



## Pacific Fishery Management Council

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Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

March 24, 2015

Representative Rob Bishop  
Chairman, House Committee on Natural Resources  
123 Cannon House Office Building  
Washington, D.C. 20515

The Honorable Raúl Grijalva  
Ranking Member, House Committee on Natural Resources  
House of Representatives  
1511 Longworth HOB  
Washington, DC 20515

Re: Pacific Council Comment on HR 774

Dear Mr. Bishop and Mr. Grijalva:

The Pacific Fishery Management Council (Pacific Council) would like to comment on HR 774: The Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015, introduced by Madeleine Bordallo. We recognize that this bill enjoys bipartisan support, and apart from one omission, we support the bill.

This bill strengthens enforcement mechanisms to stop illegal, unreported, and unregulated fishing, amends the Tuna Conventions Act of 1950 to implement the Antigua Convention, and makes other changes. The Pacific Council has reviewed the bill, taken testimony from its advisory bodies and the public, and has the following comments.

### **Inter-American Tropical Tuna Commission**

HR 774 would add a member of the Pacific Council to the U.S. Delegation Inter-American Tropical Tuna Commission (IATTC) Commission, which the Council strongly supports. The Pacific Council has a designated Commissioner seat on the U.S. Delegation to the Western and Central Pacific Fisheries Commission. International management of highly migratory species such as tunas depends on close consideration between authoritative jurisdictions. For true effectiveness, it is important that the Pacific Council be similarly represented in the IATTC forum.

## Antigua Convention

We are concerned that Title II, Section 206 of the bill. Section 206, “Rulemaking” of House Bill 774, which amends Section 6 (16 USC 955) of the Tuna Conventions Act of 1950, unnecessarily deletes by omission important language in the current Section 6 of the Tuna Conventions Act. That language in the current Section 6 which we recommend be retained is:

*The Secretary of Commerce shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission’s recommendations.*

The language that was removed benefits domestic commercial fishermen by ensuring that the U.S. fleet fishing for highly migratory species is not disadvantaged in the face of competition from foreign fleets fishing for the same species, such as when foreign fleets ignore Regional Fishery Management Organization resolutions while the U.S. government continues its strict enforcement of regulations.

The relevant section of the Tuna Conventions Act states that in making regulations, the Secretary of Commerce shall:

in no event... [make those regulations effective]... prior to an agreed date for the application by *all countries* whose vessels engage in fishing for the species covered by the Convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the Commission’s recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary *shall suspend* the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the Commission’s recommendations. (Emphasis added.)

To reiterate, the Pacific Council believes it is important that the bill should amend Section 6 of the Tuna Conventions Act by inserting subsections (a) and (b) and leaving Section 6(c) of the Tuna Conventions Act intact. While this provision might rarely be effectuated, it stands as a deterrent to foreign countries and a strong policy statement for a level playing field in international fishery management.

Thank you again for the opportunity to comment. The Pacific Council appreciates your dedication to West Coast fisheries and the communities that depend on them. Should your

staff have any questions or require additional information, please have them contact me or Ms. Jennifer Gilden at 503-820-2280.

Sincerely,



D.O. McIsaac, Ph.D.  
Executive Director

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Cc: House Committee on Natural Resources Members  
Pacific Council Members  
Highly Migratory Species Advisory Subpanel Members  
Highly Migratory Species Management Team Members

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