, swordfish recovery is a true success story and one for which the United States – including conservationists and fishermen – deserve credit.

While there is no new assessment this year and no action is needed on the rebuilding plan, a couple of issues deserve brief mention. First, as a result of the implementation of critical domestic measures to rebuild swordfish and minimize bycatch of undersized swordfish, bluefin tuna, sea turtles, and other species, the commercial (and recreational to a lesser extent) fleet has undergone a major transition. One result of this transition has been the inability of the United States fleets to catch the ICCAT-designated swordfish quota.

We feel strongly that the United States should not be “punished” for taking necessary and effective measures to conserve swordfish and reduce bycatch. The United States should defend and protect the U.S. North Atlantic swordfish quota, (including all underages).

In addition, if the United States pursues a change from the current ICCAT minimum size regulation, it should use the opportunity to highlight to other ICCAT members the potential benefits of time and area closures. We also suggest the United States make clear to other countries that all live undersized fish will be released the U.S. longliners and only dead fish landed.

#### Improving Conservation of Bluefin Tuna

The conservation community has not been happy with the risk-prone management that the United States has successfully advanced at ICCAT for Western bluefin tuna. As there is not a new assessment for Western bluefin tuna and the quota is not open to discussion this year, this debate should wait for another day. There is, however, an important one-day meeting just prior to the Commission meeting in Dublin, Ireland that is critically important for the future of bluefin tuna. Results presented to the ICCAT Advisory Committee by Stanford Professor Dr. Barbara Block on her excellent multi-year Tag-A-Giant Program provide important and compelling evidence that there are indeed two separate stocks of Atlantic bluefin tuna and that more needs to be done to protect western bluefin, in particular on the feeding grounds in the central Atlantic. Without debating mixing models and spawning sites, let me simply say that the United States should begin what will be a long and difficult process of achieving a more ecologically realistic management strategy for bluefin tuna.

We encourage the United States to continue the process of moving to more ecologically-realistic management including support for moving the line to the east (to 30 degrees for example). However, we strongly urge more attention be paid to ensuring all actions are risk averse for the severely depleted and small western population (as compared to the depleted but extremely large population in east). The goal of management changes must be to improve the status of the western population and to speed potential recovery (as opposed to getting a quota increase in the west).

#### Compliance

Continued lack of real progress on this issue has the potential to destroy ICCAT. I am certain that others will provide detailed testimony on ICCAT’s many shortcomings in this area and present ideas for improvement. We have supported and will continue to support U.S. leadership as it works to bring member nations in line with fulfilling their obligations regarding data collection and reports, as well as adhering to quotas, landing limits, minimum sizes and all of other conservation measures. I will add that until there is a legitimate consequence to bad behavior, ICCAT members (and more join every year because being a member has its benefits – fish without consequences) will continue to flaunt the rules. And considering some of the worst offenders hold leadership positions in the Commission, this is a difficult issue.

#### Sharks and Sea Turtles

In recent years, we have urged the United States to introduce various resolutions designed to remind ICCAT members of their obligations (in most cases FAO agreements) regarding species killed as bycatch in ICCAT fisheries including seabirds, sharks, and sea turtles. The United States has shown leadership on this issue and has had some success. One such resolution on sea turtles will be up for adoption this year. We strongly encourage the U.S. Delegation to support the sea turtle resolution. All sea turtle species are listed as either threatened or endangered under the Endangered Species Act, and reducing bycatch in HMS fisheries should be treated with urgency to avoid the devastating leatherback declines we’ve seen in the Pacific. The

United States has taken dramatic domestic measures to reduce turtle catch, but sea turtles cannot be saved without multilateral action. The United States has championed this issue, and we look forward to adopting the resolution this year.

ICCAT is scheduled to perform its first ever shark assessment in the spring of 2004. They plan to evaluate the population status of blue and mako sharks. Considering blue sharks are the most common bycatch species on pelagic longlines targeting tunas and swordfish, and the fact that shark species have proven to be particularly vulnerable to overfishing because of their life history characteristics, this assessment while proactive is long overdue. We encourage the U.S. Delegation to remind parties at this year's ICCAT meeting that they have a responsibility to provide catch data essential to complete the assessment. The assessment was originally scheduled for 2002 so the United States should also make sure that no additional delays occur.

## Conclusion

The conservation community urges Congress (and the Administration) to make marlin conservation the top priority at ICCAT through the 2005 meeting. The United States must continue to help fishery officials from other countries understand how important billfish are to U.S. citizens and the U.S. economy, and give marlin the same level of attention and determination that is enjoyed by bluefin tuna and swordfish in the past.

In addition to knowing what we want to accomplish, given the political milieu within ICCAT, we must have a coordinated strategy for achieving it. U.S. interests and Atlantic HMS needs an effective ICCAT. To repeat the current trends are simply not sustainable. An effective ICCAT will come about only if the United States and like-minded members such as Canada are even more successful in advancing their conservation agendas.

I believe there are lessons to be learned from the European Community. Taking a page out of the EU's playbook, by developing a more aggressive, comprehensive, and long-term strategy to reshape HMS fisheries conservation and management at ICCAT and around the world may get us closer to an effective ICCAT. The EU is particularly effective at blunting our conservation efforts within ICCAT (how else could the fiasco that is eastern bluefin tuna management be described?), as well as other international fisheries management bodies. I believe that involvement of the U.S. Congress can help set and advance such a strategy. The conservation community looks forward to doing our part and helping the United States achieve real and lasting conservation for HMS at this meeting and in the future.

Thank you for holding this hearing, for your interest in improving conservation through ICCAT, and for considering my comments.