

**Testimony of Kitty Simonds**  
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(Based on Meeting Transcript)

**U.S. Commission on Ocean Policy's**  
**Hawaii and Pacific Islands Regional Meeting**  
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Good afternoon, Commissioners. Thank you for the opportunity to offer comments of management in international fishery resources. My name is Kitty Simonds, and I'm the Executive Director of the Western Pacific Regional Fishery Management Council, and I have been with the council since January 1977.

The U.S. fisheries under the council's jurisdiction predominantly target other international resources. Unlike many other fisheries around the world, these stocks are healthy and harvested at or below maximum sustainable yield. They are fished by about 4,600 longliners, 840 (inaudible), and 1,200 albacore trollers. The U.S. makes up about 4 percent of both the longline and (inaudible) fleets and about 50 percents of the albacore fleet.

Today I will discuss the major issues we have been trying to address and must continue to address in our region, and that is bycatch. The point that I would like you to walk away with is that our U.S. fishermen have to be out there fishing. This is the only way to find protective procedures to be used by our fishermen, but it could also be transported to foreign fishermen targeting the very same stocks and encountering the very same bycatch species.

The success of the turtle excluder devices in the U.S. industry can solve the problem of bycatch if they are allowed to continue fishing while developing and testing these procedures.

Sea turtles are protected under the U.S. Endangered Species Act, and federal approval must be secured for U.S. fishermen to engage in activities that capture sea turtles either directly or indirectly and whether they are in U.S. waters or international waters. Because a similar policy does not apply to foreign fishing vessels on the high seas, U.S. fishermen, the minority fishing group in the Pacific, are at disadvantage, and sea turtles are not universally protected.

Recently, environmental groups took the National Marine Fisheries Service to court over the issue of sea turtle interactions with the Hawaiian longline fleet. The court decided against NMFS on procedural grounds under the National Environmental Protection Act, and the outcome was closure for our Hawaiian longline swordfish fishermen from the Equator to the North Pole and a closure of 1.2 million square miles south of Hawaii in mostly international waters for U.S. Pacific longline tuna vessels.

Two major problems have surfaced in this approach for the federal government. First, much larger foreign vessels and much larger foreign fleets, as well as some U.S. vessels that do not fall under the council's jurisdiction, can continue to longline for swordfish in the North Pacific and for tuna in April or May. These foreign vessels are not subject to the same strict management imposed on the Hawaiian fleet. Hawaii fishermen cannot target swordfish and must take a mandatory protected species workshop annually, must carry dip nets and wire-cutting devices to help ensure the survival of sea turtles, must report sea turtle interactions, and must carry on-board observers when selected to do so.

Further, the removal of the U.S. fleet has provided an incentive for these less regulated foreign vessels to increase their operations and to occupy the geographic areas vacated by the U.S. fleet.

Second, foreign catches of tuna and swordfish are filling the void in the market created by the removal of the Hawaiian longline swordfish fishery and the reduction in harvest by tuna fishermen. The foreign vessels providing these catches have much higher turtle bycatch rates than our fleet. Brazil's longline fishery, for example, for fresh swordfish takes up to 326 times more sea turtles per metric ton than our Hawaiian longline swordfish fleet, and the much larger Asian longline fishery in the Western Tropical Pacific takes up to 17 times more sea turtles per metric ton than the Hawaiian longline fishery. So this approach has made the U.S. more dependent on seafood imports and also causes more sea turtle deaths internationally.

The council and the Hawaiian longline fishermen both argue for an approach that would engage U.S. fishermen in creating protective measures that can be utilized by all fleets, both domestic and foreign. We recommend that the Commission develop a U.S. policy that provides implementation of measures while allowing American fishermen to participate in a fishery so they can assist in the development and testing of protective procedures that are transferable to other fisheries worldwide, and also a policy that makes necessary amendments so that the Secretary of Commerce's failure to comply with NEPA in the management of a fishery under the (inaudible) Act results only in judicial guidance regarding NEPA compliance rather than judicial management or injunction against the fishery.

The council recognizes that the ESA considers cumulative impacts on species by all activities, whether they are international, and U.S. fishermen will always be threatened with closure until the populations are recovered. The council, however, is aware that the most severe threats to sea turtles are human activities on nesting beaches outside U.S. jurisdiction.

To address these issues, we recently convened the Western Pacific Sea Turtle Cooperative Research and Management Workshop. Fifty-three sea turtle

biologists, conservation specialists, and fishery scientists from 18 Pacific nations participated in our four-day workshop here. What this workshop clearly recognized was our ability to promote information exchange among the groups and encouraged us to continue this role. We will continue to act in this capacity, as we are organizing the second international fisheries forum which will focus on bycatch of sea turtles and seabirds this fall here in Hawaii.

So another recommendation we have for the Commission to consider is that you support and promote efforts of the regional councils to convene these international conferences and workshops to solve problems with the fishermen and other stakeholders. We also ask you to perhaps allow councils to accept outside funding for these and other purposes, because the government cannot support everything.

The other is to develop binding international agreements to address native sea turtles in the Pacific. There are agreements out there, but there isn't any for our particular part of the world at this point.

Mary Beth West did mention MHLC, but it depends on how quickly that is organized, because we need to address the turtle issues as quickly as possible so that our U.S. fishermen can be out there fishing.

The other thing we'd like you to support is some sort of an avenue for cultural takes when the sea turtle populations can sustain them.

A little bit about sea birds: In addition to sea turtles, the fisheries in our region also unintentionally catch sea birds, based on the black-footed albatross and other sea birds that interact with our longline fisheries. These are the same problems that Australia and New Zealand also have as well. So we have all been trying to work together to develop some mitigation.

What the Council did was test a variety of mitigation devices, and these were published in July 2000. However, the agency delayed implementation of our recommendation while it consulted with the U.S. Fish and Wildlife Service on an endangered bird, the short-tail albatross, which there were no recorded interactions with the Hawaii longline fleet, and is rarely found in fishing grounds. So these measures were finally adopted a year later. We believe that this delay in the protection of all albatrosses was unwarranted and that it places strain on the hard-earned working relationships with fishermen who helped with the mitigation experience. So we recommend that you consider a policy that would expedite rule-making and review the effectiveness and the adequacy of the current system of producing and regulating documentation.

We also would like you to consider integrating an endangered species process and support the delegation of more responsibility to the field in terms of the agency.

We sincerely recommend the Commission's support of other efforts of fishermen and scientists working together to develop protective procedures to protect the bycatch of seabirds.

The exciting thing is that the fishing industry, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the Audubon Society, and the Council brought researchers from Australia to Hawaii about a month ago to test a device that sends baited hooks 16 feet under water before releasing them, and at that distance the baited hooks are out of sight and out of reach of albatross. The results were astounding in reducing the intake of seabirds to zero. We ask the Commission to consider a policy that supports these efforts of fishermen and scientists and agencies to develop new technology.

Much of the Council's time during the past few years has engaged other issues of shark management as well as ecosystem-based management of coral reef resources. In both cases, the issues became part of a national debate. However, as in the case with sea turtles and seabirds, the measures apply only to U.S. fishermen. To be fair to our fishermen and to afford meaningful protection to sharks, we ask that a national policy to be formulated that would expedite the development of international bans on the practice.

In closing, we ask the Commission to recommend a U.S. policy that provides the American fishing industry the opportunity to play a greater role in partnership with government to discover innovative means to resolve current conflicts. Instead of polarizing U.S. fishermen by creating an uneven playing field in the international arena, American fishermen should be given the recognition for their expertise and utilized for the benefit of our nation to achieve food security and to ensure the international protection of the species. Let our fishermen fish so they come up with solutions that can be applied universally.

Thank you.