

U. S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-0921
Phone: (202) 372-3500
FAX: (202) 372-2311

DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

**REAR ADMIRAL A. E. BROOKS
COMMANDER, COAST GUARD DISTRICT SEVENTEEN**

ON

ILLEGAL, UNREGULATED AND UNREPORTED FISHERIES

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, & TRANSPORTATION

U. S. SENATE

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Good morning Chairman and distinguished members of the Subcommittee. It is a pleasure to appear before you today to discuss the Coast Guard's role in international fisheries management and deterring Illegal, Unregulated, and Unreported –or IUU– fishing both within areas of national jurisdiction and on the high seas.

Protecting living marine resources – through active patrolling to detect, deter, and interdict vessels engaged in illegal fishing activity – is a longstanding Coast Guard mission. Beginning with 19th Century protection of the Bering Sea fur seal and sea otter herds, and continuing through the post-WWII expansion in the size and efficiency of global fishing fleets, the Coast Guard has embraced its role as the lead federal maritime law enforcement presence at sea. Coast Guard enforcement presence has a particular focus within the 3.4 million square mile U.S. Exclusive Economic Zone (EEZ), the largest in the world, as well as in key areas of the high seas.

The term “IUU fishing” is commonly understood to refer to fishing activities that are inconsistent with, or in contravention of, fishery management and conservation measures. The Coast Guard aims to provide effective and professional at-sea enforcement to advance national goals for the conservation and management of living marine resources and their environments. The *U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship* is driven by national policy such as Presidential Decision Directive 36 – Protecting the Ocean Environment, and legislation such as the Magnuson-Stevens Fishery Conservation and Management Act. Coast Guard efforts to deter IUU fishing span across domestic and international fisheries, and they bridge our maritime security and maritime stewardship goals.

IUU activity is global in reach. It affects both domestic waters and the high seas, and is conducted by all types of fishing vessels. Controlling IUU fishing is a requirement to optimally manage and protect vital living marine resources that are under pressure from increasingly sophisticated and capable fishing fleets that travel the world's oceans in search of new fish stocks. According to the United Nations (U.N.) Food and Agriculture Organization (FAO), seventy-five percent of the world's fish stocks are fully exploited, over-exploited, or depleted. FAO studies indicate that in some fisheries, IUU fishing is estimated to account for 30 percent of total catches. In many other fisheries, IUU catches may even exceed legal and reported harvesting. IUU activity has adverse effects on marine ecosystems, distorts competition, and jeopardizes the economic survival of coastal communities that are reliant on local fisheries for their livelihood.

Many coastal states do not have the maritime governmental regimes or enforcement capability necessary to effectively manage and protect their living marine resources and are left exposed to poaching and over-fishing. Recent press reporting from West Africa, for example, suggests a link between depleted fish stocks and regional instabilities and dangerous and illegal large-scale migration from devastated fishing communities. There are tremendous economic incentives at play in IUU fishing, for both the coastal states and the IUU fishers. Revenues generated by coastal states through responsible and sustainable management lead to a healthier economy, increased societal stability, and enhanced maritime security. The FAO estimates annual global revenue lost to IUU fishing to be \$9 billion (U.S.). This revenue is a direct theft from maritime communities, including many of the world's most vulnerable coastal states.

Given that living marine resources do not recognize national boundaries, the Coast Guard works alongside key partners at home and abroad to protect them. We enforce U.S. domestic fisheries laws in conjunction with National Oceanic and Atmospheric Administration (NOAA) Fisheries' Office of law

Enforcement (OLE) and General Council for Enforcement and Litigation (GCEL), and the Department of Justice, supporting conservation and management of domestic resources in the estimated \$60 billion dollar domestic fishing industry. Additionally, the Coast Guard enforces laws at sea to protect marine mammals, endangered species, and marine sanctuaries.

We applaud and support NOAA and the State Department in their efforts to bring additional tools to bear on combating IUU, such as the application of Port State Measures to deter IUU importation, implementation of Catch Documentation Schemes, and development of an International Trade Data System. These tools will help restrict market access for IUU product, thereby making IUU activity less profitable. However, at-sea enforcement and the ability to deliver consequences to those found directly engaged in illegal fishing activity remains a critical element of the overall U.S. Government effort to address the IUU threat, as outlined in the *U.S. National Plan of Action to Prevent, Deter, and Eliminate IUU Fishing*.

As the only agency with the infrastructure and authority to project a law enforcement presence throughout the U.S. EEZ and in key areas of the high seas, the Coast Guard implements *Ocean Guardian*, our strategic plan for fisheries law enforcement. This strategy incorporates the four principles of: 1) sound regulations based on effective and enforceable legal regimes which act as a system of “rules” that shape acceptable activities; 2) productive partnerships that facilitate law enforcement cooperation; 3) use of technology to advance Maritime Domain Awareness; and 4) effective presence on the ocean. We believe these four principles offer a useful framework for addressing the threat posed by IUU fishing. The rest of my statement will focus on how the Coast Guard implements *Ocean Guardian*.

The Coast Guard is dedicated to supporting multilateral efforts to bolster legal regimes that deter IUU and deliver *consequences* to violators. Considering maritime initiatives and policies as part of a larger system enables a better understanding of their inter-relationships and effectiveness. A well designed system of regimes creates the opportunity for mutually supporting domestic and international regulations. Together, they provide a comprehensive system of maritime governance.

We fully support modernization of Regional Fishery Management Organizations (RFMOs) to include comprehensive boarding and inspection regimes as called for by the *1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* – more commonly referred to as the U.N. Fish Stocks Agreement. The Western and Central Pacific Fisheries Commission’s recent incorporation of these enforcement principles into its management regime is a particularly relevant example. This Commission is one of the first in the world to employ a fully-developed boarding and inspection protocol for high seas enforcement based on the U.N. Fish Stocks Agreement. The Coast Guard is proud to have been involved in its development.

One of the fundamental building blocks of this system is the 1982 UN Convention on the Law of the Sea. While this Convention, along with its 1994 Protocol relating to Deep Seabed Mining, was referred to the Senate for advice and consent in 1994, we remain a non-party." Joining the Convention with the declaration and understandings reflected in Senate Executive Report 110-9 (Senate Foreign Relations Committee) is an important step to ensure that we can exercise the necessary leadership in international regime development across the full spectrum of concerns including international fisheries management and conservation.

The Coast Guard continues to develop active international partnerships through the development of bilateral enforcement agreements and participation in multilateral groups like Regional Fishery Management Organizations (RFMOs) and the North Pacific Coast Guard Forum. Applying the principle of productive partnerships to combating IUU in an international context requires that the Coast Guard work closely with NOAA and the U.S. Department of State to develop and advance cooperative enforcement agreements and improve communications with industry and environmental groups. A non-inclusive list of RFMOs in which the Coast Guard participates includes: the Western and Central Pacific Fisheries Commission, the North Pacific Anadromous Fish Commission, and the International Commission for the Conservation of Atlantic Tuna. The Coast Guard also maintains a liaison officer with the State Department's Office of Marine Conservation to advise U.S. delegations to these organizations on the enforceability of proposed management regimes. We also provide a liaison officer to the NOAA Fisheries Office for Enforcement.

Additionally, the Coast Guard engages directly with our international enforcement counterpart. For example, over the past year the Coast Guard harmonized efforts with North Pacific Anadromous Fish Commission and North Pacific Coast Guard Forum partners including Canadian, Chinese, Japanese, and Russian surface and air patrols to cooperatively deter IUU in the North Pacific. Much of the operational planning for the 2008 North Pacific high seas driftnet (HSDN) enforcement season recently took place at the North Pacific Coast Guard Forum Fisheries Working Group meeting in Seattle, Washington. There, we coordinated multilateral operational plans for upcoming North Pacific surface and air patrols. North Pacific Coast Guard Forum planning efforts overlap, and are coordinated with, meetings of the North Pacific Anadromous Fish Commission. These two forums further supplement the Coast Guard's implementation of a bilateral U.S.-China Memorandum of Understanding to enforce the U.N. moratorium on large-scale high seas driftnet fishing. Similar HSDN coordination with partner agencies from Canada, Japan, Korea, the Russian Federation, and the Peoples Republic of China took place in 2007 and resulted in the interdiction and seizure of six Chinese-flagged driftnet vessels by the Coast Guard Cutter *BOUTWELL*.

Beyond our work in the North Pacific, the Coast Guard is increasingly involved with West Africa and Pacific Island nations striving to develop their own maritime safety, security, and stewardship forces. As another example of global maritime partnerships, I would like to share with you a recent success story in international cooperation and effective enforcement. The Coast Guard currently makes use of bilateral "ship-rider" agreements with a number of Pacific Island Nations. These agreements allow foreign enforcement personnel to embark U.S. Coast Guard assets to exercise their authority and jurisdiction from the deck of a Coast Guard cutter. In mid-February of this year, Coast Guard Cutters *ASSATEAGUE* and *SEQUOIA*, with embarked Federated States of Micronesia ship-riders, interdicted two Japanese-flagged fishing vessels in the Micronesian EEZ, 160 nautical miles south of Guam. Both Japanese fishing vessels were found to be fishing in violation of Micronesian law. The Coast Guard cutters, acting under authority of their embarked Micronesian fisheries enforcement officers, escorted these suspected IUU fishing vessels toward Pohnpei, Micronesia for further investigation and prosecution. The enforcement action that I just described would not have been possible without sound regulations and productive partnerships such as developed regimes for maritime governance including South Pacific Forum Fisheries Agency management measures, Micronesian fisheries regulations, and a U.S.-Micronesian bilateral agreement allowing ship-rider operations.

In June, the high endurance Coast Guard cutter *DALLAS* will deploy to West Africa under the operational control of the Department of Defense. Planning efforts are underway to conduct maritime law enforcement operations with Cape Verde, which include using Cape Verde maritime law

enforcement officer “ship-riders” as a proof-of-concept test. If successful, the Coast Guard and Navy may consider expanding such operations to other West African nations with the interest and capacity to participate.

The Coast Guard also continues to establish ever more comprehensive Maritime Domain Awareness (MDA) to inform decisions on how best to employ finite resources to deter the threat of IUU fishing. MDA is enhanced through application of technologies such as Vessel Monitoring Systems, or “VMS.” VMS is a general term that applies to ship tracking systems used as part of a living marine resources regulatory regime. VMS is a component of many domestic fishery management plans and international fishery agreements alike. For example, the Pacific Forum Fishery Agency requires that that foreign fishing vessels seeking access to fish within member EEZs must carry operable VMS. In the Fourteenth Coast Guard District, we have executed agreements with Pacific Forum Fishery Agency countries to gain near-real time access to this VMS position data. We can see the movement of many U.S. and foreign-flagged vessels operating in the non-contiguous U.S. EEZs of the Pacific, which provides the Coast Guard with improved visibility on what is happening in this geographically expansive area. VMS is also a provision of other RFMO management schemes, including the Central Bering Sea “Donut Hole” Convention and the Western and Central Pacific Fisheries Commission. VMS alone, however, is not enough to maintain MDA. It is not infallible, it is not part of every management measure, and it is not on board every potential IUU vessel. The Coast Guard is able to close this gap in some key areas by utilizing national resources to monitor foreign fishing vessel activity.

The Coast Guard also continues to examine potential surveillance contributions of Unmanned Aircraft Systems (UAS). The Coast Guard Research and Development Center is actively evaluating contributions of UAS to perform all Coast Guard missions, including fisheries. The Coast Guard is currently conducting a Gulf Coast Maritime Demonstration to assess the use of UAS in conducting maritime surveillance. However, awareness is often only half of the picture. Effective enforcement of the regulations necessary to combat IUU fishing ultimately requires that we put “steel on target” and “boots on deck.”

This leads me to the fourth *Ocean Guardian* principal, effective presence, which has two main components.

First, the Coast Guard requires a high level of knowledge and professionalism from all of our Boarding Officers who conduct the fisheries enforcement mission at sea. The five U.S. Coast Guard Regional Fisheries Training Centers and the Maritime Law Enforcement Academy are our primary means of maintaining this competency.

Second, we must sustain the ability to place capable resources on scene when and where they are needed. The U.S. EEZ is not only the largest in the world; it is also vulnerable because it is one of the most productive. The U.S. EEZ contains an estimated 20 percent of the world’s fishery resources. Foreign fishers operating illegally in this area are, effectively, stealing U.S. resources. These vast patrol areas, coupled with the long distance from U.S. shores, provide a compelling requirement for a Deepwater fleet capable of providing persistent surveillance and presence in the open ocean expanses far from U.S. shores. As fish stocks throughout the world dwindle and the fleets of distant water fishing nations voyage far from home in search of lucrative catches, the U.S. EEZs, along with those of coastal states everywhere, will become more attractive targets. Preventing illegal encroachment of the U.S. EEZ by foreign fishing vessels is vital to protecting the integrity of our maritime borders.

Enforcement of international fisheries management schemes is a mission largely conducted by Coast Guard deepwater assets – our cutters, boats, and aircraft must be up to this task. Most of the eight non-contiguous U.S. EEZs in the Western and Central Pacific require several days to over a week in transit time for a cutter from the nearest Coast Guard base. The centerpiece of the Coast Guard’s future capabilities to address a projected increase in IUU threat and secure our Nation’s maritime borders is the Integrated Deepwater System. The capability that the Deepwater acquisitions are designed to deliver will maintain our ability to enforce international and domestic living marine resources regulations in distant reaches of the U.S. EEZ, and on the high seas beyond.

The Coast Guard needs to replace aging vessels, aircraft, and shore infrastructure, and sustain these assets during recapitalization. The cost of maintaining and operating out-dated assets is continually increasing, as are major unplanned maintenance evolutions and reductions in readiness. Lost cutter days within the legacy deepwater cutter fleet continue to mount. During the last two years, an average of 400 scheduled deployment days were lost in Pacific Area due to unplanned maintenance and engineering casualties. In December 2007, the aging Medium Endurance Coast Guard Cutter *ACUSHNET* suffered a catastrophic mechanical casualty resulting in the loss of a significant portion of the propulsion shaft and the attached propeller. The *ACUSHNET* is a World War II veteran, originally commissioned as a U.S. naval salvage vessel in 1944. Despite her 64 years of valiant service, the *ACUSHNET* is a preeminent example of the Coast Guard’s need to recapitalize. Ultimately, the future operational success of the Coast Guard to help combat the global threat of IUU fishing is dependent upon a comprehensive recapitalization of front line assets and shore and support infrastructure.

In conclusion, the Coast Guard addresses the IUU threat to living marine resources by participating in a concerted international effort to develop necessary legal regimes, foster partnerships, expand our Maritime Domain Awareness, and maintain an effective enforcement presence. The Coast Guard will continue to work closely with NOAA, the State Department, and our international partners to achieve national and international objectives affecting fisheries worldwide. The world’s oceans are truly a global commons, requiring a global approach toward their conservation and management. In the face of increasing resource scarcity, IUU fishing is a growing threat to the long-term viability of fish stocks around the globe that the U.S. Coast Guard stands ready to confront.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions you may have.