

**Testimony of Jim Cook
Hawaii Longline Fisherman**

**Before the US Senate
Committee on Commerce, Science, and Transportation**

Hearing on: “International Fisheries: Management and Enforcement”

**Washington, DC
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Chairman Inouye, committee members, aloha from Hawaii and the Western Pacific. My name is Jim Cook . I was born and raised in Hawaii and have participated in various aspects of commercial fishing for the past forty years. I own and operate five vessels in the Hawaii longline fishery and for the last twenty-five years I have been involved in the design, sales, and installation of the high-tech tuna longline systems throughout the Pacific. We currently have projects in Korea, China, Mexico, Fiji, French Polynesia, and the Maldiv Islands. I served nine years on the Western Pacific Fishery Management Council, with three of those years as chair. My testimony today will focus on the management and enforcement of tuna fisheries in the Pacific.

The major tuna species bigeye, albacore, yellowfin, and skipjack are considered highly migratory and their populations are assessed on large geographic scales. For that reason these fisheries should be managed within international arrangements such as Regional Fishery Management Organizations (RFMOs); however, the ability of these RFMOs to effectively manage the resource is far from reality. In the Western and Central Pacific Ocean (WCPO), tuna and billfish are managed through the Western and Central Pacific Fisheries Commission (WCPFC), and in the Eastern Pacific Ocean (EPO), by the Inter American Tropical Tuna Commission (IATTC). I believe the US Department of State, National Marine Fisheries Service, and the US Coast Guard (USCG) are doing their best to implement the international provisions of the Magnuson-Stevens Reauthorization Act of 2006 (MSRA) within the context of these RFMOs.

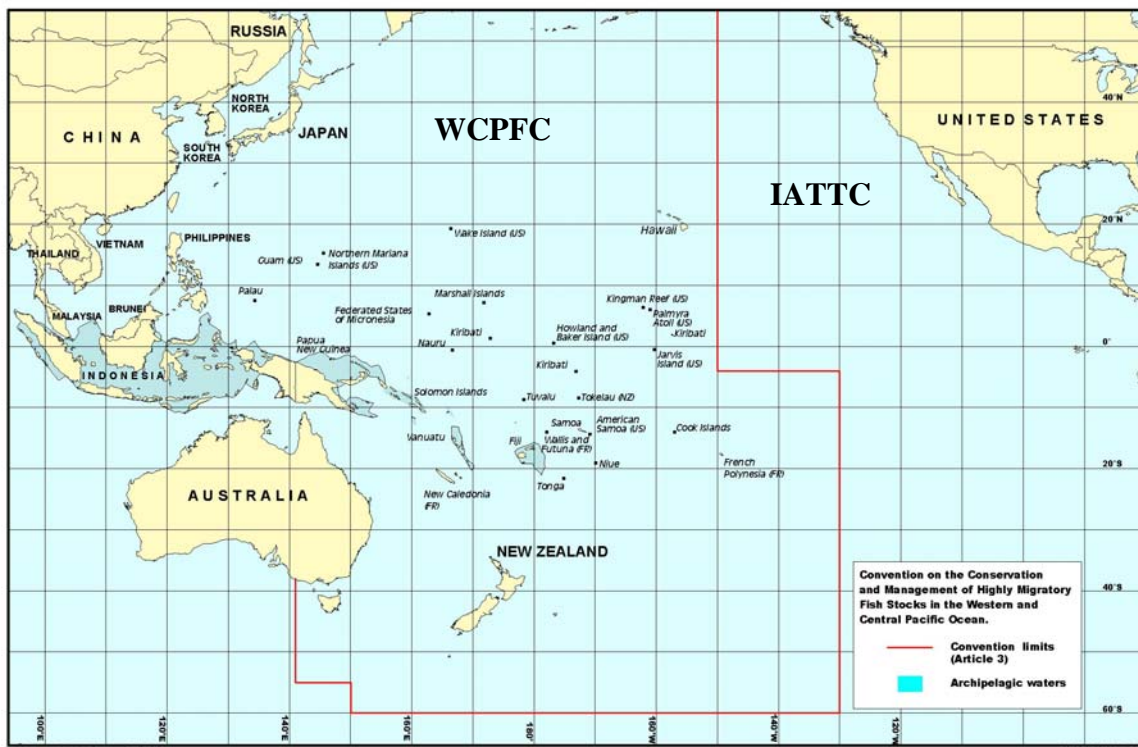


Figure 1: International management of highly migratory fish stocks in the Pacific Ocean

Management Issues

Bigeye tuna (*Thunnus obesus*) has been determined to be experiencing overfishing in both WCPO and EPO, and fishery scientists have recommended a 25 percent reduction in fishing mortality of this species. To date, neither the WCPFC nor IATTC have been able to reach consensus on conservation and management measures to end bigeye overfishing. In the WCPO, the competing economic interests between distant water fishing fleets of Asian, US and European nations versus the independent Pacific Island countries that grant access rights to fish resources in their Exclusive Economic Zones (EEZs) has precluded any meaningful conservation for bigeye tuna. The issue is complicated in that two very different types of industrial-scale fishing, longline and purse seine, are harvesting the same resource, with neither type wanting to yield in reducing harvests. Longliners fishing for bigeye target large, adult fish that are valuable

in sushi and sashimi markets around the world. Purse seiners do not target bigeye tuna, but catch juvenile bigeye incidentally when targeting skipjack and yellowfin tuna for the global, canned tuna market.

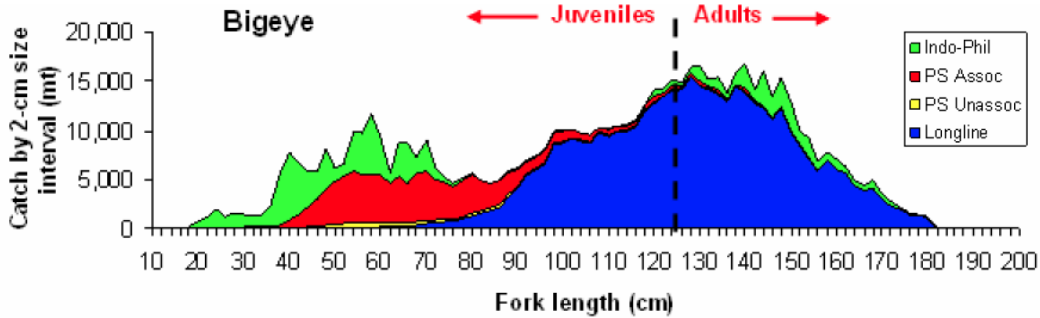


Figure 1: Size distribution of bigeye tuna catch, longline vs purse seine
 Source: Secretariat of the Pacific Community-Oceanic Fisheries Program

Bigeye catches from purse seiners have risen dramatically over the past decade due to increased purse seine sets using deeper nets on Fish Aggregation Devices (FADs), which attract juvenile bigeye, yellowfin, and skipjack tuna, as well as other marine bycatch species.

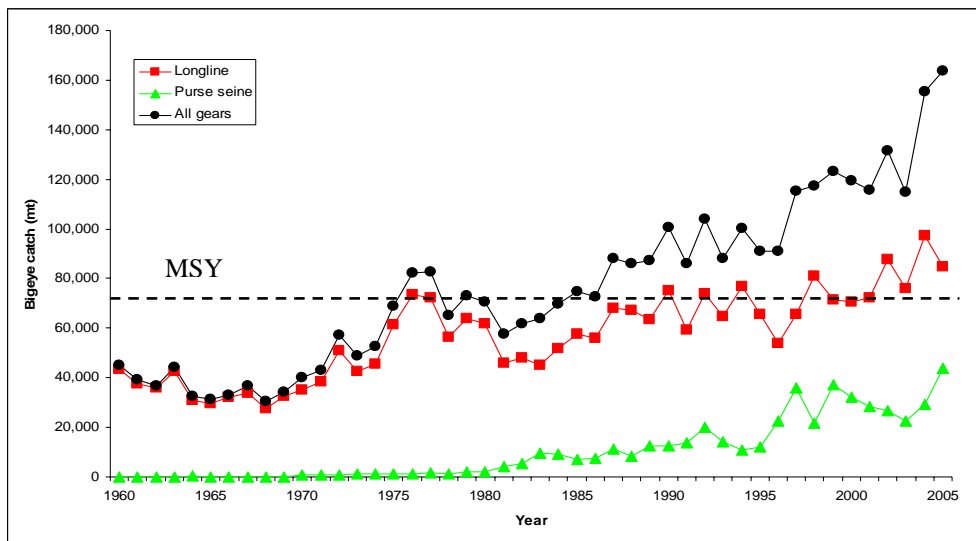


Figure 2: WCPO Bigeye Tuna Catch by Longline and Purse Seine Fisheries
 Source: Secretariat of the Pacific Community-Oceanic Fisheries Program

In order to properly manage the bigeye tuna resource, there needs to be: 1) accurate and timely submissions of catch reporting by all member nations, 2) a cap on the number of longliners authorized to fish in the WCPO, and 3) effective FAD management programs for purse fisheries. In 2005 (and for years 2006-2008), the WCPFC agreed on bigeye longline catch limits for nations not exceed their average annual catch between 2001-2004. In 2006, the WCPFC required all members to development FAD management plans for the use of FADs by member nations on the high seas. To date only Papua New Guinea has a plan, whereas the US has not developed a FAD management plan and therefore not in compliance with the above mentioned measure. The US needs to address purse seine fishing on FADs, especially since in 69 percent of the US purse seine fishing effort in 2006 was in association with FADs. Furthermore, the US purse seine fleet is undergoing expansion, with 8-12 Taiwanese-built, US flagged seiners to be fishing within the next few years, bringing the total number of US purse seiners to around 30. The Western Pacific Fishery Management Council recently recommended to prohibit purse seine fishing in association with FADs in the entire US EEZ around American Samoa, CNMI, Guam, Hawaii, and the US Pacific Remote Island Areas (PRIA), which include Johnston Atoll, Howland Island, Baker Island, Jarvis Island, and Palmyra Atoll, Wake Island, and Kingman Reef.

To address capacity issues in the WCPO, the vessels authorized to fish in the convention area need to be strictly regulated within the EEZs of member nations as well as on the high seas. WCPFC Conservation and Management Measures require that total levels of fishing effort for bigeye and yellowfin tuna in shall not be increased beyond currently levels. However, as indicated in Figures 2 and 3 below, there may be too many fishing vessels to begin with, so even if no more effort is expended, there is already likely excessive capacity in the WCPO. Moreover,

new fishing vessels being built are bigger, more efficient, and able to stay out fishing much longer than older vessels.

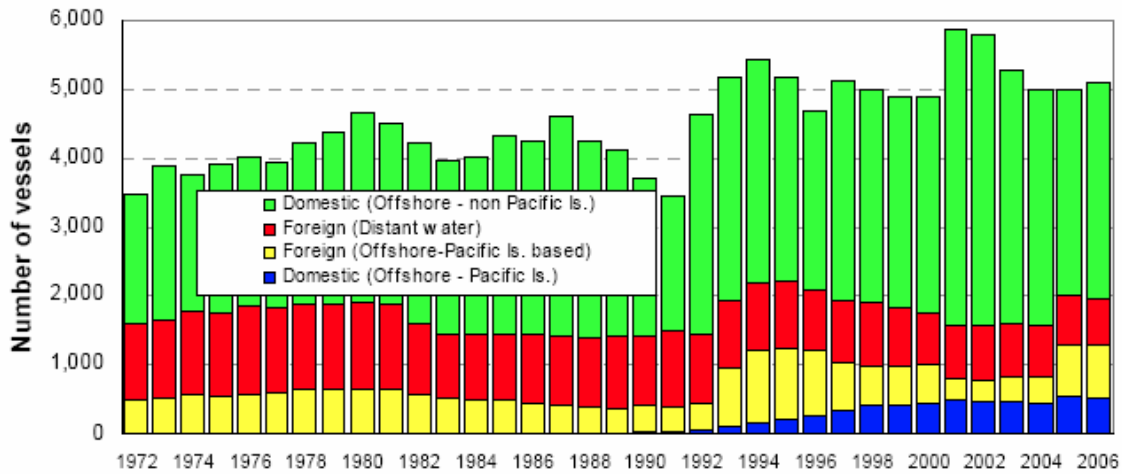


Figure 3: Number of longline vessels operating in the WCPFC area.
(Source: WCPFC SC3-2007/GN WP-1)

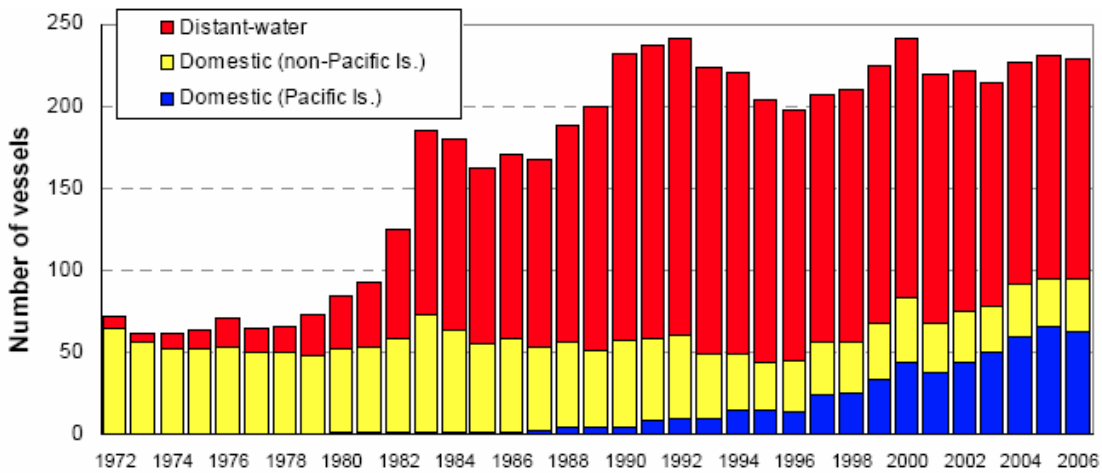


Figure 4: Number of purse seine vessels operating in the WCPFC area.
(Source: WCPFC SC3-2007/GN WP-1)

Currently, each member nation is required to annually provide the WCPFC with a list of fishing vessels authorized to fish in the convention area. However, most member countries have provided only general lists of vessels that may or may not be actively fishing in the WCPFC

area, therefore the list needs further refinement and categories such as “active/inactive” which would serve to indicate a clearer picture of overall capacity in the region.

Another management issue involves bycatch of marine mammals, sea turtles, and seabirds. Since the 1996 reauthorization of the MSA, the Western Pacific Fishery Management Council has implemented an effective bycatch reduction program. Sea bird mitigation measures (e.g. night-setting, side-setting, blue-dyed bait, line shooters, etc.) have reduced seabird bycatch in the Hawaii longline fishery from thousands of seabirds annually to less than 100 per year. Reductions in sea turtle bycatch have also been realized from the required use of circle hooks and mackerel bait in the Hawaii longline swordfish fishery—90 percent reduction in loggerhead sea turtles and 87 percent reduction in leatherback sea turtle interactions. Based on these successes, the Western Pacific Fishery Management Council has been working actively to promote these measures in the international arena, sponsoring international meetings such as the series of International Fishers Forums and sea turtle workshops. Hawaii’s longline fisherman have been active participants in these efforts and have worked to engage foreign fisherman in promoting bycatch reduction, examples being the Tri National Exchange bringing fishermen from Hawaii, Japan, and Mexico together to reduce loggerhead sea turtle interactions. Bycatch measures in the WCPFC have taken a back seat as member states struggle over the design and implementation of basic monitoring and compliance and accurate catch documentation issues.

Enforcement Issues

Enforcement issues in the WCPO involve lack of adequate monitoring, flags of convenience, at-sea transshipment, inadequate port state measures, catch documentation, and apparent loop holes for vessels with access agreements with island nations. While effort has been

made to resolve these issues, such as requiring VMS and observers in the WCPFC, full implementation of these measures is still far off in the future.

A major problem facing small island nations is the lack of enforcement assets to patrol their EEZs. The US Coast Guard faces similar challenges in the WCPO as effectively monitoring the US EEZ in the region, especially the PRIA, requires significant resources. The US EEZ around the PRIA, for example, is subject to illegal fishing by foreign vessels. Recent cases involve two Ecuadorian flagged purse seine vessels caught fishing in the US EEZ around Howland/Baker Islands and Jarvis Island. Although the USCG was able to detect this illegal activity by air and were able to pursue one of these vessels with a cutter at sea, the USCG was unable control and board this vessel while in the US EEZ. The cases were recently settled for \$ 117,000 dollars each; however, there are suspicions that these vessels were illegally fishing in the US EEZ for two weeks, instead of for making one set as the penalties were assessed. The USCG needs more resources and assets to effectively monitor the US EEZ in the WCPO.

The Ecuadorian vessels were fishing within the WCPFC convention area without authorization as Ecuador is not a member of the WCPFC. Ecuador, in 2007, sought cooperating non-member status within the WCPFC, but their application was rejection by the member nations. This issue highlights a loophole for foreign fishing vessels—potential IUU vessels—that fish in the WCPO as they are not subject to WCPFC conservation and management measures because the state flag under which the vessel operates is not a member of the commission.

The MSRA added a provision (Sec. 510) that requires all foreign fishing vessels transiting the US EEZ seaward of Hawaii, CNMI, American Samoa, Guam, and the PRIA without VMS capable of communicating with USCG or NMFS Office of Law Enforcement (OLE) to notify the USCG or OLE the name of the vessel, flag state, location, and destination of

the vessel. Section 510 also requires that all fishing gear on the board the foreign fishing vessel be stowed below deck or removed from the place where it is normally used for fishing. Congress intended this provision to require notification of foreign vessels because the USCG and NMFS Office of Law Enforcement do not have access to VMS data of foreign fishing vessels, and that effective monitoring of the EEZ around the PRIA and other remote US territories takes nearly daily fly-overs by USCG air assets. The Bush Administration in signing the MSRA indicated that they would implement section 510 of the MSRA only as appropriate under international law, and to date, the USCG nor OLE have not pursued this enforcement tool. It seems the Bush Administration interprets section 510 to be inconsistent with existing international treaties or agreements relating to freedom of navigation. While this may or may not be true, the Administration should push this approach in international fora as a means to deter illegal foreign fishing.

Fisheries observers are a major component of effective monitoring of tuna fisheries in the WCPO. At the last WCPFC meeting it was agreed that the WCPFC observer program would be initiated in 2008, starting with national observer programs and with a goal of 5 percent coverage. There has been major resistance in the WCPFC from several member nations on determine what vessels will be subject to observers and when and who is going to pay for the implementation and administration of the observer programs. To put this in context, our local, Hawaii-based longline fishery targeting swordfish is subject to 100 percent coverage and the Hawaii longline deep-set tuna fishery is at 20 percent observer coverage, costing over \$ 6 million dollars per year—we hope to utilize video monitoring technology in the near future to reduce these costs in our fishery.

VMS is another important enforcement tool for effective conservation and management. Although WCPFC conservation and management measures require VMS on all vessels that are authorized to fish in the WCPFC area, the VMS program and implementing details have yet to be agreed on and significant work needs to be done before VMS is applied evenly throughout the region. Through management regulations recommended by the Western Pacific Fishery Management Council in 1991, the Hawaii-based longline fishery was the first fishery in the nation to be required to use VMS, and thereby pioneering its use as an effective enforcement tool.

At-sea transshipment is a major IUU and management concern because it can avoid port-state monitoring and catch documentation is often lacking. At-sea transshipment is prohibited for purse seiners by the WCPFC; however, at-sea transshipment remains a practice for large-scale longline vessels (mostly freezer vessels fishing for albacore).

Consistent port-state measures are important and require rigorous procedures to verify catch and catch locations. Measures to deny port-entry by vessels suspected of IUU fishing can be problematic as it would then eliminate port-state control of an IUU vessel that if denied port-entry, would likely offload at another, less strictly controlled port.

An important point is that US fisheries operating in the WCPFC are the most tightly managed, closely monitored fisheries in the world. What is troublesome from a US fishing perspective, is that what the US agrees to in the WCPFC and carries out through domestic regulations, the same will likely not be replicated by other member nations. In effect, the US could over-regulate its fisheries while other member nations do little in terms of accountability, thereby setting US vessels at a competitive disadvantage. In this respect, if member nations do not adequately monitor and enforce their own vessels to comply with agreed to conservation and management measures, the US has little option other than to impose trade sanctions.

Fisheries Development in the US Pacific Island Territories and Commonwealth

The US Pacific Island Territories of American Samoa and Guam and the US Commonwealth of Northern Mariana Islands need support to develop their fisheries, and existing law such as the Central, Western, and South Pacific Fisheries Development Act of 1972 is an appropriate vehicle to render such support. The US, under the South Pacific Tuna Treaty (SPTT), provides \$ 18 million dollars annually to members nations of the Forum Fisheries Agency (FFA) including the Republic of the Marshalls Islands, Federated States of Micronesia, Republic of Palau (which are all Former Trust Territories of the Pacific Islands) for 40 US purse seine access permits to fish within the EEZs of FFA member nations. Because around 25-30 permits have gone largely unused by the US purse seine fleet in recent years, the FFA has sold the latent amount of permits to other nations, thereby receiving double revenues as the US fleet is rebuilding. Guam and the Northern Mariana Islands do not receive any benefit from the SPTT to develop their fisheries.

Given the strategic location of Guam and the Northern Mariana Islands in the Western Pacific, both have great potential to provide needed infrastructure to the WCPFC (its Secretariat is located in Pohnpei, FSM) as well as be international transportation hubs for fishing fleets air-freighting fish to the US and Asia. Guam used to be a major transshipment location for both purse seine and longline vessels, however, over the last five years there has been a major reduction in port calls by these vessels. A possible reason for this decline is linked to a suggestion that the Federated States of Micronesia (FSM) is requiring all their foreign fishing access agreements to land their fish in the FSM. Nonetheless, Guam and the Northern Mariana Islands are working to establish small-scale longline fleets and the US should support fisheries development efforts in these areas.

The American Samoa tuna canneries are vital to the territory's economy. In 2004, according to the US Department of Labor, the canneries directly employed 4,738 workers (38.6 percent of all surveyed workers in the territory), paid an average hourly wage rate of \$3.60, and accounted for 24.5 percent of the territory's total wage bill for all workers. However, the influence of the canneries goes well beyond purely domestic impacts. Ready access to the canneries by countries surrounding American Samoa (Cook Islands, Niue, Tonga, Samoa) has supported the growth of domestic longline fishing in these countries. Further, as revealed at a recent Western Pacific Fishery Management Council workshop on albacore longline fisheries, most countries across the entire South Pacific, including those with canneries such as Australia, New Zealand, Papua New Guinea, Solomon Islands and Fiji, ship albacore to Pago Pago for canning. The development of the albacore longline fisheries in the central South Pacific have also provided benefits to those Pacific Island nations that have the majority of the skipjack resource but do not receive the lion's share of the SPTT funds. Thus, the SPTT is a key component for the US in the Pacific Islands through this mosaic of inter-connections to other fisheries, and for this reason, it does not simply represent US purse seine access to skipjack in the equatorial Pacific.

The Hawaii and American Samoa longline fleet comprise the largest US domestic industrial fishing fleet in the WCPO. The Hawaii and American Samoa fisheries are model fisheries in terms of ecologically sustainable longline fishing, employing high observer coverage, vessel monitoring systems, limited entry programs, spatial management to minimize fishery interactions, and innovative turtle and seabird bycatch reduction methods. Indeed, the Hawaii fishery was recently evaluated and found to be overall 93% compliant with the United Nations Food and Agriculture Organization's Code of Conduct for Responsible Fisheries. Responsible,

well managed fisheries can also be profitable. This is evident from Honolulu being ranked 4th (\$ 54,600,000) nationally in terms of landed fish value for 2006, and in 2007, the value of landed fish in Honolulu is in excess of \$ 71 million.

Our longline fisheries, therefore, serve as the model for other nations within the WCPO. Countries neighboring American Samoa, such as the Cook Islands, Samoa and Niue, have taken a serious interest in US longline fisheries management and seek to emulate our successes. Moreover, longline fishing seems poised to begin developing in the Guam and the Northern Mariana Islands, where if successful, will provide an additional role model for neighboring Micronesian countries, such as the Federated States of Micronesia and Palau.

Closing

Overall, I believe the Department of State, National Marine Fisheries Service, and the USCG are working well on implementing the international provisions of the MSRA. For these agencies it is often a tiring and frustrating experience and they deserve our appreciation and financial support. The focus on IUU fishing is important, but pales in comparison to the challenges faced by the US in attempting to get the Pacific RFMOs to adopt monitoring and compliance along with adequate conservation measures. In the WCPO, the Hawaii longline fleet represents less than 2.5 percent of the total bigeye catch, but provides 87 percent of the total observed (use of fishery observers) fishing effort in the region. As previously mentioned, we have VMS for nearly twenty years in our fishery; however, such measures essential to monitoring and compliance have a long way to go before fully implemented in the WCPFC. As a small, well-managed fishery that has little overall impact in the larger arena of fishing in the WCPO, we stand ready to adopt whatever conservation measures are recommended by science.

We ask only that when the US government acts to restrict us within the context of international agreements, that it results in lower fishing mortality which benefits the resource and not a simple shift to imports from countries without proper monitoring and compliance. While the Hawaii longline fishery maintains a solid working relationship with the Western Pacific Fishery Management Council, DOS, NMFS, and the USCG, we recognize that further coordination and dialogue amongst these groups is required in order to formulate or consider appropriate management and enforcement measures for international fisheries for which we participate in.

Chairman Inouye and members of the Committee, it has been my honor to testify today and I will gladly accept and questions.