H.R. 3535, TO AMEND THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT TO ELIMINATE THE WASTEFUL AND UNSPORTSMANLIKE PRACTICE OF SHARK FINNING

HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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HEARING ON: H.R. 3535, TO AMEND THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT TO ELIMINATE THE WASTEFUL AND UNSPORTSMANLIKE PRACTICE OF SHARK FINNING

THURSDAY, APRIL 13, 2000

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS,
COMMITTEE ON RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 11:05 a.m. in room 1334, Longworth House Office Building, Hon. Jim Saxton (chairman of the subcommittee) presiding.

Mr. SAXTON. The subcommittee will come to order. Today, we are discussing H.R. 3535 to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

I would like to welcome our witnesses and thank those of you who have travelled all the way from Hawaii for this hearing and would also like to thank our witnesses who will be joining us via videoteleconference from Honolulu. As members and witnesses are aware, this subcommittee held a hearing on this same subject last October.

While that hearing focussed on H.Con.Res. 189, which was a non-binding sense-of-Congress resolution, the issues remain unchanged. As an original co-sponsor of H.R. 3535, the Shark-Finning Prohibition Act, I continue to believe that the practice of shark finning is wrong. In addition, the practice of shark finning is inconsistent with the rules governing the harvest of sharks on the East Coast, in the Gulf of Mexico and in the Caribbean.

I believe that Congress has the authority and the duty to take action to prohibit this activity. I am pleased with the steps that the Western Pacific Fishery Management Council has taken since we last met on this issue. However, I believe the Council did not go far enough.

This legislation is necessary since the practice of shark finning continues today despite the Council's actions. I appreciate the interest that has been shown in this issue and I look forward to hearing the testimony from our witnesses today.

[The prepared statement of Mr. Saxton follows:]

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

STATEMENT OF THE HONORABLE JIM SAXTON, CHAIRMAN, SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS HEARING ON H.R. 3535, THE SHARK FINNING PROHIBITION ACT: April 13, 2000.

I would like to welcome our witnesses and thank those who have traveled from Hawaii for this hearing and would also like to thank our witness who will be joining us via a video teleconference from Honolulu.

As Members and witnesses are aware, this Subcommittee held a hearing on this same subject last October. While that hearing focused on H.Con.Res.189, which was a non-binding Sense of Congress resolution, the issues remain the same.

As an original cosponsor of H.R. 3535, the Shark Finning Prohibition Act, I continue to believe that the practice of shark finning is wrong. In addition, the practice of shark finning is inconsistent with rules governing the harvest of sharks on the East coast, in the Gulf of Mexico and in the Caribbean. I believe that Congress has the authority and the duty to take action to prohibit this activity.

I am pleased with the steps that the Western Pacific Fishery Management Council has taken since we last met on this issue; however, I believe the Council did not go far enough. This legislation is still necessary since the practice of shark finning continues today despite the Council's actions.

I appreciate the interest that has been shown in this issue and I look forward to hearing the testimony of our witnesses today.

Mr. SAXTON. Mr. Pallone, do you have an opening statement?

Mr. PALLONE. Thank you, Mr. Chairman, for holding this hearing on H.R. 3535 to eliminate the wasteful and unsportsmanlike practice of shark finning and to reduce the high mortality levels associated with shark finning in U.S. waters. I want to commend the bill's sponsor, Mr. Cunningham, for bringing this matter before the subcommittee and I am also pleased to say that I am a co-sponsor of the legislation and I think it is long overdue.

The practice of shark finning, the destructive practice of slicing off a shark fin and discarding its carcass back into the ocean has been banned since 1993 in all Federal waters except the Western and Central Pacific. Today, a diverse group of commercial and recreational fishers, conservationists, Democrats and Republicans have joined together in support of the bill finding this practice as indefensible waste of a valuable natural resource, not to mention the inhumane practice of sentencing a living creature to a slow and painful death.

The fins of sharks are the primary ingredient in shark-fin soup. The increasing popularity of shark-fin soup in Asia has increased the practice of shark finning in the Western and Central Pacific waters. In fact, in 1991, the percentage of sharks retained by the longline fisheries for finning was approximately 3 percent but, by 1998, that percentage had grown to an astounding 60 percent.

As a result, more than 60,000 sharks were caught and killed in the region, 98.7 percent of which are harvested only for their fins. The National Marine Fisheries Service and the National Oceanographic and Atmospheric Administration have both directed the Western Pacific Fishery Management Council to stop shark finning immediately but, nevertheless, as the Chairman mentioned, the Council has—well, I should say I am going a little further, Mr. Chairman, by saying that I think they have abdicated their responsibility to protect and promote the long-term health of this marine resource and disregarded the policy directives.

Furthermore, the Council's persistent support of finning stands in direct contradiction to U.S. domestic and international shark-management policies.

Finally, the unique biological characteristics of sharks, slow growth rate, late sexual maturity and the production of few young make them particularly vulnerable to overfishing and slow to recovery from depletion. This vulnerability coupled with the unequivocal history of unmanaged shark fisheries warrants expeditious passage of Mr. Cunningham's bill as well as the particularly cautious management approach.

I support an end to this wasteful destructive and biologically risky practice and I am pleased that the chairman and the subcommittee are examining this problem. I hope we can work with my colleague to pass this legislation and condemn the barbaric practice of shark finning.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Pallone follows:]

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FRANK PALLONE, JR.
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Statement by the Honorable Frank Pallone, Jr.
Subcommittee on Fisheries Conservation, Wildlife, and Oceans
Hearing on H.R. 3535
Thursday, April 13, 2000

Thank you, Mr. Chairman, for holding this hearing today on H.R. 3535 to eliminate the wasteful and unsportsmanlike practice of shark finning and to reduce the high mortality levels associated with shark finning in U.S. waters. I commend the bill's sponsor, Mr. Cunningham, for bringing this matter before the Subcommittee. I am also pleased to serve as an original cosponsor of the legislation as I believe it is long overdue.

The practice of shark finning – the destructive practice of slicing off a shark fin and discarding its carcass back into the ocean – has been banned since 1993 in all Federal waters except the Western and Central Pacific. Today, a diverse group of commercial and recreational fishers, conservationists, Democrats, and Republicans have joined together in support of H.R. 3535, finding this practice as indefensible waste of a valuable natural resource - - not to mention the inhumane practice of sentencing a living creature to a slow and painful death.

The fins of sharks are the primary ingredient in shark-fin soup. The increasing popularity of shark-fin soup in Asia has increased the practice of shark finning in the Western and Central Pacific waters. In fact, in 1991, the percentage of sharks retained by the longline fisheries for finning was

approximately 3 percent. By 1998, that percentage had grown to an astounding 60 percent. As a result, more than 60,000 sharks were caught and killed in the region, 98.7% of which were harvested only for their fins.

The National Marine Fisheries Service and the National Oceanic and Atmospheric Administration have both directed the Western Pacific Fishery Management Council to stop shark finning immediately. But, nevertheless, the Council has abdicated its responsibility to protect and promote the long-term health of this nation's marine resources, and disregarded these policy directives. Furthermore, the Council's persistent support of finning stands in direct contradiction to U.S. domestic and international shark management policies and public sentiment.

Finally, the unique biological characteristics of sharks – slow growth rates, late sexual maturity, and the production of few young – make them particularly vulnerable to overfishing and slow to recovery from depletion. This vulnerability - coupled with the unequivocal history of unmanaged shark fisheries – warrants expeditious passage of H.R. 3535, as well as a particularly cautious management approach.

I support an end to this wasteful, destructive, and biologically risky practice.

In conclusion, I am pleased that the Subcommittee is examining this problem and I hope to work with my colleagues to pass this legislation and condemning the barbaric practice of shark finning.

Mr. SAXTON. Thank you, Mr. Pallone. I ask unanimous consent that all other subcommittee members, including the ranking members, be permitted to include their opening statement in the record and, without objection, that will happen.

Let me just introduce our first witness and the person who has worked so hard on this issue, Congressman Duke Cunningham, my friend from San Diego. It would not be an overstatement to say that Mr. Cunningham has bulldogged this issue for a long time and that we would not be here having this discussion without him.

We want to thank you for that, Duke and we look forward to your testimony. It is always good to hear from somebody who believes deeply in an issue and we know you believe deeply in this one. So we are anxious to hear your testimony. You may proceed at your convenience.

STATEMENT OF THE HON. RANDY "DUKE" CUNNINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CUNNINGHAM. Thank you, Mr. Chairman, Mr. Pombo, Mr. Pallone. I would like to thank the committee not only for hearing this testimony, allowing this hearing, and also for the committee's support on this particular issue.

I would ask the committee to go back and review last year. I know you would rather have Brooke Burns from Bay Watch than Duke Cunningham's testimony, but she is with child and could not make the trip this year. But she gave one of the most professional testimonies that I have ever heard last year. If you will go back and review her testimony, I think it will give insight to anyone that is opposed to this particular legislation.

Mr. Chairman, I am a scuba diver. I don't necessarily like sharks. Night before last, I watched a special about great whites that were going up and hitting surfboards and they were doing research. They are dangerous. But, like all animals, whether it is a lion or a tiger or a leopard, God put animals on this earth and we need the conservation of those species.

That is why I am here today. I first introduced the Shark Finning Prohibition Act with the idea of following through with this exact type of legislation. Mr. Chairman, last year, with your support, the House passed the Concurrent Resolution 189 which expressed the sense of the House that shark finning is a wasteful, unsportsmanlike, destructive practice that should be banned.

As legislation before this committee today will accomplish that goal and, again, I want to thank the members of this committee.

It is my intent not only to stop this wasteful practice in U.S. waters but down the line across the world. I think that when we have waste of a species like this, there should be an international outrage.

Shark finning is the distasteful practice of removing a shark's fin and discarding the carcass into the sea. As an avid sportsman, I love to hunt and fish but I believe in conservation based on good science to preserve the species but yet to harvest older animals for the purposes of food.

In my own particular case, I don't hunt anything that I don't eat. I know other people may do it for sport, but I do not. I find this

practice of shark finning horrific and wasteful. I have worked with this committee on a tuna-dolphin bill and saved turtles and bicatch in species. The elephants in Africa; I think it is distasteful just to kill an elephant for the ivory or a rhino just for its horn and leave the carcass there.

For sharks, in U.S. waters, maybe we can stop that. But, again, I think that when we have sound conservation, if we have a rogue elephant, if we have one that is destructive or dangerous, then there should be rules to guide that. But just the wanton destruction of a species or a particular part of its anatomy I think is wrong.

At the hearing last October, this committee was told that shark finning is occurring in U.S. Pacific and increasing at an alarming rate. Unfortunately, this practice is not only continuing, it is accelerating. According to the National Marine Fishery Service, a scientific organization, in the Central and Western Pacific fisheries, the number of sharks finned in 1992 was only about 2,289 blue sharks.

Last year, fishermen in the Central and Western Pacific caught a total of 78,091 blue sharks of which 58,268 were brought on board, 57,286, which were finned, and only a shameful 982 were retained.

If you asked me back in the 1700's to stop buffalo hunting just for the removal of the hide, I would support that. If you asked me today to stop the wanton killing of seal pups for a barbaric practice of just taking the hide of a seal pup, I think that is wrong.

Whether it is a rhino or an elephant or whatever, we must stand forth, I think, not only as a country but as a nation and internationally to stop such practices. Between 1992 and 1999, the number of blue sharks finned in the Pacific rose by more than 2,500 percent. In 1999, the number of sharks retained whole was less than 2 percent.

To stop this practice, the National Marine Fisheries has acted to ban shark finning in all Federal waters of U.S. Atlantic, Gulf of Mexico and Caribbean. However, the service has been unable to convince the Western Pacific Region Fishery Management Council, WestPac, to enact a similar ban. This leaves the sharks in the Central and Western Pacific Oceans as the only ones not protected from this terrible practice.

NMFS has also written to the WestPac stating finning is wasteful and should be stopped. However, when given the opportunity to act responsibly and stop finning, WestPac has repeatedly balked and taken no action. Even after the House acted last fall by passing the resolution against shark finning, the WestPac Council has not stopped the practice of finning and thumbed their nose at Congress.

Mr. Chairman, this legislation before the committee today will establish one scientifically and environmentally sound and responsible standard for all of American fisheries.

This legislation sends a clear message that Congress does not tolerate the practice of shark finning and resulting waste in our national waters. Over the last 5 years, the United States has emerged as a global leader in shark-fishery management. The Secretary of State is a strong advocate for the coordinated management of

sharks and the elimination of shark finning in all the world's waters.

Yet, even as our nation has been an international advocate for banning shark finning, our inability to address finning in our own waters threatens to undermine our legitimate leadership role.

Mr. Chairman, in summation, the Shark Finning Prohibition Act has broad bipartisan support, Republicans, Democrats and Independents. It is strongly supported by Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Autobahn Society, National Coalition of Marine Conservation, National Resources Defense Council, Wildlife Conservation Society and the World Wildlife Fund.

In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sports Fishing Association and Recreational Fishing Alliance, the Sporting Association of California, the Costeau Society, the Center for Marine Conservation and Western Pacific organizations.

Mr. Chairman, I want to close by quoting The Honorable Benjamin Cayetano, Governor of the State of Hawaii, who has written that, "We should support an end to this wasteful, destructive and biologically risky practice."

Mr. Chairman, I ask that you and the committee pass this important legislation, your prompt action to halt the rampant waste resulting from the shark finning and solidify our national opposition to this terrible practice.

Thank you for holding this hearing. I ask that no amendments be added to this legislation. Thank you, Mr. Chairman.

[The prepared statement of Mr. Cunningham follows:]

RANDY "DUKE" CUNNINGHAM
51ST DISTRICT, CALIFORNIA

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Statement by
Rep. Randy "Duke" Cunningham
before the
Resources Subcommittee on Fisheries, Wildlife and Ocean Conservation
on H.R. 3535, the
Shark Finning Prohibition Act

Thursday, April 13, 2000 at 10:00 a.m.
1334 Longworth House Office Building

Chairman Saxton, Ranking Member Faleomavaega, Members of the Subcommittee, I want to thank you for the opportunity to testify before you today. I introduced the Shark Finning Prohibition Act to follow through on the sense of Congress resolution we passed last year. Mr. Chairman, last year with your support the House passed my House Concurrent Resolution 189, which expressed the sense of the House that shark finning is a wasteful, unsportsmanlike and destructive practice that should be banned. The legislation before your Committee today will accomplish that goal in all American waters.

Shark finning is the distasteful practice of removing of a shark's fins and discarding the carcass into the sea. As an avid sportsman, and as a previous co-chairman of the Congressional Sportsmen's Caucus, I find this practice horrific and wasteful.

At a hearing last October, this Committee was told that shark finning is occurring in the U.S. Pacific and increasing at an alarming rate. Unfortunately, this practice is continuing. According to the National Marine Fisheries Service, in the Central and Western Pacific fishery, the number of sharks finned in 1992 was only 2,289 blue sharks. Last year, fishermen in the Central and Western Pacific caught a total of 78,091 blue sharks of which 58,268 were brought on board, and 57,286 of which were finned and only a shameful 982 were retained. Between 1992 and 1999 the number of blue sharks finned in the Pacific rose by more than 2500%, yet in 1999 the number of sharks retained whole was less than 2%.

To stop this practice, the National Marine Fisheries Service (NMFS) has acted to ban shark finning in all federal waters of the U.S. Atlantic, Gulf of Mexico and Caribbean. However, the Service has been unable to convince the Western Pacific Regional Fishery Management Council (WestPac) to enact a similar ban. This leaves the sharks in the Central and Western Pacific Oceans as the only ones not protected from this terrible practice.

NMFS has also written to the WestPac stating, "finning is wasteful and should be stopped." However, when given the opportunity to act responsibly and stop finning, WestPac has repeatedly balked and taken no action. Even after the House acted last fall by passing my resolution against shark finning, the WestPac Council has not stopped the practice of finning.

Mr. Chairman, the legislation before the Committee today will establish one scientifically, environmentally sound and responsible standard for all of America's fisheries. This legislation sends the clear message that Congress does not tolerate the practice of shark finning and the resulting waste in our nation's waters.

Over the last five years, the United States has emerged as global leader in shark fisheries management. The Secretary of State has been a strong advocate for the coordinated management of sharks and the elimination of shark finning in all the worlds' waters. Yet, even as our nation has been an international advocate for banning shark finning, our inability to address finning in our own waters threatens to undermine our legitimate leadership role.

Mr. Chairman, the Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund. In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sportfishing Association, the Recreational Fishing Alliance, the Sportfishing Association of California, the Cousteau Society, the Center for Marine Conservation, and the Western Pacific Fisheries Coalition.

Mr. Chairman, I want to close by quoting The Honorable Benjamin Cayetano, Governor of the State of Hawaii who has written that we should "support an end to this wasteful, destructive and biologically risky practice."

Mr. Chairman, I ask that the Committee pass this important legislation. Our prompt action will halt the rampant waste resulting from shark finning and solidify our national opposition to this terrible practice.

Thank you for holding this hearing and I look forward to working with you and all the members of this committee to conserve our ocean resources.

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Mr. SAXTON. Duke, we want to thank you for your hard work on and dedication to this issue. It has been enjoyable to watch how hard you have worked on this and we appreciate your testimony.

We have a vote on. We are voting on the Rule for the Budget Conference Report. I am going to introduce the second panel and then I think we will take a break, unless there are questions that someone wants to ask of Mr. Cunningham.

We will proceed with the second panel as soon as we return which will be in ten or fifteen minutes. Let me just introduce our second panel before we go. We have Andy Rosenberg from NMFS. We have Mr. James Cook who is Chairman of the Western Pacific Fisheries Management Council who will come to us via satellite t.v.

We have Mr. Fred O'Regan, President of the International Fund for Animal Welfare, another dedicated guy, and also Mr. William Aila, Harbor Master of Wai'anae Small Boat Harbor.

If you folks would be ready in ten or fifteen minutes, we will go and vote and come back and then we will proceed. Thank you very much. We are in recess temporarily.

[Recess.]

Mr. SAXTON. Mr. Faleomavaega has joined us. I would like to offer him the opportunity to make whatever short and concise opening statement he may have.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. In the interest of time, I know that I would like to look forward to hearing from our witnesses this morning. I do have a statement I would like to ask unanimous consent for submission as part of the record.

Basically, I would also express my appreciation to the gentleman from California, Mr. Cunningham, for not only bringing this issue before the members of the committee, the resolution that was passed recently, expressing the sense of the Congress about the practice of shark finning.

As you well know, Mr. Chairman, I do have some very serious questions about the whole issue of the problems that we are faced with as far as shark finning is concerned, the fact that it is totally banned from Federal waters in the Atlantic Region as well as the Gulf of Mexico, but that the practice continues in the Pacific Region.

I have some specific questions that I will be asking the members of the panel at a later point. As you know, Mr. Chairman, I indicated earlier, when we had the hearing the last time about shark finning—saying that shark finning is somewhat morally and culturally repugnant to our Western values.

I raised the same question, why are we eating horse meat at some of the most expensive restaurants in our country. What part of the horse is being discarded? Is that morally and culturally repugnant to our Western values? So there is a sense of a paradox and maybe it might even be an indication of hypocrisy on our part. If we are going to be banning shark finning, let's do the same thing for other food items that is somewhat repugnant to our values as far as eating horse meat in some of the most expensive restaurants in New York and other major cities in our country.

With that, Mr. Chairman, I would love to hear from our witnesses and see where this hearing is going to take us. Thank you.

[The prepared statement of Mr. Faleomavaega follows:]

Statement of the Honorable Eni F. H. Faleomavaega
Hearing on the H.R. 3535, the Shark Finning Prohibition Act
Thursday, April 13, 2000 at 11:00 a.m.

Good morning Mr. Chairman, and thank you for holding this hearing on such an important subject.

I would also like to thank Mr. Cunningham for taking the time to appear before this subcommittee to discuss his bill, H.R. 3535, the Shark Finning Prohibition Act. In addition, I would like to extend a warm welcome to our panel of witnesses and express my appreciation for their cooperation and willingness to testify at today's hearing.

Shark finning is currently one of the most visible fisheries conservation issues in U.S. controlled waters of the Pacific. The practice of finning is already explicitly prohibited in Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea, and in coastal waters of at least 11 coastal states.

Even so, the practice is growing in U.S. waters of the central and western Pacific. In these areas, sharks are caught predominantly as bycatch in the tuna and swordfish longline fisheries. Because of the lucrative market for shark fins, these parts of the animal are retained, while the rest of the carcass is discarded -- more than 95 percent of the shark by weight is tossed back into the sea. Furthermore, critics consider this waste to be morally and culturally offensive.

Today we will be discussing the Shark Finning Prohibition Act. This bipartisan bill would amend the Magnuson-Stevens Fishery Conservation and Management Act to correct inconsistencies in U.S. domestic and international fisheries policy by extending the prohibition of shark finning to all federal waters. The bill would also reaffirm the requirement to reduce bycatch under the Magnuson-Stevens Act. Even

so, I do have some concerns that the legislation does not go far enough in addressing the incentives that fuel the practice of shark finning.

Many shark fins never make it to port, but are transshipped at sea to foreign fishing vessels. The volume and value of these transshipments are poorly documented. In addition, observer coverage in the longline fishery is low, so the extent of finning is likely to be under-reported. I am forced to ask: -- How are we ever going to eliminate the practice of shark finning if we allow transshipments to take place under our noses and even allow foreign vessels to land shark fins in U.S. ports?

Because of these factors, there may be additional steps that need to be considered to fully address the issue of shark finning. With these thoughts in mind, I look forward to working with you, Mr. Chairman, as we get down to the business of this hearing. And, I look forward with great interest to hearing from our witnesses.

Thank you, Mr. Chairman.

Mr. SAXTON. Thank you, Mr. Faleomavaega.

Mr. Gilchrist?

Mr. GILCHRIST. Thank you, Mr. Chairman. Just a brief comment. I think it is important for all of us to accept to diversity of the traditions in the various cultures around the world and not place any judgment on them. I think Mr. Faleomavaega's comment is correct, if one culture eats horse meat and another culture eats shark-fin soup, I think that is something that we should have tolerance for and mutual respect for.

But I think the issue here today is to discuss, with all the various interests of the diversities of the cultures of the world, the importance of managing the resources so that they can be sustained for generations to come. If there was a problem with horses becoming extinct or overexploited, then we should ensure that the management of that stock is managed properly.

If there is a problem with sharks because they have dramatically become popular around the world for their fins for various reasons, then I think we should move in quickly, manage that resource the way we would manage any other resource.

So whether it is shark finning or shark teeth or shark brain or whatever it is, we should insure that sharks don't become overexploited, threatened or endangered. So I look forward to the testimony, Mr. Chairman.

Mr. SAXTON. Thank you, Mr. Gilchrist.

We are going to hear first from Deputy Administrator for Fisheries, Dr. Andrew Rosenberg. Then we are going to hear from Frederick O'Regan of the International Fund for Animal Welfare. Then we will hear from Mr. William Aila of the Wai'anae Small Boat Harbor—oh; I'm sorry. We are also going to hear, direct from Hawaii, Mr. James Cook, Chairman of the Western Pacific Regional Fishery Management Council. Sorry about that, Mr. Cook.

Dr. Rosenberg?

STATEMENTS OF ANDREW A. ROSENBERG, DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE; JAMES COOK, CHAIRMAN, WESTERN PACIFIC REGIONAL FISHERIES MANAGEMENT COUNCIL; FREDERICK M. O'REGAN, PRESIDENT, INTERNATIONAL FUND FOR ANIMAL WELFARE; WILLIAM AILA, HARBOR MASTER, WAI'ANAE SMALL BOAT HARBOR

STATEMENT OF ANDREW ROSENBERG

Mr. ROSENBERG. Good morning, Mr. Chairman and members of the subcommittee. I am Andrew Rosenberg. I am the Deputy Director of NOAA's National Marine Fisheries Service and I would like to thank you for inviting the agency to address you today on H.R. 3535, a bill to eliminate the practice of shark finning.

NOAA believes the practice of finning results in overfishing, undermines the conservation of vulnerable shark populations and is wasteful. We have clearly stated our position in previous hearings, in council meetings and in international negotiations connected with shark management.

NOAA has taken a major step in achieving shark conservation by prohibiting shark finning in the Atlantic, Gulf of Mexico and Caribbean, as has been noted in some of the opening statements, and on the Pacific Coast, most finning is prohibited by state landing rules.

The majority of shark finning by U.S. fishing vessels is currently being conducted in the Central and Western Pacific. NOAA has made our position clear in the Western Pacific Fisheries Management Council on the need to address the shark-finning issue for U.S. waters in that region.

In addition, the United States is a leading proponent of international shark conservation in a variety of fishery management fora. We have led the development in the food and agricultural organization of the U.N. of an international plan of action for the conservation and management of sharks, and that plan of action calls for individual nations to develop national plans of action that prohibit wasteful fishing practices such as shark finning by requiring full utilization of all sharks harvested.

NOAA has developed a draft national plan of action pursuant to the international plan for the conservation and management of sharks and a final plan of action is expected out later this year. In addition, we have just published a petition for rulemaking that seeks to prohibit shark finning in Western Pacific Waters. That petition was presented by a coalition of a number of groups to the Secretary.

A large proportion of the sharks harvested in the Central and Western Pacific are blue sharks which are not considered desirable as food because of the high urea content of the flesh that causes the meat to spoil rapidly during storage.

We have limited data on blue-shark populations, as we have limited data on most shark populations in the Central and Western Pacific. The available information indicates that blue sharks are probably not currently overfished but, like all sharks species, they are highly vulnerable to overfishing.

Other shark species are even more vulnerable than blue sharks to overfishing because they have a very low reproductive rate, a very long life span and a very high age of maturity. So, in spite of the fact that blue sharks may not currently be overfished and they are the primary species taken in the fishery, there are very serious conservation concerns on the impacts of finning on both blue sharks, ultimately leading to overfishing, or in other shark populations that are even more vulnerable.

Because finning and storage of unprocessed fins can be accomplished at very low cost, and the product is of extremely high value, there is a great propensity to overfish the resource.

NOAA data show that there has been a very dramatic 25-fold increase in the number of sharks killed in the Hawaii longline fishery from 1991 to 1998, and 98 percent of those sharks were killed only for their fins. In 1998, we estimate that 60,000 sharks were finned in the Hawaii longline fishery.

Foreign-flag vessels that capture and fin sharks in international waters are prohibited from landing those fins in Hawaii. Consequently, many of these vessels transship shark fins to U.S. vessels that are allowed to land fins in Hawaii. In 1998, U.S. vessels

landed 120 metric tons of shark fins in Hawaii that had been transshipped with a value of between $2.3 million and $2.6 million.

One issue that requires serious consideration is the imports of processed shark fin from other countries that do not prevent finning. The issue is the practice of finning, not the use of shark fins. Unilaterally prohibiting finning within U.S. waters while continuing to import processed fins does not necessarily fully solve the problem.

While the bill strengthens U.S. shark conservation, the Administration feels it is important to address international shark conservation as well and we have been doing that in the international fisheries fora. In fact, the Administration has taken this issue very seriously and created a committee between NOAA and the International Trade Administration and the U.S. Trade Representative's Office to consider how we may further address international efforts to prohibit the practice of shark finning.

In conclusion, Mr. Chairman, we very much welcome the attention that Congress has paid to this issue. The Administration looks forward to consulting closely with you as you try to resolve both domestic and, potentially, the global aspects of shark finning.

We really appreciate your strong interest. That concludes my testimony. I would be happy to answer any questions. Thank you.

[The prepared statement of Mr. Rosenberg follows:]

TESTIMONY OF
ANDREW A. ROSENBERG
DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES
NATIONAL MARINE FISHERIES SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

April 13, 2000

Introduction

Good morning, Mr. Chairman and members of the Subcommittee, and ladies and gentlemen. I am Dr. Andrew Rosenberg, Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA). I want to thank the Chair of the Subcommittee for inviting our Agency to address you today regarding H.R.3535, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to eliminate the practice of shark finning. In my brief remarks, I would like to address the NOAA position on shark finning and the impacts of finning on Pacific shark stocks.

We recognize that the Committee places a high priority on managing our nation's fisheries in a sustainable manner so that these valuable resources will be conserved and maintained to provide optimum yields on a continuing basis. During the 104th Congress, this Committee played a leading role during the reauthorization of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act. This important piece of legislation enhanced protection of our nation's fisheries in many ways. Measures of particular concern to the Committee are the Magnuson-Stevens Act requirements to prevent overfishing, to minimize bycatch, and to minimize the mortality of bycatch that cannot be avoided. NOAA has been working closely with the Councils to address these important fishery conservation and management issues.

NOAA Position on Shark Finning

NOAA believes that the practice of finning results in overfishing, undermines the conservation of vulnerable shark populations, and is wasteful. NOAA has clearly stated our positions that shark finning should be prohibited in all U.S. waters. NOAA has taken a major step in achieving shark conservation by prohibiting shark finning in the Atlantic, Gulf of Mexico, and Caribbean. In the Atlantic, shark fisheries are managed under the Highly Migratory Species (HMS) Fishery Management Plan (FMP), which is administered by the Secretary of Commerce through NOAA.

In the final rule implementing the HMS FMP, NOAA uses the term "shark finning" to mean "remove only the fins and return the remainder of the shark to the sea." Fishermen are allowed to remove the fins at sea, but are required to land fins in proportion to the carcasses landed.

The vast majority of shark finning by U.S. fishing vessels is currently being conducted in the Central and Western Pacific. Unlike the Atlantic, where shark management measures are developed by NOAA under Secretarial authority, the Western Pacific Fishery Management Council (Western Pacific Council) is responsible for developing fishery management measures in the Central and Western Pacific. NOAA has been working closely with the Western Pacific Council to resolve the shark finning issue through the Council process.

In addition, the United States has been a leading proponent of international shark conservation at the United Nations Food and Agriculture Organization (FAO). The U.S. position during development of the International Plan of Action for the Conservation and Management of Sharks (IPOA) was that FAO should affirmatively address wasteful fishing practices, including shark finning. The IPOA calls for individual nations to develop national plans of action that prohibit wasteful fishing practices, such as shark finning, by requiring full utilization of all sharks harvested. Pursuant to the IPOA, on September 30, 1999, NOAA published a Federal Register Notice of Availability of a National Plan of Action Outline (NPOA) for the conservation and management of sharks. On March 27, 2000 NOAA published a Federal Register Notice indicating that the draft NPOA is expected to be available for public review in June 2000, and a final NPOA available in September 2000.

We have also just published a petition for rulemaking we received from the Western Pacific Fisheries Coalition seeking a prohibition on shark finning in the Western Pacific.

Impacts of Finning on Pacific Shark Stocks

A large proportion of the sharks harvested in the Central and Western Pacific are blue sharks, which are not considered desirable as food because the high urea content of the flesh causes the meat to spoil rapidly during storage. Fishermen are reluctant to use hold space for sharks that could be used for more valuable species, such as tunas and swordfish. Fishermen in the region do retain and utilize some species for their meat, such as thresher and mako sharks, but these species make up only a small portion of all sharks harvested. Fishermen also claim that there is no market, or a very limited market, for many sharks in the Western Pacific.

NOAA has very limited data on the status of blue shark populations in the Central and Western Pacific, but available information indicates that the blue shark is not currently overfished. The blue shark is a widely distributed oceanic species that has a higher reproductive rate than most other managed shark species; however, blue sharks reproduce at a far lower rate than most non-shark fishery species. NOAA scientists at the Southwest Fishery Science Center are in the process of conducting a blue shark stock assessment that will provide an update on the current status of Pacific blue shark populations. This assessment is expected to be completed by mid-2000.

However, even if an immediate problem is not resolved for blue sharks, other shark species even more valuable to overfishing are taken in the fishery. The conservation of all species of sharks is of concern. Because finning is low cost and very high value, overfishing is a likely result for several species.

The economic boom of the 1980s resulted in a dramatic upswing in demand and price for shark fins used in shark fin soup. As far as we know, shark fins are used exclusively as an ingredient in shark fin soup, which is an Asian delicacy served in restaurants worldwide. In Asia, only the affluent are able to afford shark fin soup, which commands a price as high as $120 per bowl.

NOAA data show a corresponding increase in shark finning. From 1991 to 1998 there was a 25-fold increase in sharks killed in the Hawaii longline fisheries, and more than 98 percent of those fish were killed only for their fins. NOAA estimates that in 1998 approximately 60,000 sharks were finned in the Hawaii longline fisheries. U.S. Hawaiian longline vessels landed 34 metric tons of shark fins in 1998 with an estimated value of between $950,000 and $1,140,000. Foreign-flagged vessels that capture and fin sharks in international waters are prohibited from landing shark fins in Hawaii. Consequently, many of these

vessels transship shark fins to U.S. vessels that are allowed to land fins in Hawaii. In 1998 U.S. vessels landed 120 metric tons of shark fins in Hawaii that had been transshipped, with an estimated value between $2,376,000 and $2,640,000. These transshipped fins are exported to Asia.

The issue of shark fin transshipments is closely related to shark finning in U.S. fisheries. The prohibition on shark finning in the Atlantic region probably resulted in increased demand for fins harvested in both U.S. and international Pacific waters. This increased demand has likely put additional harvest pressure on shark populations throughout the entire Pacific. NOAA has continued to urge the Western Pacific Council to prohibit shark finning in the U.S. EEZ. It should be pointed out that, even with implementation of new U.S. management measures to prohibit shark finning, in all likelihood, foreign-flagged vessels will continue shark finning in international waters. In the absence of strict international measures to prohibit shark finning, the anticipated result of new U.S. prohibitions would be that foreign vessels will develop new shipment routes for shark fins through ports outside Hawaii.

One issue that requires serious consideration is imports of processed shark fin from other countries that do not prevent finning. At issue is the practice of finning, not the use of fins. Unilaterally prohibiting finning within U.S. waters while continuing to import processed fins does not solve the problem. While this bill strengthens U.S. shark conservation, the Administration feels it is important to address international shark conservation as well. In fact, the Administration has already taken up this serious issue within a standing committee between NOAA and the International Trade Administration. This committee is working to craft a solution that will support U.S. leadership in international shark conservation.

Conclusion

We welcome the support of Congress for the efforts by NOAA and the Western Pacific Council to conserve sharks in the Central and Western Pacific waters of the U.S. by putting in place management measures that will prohibit shark finning. The Administration looks forward to consulting closely with the Congress to resolve the global aspects of shark finning. We fully appreciate the strong interest expressed by Congress concerning the issue of shark finning.

That concludes my testimony, Mr. Chairman. I would be happy to respond to questions.

Mr. SAXTON. Thank you very much, Dr. Rosenberg. I had intended to move into Mr. Cook's testimony next. I am not sure if he is available at this moment. Here he comes.

Thank you, Mr. Cook. We are anxious to hear your testimony as well, sir. Thank you for the progress that you have provided on this issue. We appreciate that very much and we are anxious to hear your testimony.

STATEMENT OF JAMES COOK

Mr. COOK. Good morning, Chairman Saxon, committee members. I am James Cook. I am the current Chair of the Western Pacific Fishery Management Council. The Western Pacific Council has authority over the fisheries in the Federal waters surrounding the U.S. Pacific islands, which comprise 48 percent of the U.S. exclusive economic zone.

The Council has adopted measures to restrict Hawaii's longline fleet to a one-shark-per-trip limit for all non-blue shark species (they are to be landed whole) and a 50,000 annual quota for blue sharks to be adjusted periodically.

The Council encourages the committee to support regionally based fisheries management through the Council process and to insure that the Magnuson-Stevens Act amendments reflect the full sweep of national standards for fisheries conservation and management including scientifically based management, allowance for variations amongst fisheries and the importance of fishery resources to fishery communities.

The mortality levels of sharks in the Western Pacific Region where finning is allowed in both Federal and state waters is one-tenth the level of the East Coast and the Gulf of Mexico where finning is not allowed in Federal waters and most state waters.

In the Western Pacific Region, the blue shark accounts for the majority of sharks caught and makes up 95 percent of the Hawaii longline shark catch. The minimum stock size of the North Pacific blue sharks are estimated by Nakano and Wataname in 1991 to be between 52 million and 67 million sharks. The blue shark has a demonstrated ability to withstand sustained fishing pressure.

The Regional Fisheries Management Councils are integral to the fisheries federalism ordained by the 1976 Fisheries Conservation and Management Act. The John Heinz III Center for Science, Economics and the Environment noted "The formation of the Regional Fishery Management Council system under the 1976 FCMA is viewed by many as the most beneficial and important innovation in fisheries management."

During the past twenty-four years, the Western Pacific Council has continually lead the way on many conservation issues. The current status of stocks in the Western Pacific Region attests to the Council's good track record. The Center for Marine Conservation, in its publication, "Missing the Boat," praised the Western Pacific Council on several accounts.

The Western Pacific Council has approached the issue of shark conservation and management with the same innovation, attention to detail and integrity to the council process as it has demonstrated in addressing other issues.

While the National Marine Fisheries Service position is that the removal of the fins of a shark and discarding the carcass at sea is wasteful practice, NMFS has said it prefers to work through the council process and has no desire to undermine council authority.

An amendment to the Magnuson-Stevens Act that would define "waste" would help and it is preferred to actions that selectively restrict one fishery while allowing other fisheries with similar waste associated with them to continue.

Better observer coverage on fishing vessels would also help with shark conservation and management and other fishery issues. Current observer coverage indicates that 98 percent of the sharks that are finned by the Hawaii longline fleet are done so after they are dead.

The proposed listing of shark finning as an unlawful act for all U.S. Federal waters lumps all shark species and shark fisheries together and distracts the more important shark conservation and management issues such as needed population assessments and international agreements on shark fisheries.

The Council asks the committee to maintain the regional approach to fisheries management. Committee members, like Mr. Aila, my Hawaiian lineage precedes the white man's first contact with Hawaii. My father was born in Hilo, on the Island of Hawaii. My mother was born to Waimea on Kauai.

I learned my fishing from my uncle in Kona where I spent all the summers of my youth. I have been involved in commercial fishing all of my adult life. Different cultures have different beliefs about fishing and the sea. The Western Pacific Region has tremendous cultural diversity and the Magnuson-Stevens Act gives the flexibility and process to rulemaking which has made our fisheries the success it is.

With me this morning are council members and representatives from the Western Pacific Council areas. They are asking me, What do you know about the region? Why are you seeking to subvert this process in setting mandates 8,000 miles across the ocean to an ocean and a people you don't really know? What do you know about Guam? Do you know the Samoan culture? Did you know that the Port of Guam lands nearly $100 million worth of fish annually, making it the fourth most important U.S. port?

Did you know shark fins are a big business there? Did you know that, in the Northern Mariana Islands, Council Advisory Panel Members have asked for technical assistance to develop targeted shark fisheries? What do you know about American Samoa besides the Honorable Eni Faleomavaega? Did any of you know that commercial fishing directly employs 30 percent of the population, that the Port of Pago Pago lands $232 million worth of fish annually making it the most important U.S. port in value of landings, but that only $1 million was landed by American Samoan fisheries, that this council has effected a limited-entry program and proposed an area closure to large vessels designed to foster the growth of Samoan fisheries so that the proud people of Samoa can harvest their own resources?

You should understand this is a special-interest issue brought to you by well-funded NGO's. You know the record of this council. You have seen the active and proactive and precautionary management

on sharks. Please help us conserve the Magnuson-Stevens Act and give Pacific Islanders a continuing voice in controlling their own resources.

Thank you very much.

[The prepared statement of Mr. Cook follows:]

WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

TESTIMONY OF
JAMES COOK, CHAIRMAN
WESTERN PACIFIC REGIONAL FISHERIES MANAGEMENT COUNCIL

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, OCEANS AND WILDLIFE
COMMITTEE ON RESOURCES

APRIL 13, 2000

Introduction

Good morning, Mr. Chairman and members of the Subcommittee on Fisheries Conservation, Oceans and Wildlife. I am James Cook, chairman of the Western Pacific Regional Fishery Management Council, which has authority over the fisheries in the federal waters surrounding the State of Hawaii, Territory of American Samoa, Territory of Guam, Commonwealth of the Northern Mariana Islands and the US possessions of Johnston and Midway Atolls, Kingman Reef and Palmyra, Jarvis, Howland, Baker and Wake Islands. While the Western Pacific Region is small in land mass, it represents 48% of the US exclusive economic zone (EEZ). I want to thank the Chairman of the Subcommittee for inviting the Council to address you today regarding HR 3535, to amend the Magnuson-Stevens Fishery Conservation and Management Act to add the practice of removing the fins of a shark and discarding the carcass at sea as an unlawful act.

We recognize that the Committee places a high priority on managing our nation's fisheries in a sustainable manner so that these valuable resources will be conserved and maintained to provide optimum yields on a continuing basis. The Western Pacific Council shares that priority for the species it manages, including sharks. At its February-March meeting, the Council adopted measures to restrict the Hawaii longline fleet to a one-shark per trip limit for all non-blue shark species and a 50,000 annual quota for blue sharks. Non-blue sharks would have to be landed whole, that is discarding of the carcass at sea would not be allowed, and the blue shark quota would be adjusted periodically as needed. The Council's actions are precautionary

and take into account the best available scientific information and the unique characteristics of the Western Pacific Region and its fisheries.

The Council encourages the Committee to support regionally based fishery management through the Council process. The Magnuson-Stevens Act recognizes that the "Pacific Insular Areas contain unique historical, cultural, legal, political and geographical circumstances which make fisheries resources important in sustaining their economic growth."

The Council also encourages the Committee to ensure that any amendments to the Magnuson-Stevens Act take into consideration the full suite of National Standards for Fishery Conservation and Management, including a) the use of "the best scientific information available"; b) the allowance for "variations among, and contingencies in, fisheries, fishery resources and catches"; and c) the accounting of "the importance of fishery resources to fishing communities" in order to provide for their sustained participation and to minimize adverse economic impacts upon them.

Mortality Levels

One of the premises of HR 3535 is there are "high mortality levels associated with shark finning in waters of the United States." However, the mortality levels off the East Coast and Gulf of Mexico (where finning is not allowed in federal waters and most state waters) is more than ten times higher than the levels within the Western Pacific Region (where finning is allowed in federal and state waters).

- The reported commercial landings of all shark species throughout the Western Pacific Region (which contains 1,570,000 square miles of the US EEZ) is about 7 million pounds.

- By comparison, in the Atlantic, Caribbean and Gulf of Mexico Regions (which contain 516,600 square miles of the US EEZ, or less than a third of the waters in the Western Pacific Region), the shark mortality by commercial fisheries is about 71 million pounds. (The majority of these sharks are from an overfished stock that until last week lacked a fishery management plan (FMP).)

In the Western Pacific Region, the blue shark accounts for the overwhelming majority of sharks caught and makes up about 95% of the Hawaii longline shark catch. The 1991 blue stock assessment by Nakano and Watanabe (1991) estimated the minimum stock size in the North Pacific at 52 million to 67 million individuals. A quota of 50,000 blue sharks, as adopted by the Council, represents only 0.083% of this estimated stock.

Additionally, the blue shark species has a demonstrated ability to withstand sustained fishing pressure. Attached to my written testimony is an article on the International Pelagic Shark Workshop held in February. It quotes Pierre Kleiber of the National Marine Fisheries Service's Honolulu Laboratory as saying, "If anything, we proved that the pelagic sharks tend to be at the

upper end of the productivity spectrum. If you're really worried about sharks, it would seem like pelagic sharks should be way down on your list, and what we really should be worried about is the coastal sharks and some of the freshwater sharks." Likewise, Dr. John Hoey of the National Marine Fisheries Service is cited as saying that "logbook and observer data, accounting for tens of thousands of observations, already suggest that Atlantic blue shark populations have held up despite 40 years of incidental catches in longline fisheries." Similarly, in the Pacific, US and Japanese scientists recently reported that there is no evidence of a decline in longline fishery catch rates for blue sharks over the past three decades or of overfishing of the North Pacific blue shark stock.

An updated stock assessment on the North Pacific blue shark is due to be completed within the next couple months by the National Marine Fisheries Service and Japan's National Research Institute of Far Seas Fisheries. The Council looks forward to that assessment and will adjust its blue shark quota as relevant scientific information, such as this assessment, becomes available.

Regional Management

Twenty-four years ago, Congress established the Regional Fishery Management Councils to prepare, monitor and revise, in accordance with national standards, fishery management plans that will achieve and maintain the optimum yield from each fishery. The Councils are to enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans. The Councils are also to take into account the social and economic needs of the States. The Councils are integral to the "fisheries federalism" ordained by the 1976 Fishery Conservation and Management Act (FCMA).

After recently interviewing 77 people from government, industry, environmental organizations and academia, The H. John Heinz III Center for Science, Economics and the Environment stated that "The formation of the regional fishery management council system under the 1976 FCMA is viewed by many as the most beneficial and important innovation in fishery management."(*Reauthorizing the Magnuson-Stevens Fishery Conservation and Management Act: A Handbook and Discussion Guide for Regional Fishery Management Councils*, 1999).

During this past quarter century, the Western Pacific Fishery Management Council has consistently led the way on many conservation measures.

- We were the first to advocate the inclusion of highly migratory species—tuna, in particular—within the FCMA.
- We were the first to ban high-seas driftnet fishing.
- We were among the early practitioners of limiting entry into fisheries.

- We pioneered the use of vessel monitoring by satellite.

The current status of the stocks in the Western Pacific Region also attests to the Council's good track record. Of the 64 stocks under the Western Pacific Council's authority, one was overfished by foreign vessels prior to the establishment of the Council and has not recovered, 50 are listed as not overfished and 13 as unknown.

In its 1998 publication, *Missing the Boat*, the Center for Marine Conservation (CMC) praised the Western Pacific Council on several accounts:

- "The Council gets good marks for getting the Sustainable Fisheries Act amendments done ahead of time, and for having adopted plans years ago that were sufficient to prevent the managed stocks from becoming overfished."

- "For its precautionary approach in setting target bottomfish threshold levels higher than required, for funding pelagics research that has mapped the Pacific-wide distribution of pelagic stocks (with juveniles concentrated in the Central and the Western Pacific), and for actively participating in Pacific-wide multilateral pelagics management efforts, the Council gets an above average grade."

- "The West Pacific Council earns good marks for comprehensively identifying Essential Fish Habitat. It adopted a precautionary approach in identifying habitat areas of particular concern, given the large gaps in knowledge about the life histories and habitat requirements of many FMP species. In addition, it has begun work on developing a coral reef ecosystem FMP in an effort to address the EFH requirements in a comprehensive way."

The CMC also commended the Council for its years of trying to shape fisheries to avoid interactions with marine mammals, seabirds and turtles, which comprise most of the recognized bycatch problem in the region.

The Western Pacific Council has approached the issue of shark conservation and management with the same innovation, attention to detail and integrity to the Council process as it has demonstrated in addressing other issues.

- The Council's Pelagics Fisheries FMP, which has been in place since 1986, specifically includes four families of sharks, namely Lamnidae (mackerel sharks), Alopiidae (thresher sharks), Sphyrnidae (hammerhead sharks) and Carcharhinidae (blue sharks and other requiem sharks).

- Overfishing of sharks is addressed by Amendment 1 to the Pelagics Fisheries FMP. It recognizes the vulnerability of sharks by setting a more conservative overfishing threshold for them than for tunas and billfish. The spawning potential ratio (the ratio of

reproductive capacity of a stock in the exploited phase to the unexploited stock) is set at 35% for sharks as opposed to 20% for tunas, billfish, etc.

- The Pelagics Fisheries FMP prohibits the use of gillnets to catch sharks.

- The implementation of a federal logbook program specifically includes sharks and their disposition, i.e., finned, released or kept whole.

Where information on sharks in the Pacific Islands was lacking, the Council acted to fill the gap, as attested by the following studies, which were either written by Council staff, contracted by the Council or undertaken at the recommendation of the Council:

- "Overview of Pacific Fisheries Agencies and Institutions Collecting Shark Data" (1997)

- "Overview of Worldwide Blue Shark Utilization and the Pertinence to the US Based Hawaiian Longline Fishery" (1999), which emphasized the difficulties in handling, processing and marketing blue sharks

- "The Socioeconomic Importance of Sharks in the US Flag Areas of the Western and Central Pacific" (1999), which revealed that the revenues from shark fins account for about 10 percent of the crew member's earnings

- "Catch and Management of Sharks in Pelagic Fisheries in Hawaii and the Western Pacific Region" (in press)

Among other additional actions regarding sharks initiated by the Council are the following:

- The National Marine Fisheries Service has contracted a study on the cultural significance of sharks in the US Pacific Islands and is working with Japan's National Research Institute of Far Seas Fisheries on a population assessment of blue sharks in the North Pacific. Both studies are expected to be completed by June.

- The Council contacted the Hawaii Division of Aquatic Resources in June 1999 to work on formulating complementary regulations on shark fishing for all gear types for State waters and for federal waters closed to longline fishing adjacent to the Main Hawaiian Islands, i.e., 50 to 75 miles from shore depending on the season and location.

- With regards to waste, the Council requested that the National Marine Fisheries Service place top priority on Saltonstall-Kennedy projects for blue shark utilization in the Western Pacific Region. (However, the project was not funded, and the Western Pacific Region continues to receive disproportionately low amounts of S-K funding and is not adequately represented on the body that makes S-K funding decisions.)

As you can see, the Western Pacific Council's decision to allow the discarding of blue shark carcasses was made after careful consideration of not only the viewpoints of the various

interested parties (see attached Summary of Comments Received on Proposed Shark Fishery Management Measures during Public Hearings in the Western Pacific Region) but also the best scientific information available.

Conclusion

The Council is aware of the National Marine Fisheries Service's position that the removal of the fins of a shark and discarding the carcass at sea should be banned because it is a wasteful practice. Nevertheless, NMFS has recognized the Council's long history of achievements in addressing fisheries issues and has said that it "prefers to work through the Council process and has no desire to undermine Council authority" (see Dalton to Cook, 11 Dec. 1999). An amendment to the Magnuson-Stevens Act that would define "waste" would help both the Councils and NMFS to work out these and other issues. Without such a definition, the Western Pacific Council questions the selective nature of actions to restrict finning while other fisheries (e.g., roe, scallop, pearl, etc.) are allowed to have similar "waste" associated with them. According to NOAA Technical Memorandum NMFS-AFSC-58, about 70%, by weight, of "target" catch [in the commercial groundfish fisheries of the Gulf of Alaska, eastern Bering Sea, and Aleutian Islands] is returned to the sea as offal." Why then is full utilization of sharks being advocated as policy?

If the Committee wishes to pursue possible cruelty associated with shark finning, the Council suggests it endorse better observer coverage of fishing vessels in the Western Pacific Region. Current coverage indicates that 14% of the sharks caught by the Hawaii longline fishery are boated dead and that 98% of the sharks that are finned are done so to these dead sharks or those that are killed. The removing of the fins of the sharks is thus no more inhumane than the heading of swordfish after they are caught and similarly killed. Better coverage on fishing vessels would help NMFS and the Council not only with shark management but also with issues regarding fishery interactions with seabirds and turtles. It is our understanding, that despite increases to the NMFS budget this year, a decrease in observer coverage is being proposed for the Western Pacific Region.

The Council finds little merit and much harm in the proposed listing of shark finning as an unlawful act for all US federal waters. The measure lumps all shark species and shark fisheries in the US together. It does not discriminate between coastal and pelagic shark species and their different life histories. It doesn't discriminate between directed shark fisheries conducted nearshore and indirect fisheries conducted largely on the high seas. It doesn't recognize the differences between coastal states with large continental shelves and large land masses, and island states with limited land and virtually non-existent coastal shelves, which depend largely on pelagic species for their natural resources. It doesn't discriminate between the overfished Atlantic Ocean and the twice-as-large Pacific Ocean, where the combined catches of all domestic and foreign fleets have not reached maximum sustainable yield (MSY) for most stocks. For example, the current catch level of swordfish is 14,000 mt and the conservative MSY is 57,000 mt. It doesn't recognize that, while the continental United States has been provided with monies to develop its fisheries, including those for sharks, little federal monies have been

spent to develop fishery products and markets in the Western Pacific Region. Nor does it recognize that, while the continental United States has enjoyed a decade of economic growth, the US Pacific Islands have experienced 10 years of recession. Furthermore, the proposed bill distracts from the larger, more important issues that need to be addressed, such as population assessments for pelagic sharks (which are attainable, in part, through catch and effort data), international agreements on total allowable catches for highly migratory sharks, such as the blue shark, and needed studies on the international trade in shark fins.

We ask you to critically consider all the available avenues to ensure the conservation and management of sharks and do your utmost to preserve the integrity of the regional approach to fishery management.

Attachments:

- Approximate Areas of Fishery Management and Continental Shelf Areas of the US and Its Territories and Possessions, compiled by Charles E. Harrington, National Ocean Survey.
- "Scientists, Conservationists Eye Sharks' Status" by Brad Warren and John Lewis, *Pacific Fishing*, April 2000.
- Summary of Comments Received on Proposed Shark Fishery Management Measures During Public Hearings in the Western Pacific Region, Dec. 1999-Jan. 2000.
- Correspondence to Jim Cook , chairman, Western Pacific Fishery Management Council, from Penny Dalton, Assistant Administrator for Fisheries, NOAA, dated Feb. 29, 2000.
- Correspondence to Jim Cook , chairman, Western Pacific Fishery Management Council, from Penny Dalton, Assistant Administrator for Fisheries, NOAA, dated Dec. 11, 1999.
- "Council Restricts Finning, Sets One-Shark Limit for Most Species," *Hawaii Fishing News*, April 2000.

Approximate Areas of Fishery Management and Continental Shelf Areas of the U.S. and its Territories and Possessions (all figures are in nautical miles)*

September 1982

Location	General Length of Coastline**	Area Within 3 nm of Coastline	Fishery Conservation Zone	Total Area Between 0 and 200 nm	Continental Shelf Within 3 nm of Coastline	Outer Continental Shelf (Federal Jurisdiction)	Total Area of Continental Shelf (200 meters)
New England Council	412	1,200	60,700	61,900	1,200	36,600	37,800
Mid-Atlantic Council	372	1,100	47,000	48,100	1,100	21,700	22,800
South Atlantic Council	1,016	3,000	146,100	149,100	1,000	38,300	39,300
Gulf of Mexico Council	1,419	10,200***	186,200	196,400	10,200***	81,300	91,500
Caribbean Council	373	2,700***	58,400	61,100	2,000***	300	2,300
Pacific Council	1,125	3,400	236,800	240,200	3,400	14,700	18,100
Gulf of Alaska (to 164° 47'30" W.)	1,830	5,500	274,200	279,700	5,500	60,800	67,100
Aleutian Islands (Pacific Ocean)	660	2,000	219,100	221,100	2,000	8,600	10,600
Alaska (Total Bering Sea)	2,370	7,100	316,000	323,100	7,100	100,000	107,100
Alaska (Arctic Coast)	922	2,800	140,700	143,500	2,800	116,500	119,300
Hawaii	653	2,000	695,000	697,000	2,000	4,000	6,000+
Guam	68	200	58,000	58,200	58	0	58
Johnston Island	4	12	131,000	131,000	44	26	70
Jarvis Island	4	0	94,200	94,200	12	0	12
Palmyra Atoll-Kingman Reef	8	24	104,100	104,100	24	85	109
American Samoa	66	200	117,500++	117,700	155	7	162
Howland and Baker Islands	6	18	124,100	124,100	4	0	4
Wake Island	10	30	120,000	120,000	30	0	30
Swains Island	4	12	+++	+++	2	0	2
Rose Atoll	5	15	+++	+++	3	0	3
Midway Island	7	21	++++	++++	80	24	104
Northern Mariana Islands	179	500	123,000	124,300	156	7	162

* Area figures over 200 square nm are rounded off to the nearest 100 nm

** Generally taken from the Department of Commerce pamphlet "The Coastline of the United States"

*** Puerto Rico, Texas, and West Coast of Florida have jurisdiction over natural resources out to 3 leagues (9 nm)

\+ Does not include 100 sq. nautical miles for Midway Island

++ Northern limit approximated

+++ Included in FCZ area of American Samoa

++++ Included in FCZ area for Hawaii

Compiled by:
Charles E. Harrington
National Ocean Survey

SHARK FUTURES

Scientists, Conservationists Eye Sharks' Status

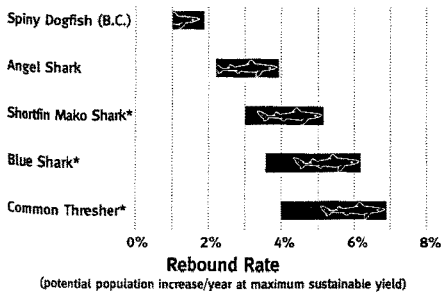
Some sharks are overfished. Others might be doing fine. Both science and rhetoric are heating up. Is it time to shut fisheries?

By Brad Warren and John Lewis

Are sharks being fished to the brink of extinction? That question has inspired plenty of alarming news reports, and increasing scientific attention, since the mid 1990s. New methods are emerging to determine the health of shark populations, and while many shark stocks clearly are vulnerable, scientists disagree about how well other shark species can sustain fishing pressure. They also take different views on the role of conservation groups in translating their findings into media campaigns.

Both science and rhetoric were in full swing in February when shark scientists and conservation advocates from around the world gathered for the International Pelagic Shark Workshop in Pacific Grove, California, a four-day event organized by a coalition of environmental groups. Participating scientists praised the quality of research presented at the event. At the same time, however, some participants grumbled about "media spin," taking exception to the sponsors' press statements about the gathering.

Productivity Comparison—
Pelagic Sharks and Other Shark Species



*Pelagic shark species

Excerpted from paper by Smith et al presented at IPSW; in press in Sharks of the Open Ocean, Pikitch and Camhi, eds., Blackwell Scientific Publications.

"This has been a very progressive and positive scientific workshop," says Dr. John Hoey of the National Marine Fisheries Service. Among highlights, he says, were summaries of research that showed a distinction between two groups of sharks. Worldwide, many coastal shark stocks clearly are overfished, but the dominant pelagic shark stocks—the blue sharks that constitute the vast majority of sharks caught in the Pacific and Atlantic—appear to be better able to sustain fishing pressure than some other sharks, Hoey says.

Conservation groups worked the media during the event, shaping a story that the *Salt Lake Tribune* headlined "Overfishing Threatens Sharks." The Ocean Wildlife Campaign, which represents six national conservation groups, mailed out a press kit in January that gave reporters a sheaf of advocacy articles for background. These documents promote a ban on shark finning in the Pacific and make a broad case that sharks are in crisis. As one fact sheet put it: "Sharks are in trouble. Many scientists fear that pelagic [open-ocean] sharks are being fished out of existence."

A follow-up press release from the campaign dated February 17 quoted Merry Camhi, a National Audubon Society scientist: "Shark fishing is a free-for-all, as there are currently no management regulations in place for shark fisheries in international waters." The release was subtitled "Conservationists Call for Action."

It was no surprise when some media reports conveyed the impression that the 125 shark experts attending the Pacific Grove workshop had endorsed that platform. The *Salt Lake Tribune* article, for one, reported that shark experts at the workshop called for "an international plan of action on sharks." What actually happened was that participants in an evening session endorsed the UN FAO's existing plan of action, which asks countries to implement their own shark management plans by early 2001 and to cooperate in managing border-crossing sharks.

Scientists disagree over what some findings presented at the workshop really mean.

"The expectation was that the meeting would show that we have all these shark species that are in dreadful trouble, they're about to disappear down the rat hole, and that we gotta do something," says Pierre Kleiber, a NMFS biologist from Honolulu. "The thing is, we didn't

prove that hypothesis at all. If anything, we proved that the pelagic sharks tend to be at the upper end of the productivity spectrum. If you're really worried about sharks, it would seem like pelagic sharks should be way down on your list, and what we really should be worried about is the coastal sharks and some of the freshwater sharks."

But Ellen Pikitch, a fisheries scientist with the Wildlife Conservation Society and co-convener of the workshop with Camhi, says pelagic sharks generally "rank in the middle" in terms of productivity.

In general, scientists from the Pacific took a more optimistic view of shark stocks than those from the Atlantic. "The East Coast has been given a fair hammering," says one biologist who attended the workshop. "There's no argument about that. But I'm not sure that that should be the model for the rest of the world."

In Alaska, one study presented at the workshop showed that stocks of salmon sharks, dogfish, and sleeper sharks are growing rapidly. In the Pacific Islands region, a study on the ecological role of sharks suggested that other species could substitute for sharks if they were to become depleted; the study also suggested that fishing fleets may affect sharks by competing with them for prey.

While sardine and skipjack tuna populations can grow at 30-34% annually, some sharks can't even make 2%.

The Ocean Wildlife Campaign sparked dispute among scientists with a February 17 release that stated: "This workshop confirmed that limited abundance data are available for most important oceanic species, and the status of virtually all populations remains unknown." According to the release, "The only species for which a complete assessment was available, the porbeagle shark in the northwest Atlantic, showed significant declines."

Biologists at the workshop agreed that data on some of the most important shark stocks are good enough to support stock assessments. Peter Miyaki, executive secretary of the International Commission for the Conservation of Atlantic Tunas, offered ICCAT's assistance in compiling the data sets necessary to develop formal stock assessments.

Logbook and observer data, accounting for tens of thousands of observations, already suggest that Atlantic blue shark populations have held up despite 40 years of incidental catches in longline fisheries, says Hoey. But he adds that increased fishing pressure could damage blue shark stocks in the future. "Several Atlantic fishing nations are starting to switch to them," he says. In Hawaii, too, documented blue shark catches by Hawaii's longline fleet have soared in the 1990s. While undocumented catches by international fleets may have been even higher in the past, the Western Pacific Fishery Management Council recently responded to the increase in longline catches by capping the blue shark take at 50,000 per year.

Managers say the available data suggest that Pacific blue sharks aren't getting smaller, and thus don't appear to be overfished. Still, Kleiber is preparing a stock assessment to make sure. That assessment is due in June.

There is broad agreement that sharks in general are slow to grow and late to reproduce, and are therefore more vulnerable to overfishing than faster-growing species. While sardine and skipjack tuna populations can grow at 30-34% annually, some sharks can't even make 2%. But a report by scientists at the workshop showed that not all sharks are equally vulnerable. Their presentation compared the relative ability of shark species to bounce back when fished down. Blue sharks came in near the top, indicating they can sustain fishing pressure better than many other species. But some of the most resilient sharks turned out to be two coastal smooth hound shark species that are about twice as productive as blue sharks, says Pikitch.

Some at the workshop voiced misgivings about how their findings were being represented to the press. "There was this small cohort that kept rushing off at different times," says one scientist, who asked to remain anonymous. "They had people there that did not attend a lot of the talks but seemed to be working on public relations and communication kinds of things, and there were people saying, 'If they're going to summarize what we've done here, shouldn't they be at all these sessions?'"

Final wrap-up discussions at the workshop centered on recommendations for future shark management. Even without a formal consensus, it was clear that many participants advocated closing fisheries to protect sharks. A few scientists in attendance felt that shark fishing could be managed with appropriate fishing techniques and regulations governing gear and seasons; but the loudest and most numerous voices argued that closures will be the only real way to manage or protect shark populations. PF

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

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Summary of comments received on proposed shark fishery management measures during public hearings in the Western Pacific Region, Dec 1999- Jan 2000

Introduction.

At each location, Council staff would give a brief summary on the recent measures voted on by the Western Pacific Council at its 101st meeting in October 1999. These included the implementation of a fleet wide quota of 50,000 sharks for retention by the fishery, and the banning of demersal longline gear for targeting pelagic management unit species in Hawaii's EEZ. The background to these actions was presented and questions or comments solicited from the audience. This document summarizes the comments received on the shark management measures

American Samoa: December 20 1999

The first speaker in this session asked if the Council was under pressure from US conservation groups to ban finning? There was indeed such pressure and according to DMWR Director, Ray Tulafono. this was of concern to people in American Samoa, who currently did not fin, but might start doing so in the future. However, it was likely that the shark meat would also be landed and eaten, but was still an issue to be addressed with local fishermen.

Council member Frank McCoy noted that it seemed silly to penalize American fishermen by implementing a finning ban when there was no evidence of stock decline. It was felt that the conservation groups were too one-sided and should not only consider the pelagic resource but also the fishing industry, as people were making money from the pelagic resource, including revenues from finning. It was also noted that in Polynesian islands, fishermen would remove and discard the fins and bring the carcass home, the reverse of the finning situation.

The last comments on finning noted the augmentation fo fishermen's pay on commercial fishing vessels such as purse seiners.

Guam: 28 December 1999

The first comments on the shark issue by Manny Duenas of Guam Fisherman's Coop, referred to the high abundance of sharks being taken by local fishermen in Guam on the offshore banks and seamounts, and this was a concern to the fishermen. William Graham Vice President

of Cooperative Co-op, thought that a study was needed to address the rapid increase of shark population on the Southern Banks. As the sharks have increased, so the population of yellowfin and skipjack has decreased. This was the end of comment on sharks from Guam

Haleiwa: January 5, 2000

No comments

Hilo 29: December 1999

The first speaker asked what percentage of the shark population was taken by the Hawaii longliners. Council staff Mark Mitsuyasu responded that a stock assessment was in progress to answer just this type of question. The same speaker sought clarification about what was incidental catch. Mr Dean Jones stated that he was a longline fisherman and that everything in the catch was incidental except the really small percentage that was getting the best money at the time. He also sought clarification on the blue shark stock assessment study, would it give the size of the fish stock and what percent of the blue shark stock was taken as catch?

There was then some discussion on bycatch in the longline fishery concerning marine mammals, particularly whales. One speaker thought that a federal register notice had been published to allow the Hawaii longline fishery to take 500 whales. Council member Frank Farm responded that he was unaware of any whale permit but promised to check on this. Dean Jones commented on the much greater utilization of catch in general. Andrew Johns commented that shark will always be a high proportion of the bycatch, and he felt that because of the many species taken by longlines that can not be used that perhaps the gear should be discouraged.

Craig Severance noted that sharks still have very important cultural significance in American Samoa. Some that are caught in the longline fishery with the alia fleet were distributed culturally to the community, particularly to elders in the communities and sometimes they were still caught with the culturally significant ceremony cutting. So whatever develops with this plan, he thought it important to protect the Samoan's cultural right to continue to take sharks and use them for cultural purposes. He felt that establishing the precautionary quota was a good step and hoped that the Council would not be preempted by Secretarial action, because he thought that the Council was making progress on this issue.

Frank Farm noted the cultural significance of sharks in Hawaii there is, and the Council was looked into this with a study.

Dean Jones noted some observations from the Caribbean concerning shark stocks, that fishing sharks back did not create better recruitment of other fishes. Craig Severance stated that even though the demersal shark vessel has left the State, he thought it was wise to close the legal loophole, and prohibit dermal longlining, partly for protected species interactions and partly because having that much baited gear in the waters created some other risks as well.

Honolulu: 13 January 2000

No comments

Kauai: 6 January 2000

There was a question concerning the nature of bycatch, and if the longline fishery exceeded the quota of 50,000 sharks the remainder would be bycatch, whether released dead or alive. Paul Dalzell noted that in the early 1990s, the fishery only retained three percent of the sharks, only the ones that were edible, like the mako and the thresher. Dead sharks and live sharks on the line were equally discarded. He continued that under the quota, fishermen could take 50,000 sharks whether dead or alive, and let the other 50,000 go, dead or alive. The waste issue is the thing that had bedeviled this whole issue, and clearly what the Council would like to see was better utilization of blue sharks. But the only way this might be possible was to follow the example of Australia, where they had developed a thriving industry on sharks of low commercial value. This relied on recovering virtually the whole shark including, the jaws, the teeth, the cartilage, the skin, the flesh, the fins and the liver for the oil. This can make it profitable to fish for the shark.

Dalzell explained that there was a company on Maui, Maui Diamond Bay Seafoods, that have put in for a government grant to test product runs and marketing with the blue shark. So the Council was hoping that they would get funding and encourage reducing the waste associated with blue sharks.

Wheeler stated that even for makos and threshers there was not much of a market in Hawaii. Dalzell noted how common the blue shark was and how it may have been possible to develop a fishery based on frozen product, with export to Mexico but the recent longline area closure had stymied this. Dalzell asked Wheeler if he caught and finned sharks. Wheeler stated that he caught usually tiger sharks and did fin them, although he rarely caught them. For him 15 pounds of shark fin from a trip was a considerable volume. He thought that catching and killing tiger sharks was a good thing, since they ate turtles and dolphins.

Dalzell related the pressure to ban finning from both the federal government and conservationists. He noted the threat of Secretarial intervention if the Council had taken no action at th last Council Meeting. Wheeler thought it was ironic that there was a strong conservationist move now but as soon as there was an attack there was a cry for a shark control program. Dalzell noted the irony of a recent MMC letter which included complaints about the demersal longlining in the NWHI and then complained about sharks eating seal pups.

Tim Hale asked what species of shark was being targeted by the Anna C. Dalzell stated it was sandbar sharks. He noted that unlike the pelagic longliners the demersal fishery was recovered most of the shark.

Kona: 28 January 1999

Joe Detling sought clarification on the shark quota in the longline fishery, the target species in the demersal longline fishery, and the application of the 50,000 shark quota to the longline fishery only. He noted that the blue shark bycatch was taken predominantly by vessels fishing north of 25 degrees. The bottomfish fishery in the Northwestern Islands was not catching blue sharks, they were catching silkys, black tip, white tip sharks. Detling argued that if without the longline fleet going north to catch swordfish, there would be no scrutiny by Congress over the vessels catching blue shark.

Mike McCoy suggested that this line of argument was not true. The logbook and observer programs on the longline vessels made them the lightening rod or whipping boy, as there was no information on the small vessel inshore fleet. the irony was that the blue shark which was resilient to fishing was going to be the most restricted at the expense of the more fragile inshore stocks of hammerheads, sandbar and tiger sharks.

Detling countered by saying very little was known about the populations of other pelagic sharks such as white tips. He added that the normal routines of fishing had been altered bu the advent of longline fishing , citing examples of where white tip catches would be retained whole or just finned. Detling suggested that the Council should have taken action on the shark catch in the longline fishery to forestall secretarial intervention which make things bad for everybody

A lady in the audience addressed the waste issue associated with finning. She referred to Alaska where recovery limits were in place to prevent roe stripping and carcass discarding. However, she felt that NMFS did a poor job enforcing these regulations. This promoted a general discussion on waste and the difficulty utilizing blue sharks. Dettling commented that without Council action the Congress could act over the head of the Secretary and ban finning.

Mr Hauanio stated that in the Hawaiian culture, the shark is a amakua to the Hawaiian people. and that the information given out in the meeting had not touched on that. Frank Farm mentioned that a study was in progress on cultural attitudes to sharks and shark finning in the Western Pacific Region

Mike McCoy offered some clarification on transhipment of fins from the high seas from Korean ULT longliners and port calls by Japanese vessels for supplies which also may carry fins but these are not transhipped through Hawaii. It was from then Korean vessels that American flagged vessels picked up fins on the high seas and then transhipped these through Hawaii. Although the US vessels did not contact the longliners but their supply tanker ships which buy and accumulate fins for trade.

Lanai: 11 January 2000

There were very few comments on sharks following the Council presentation on Lanai. A Mr McComber stated that Lanai fishermen were most concerned about reef fish and not sharks, other than they can take fish of f the line.

Maui: 4 January 2000

Bobby Gomes felt that it was unfair for the demersal shark longliner to be able to operate in the NWHI without a permit, while others such as himself had to wait 20 years gaining points to fish there. Nor had the shark fishermen done a projected species course which was also a NWHI requirement. He noted that bottomfish fishermen did catch sharks and bring back fins once in a while but nothing of the scale of the Anna C or the pelagic longliners. He hoped that they would be able to continue this level of finning as it was extra revenue that was helpful.

Gomes noted that the Anna C was larger than the maximum permitted size, and that this allowed him to fill up with sharks ands hence make a profitable trip. The smaller NWHI bottomfish vessels did not have similar hold space and so tended not to bring sharks back. Mr Gomes stated that if it was economically feasible, he would fish for shark too.

Isaac Harp encouraged the Council to explore the effort to utilize particularly the blue shark carcass since there is a big concern of wastage. He also stated that he would like to see more effort made to gathering species-specific date on all shark fins landed in Hawaii, particularly the large amount of shark fins transshipped through Hawaii. Harp also stated that he would like to see the promotion of the use of circle hooks to increase the survival of discarded non-targeted animals, birds, turtles and even sharks. He noted the Marine Mammal Commission concern with the Galapagos sharks in the NWHI their killing monk seals and asked that more effort be expended to reduce the Galapagos shark population there. Finally, Mr Harp stated that he supported the restrictions the Council would place on the use of demersal longlines to catch sharks.

Paul Dalzell responded that the Council hoped that a local company Maui Diamond Bay was successful in obtaining an SK grant to do a range of products and marketing with blue shark. On better information on transhipped fins he noted a PFRP project run by Chris Boggs which among other items would develop a way to recognize shark species from their fins. Further, NMFS would be upgrading its transhipment forms to document easily recognizable fins from blue, mako, thresher and white tip sharks. On circle hooks, Dalzell explained about the NMFS study ongoing in the Azores to test the efficacy of this hook type for mouth hooking turtles. With respect to the Galapagos sharks in the NWHI, he felt a serious opportunity had been lost to fish out the predatory sharks with the departure of Edwin Cross and the disposal of the Anna C to Mexico.

Bobby Gomes reiterated what seemed to him an unfair situation, ie that demersal shark long lining could be conducted in the NWHI without all the necessary qualifications required for bottomfishing. Dalzell stated that the Council would close this loophole

Molokai: 11 January 2000

Following a description of the demersal longline fishery for sharks, Paul Dalzell fielded some questions about this fishing operation. The Molokai fishermen were not aware about the operations of the Anna C and the loophole allowing Mr Edwin Cross to fish in State and Federal

waters with a demersal longline. Mr Duchelle noted the connection between sharks and Hawaiian culture. There were no objections to the proposal for the Council to ban demersal shark longlining in Hawaii.

Northern Mariana Islands: 29 December 1999

John Gourley stated that with respect to shark fishing, he supported sustainable fisheries and he applauded the Council for taking the position they did with the incidental blue shark catch in the longline fishery in Hawaii. He did not support a complete ban of shark finning if a fishery was sustainable. He also do not support demanding that a fisher bring the entire shark back just to get the fins. He did not support the demand that a fisher be made to utilize the entire animal if the fishery was sustainable. If the fishery was sustainable, the fisher should be given the opportunity to do with the catch whatever he wants according to the market demands. Gourley noted that there was very little information on the sharks in NMI. As such, he did not think that the Council or local authorities were in a position right now to even develop a shark fishery management plan because there was no data to base anything on.

Mr. Simmons agreed with Mr. Gourley in regards to not having a total ban on the taking of shark, especially in the NMI where the size of vessel ranged from 14 foot up to 23 foot. He stated that fishermen to every now and then bring up shark. If there was a total ban on the take of shark and if there was a potential market for shark fin, the fishermen should be allowed to bring them on board and take the part that they need because they did not have the kind of space to bring in the entire shark.

He continued by stating that the kind of fishing conducted in the NMI out does not harvest every shark encountered. But the fishermen should be allowed to bring in the part that they need if they caught them. They should not be penalized by requiring them to bring the whole shark, and he did not support the total banning of finning.

Waienae: 10 January 2000

William Aila asked if the proposed change to the longline definition is only for that type of gear when it is used to fish for pelagic management unit species. If so he could see another loophole. Paul Dalzell agreed and stated that the answer was to include the ban in the bottomfish FMP as well.

Mr. Rapoza stated that several years ago he was fishing for coastal water sharks inside of three miles, and basically he had the same type of gear and there was a marine patrol out there. He spent quite a bit of money setting up his gear and buoys. He had hooks at five fathoms from the bottom suspended out with the buoys hold them up and it anchored them on both sides. He was getting 80 cents a pound for the sharks that he caught which included reef sharks, tiger sharks, and any other shark that bit on the line. He also caught sandbar sharks on the Mapua side of the island.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1335 East-West Highway
Silver Spring, MD 20910
THE DIRECTOR

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FEB 29 2000

Mr. James D. Cook
Chairman
Western Pacific Fishery
Management Council
1164 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Cook:

Thank you for your letter to Secretary Daley regarding shark management in the western Pacific and the Court-ordered Hawaii longline fishery area closure.

I appreciate the most recent action taken by the Western Pacific Fishery Management Council (Council) to manage sharks harvested in the pelagic longline fishery. However, as you are aware, the National Marine Fisheries Service (NMFS) is deeply concerned that the recent increase in shark finning may deplete shark stocks. Shark populations are often difficult to assess because they range over large geographic areas that frequently straddle international borders. Relatively little is known about the population levels and life history of many shark species, including blue sharks in the Pacific.

Moreover, shark conservation and management is receiving increasing international attention. The United Nations Food and Agriculture Organization adopted, with full U.S. support, an International Plan of Action for sharks to ensure the conservation and sustainable management of shark resources for the long term. Pursuant to the terms of that plan, NMFS is developing a National Plan of Action for Sharks. In addition, at the recent 1999 meeting of the International Commission for the Conservation of Atlantic Tunas, the United States introduced a measure that, among other things, encouraged member nations to adopt domestic management measures that both prohibit the practice of shark finning and protect juvenile sharks.

Regarding threatened and endangered sea turtles, I understand your concerns about the economic impact of this Court-ordered area closure upon longline fishermen and their communities. The NMFS Pacific Islands Area Office (PIAO) will make every effort to complete the environmental impact statement (EIS) in the shortest possible time. However, as you are aware, the National Environmental Policy Act (NEPA) requires that the public have the opportunity to review the issues and alternatives being considered by the Western Pacific Fishery Management Council. The NEPA process includes scoping meetings, public hearings, and a public comment period. Given the statutory process, the existing budget,

and human resource constraints, it may not be possible to complete the EIS before October 2001. PIAO is in the process of completing an environmental assessment (EA) for this fishery and anticipates completing the document soon. The information and analyses in the EA will be useful for completing the EIS.

NMFS is researching and analyzing interactions between sea turtles and longline fishing gear to reduce such interactions and determine the optimum configuration of a closed area or areas that will protect sea turtles and allow the pelagic longline fishery to operate. We look forward to working with the Council to conserve shark and sea turtle resources in the region while maintaining viable and productive fisheries.

I appreciate your interest in these matters.

Sincerely,

Penelope D. Dalton
Assistant Administrator
for Fisheries

Shark

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, MD 20910

THE DIRECTOR

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Mr. James D. Cook
Chairman
Western Pacific Fishery
Management Council
1164 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Cook:

Thank you for your letter expressing your concerns regarding a letter to Secretary Daley from the Western Pacific Fisheries Coalition (Coalition) petitioning him to undertake rulemaking to stop shark finning. You characterized the Coalition's letter as asking to, "pre-empt this Council's authority and establish a ban on the landing of fins..."

I appreciate the effort the Western Pacific Fishery Management Council (Council) and its staff have expended on both dealing with the issue of shark finning and addressing points raised in the Coalition's petition. Let me assure you that the Council's long history of achievements in addressing fisheries issues is recognized, and that the National Marine Fisheries Service (NMFS) prefers to work through the Council process and has no desire to undermine Council authority. However, as you are aware, the NMFS position is that the wasteful practice of shark finning, retaining only the fins of sharks and discarding the remainder of the carcass at sea, should be banned.

Therefore, NMFS will consider your views and the Council's preliminary decision to impose an annual quota on the landing of sharks (in whole or part) at 50,000 in the Hawaii longline fishery as NMFS considers the Coalition's petition. If NMFS determines the petition meets the applicable requirements, it will publish a notice in the Federal Register announcing receipt of the petition and the name of the petitioner, including a concise statement of the petitioner's request, and inviting public comments. Thereafter, if NMFS decides to proceed as requested by the petitioner, a separate Federal Register notice will be published.

NMFS looks forward to working with the Council to minimize bycatch and waste, and to conserve shark resources in the region.

Sincerely,

Penelope D. Dalton

Penelope D. Dalton

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

Mr. SAXTON. Mr. Cook, thank you very much.
We are now going to move to Mr. O'Regan.

STATEMENT OF FREDERICK M. O'REGAN

Mr. O'REGAN. Mr. Chairman, Mr. Faleomavaega, thank you very much. I am Fred O'Regan. I am the President of the International Fund for Animal Welfare and I am very pleased to be here today and to lend our strong support to H.R. 3535.

IFAW, to those of you who may not know us, is a global nonprofit animal welfare and conservation organization. We have offices in twelve countries, in Europe, North America, Asia and Africa with our headquarters in Massachusetts, on Cape Cod.

We, as a matter of policy, do not solicit or accept government funds so that we have don't have prejudiced positions on policy. We, instead, rely on the generous support of our 2 million members worldwide who promote our balanced animal-welfare and conservation policies that advance the well-being of both animals and people.

The focus of our work, especially in marine activities, has largely been on scientific research and policy development in International Trade in Endangered Species, CITES, and the International Whaling Commission. This work is critical to wildlife conservation and animal welfare, but it is often not front-page news.

For example, IFWA scientists and policy advisors have provided the foundation for the International Whaling Commission's current moratorium on commercial whaling and the creation of the internationally recognized Southern Ocean Sanctuary in the waters around Antarctica.

We are both a campaigning organization and one that directly supports conservation and animal-welfare organizations around the world. We spend over $12 million a year in, for example, expanding parks and habitat for African elephants as well as working with both governments and non-governmental communities worldwide.

Our latest success, as I think some people know, is in organizing an international campaign to save Laguna San Ignacio, the last pristine breeding grounds for Pacific Grey Whales in Mexico.

I have just returned from Mexico City, actually, and, for the record, Mr. Chairman, would like to, again, give our sincere thanks both to President Cedillo, to Secretary Carabias and to the Mitsubishi Corporation for saving this pristine wilderness habitat forever.

In this country, we are providing ongoing financial and scientific support with NMFS, with the Coast Guard and a variety of research institutions to save the highly endangered Northern Right Whale.

Mr. Chairman, the issue before us today we feel is extremely important. Shark finning is a cruel and wasteful practice that is threatening the world's shark populations. It must be stopped not just in U.S. waters but around the globe. I think that is somewhat the value that IFAW brings to this discussion.

Finning is growing at an alarming rate. I don't have to, I think, repeat, many of the statistics that have already come forward but, in a practical way, which is our way, we are working, for example, through our office in Beijing, in a cooperative program with the

government of China and practitioners of traditional Chinese medicine around the world, including in the U.S., to find ways to manage the steadily growing demand for shark fins and cartilage in traditional medicine.

We are also, now, supporting efforts by the governments of the U.K. and South Africa for the first time to put basking sharks and great white sharks on Appendage I of endangered species in CITES.

In fact, we have a team right now in CITES and I know there are several members of the committee and staff in Nairobi as well. But even if all of these efforts are successful, they are not going to be enough to safeguard the future of the world's populations for sharks. As we know, globally, many shark populations are in serious decline. They are large. They are slow-growing, with relatively low reproductive rates.

The United Nations, through FAO's International Plan for Action and Conservation of the Management of Sharks has begun addressing this. Although this plan calls for full utilization of sharks and the elimination of waste, the key thing is that it is a voluntary plan.

With this in mind, IFAW believes there are three distinct issues that should be addressed in the Shark Finning Prohibition Act. First, we believe the bill should prohibit shark fishing by all U.S. fishermen on all vessels and in all fisheries under the jurisdiction of the United States.

We believe this is the intent of 3535 and would encourage you to insure that U.S. fishermen and vessels are covered when fishing on the high seas or in foreign waters not withstanding any other agreement or law that might preclude enforcement of a finning prohibition. Ending wasteful finning by U.S. fishermen alone will not, of course, end this practice. We know that U.S. fishermen account for only 2 percent of shark finning in the Central and Western Ocean.

However, and I think this is critical, the U.S. does serve as an important conduit in the shark-fin trade. In the Pacific, foreign fleets transship or land approximately 180 metric tons of shark fins annually through U.S. ports and vessels.

With this in mind, Mr. Chairman, our second point is that the legislation you are developing we hope can be expanded to stop the traffic of fins through U.S. ports by prohibiting the transshipment of fins taken by shark finning. We believe that the Magnuson Act should be amended to insure U.S. ports and vessels are not used to subvert your efforts to end shark finning and would suggest that Section 307(1)(J)—and excuse me if there is a typo in some of the original drafts of this that said 301(J); it is actually 307(1)(J)—could serve as a model for that provision.

If you will recall, Section 307(1)(J) makes it unlawful for any person to ship, transport, offer or sell or purchase in interstate or foreign commerce any live lobster that does not conform to certain conservation measures outlined in the statute.

The critical thing here is obviously we are not comparing lobsters and sharks. What we do see is a precedent and a regulatory mechanism which we think could be seen as a model for how to put a

regulatory and enforcement regime behind your efforts to end shark finning.

Mr. Chairman, I would also say that IFAW would be pleased to work with you and your staff in further developing this provision to stop transshipment of shark fins.

Our third and final point is that any shark finning around the world will necessarily involve international efforts and require U.S. leadership. The bill before you, we believe, should be amended to include the views of Congress and how this should be accomplished. IFAW believes that the successful efforts and the precedent of the United States in ending large-scale driftnet fishing can serve as a very useful model.

As you recall, the first step for the U.S. in achieving prohibition was the practice of ending it in our own waters. This increased the strength and credibility of our negotiators. In 1987, Congress passed the Driftnet Impact Monitoring Assessment and Control Act. In addition, to preventing U.S. fishermen from engaging in large-scale driftnet fishing, directed the Department of State to undertake certain deliberate actions to achieve an international ban.

These efforts involve diplomatic initiatives at the United Nations, regional fishery management bodies in world capitals. We, at IFAW, believe achieving an international ban on shark finning will involve a similar effort and similar mandates should be included in the bill.

Attached to my testimony is some suggested legislative language concerning international negotiations and reporting. I would ask you to take a look at it. We know that an international ban will not happen right away, but we also know that much can be accomplished if your committee and the Congress act immediately to begin this process. The precedent is there. We have been successful with this in the past. We believe it can be done again.

Finally, while prohibiting shark finning internationally is a critical step in protecting the world shark populations, it is not the only step that must be taken. As we all know, regional national management bodies must adopt shark conservation measures to prevent overfishing and adopt a precautionary approach for species about which we have little or no information.

Again, low-productivity species of sharks should receive special attention and critical habitats must be protected and important biological and fishery management data must be assessed to improve our understanding of sharks.

In closing, Mr. Chairman, I would like to, again, thank you for inviting me here and I would simply like to say that I mean it when I say it that IFAW and other NGO's are perfectly willing, on an international basis, to try to move this forward in any way that we can.

So we remain at your disposal and we congratulate you on your leadership in this initiative.

Thank you very much.

[The prepared statement of Mr. O'Regan follows:]

STATEMENT OF

FREDERICK M. O'REGAN
PRESIDENT
INTERNATIONAL FUND FOR ANIMAL WELFARE

BEFORE THE SUBCOMMITTEE ON
FISHERIES CONSERVATION, WILDLIFE AND OCEANS
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVE

ON

H.R. 3535
THE SHARK FINNING PROHIBITION ACT

APRIL 13, 2000
WASHINGTON, D.C.

Chairman Saxton, Ranking Member Faleomavaega and Committee Members, my name is Fred O'Regan and I am President of the International Fund for Animal Welfare (IFAW). I am pleased to be here today to voice our very strong support for H.R. 3535, The Shark Finning Prohibition Act.

IFAW is a global, not-for-profit animal welfare and conservation organization with offices in twelve countries including the United States where we have our headquarters, several countries in Europe, Russia, China, Australia, South Africa and Kenya. As a matter of policy, we neither solicit nor accept government funding. We instead rely on the generous support of some two million people around the world who support IFAW's efforts to promote balanced animal welfare and conservation policies that advance the well being of both animals and people.

IFAW is not, yet, as well known as some other wildlife conservation organizations. The focus of our work has largely been on scientific research and policy development in international fora such as the Convention on International Trade in Endangered Species (CITES) and the International Whaling Commission (IWC). This work is critical to wildlife conservation and animal welfare, but often not front-page news. For example, IFAW scientists and policy advisors provided the foundation for the IWC's current moratorium on commercial whaling, and the creation of the internationally recognized Southern Ocean Sanctuary in the waters around Antarctica.

In Russia, where IFAW is one of the few officially registered non-governmental conservation organizations, we run an orphan bear rehabilitation program and are helping to establish a beluga whale sanctuary. In South Africa we've donated more than four million dollars to the national park system to help purchase and expand critical elephant habitat in national parks. We've worked with both governments and local communities in many countries to conserve endangered species, support anti-poaching efforts and achieve win-win solutions that promote wildlife and habitat preservation while addressing human needs. Our latest success was organizing an international campaign with local fishermen and conservationists in Mexico to convince Mitsubishi to abandon its plans to build the world's largest salt factory in Laguna San Ignacio, a pristine area on the Baja California peninsula. In this country, we provide ongoing financial and scientific support together with the National Marine Fisheries Service, the Coast Guard and a variety of research institutions, to save the highly endangered Northern Atlantic Right Whale from extinction.

Mr. Chairman, the issue before this Subcommittee today is extremely important. Shark finning is a cruel and wasteful practice that is threatening the world's shark populations. It must be stopped; not just in U.S. waters, but around the globe. And finning is growing at an alarming rate. In the waters off Hawaii shark finning has increased more than 2000 percent in the last decade. Last year an estimated 125 countries were involved in the lucrative shark fin trade which has fueled the practice of shark finning around the world.

In an effort to responsibly address this growing threat, IFAW has been engaged in a cooperative program with the government of China and with practitioners of traditional Chinese medicine around the world --including those in the United States --to find ways to manage the steadily growing demand for shark fins and cartilage in traditional medicine. We have also supported efforts by the governments of the United Kingdom and South Africa to have the basking shark and the great white shark receive protection under the Convention on International Trade in Endangered Species, whose biennial conference is taking place in Nairobi as we speak. [I believe, several members of your committee and its staff are attending this important meeting). But even if all of these efforts are successful, they will not be enough to safeguard the future of the world's shark populations.

Globally, many shark populations are in serious decline. Because sharks are large, slow growing animals with relatively low reproductive rates, their very existence is threatened by finning and other human actions. The United Nations has recognized this problem by issuing the FAO International Plan of Action for Conservation and Management of Sharks. Although this Plan calls for the full utilization of sharks and the elimination of waste, it is a voluntary plan.

The Members of this Subcommittee know all too well that urgent action is needed. Your leadership and that of Congressman Cunningham led to House passage of H.Con.Res. 189 last November. I won't repeat all the reasons why this Subcommittee must now pass binding legislation, but instead will focus on the questions you asked in your letter of invitation, namely: What are IFAW's views on H.R. 3535 and do we have any recommendations for changes.

IFAW believes that there are three distinct issues that must be addressed in The Shark Finning Prohibition Act. First, the bill must prohibit shark finning by all U.S. fishermen, on all vessels and in all fisheries under the jurisdiction of the United States. We believe this is the intent of H.R. 3535, but would encourage you to ensure that U.S. fishermen and vessels are covered when fishing on the high seas or in foreign waters, notwithstanding any other agreement or law that might preclude enforcement of a finning prohibition.

Ending wasteful finning by U.S. fishermen alone will of course not end this practice. We understand that U.S. fishermen account for only two percent of the shark finning in the Central and Western Pacific Ocean. However, the U.S. does serve as an important conduit in the shark fin trade. In the Pacific,

foreign fleets transship or land approximately 180 metric tons of shark fins annually through U.S. ports and vessels.

With these facts in mind Mr. Chairman, Our second point is that the legislation you are developing should be expanded to stop the trafficking of fins through U.S. ports by prohibiting the transshipment of fins taken by shark finning. We believe that the Magnuson-Stevens Act (Act) should be amended to ensure U.S. ports and vessels are not used to subvert your efforts to end shark finning and would suggest that Sec. 301(1)(J) might serve as a model for a new provision.

As you will recall, Section 301 (1)(J) of the Act makes it unlawful for any person to ship, transport, offer for sale, sell, or purchase in interstate or foreign commerce any live lobster that does not conform to certain conservation measures outlined in the statute and in certain conservation and management plans. A similar provision could be written to prohibit these same activities for shark fins obtained through the wasteful practice of shark finning. Mr. Chairman, IFAW would be pleased to work with you and your staff in further developing this provision to stop the transshipment of shark fins through the United States

Our third and final point is that ending shark finning around the world will necessarily involve international efforts and require U.S. leadership. The bill before you should be amended to include the views of Congress on how this should be accomplished. IFAW believes that the successful efforts of the United States in ending large-scale driftnet fishing can serve as a useful model. As you recall, the first step for the U.S. in achieving an international moratorium was to prohibit the practice in our own waters. This action significantly increased the strength and credibility of our negotiators. In 1987, the Congress passed the Driftnet Impact Monitoring, Assessment and Control Act that in addition to preventing U.S. fishermen from engaging in large-scale driftnet fishing, directed the Department of State to undertake certain deliberate actions to achieve an international ban. These efforts involved diplomatic initiatives at the Untied Nations, regional fishery management bodies and world capitals. IFAW believes achieving an international ban on shark finning will involve a similar effort and similar mandates should be included in your bill. Attached to my testimony is suggested legislative language concerning international negotiations and reporting. We know that an international ban won't happen right away but we also know that much can be accomplished if your committee and the Congress act immediately to begin this process.

Finally, while prohibiting shark finning internationally is a very critical step in protecting the world's shark populations, it is not the only step that must be taken. Regional and national management bodies must adopt shark conservation measures to prevent overfishing and adopt a precautionary approach for species about which we have little or no information. Low productivity species of sharks should receive special attention, critical habitats must be protected and important biological and fishery management data must be assessed to improve our understanding of sharks.

Thank you Mr. Chairman for inviting me here today to share our views with you. I believe IFAW is particularly well positioned to help in the efforts to achieve an international ban on shark finning and we are eager to do so. Through our country offices around the world IFAW has worked successfully with many governments in conserving and protecting wildlife and fisheries. We have worked closely with other non-governmental organizations to achieve significant conservation gains. We are grateful for your leadership on this issue and stand ready to assist you in this very important campaign.

SEC. __. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, shall immediately seek to secure through the United Nations (U.N.), the U.N. Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies, international agreements to implement an international ban on shark finning.

SEC. __. REGULATIONS.

The Secretary of Commerce shall issue final regulations to implement this Act, and the amendments made by this Act, within six months after the date of enactment of this Act. Such regulations shall be promulgated by the Secretary in accordance with section 304(c) of the Magunuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(c)), and shall apply to all vessels and in all fisheries under the jurisdiction of the United States. Amendments to the final regulations may be recommended to the Secretary by the appropriate regional fishery management council as fishery management plan amendments pursuant to section 304(a) of such Act (16 U.S.C. 1854(a)).

SEC. __. REPORT TO CONGRESS.

Not later than July 1, 2001, and every year thereafter until the purposes of this Act are met, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report which—

(1) describes the steps taken to carry out the provisions of this Act, and in particular section _. International Negotiations;

(2) evaluates the progress of those efforts;

(3) lists the nations that continue to allow shark finning; and

(4) makes recommendations for changes in law that will help in achieving the purposes of this Act.

Mr. SAXTON. Thank you very much, Mr. O'Regan.
Mr. Aila?

STATEMENT OF WILLIAM J. AILA

Mr. AILA. Aloha, Mr. Chairman and honorable members of this subcommittee. Aloha, Representative Abercrombie. Palofa, Representative Faleomavaega.

My name is William Aila. I am here to testify before you today as a native Hawaiian fisherman. I am from the District of Wai'anae which lies about thirty miles west of Honolulu on the Island of Oahu.

I have served on the WestPac's Fisheries Pelagic Advisory Panel for over eleven years and served as a Co-Chair for the panel for two terms. I would like to thank Chairman Saxton and members of the subcommittee for the invitation to offer testimony on this very important bill.Very importantly, my ancestors are honored, my family is honored and I am humbly honored to be here.

I would like to thank Representative Cunningham, "Duke," as he introduced himself to me a few minutes ago, and his colleagues for having the courage and vision to introduce this bill.

I am pleased to announce that on Wednesday, April 5, the Hawaii State Senate Committee on Water, Land and Hawaiian Affairs unanimously passed House Bill 1947. This bill would ban the landing of shark fins in Hawaii unless the shark is landed whole. I am proud to say that the Chairperson of the Senate Water Land and Hawaiian Affairs Committee, Colleen Hanabusa, represents my very own district in Wai'anae.

I humbly request the committee's forgiveness of any breaches of Washington protocol that I may be unaware of as this is my first time testifying and I must tell you, I am very nervous at this point.

Mr. SAXTON. It doesn't show. You are doing very well.

Mr. AILA. I will restrict my comments to shark-finning concerns within the Western Pacific Region and under the auspices of the Reauthorized Magnuson-Stevens Fisheries Conservation and Management Act.

The Magnuson-Stevens Act sets out three primary criteria for Regional Management Fisheries Councils to base its fisheries-management plans or FMPs on. The WestPac, in its February 2000 meeting in Honolulu, has chosen, in my opinion, to ignore at least one criteria and to belittle the other two.

In its proposed shark FMP, WestPac would authorize the finning of 50,000 blue sharks per year wasting over 95 percent of that resource. How WestPac could have justified this proposal on any criterion other than greed mystifies me.

FMPs are supposed to be based on the following criteria; biological. WestPac relied on National Marine Fishery Service analysis of Japanese logbook data. However, the Japanese fleet represents only about 30 percent of the total effort in the Pacific. They failed to obtain or consider data from the South Koreans, Taiwanese, Chinese and Russian fleets. Basing a scientific model on a foundation of only 30 percent of the total information is a recipe for failure.

Economic; estimated income from shark finning to Hawaii-based longline fishermen range from "beer money," as described to me a few years ago by James Cook, the current Chairman of WestPac,

to about $2500 per crew member per year or about 11 percent of the estimated annual wage.

"Estimated" needs to be emphasized here because no one knows for sure how much revenue is generated from shark-fin sales. Sales are conducted in cash and generally treated as unreported income. As such, tax revenue is not realized by either the state or Federal Governments.

Allowing the finning of sharks and the outright waste of shark resources for what amounts to a little more than beer money is terrible and an unacceptable waste, and violates the spirit of the Magnuson-Stevens Act which requires a reduction in waste.

Social, which is the third criterion; social aspects include cultural practices and beliefs both past and present and, in the case of Hawaiian's, WestPac, at the direction of its Chairman Cook, completely ignored Hawaiian cultural practices and values and chose not to wait until a requested cultural study was completed.

WestPac proceeded with its shark FMP despite pleas from native Hawaiian fisherman to consider the social impacts. Hawaiians consider the taking of sharks for only their fins as wasteful and offensive. We encourage full utilization or no utilization.

Individual sharks of many species known to Hawaiians including blue sharks served and continue to serve as family guardians. My grandfathers and great grandfathers cared for certain sharks, our family Aumakua. Kamohoali'i is the name of the shark that I malama, or care for.

The relationship is that of a grandchild to a grandparent. The relationship doesn't end when that grandparent dies. The values, the lessons and respect never diminish. The need for advice continues. How many times, in your life, have you thought back to the words of your grandfather or grandmother for guidance in troublesome times or while contemplating important decisions.

The answer is, we all have. How would you feel if someone were to sever that connection between you and your grandparent. How would you feel if someone were to kill one of your grandparents just for "beer money?" The thought turns and twists at my intestines or, as we refer to it in Hawaii, as our na'au. This is exactly how I feel about my Aumakua and the thought of shark finning offends me.

I urge the committee, and later the full House, and, hopefully, the Senate, to pass this bill and end this wasteful, offensive and unnecessary practice. My culture, your culture and the precautionary policies within the Magnuson-Stevens Fisheries Conservation and Management Act demands it.

I would just like to say mahalo for the opportunity to present this testimony and I am very honored that I was invited to speak.

Thank you.

[The prepared statement of Mr. Aila follows:]

April 7, 2000

To : Honorable Jim Saxton, Chairman
Subcommittee on Fisheries Conservation,
Wildlife and Oceans

Re: HR 3535

From: William J. Aila Jr, Hawaiian Fisherman

Aloha! Mr. Chairman and Honorable Representatives of the Subcommittee on Fisheries Conservation, Wildlife and Oceans; including my own Honorable Representative from Hawaii, Neil Abercrombie. A special Aloha! to our Island cousins, Representatives Eni Faleomavaega of American Samoa, and Carlos Romero-Barcelo of Puerto Rico.

My name is William J. Aila Jr., I am a Native Hawaiian Fisherman from the District of Wai'anae, on the Island of Oahu, which lies 30 miles west of Honolulu. I have served on WESPAC's Pelagic Advisory Panel for over 11 years and co-chaired the panel for two terms. I would like to thank Chairman Saxton and members of the Subcommittee for the invitation to offer testimony on this very important bill. My ancestors are honored, my family is honored, and I am humbly honored. I would also like to thank Representative Cunningham of California and his colleagues, for having the courage and vision to introduce this bill,

I am pleased to announce that on Wednesday April 5, 2000 the Hawaii State Senate Committee on Water, Land, and Hawaiian Affairs, unanimously passed HB 1947. This bill will ban the landing of shark fins in Hawaii unless the shark is landed whole. I am proud to say that the Chairperson of the Senate Water, Land, and Hawaiian Affairs committee, Colleen Hanabusa, represents my very own district, Wai'anae.

I humbly request the Committee's forgiveness for any breaches of Washington protocol that I may be unaware of, as this is my first time testifying in Washington. I will restrict my comments to Shark Finning concerns within the Western Pacific Region and under the auspicious of the re-authorized Magnuson-Stevens Fishery Conservation and Management Act.

The Magnuson-Stevens Act, sets out three primary criteria for Regional Management Councils to base its Fisheries Management Plans(FMP's) on. The Western Pacific Regional Fisheries Management Council(WESPAC) at its February 2000 meeting in Honolulu, has chosen in, my opinion, to ignore at least one criteria and belittle the other two.

In its proposed Shark FMP, WESPAC would authorize the finning of 50,000 blue sharks per year, wasting over 95% of the resource. How WESPAC could have justified this proposal on any criteria, other than greed mystifies me. FMP's are supposed to be based on the following criteria:

BIOLOGICAL

WESPAC relied on NMFS analysis of Japanese log book data however, the Japanese fleet represents only about 30% of the total effort in the Pacific. They failed to obtain or consider the data from the South Koreans, Taiwanese, Chinese, and Russian fleets. Basing scientific models on a foundation of only 30% of the total information is a recipe for failure!

ECONOMIC

Estimated income from shark finning to Hawaii based Longline Fishermen range from "beer money" as described to me a few years ago by James Cook, current Chairman of WESPAC, to $2,500 per crew member per year, or about 11% of the "estimated" annual wage. "Estimated" should be emphasized here because no one knows for sure how much revenue is generated from shark fin sales. Sales are conducted in cash and generally treated as unreported income. As such, tax revenue is not realized by either the State or Federal governments. Allowing the finning of sharks and the outright waste of shark resources for what amounts to little more than beer money, is terrible and an unacceptable waste and violates the spirit of the Magnuson-Stevens Act, which requires a reduction of waste.

SOCIAL

Social aspects include cultural practices and beliefs both past and present. In the case of Hawaiians, WESPAC at the direction of its Chairman Cook, completely ignored Hawaiian cultural practices and values, and chose not to wait until a requested cultural study was completed. WESPAC proceeded with its Shark FMP despite plea's from Native Hawaiian Fishermen, to consider the social impacts. Hawaiians consider the taking of sharks for only their fins as wasteful and offensive. We encourage full utilization or no utilization.

Individual sharks of the many species known to Hawaiians, including blue sharks, served and continue to serve as family guardians. My grandfathers and great-grand fathers cared for certain sharks, our family Aumakua. Kamohoali'i is the name of the shark that I malama, or care for. The relationship is that of grandchild to grandparent. The relationship doesn't end when the grandparent dies. The values, lessons, and respect never diminish. The need for advice continues. How many times in your life have you thought back to the words of your grandfather or grandmother, for guidance in troublesome times or while contemplating important decisions? The answer is we all have. How would you feel if someone were to sever that connection between you and your grandparent? How would you feel if someone were allowed to kill one of your grandparents, just for "beer money"? The thought turns and twists my intestines or as we refer to it in Hawaii as my na'au. That is exactly how I feel about my Aumakua and thought of Shark finning offends me.

I urge the Committee, the full House, and the Senate to pass this bill and end this wasteful, offensive, and unnecessary practice. My culture, your culture, and the precautionary policies within the Magnuson-Stevens Fishery Conservation and Management Act, demands it.

Mahalo for the opportunity and honor to testify before this esteemed committee.

William J. Aila Jr.
86-630 Lualualei Homestead Road
Wai'anae, Hawaii 96792
808-696-992 Home PH#
808-696-1117 Fax
e-mail: ailaw@gte.net

HOUSE OF REPRESENTATIVES
TWENTIETH LEGISLATURE, 2000
STATE OF HAWAII

H.B. NO. 1947 H.D. 2 S.D. 2

A BILL FOR AN ACT

RELATING TO FISHERIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the vast ocean area surrounding the State has historically contained bountiful natural resources and productive fisheries that have had great commercial, recreational, social, cultural, and sustenance values to Hawaii's people. Many of these fisheries are now in decline and in critical need of effective conservation and management measures to prevent further decline and to create a pattern of sustainable use for future generations. One of the fisheries that has shown the most urgent need for conservation and management is the shark fishery.

Sharks are one of the top predators in the marine food chain and play an important role in our ocean's ecosystem. Sharks have characteristics that make them more vulnerable to overfishing than most fish, and data from state, federal, and international agencies show a decline in the shark populations both locally and worldwide. Unlike other fish species, most sharks do not reach sexual maturity until seven to twelve years of age and then only give birth to a small litter of young. Thus, sharks cannot rebuild their populations quickly once they are overfished.

About one hundred thousand sharks (two thousand metric tons) are taken each year by Hawaii-based longliners. Data from log books and observers indicate that eighty-six per cent of the shark are alive when brought to the boat but are killed just for their fins; approximately sixty per cent are then finned. That means once caught, the fins are removed, and the carcasses are discarded. These fins are landed in Hawaii as unreported, untaxed catch. An additional one hundred fifty metric tons of shark fins are taken elsewhere in the Pacific, and are then transhipped unreported and untaxed into and through the State.

The legislature finds shark finning to be a wasteful and inhumane practice, and the landing of unreported shark fins contributes little if anything to the economy of this State. The purpose of this Act is to prevent the practice of shark finning by requiring that sharks caught in the territorial waters of the State be landed whole.

SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§188- Sharks; prohibitions; administrative penalties. (a) No person shall knowingly harvest shark fins from the territorial waters of the State, or land shark fins in the State,

unless the fins were taken from a shark landed whole in the State. As used in this subsection:

"Land" or "landed" means when the shark or any part thereof is first brought to shore.

"Shark fin" means the raw or dried fin of a shark with the shark carcass removed.

"Whole" means the entire shark with its head and flesh intact, allowing for the removal of the blood, internal organs, and tail at sea.

(b) Any person violating this section or any rule adopted thereunder shall be subject to:

(1) Seizure and forfeiture of shark fins, commercial marine license, vessel, and fishing equipment; and

(2) An administrative fine of not less than $5,000 and not more than $15,000. In addition, the violator may be assessed administrative fees and costs, and attorney's fees and costs.

(c) Any criminal prosecution or penalty imposed for violation of this section or any rule adopted thereunder shall not preclude seizure and forfeiture pursuant to chapter 712A, or the imposition of any administrative fines and costs or attorney's fees and costs under this section.

(d) This section shall also apply to vessels registered pursuant to section 200-31 when fishing outside the territorial waters of the State; provided that the enforcement of this section on vessels registered pursuant to section 200-31 when fishing outside the territorial waters of the State shall not apply if enforcement of this section is in violation of, or in conflict with, federal law."

SECTION 3. Section 187A-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

""Harvest" means the taking and retaining of marine life by any means whatsoever.

"Shark" means any member of the class Chondrichthyes, including but not limited to: inshore species of galapagos shark (Carcharhinus galapagensis), reef blacktip shark (Carcharhinus melanopterus), gray reef shark (Carcharhinus amblyrhynchos), big-nosed shark (Carcharhinus altimus), tiger shark (Galeocerdo cuvier), blacktip shark (Carcharhinus limbatus), smooth hammerhead shark (Sphyrna zygaena), reef whitetip shark (Triaenodon obesus), scalloped hammerhead shark (Sphyrna lewini), sandbar shark (Carcharhinus plumbeus), offshore species of white shark (Carcharodon carcharias), shortfin mako shark (Isurus oxyrinchus), silky shark (Carcharhinus falciformis), blue shark

(Prionace glauca), whale shark (Rhincodon typus), thresher shark (Alopias vulpinus), oceanic whitetip shark (Carcharhinus longimanus), cookie cutter shark (Isistius brasiliensis), and megamouth shark (Megachasma pelagios)."

SECTION 4. This Act shall not apply to vessels that do not off load cargo in the State of Hawaii or its territorial waters.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

Mr. SAXTON. Thank you very much, Mr. Aila. Before we go into the question and answer session, let me welcome back the gentleman from Hawaii, Mr. Abercrombie, who has joined us. I understand that it is necessary for me to ask unanimous consent that he be permitted to sit on the panel as much as he is no longer a member of the panel. We want to welcome you back.

Do you have anything that you would like to say at this time in terms of a statement?

Mr. ABERCROMBIE. Not at this point, Mr. Chairman. Thank you.

Mr. SAXTON. Thank you very much.

Let me begin the questioning with—we have heard from a number of folks who are knowledgeable about the subject of shark finning including Mr. Cook and Mr. Aila and Mr. O'Regan and Dr. Rosenberg, as well. Also, we have heard from the State Senate in the State of Hawaii who, apparently, have passed a state bill which is similar in nature to this bill.

I guess I would just like to begin by asking each of the panel members their specific thoughts on this bill in as much as there is some difference of opinion. This bill, in some people's view, doesn't go far enough. In other people's view, it goes too far.

If you would just each take about a minute or a minute and a half to give us your position specifically on this piece of legislation and, if you had your druthers, how you might like it amended or changed.

Dr. Rosenberg?

Mr. ROSENBERG. Thank you, Mr. Chairman. With regard to this piece of legislation, we support a ban on the practice of shark finning for U.S. fishermen. A remaining concern is how this deals with the international-trade issues. I believe Mr. O'Regan referred to some of the possible means that might be used to consider those trade issues.

We, as I noted in my testimony, have asked our International Trade Administration and the U.S. Trade representative to consider the issue further. We do feel it is important to develop either administratively or by other means some measures to deal with the trade issue.

So I guess we would fall into the category of feeling that the bill is strong and appropriate but there may be some other issues that need additional attention. I can't, at this stage, tell you whether I think they need to be included in this bill or whether there are other means of dealing with some of the trade concerns.

Mr. SAXTON. Would you support the action of this subcommittee if we chose to move this bill forward as it is written?

Mr. ROSENBERG. Yes.

Mr. SAXTON. Thank you.

Mr. Cook?

Mr. COOK. I think that the bill, as it is currently written, is misdirected. The most important issue having to do with sharks on a worldwide basis is shark management and conservation. This council, as you know, has done its job in putting in conservation limits. When you look at the situation that exists around the continental United States where the shark mortality is ten times what it is here in our region, I think that what you have to understand is simply to come up and make the Western Pacific and other areas

of the world comply with the example of the United States and its coastal waters, you can see that is a real problem.

We would hope that the bill would be killed.

Mr. SAXTON. Thank you.

Mr. O'Regan?

Mr. O'REGAN. Thanks, Mr. Chairman. I think that I deal with some specifics in my testimony. But I would certainly support the bill as currently drafted. We think that in one sense, though, what the bill really does is simply sort of close the final loop on the United States implementing its already international agreements.

We have signed on to the Code of Conduct for Responsible Fisheries and the FAO International Plan of Action for Sharks. In both of those, really, it is incumbent, as I think we all know, to lower waste, to try to stop mortality of the bicatch.

So I think that, by WestPac being essentially sort of the odd man out here, that this bill would close that loophole. I think for all of us, as Dr. Rosenberg has said too, the international trade aspects of this loom large. It is only 2 percent. We see this as a starting point but, again, I would emphasize the precedence that is there both in the Magnuson Act as well as in the driftnet provisions in which the United States led such a role.

The one thing I would add is that I think that the ongoing talks on straddling stocks agreement is probably a good basis for negotiations to start with. There are many international fora but we think that the bill really starts us down that road.

Mr. SAXTON. Thank you.

Mr. Aila?

Mr. AILA. Thank you, Chairman Saxton. I would like to start off by saying, first of all, I would highly recommend that you pass this bill further on and add two more points, one being that this bill brings some consistency to national policy. The U.S. must lead by example.

There are efforts going on in the international arena to do the same thing or to bring waste under control. So the U.S. must lead by example. The passing of this bill would accomplish that.

Thank you.

Mr. SAXTON. Thank you, sir.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I think I would be remiss if I do not express my personal aloha to Mr. Aila. I want him to know that a special aloha from a graduate of Kahuku High School to an alumni of Wai'anae High School. I want him to feel very much at home. Although I am wearing a monkey suit that I have to do every day as part of the job, my preference, really, would be an aloha shirt——

Mr. SAXTON. What does that make the rest of us who wear those things?

Mr. FALEOMAVAEGA. I look at Mr. Cook. He looks so comfortable wearing an aloha shirt and feeling very comfortable and I have to wear a tie that chokes me up every day.

I want Mr. Aila to feel very comfortable, that I have ohana there at Wai'anea and I would like for him to please express my fondness and aloha to my good mother, Mama Aggie Cope. She hanaed me

and my brother Kamaki Kanahalae. Please express to them my love and aloha.

So, brother, no feel bad. You home.

Mr. AILA. Thank you.

Mr. FALEOMAVAEGA. That was English, by the way, Mr. Chairman, in its highest form.

But I would like to ask some questions to Dr. Rosenberg, my good friend, from NOAA. This is not an indictment of WestPac, Mr. Cook, I just wanted to get some data and facts understood for the record. The problem, as least as it has been expressed by some of the proponents of the bill, to the extent that provisions of the bill do not go far enough in controlling shark finning. If you want to kill a shark, you have to bring the whole body to the shore and then it is OK to continue killing, shark finning?

Is that an acceptable concept with the Administration, which the bill provides, or allows?

Mr. ROSENBERG. Yes; it is acceptable. The reason for that is because it removes that propensity to overharvest or overexploit that I referred to before as well as reducing waste. But the primary issue here is not to promote a future overharvest.

Mr. FALEOMAVAEGA. I have also received some reports from WestPac under Mr. Cook's Chairmanship that WestPac has been very, very highly critical of the National Marine Fisheries Service for their being uncooperative and that, for the past three or 4 years, WestPac has been asking the National Marine Fisheries Service for a comprehensive study, research and report on this whole question of shark finning and its current practice.

It is my understanding that there will be a report forthcoming next month comprehensive enough to add the concerns of the members of the committee and everybody that is concerned about shark finning.

Dr. Rosenberg, will you be comfortable enough with this report that is supposed to be coming up next month that it will answer a lot of the questions and concerns that we have on this issue?

Mr. ROSENBERG. First of all, I would say that we have provided previous information, a number of contract reports and so on, to WestPac as all the members of the committee know and everyone involved in the fishery management process knows, we all would like to have better data on every issue at all points in time.

So we always make decisions with less than perfect information. We often make decisions with rather skant information. So I think it is important to realize we have provided information over a period of time with the research that we have available to WestPac on this issue.

The new report, I think, will add to that information. Will it answer all questions? That is difficult for me to say. I hope it will address many of the issues that have been raised, but whether questions have been answered to satisfaction I think might lie in the eyes of the beholder.

So, again, I think that we will be providing additional information that will be important to WestPac. I believe we have sufficient information on the table to move forward with this part of the needed shark conservation measures.

Mr. FALEOMAVAEGA. How long has the National Marine Fisheries Service taken to come up with this report coming up next month? Has this been a 2-year study, a 3-year study? How comprehensive has it been for them to do this?

Mr. ROSENBERG. Just one moment; if I could just check with my colleagues. The report that you are referring to is an updated assessment of blue sharks that has been conducted over the last several years, two to 3 years, trying to put together additional data, not just the Japanese logbook data that was referred to before.

Mr. FALEOMAVAEGA. So, in effect, your report, really, and then under the auspices of WestPac as well, we are talking only about blue sharks.

Mr. ROSENBERG. Primarily blue sharks; yes.

Mr. FALEOMAVAEGA. But totally absent is data on other varieties of sharks that are also being killed or for purposes of shark finning; am I correct on this?

Mr. ROSENBERG. Congressman, I believe that there is some other information on other sharks from observer logs and from landing reports and so on. However, we do not have an assessment for the other shock stocks. In other words, we do not have a full analysis of how that relates to how heavily exploited those sharks populations are. But there is some other data; yes.

Mr. FALEOMAVAEGA. So, basically, you are saying we still have problems with data and fact information on the issue.

Mr. ROSENBERG. Absolutely.

Mr. FALEOMAVAEGA. That is the same claim also that WestPac makes for all this time, that there is a lack of evidence and data on this issue so let's continue giving a quota of 50,000 sharks that can be used for finning for blue sharks. It seems to address only the issue with Hawaii's problem, but it doesn't really address the problems also in other insular areas.

Mr. ROSENBERG. There has been a report, of course, of the level of landings and the economic impacts in other areas that we discussed at last year's hearing.

Mr. FALEOMAVAEGA. So, in effect, there is absolutely no data—I shouldn't say absolutely, but there is really a tremendous lack of information on this issue for American Samoa as well as Guam and as well as the Northern Marianas.

Mr. ROSENBERG. There is much less data for those other areas. That is certainly correct. Again, I would indicate that we believe, to deal with the issue of shark finning, though, there is sufficient information although we, of course, would like to have better information to better manage sharks overall.

Mr. FALEOMAVAEGA. As a matter of our national policy and for the sake of consistency, the fact that we ban shark finning in the Atlantic Region for purposes of—what was the reason for sharks being killed in Europe? Do they also eat shark-fin soup in Europe so much, or among the Atlantic countries, as to why we put a ban on shark finning in this region?

Mr. ROSENBERG. I believe it was for the export market as well, also exported to Asia.

Mr. FALEOMAVAEGA. So, for all these years, we have put a slap on the councils and everybody in the Atlantic Coast Region but we have never done it until now for the Pacific Region.

Mr. ROSENBERG. Congressman, there is a difference in the way that the management plans are developed for highly migratory species on the Atlantic Coast. Those measures are developed directly by the Secretary, not through the council process, although it is in consultation with the councils.

For the Western Pacific, the management measures for other migratory species are developed through the council process directly.

Mr. FALEOMAVAEGA. So, basically, as part of our national policy, we are saying no more shark finning in the Atlantic because shark finning has been such a lucrative practice, it all goes to the Asian soup markets in Hong Kong and all those given areas.

So now we are moving to the Pacific and putting the same pressure and requirements. This does not prevent these ships from continuing to conduct shark finning operations in international waters.

Mr. ROSENBERG. That is not quite correct. I believe if they are licensed to fish in the Hawaii longline fishery, then they are required to abide by the provisions of the plan wherever they fish.

Mr. FALEOMAVAEGA. No; my point is, obviously, the intent of this legislation, you cannot do it anymore if this bill passes within Federal jurisdiction, EEZ zone, if you want to call it, but outside of our EEZ zones, these vessels can still conduct shark finning operations on waters that we have no jurisdiction over. Am I correct?

Mr. ROSENBERG. U.S. vessels may not. Foreign vessels may.

Mr. FALEOMAVAEGA. Can still do it? This is what I meant.

Mr. ROSENBERG. Yes, and, in my testimony, I referred to our concerns about international trade and international protections.

Mr. FALEOMAVAEGA. So as a signor to the United Nations Code of Conduct for responsible fisheries, which the U.S. is a party to, are we perceiving shark finning similar to the same issue as killing of whales that the Japanese do on a quota basis, also some countries in Europe, I think Norway or one of countries? Is this the same move that our country, as part of its national policy, to put better restrictions on the killing of whales as well as sharks?

Mr. ROSENBERG. Congressman, I would say it is not quite the same. The U.S. position on whaling is a bit different, that we don't believe that whaling is appropriate practice except for use of indigenous peoples. In this case, we are talking about a management measure. We are not suggesting that it is inappropriate to ever harvest sharks but this method leads to overharvest because it is a very high-value product at very low cost.

It is the same is leading to poaching of elephant ivory, I believe, was referred to in Congressman's Cunningham's testimony. Because it is worth so much money, it very quickly leads to overharvest.

Mr. FALEOMAVAEGA. Would the Administration be supportive of an added provision in the bill that there is to be no importation of shark fins coming from any vessel, whether it is U.S. or foreign, into U.S. markets?

Mr. ROSENBERG. I can't fully answer that. I can say that the Administration is supportive of developing provisions that would deal with importation so that U.S. fishermen are operating on an equal footing with foreign fishermen but I am not sure if I could be definitive with the language as you cited it.

So, going in that direction, yes; we would be supportive of it. But the details need to be worked out and that is why I referred to a committee——

Mr. FALEOMAVAEGA. My concern is that we are making loop holes in something that we are trying to cure, and yet, at the same time, continuing to allow the foreign fishing industry to take shark fins as if nothing is happening. So we are putting restrictions on our fishing industry but absolutely nothing against foreign vessels that may want to bring in shark finning, like to Hawaii, for shipment. To me, I am against that.

Mr. ROSENBERG. Yes; and we are supportive of dealing with that loophole. The specific way you phrased it, I think I would have to consult with the trade people to know if that is best way to do it. But, yes, we are supportive of making sure that people are operating on an equal footing and that we do everything we can to encourage international constrictions.

Mr. SAXTON. If the gentleman will yield——

Mr. FALEOMAVAEGA. Yes, Mr. Chairman. I will wait until the next round.

Mr. SAXTON. We are in the process of putting in conceptual form some further legislation on this subject.

Mr. FALEOMAVAEGA. I look forward to working with the gentleman in refining those provisions and the language in the proposal.

Mr. SAXTON. I am with you. Thank you.

Mr. FALEOMAVAEGA. Mr. Chairman, I know that my time is up but I would like to ask for another round after this.

Mr. SAXTON. Thank you.

Mr. Gilchrist?

Mr. GILCHRIST. Thank you, Mr. Chairman. Mr. Rosenberg, or anybody else that wants to answer this question, sort of a big-picture question dealing, certainly, with shark finning but dealing with the fisheries, in general. Mr. Rosenberg, you could probably look up, I would imagine, in an almanac, the population of the world at the turn of the last century, 1900.

I would guess that it is unlikely that you could look up in an almanac the population of various fish stocks in the Year 1900. The population of the planet has increased. I don't know what it was in 1900. Maybe it was 2 billion, 3 billion. It has probably doubled in the last hundred years.

Is there a corresponding increase to the fisheries in that same given time?

Mr. ROSENBERG. Congressman, I am not sure I will get the numbers quite right but my understanding is that the world population has doubled in the last forty years so, by that standard, I think the population around the turn of the century would be at or less than 2 billion.

The world fish catch plateaued at around 100 million metric tons several years ago. Around the turn of the century, it may have been about two-thirds of that, roughly, since I am doing this from memory, I apologize if I get the figures wrong, but has remained at about 100 million metric tons and is not anticipated to increase, or even have the capacity to increase, really, beyond that level even

if overharvested stocks were rebuilt and those that are currently underharvested were fully exploited.

There is not very much scope for change in the overall world fish catch. So, in answer, we have plateaued, but the world human population has certainly not plateaued yet. I hope that addresses your question.

Mr. GILCHRIST. It does. Thank you very much. So the importance of managing nationally and internationally this fragile industry is of paramount importance.

Mr. Cook, you mentioned, and I was looking for it in your testimony but I couldn't find it, that fewer sharks are killed in the Western Pacific where there is shark finning than there are killed in the Atlantic or East Coast where shark finning has been banned.

I am not sure if I understand that. You are saying, with shark finning, you actually have fewer sharks killed and where shark finning is banned, you have more sharks killed. Did I say that accurately?

Mr. COOK. I believe that the Atlantic and Gulf Coast of the U.S. Economic Zone, the shark mortality there is approximately ten times what it is in the zone of the Western Pacific although the zone of the Western Pacific is three times as large as that area.

Those fisheries in which sharks have the greatest problems are directed fisheries. As Mr. Rosenberg knows, there are many overfished shark fisheries in your area. There are none in our area. That is all I was trying to point out is that the shark mortality which this council has a very, very clear focus on, is much higher in the waters where shark finning is banned on the East Coast and the Gulf Coast than it is here in the Pacific.

Mr. GILCHRIST. Can you comment on that, Mr. Rosenberg?

Mr. ROSENBERG. Yes, sir. The two comments I would have is, first of all, it is quite correct to say that there are a number of shark stocks that are overfished on the Atlantic Coast and in the Gulf Coast. I am not sure it is correct to say that there are no sharks stocks that are overharvested in the Pacific.

I think it is correct to say that we don't know, although there are grave concerns about a number of shark stocks in the Pacific, but we don't have comprehensive information. The fact that they are fully assessed does not mean that they are not overharvested.

The second thing is, if I understood Chairman Cook's comparison of the mortality rates, I don't think that that comparison is terribly meaningful. I think he spoke in terms of the total level of harvest, but what you would need to do is compare for specific species how the current rate of harvest relates to their ability to sustain that harvest, and that is going to vary by species.

So the figures he is citing, from a scientific perspective, were not terribly meaningful to me.

Mr. GILCHRIST. It sounds like there was a rationale for the continued practice of shark finning.

Mr. ROSENBERG. I also don't understand that point. Shark finning, again, like with any other practice that is very low cost for an extremely high-valued product, has a propensity to overharvest and there is no question that that propensity is being shown by the dramatic increase in shark finning.

There is no evidence that the increase in shark finning is leveling off. It would seem to me fairly straightforward that, if we continue to increase the practice because the price is not dropping, that we will, ultimately, end up with severe problems in the Western Pacific and Central Pacific and, as this committee has noted to the agency several times, can't we address these problems before they occur as opposed to trying to scramble after they occur.

Mr. GILCHRIST. Thank you.

Are we going to have another round, Mr. Chairman?

Mr. SAXTON. My intention is to have another round, if we can do it quickly. The Chairman has another panel to attend at 1 o'clock, so if we can finish up in a half hour. I will pass on my next turn and go to Mr. Faleomavaega and then back to the other members.

Mr. Abercrombie?

Mr. ABERCROMBIE. Thank you very much, Mr. Chairman. I will try to move rapidly.

Mr. Rosenberg, I don't know if you had an opportunity to look at or review Mr. Cook's testimony, but one of the interesting points to me, and I think it relates to these other questions—I will just read it to you so you don't have to search for it.

"The National Marine Fisheries Service has contracted a study on the cultural significance of sharks in the U.S. Pacific Islands and is working with Japan's National Research Institute, the Far Seas Fisheries, on a population assessment of blue sharks in the North Pacific. Both studies are expected to be completed by June."

Are you familiar with that project?

Mr. ROSENBERG. I am, although not in the details.

Mr. ABERCROMBIE. That is OK. Do you think it will be done by June?

Mr. ROSENBERG. Yes, sir; I do. But I can check on that and report back.

Mr. ABERCROMBIE. Another point. This may seem like it is a generalized issue beyond this immediate hearing, but I think it is important for what WestPac does. By the way, I want to say for the record that I think WestPac has an extraordinary record, an excellent record, with respect to not only sensitivity and concern but taking action with respect to fisheries.

There may be a lot of controversy over this particular issue, but I don't want to see that detract from the overall record that WestPac has. I think WestPac has accomplished that in the face of not having quite the same amount of funding as others.

What is your control, your relationship to the priorities for Saltonstall-Kennedy projects?

Mr. ROSENBERG. Saltonstall-Kennedy projects are developed through an independent review panel that makes recommendations overall on projects on technical merit as well as on industry merit. There are two separate panels. There was a scientific panel as well as an industry-based panel to make recommendations to us on a priority listing order.

Mr. ABERCROMBIE. That being the case, maybe you have had more trouble in the Atlantic than you have had in the Pacific which may speak well of WestPac. But in the process, then, possibly because you haven't seen the necessity for more projects in WestPac, would you agree that WestPac wanted to have a Saltonstall-Ken-

nedy project for blue-shark utilization in the Pacific that wasn't funded and that, for all intents and purposes, WestPac, on a continuing basis, gets a relatively low amount of funding or finds itself in low priority with respect to Saltonstall-Kennedy funding for this project or any other.

Mr. ROSENBERG. No, sir; I would not agree with that statement although it is quite true that that project was not funded. Again, it was rated by a technology panel and then by an industry panel and did not rate well compared to other projects as opposed to the priority of the issue. It is the technical merit of the projects and we tend not to change the priority ordering based on technical merit as well as industry-based——

Mr. FALEOMAVAEGA. Mr. Chairman, if I could ask unanimous consent if it is all right with the gentleman from Hawaii. We have some of the students here who are looking for seats, if it is all right if they can come and sit on the lower part of the dias.

Mr. SAXTON. Yes; we welcome you. There are, as Mr. Faleomavaega suggested, seats up here if there are not enough back there.

Mr. ROSENBERG. Mr. Chairman, for the record, I would be pleased to answer the questions from the students, too, since they have been sitting out there.

Mr. SAXTON. If we had the time, we would be happy to have it, I assure you.

Mr. ABERCROMBIE. You can understand, then, that it is a little disconcerting for Westpac to find itself in a position of having to make more definitive statements, scientifically or otherwise, but not necessarily having funding, then, for the studies that were supposed to give them the opportunity to make those statements.

That said, then, and I accept your point, by the way, of overharvesting. I am quite familiar with the elephant situation in Africa and what was done to try and alleviate that, that if you have a high-priced byproduct, if you will, that there is a tendency, then, for unscrupulous people to want to take advantage of that and to heck with the consequences.

But, as Mr. Aila has pointed out, and I think Mr. Cook has pointed out and I think all of you have taken the position, including in your testimony that other countries—we can go through with this bill, but other countries may, in fact, even do transshipment. Mr. Aila has raised that point as well, the transshipment.

I am a little distressed that there is not a more positive statement from you with respect to what we might do in that regard. For example, you say, in your testimony, "The Administration has already taken up this serious issue with a standing committee between NOAA and the International Trade Administration working to craft a solution."

Would that include sanctions because I will tell you, the reason I am asking that question to you, Mr. Rosenberg, and addressing the Chairman specifically on the bill, if we are going to do this, and this seems to be the trend, we are going to have the finning practice, I don't want the United States out there saying, "Oh, well; we have taken a very principled and moral position," pat ourselves on the back and then march blindly off into the sunset.

I don't see any reason why we should deal with countries who are going to do something that we find reprehensible, illegal or any combination that you want to put on it.

Why couldn't we put sanctions into this bill? Why should we deal with countries? Why should we import any fish products of any kind of they are going to do this?

Mr. ROSENBERG. Congressman, I apologize if my statement was not clear. We agree that this is a serious issue that needs to be addressed. There have been a number of suggestions for how to address the issue including that made by Mr. O'Regan, and we have some other examples such as the shrimp-turtle situation where we require importation of that product from other countries to meet the same standards that we have imposed on our fishermen. A similar situation exist for tuna-dolphin and driftnetting.

So we do have many examples. However, trade issues are very complicated and not my area of expertise. I am a fisheries scientist.

Mr. ABERCROMBIE. OK. Then I will put it on the record for you to take back that this has to be—I think we should have sanctions involved in this. I know people are reluctant to do it, but I am even more reluctant to get into a situation where we take the high ground and then leave everybody else to scramble around in the trenches and do as they wish.

Mr. SAXTON. May I just say to the gentleman, we would like to have one more round and if you could——

Mr. ABERCROMBIE. I will end with that.

Mr. SAXTON. Thank you very much.

Mr. ABERCROMBIE. I would like another round.

Mr. SAXTON. Let me just say that the last round, we will have to observe the 5-minute rule as we have got about twenty minutes left before the witching hour of 1 o'clock.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, and I want to second or complement also the concerns that have been expressed earlier with my good friend from the State of Hawaii, Congressman Abercrombie. That is exactly where I am coming from. If we are going to be serious about controlling shark finning not only operations within our own jurisdictional waters, what does this say about what other foreign countries are doing about this very same thing.

I would like to ask Dr. Rosenberg, approximately what is the total dollar value of shark finning operations that we have worldwide? Is this a $3 billion industry or we are looking at—I know it is about $100 for a little shark-fin soup in Tokyo. I know that for sure.

It is probably the most expensive soup there is in any Chinese restaurant, if you ever go to Tokyo or even in Hawaii. I don't know how it is in Hawaii. Maybe Neil can——

Mr. ABERCROMBIE. I have never had it.

Mr. FALEOMAVAEGA. You have never had shark-fin soup? It is delicious. I have to confess that. I'm sorry.

Mr. ROSENBERG. I can't give you a worldwide figure just because I can't multiply that fast. We are about 2 to 3 percent of the trade and roughly $3 million, but we don't have worldwide figures.

Mr. FALEOMAVAEGA. As they say in Hawaii, that is just chicken scratch. I would like to request that some more comparable data be provided on this very question, total dollar value of the shark-finning industry that we have worldwide.

Obviously, it is not just going to the U.S. restaurants but predominantly goes to Tokyo and other major Asian cities. Mr. Cook, State Senator Colleen Hanabusa, in her proposed bill to ban shark finning in the State of Hawaii, has some interesting findings and I wanted to ask if Westpac agrees with some of the allegations or findings that are stated in Senator Hanabusa's bill, one saying that 100,000 sharks are taken each year by Hawaii's base longliners, that data from log books and observers indicate that 86 percent of the shark are alive when brought to the boat and are killed just for their fins. Approximately 60 percent are then finned. That means, once caught, the fins are removed and the carcasses are discarded, that the fins are landed in Hawaii as unreported, untaxed catch.

Another concern is an additional 150 metric tons of shark fins are taken elsewhere in the Pacific and are then transshipped unreported and untaxed through the state. Do you agree with the statements on this State bill, Mr. Cook?

Mr. COOK. I think relative to the amounts of sharks that are taken, relative to the amounts of shark that are transshipped, I do agree. I totally disagree that this is unreported catch. I think that the National Marine Fisheries Service should be aware that the Hawaii log-book program, or the Hawaii longliners specifically documents the amount of sharks taken, the amount of sharks finned, the state of Hawaii catch reports that demand that fishermen fill out the amount of sharks that are finned and taken in the fishery and, further, there are transshipment requirements including a permit that very carefully document the amount of fins transshipped through.

The issue of unreported income is totally false. We report everything.

Mr. FALEOMAVAEGA. So you are saying that what Senator Hanabusa is claiming here is way out of context, no evidence or data to back those statistics?

Mr. COOK. I have no problem with the numbers that Ms. Hanabusa uses. I simply have a problem with the thought that it is unreported. This is highly reported, highly regulated, activity.

Mr. FALEOMAVAEGA. The notion that the shark has a very strong cultural value not only among my Hawaiian cousins but also among all the Polynesians. I wanted to ask if Westpac has seriously considered the concerns that were expressed earlier by Mr. Aila that sharks are not just for the purposes of eating, that there are a lot more serious cultural considerations not only among the native Hawaiians, but also other Polynesians.

Has Westpac taken that into consideration?

Mr. COOK. Indeed, we have. As you know, Westpac has a study that is progress on the cultural significance of sharks. Mr. Aila, and others, should be happy Westpac is proactive already at this time in asking that only one brown shark per trip be landed, and that only 50,000 blue sharks be taken.

At a recent shark conference put on by Mr. Aila's organization in Waikiki, one of Hawaii's foremost authorities on Hawaiian culture stated that the blue shark, which makes up 97 percent of our fisheries, is not aumakua to the Hawaiians.

Mr. FALEOMAVAEGA. Mr. Chairman, I am sad to say that my time is up and I know at least I would like to give the courtesy to Mr. Aila to respond to Mr. Cook's comments on this issue and I sincerely hope that our subcommittee will focus more specifically on this very, very important issue as far as I am concerned.

Mr. Chairman, is it all right if Mr. Aila can at least respond to Mr. Cook?

Mr. SAXTON. Yes; if you could do it briefly, sir, I would appreciate it.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. AILA. Thank you, gentlemen. I will try to address that briefly. With regards to the reported income and the report of data of the sharks taken, the State of Hawaii catch report only added the shark fin total last year, so there is no data as far as the Hawaii State data.

The National Marine Fisheries catch report is one that has not covered finning until very recently, either. So that is in response to that. There is a lot of unreported income and I beg to differ with Chairman Cook regarding the reported income to Hawaii.

With reference to the study, the cultural study, I need to be polite but I also need to be very forceful in telling the truth that we Hawaiian fishermen shamed the Council and the National Marine Fisheries Service into conducting that report and that report is what we call in Hawaiian a manini report. It is a very small report, not very comprehensive. It was rushed through only because they failed to act on our request the first time.

I would like to take this opportunity to address Representative Gilchrist's question earlier. As far as a big-picture answer——

Mr. SAXTON. I am really going to have to ask you to--if you can do it in fifteen seconds because we are going to have a vote now at 1 o'clock, I understand.

Mr. GILCHRIST. If you will wait, Mr. Aila, I will ask you to respond to that big picture when I have my 5 minutes.

Mr. SAXTON. Let me recognize the gentleman from the Eastern Shore.

Mr. GILCHRIST. I yield to the gentleman from Hawaii.

Mr. AILA. Mahalo. The big-picture answer to your question is we are all just trustees of this resource and we are managing it for the generations that have yet to be born. So that is the approach that needs to be taken with regards to not only shark finning but any marine resource management.

Thank you.

Mr. SAXTON. Thank you, sir.

Mr. GILCHRIST. Mr. Aila, in your testimony which I will read in part, "Westpac relied on NMFS analysis of Japanese logbook data. Although the Japanese fleet represents only 30 percent of the total effort in the Pacific, it failed to recognize data from South Korean, Taiwanese, Chinese and Russian fleets. Basing scientific models on a foundation of only 30 percent of the total information is a recipe for failure."

Dr. Rosenberg, can you respond to that?

Mr. ROSENBERG. Yes; I can although, again, I didn't do the analysis so I can't talk about it in detail. We had available to us, because of our interaction with the FarSeas Fisheries Agency in Japan their data. We did not have available to us more comprehensive data from other countries.

It depends on what conclusions you are trying to draw from that data as to whether you can appropriately do so or not. The fact that it is 30 percent of the fishery, again, depends on whether you are trying to evaluate what the total catch is and you know something about the relationship with the other fleets or not.

So it is a rather more complicated question, sir.

Mr. GILCHRIST. Can I ask, Mr. Cook—I wasn't able to hold on to these figures throughout the testimony that was given—the shark finning has increased by a fairly large amount over the last 10 years, twenty years?

Mr. COOK. It has increased, in fact, by a large amount over the last 9 years.

Mr. GILCHRIST. What is the value of shark finning today economically, just a figure?

Mr. COOK. Approximately $1.5 million.

Mr. GILCHRIST. What was it 10 years ago?

Mr. COOK. Almost nothing.

Mr. GILCHRIST. What did people do 10 years ago if they didn't catch shark fins? What was their fishery like? What did they catch? What did they do?

Mr. COOK. Probably most of the sharks that were brought to the boat were released.

Mr. GILCHRIST. But they were after something else. They made money some other way?

Mr. COOK. That's correct. The catch in the longline fisheries were tuna and swordfish.

Mr. GILCHRIST. So shark finning is, and anybody can answer this, a recent phenomenon? Suppose I started a rumor that tomato soup cured arthritis and was an aphrodisiac. Would that replace shark finning?

Mr. ABERCROMBIE. That is not a rumor, you know.

[Laughter.]

Mr. GILCHRIST. Oh; it's not a rumor? The gentleman from Hawaii says that is not a rumor.

[Laughter.]

Is this because of the demand?

Mr. COOK. What I am saying is that you need to understand that what drives shark finning on a worldwide basis as well as in the Hawaii longline fishery is the dramatic increase in the price of shark finning. That is what has made it so attractive to people around the world.

Mr. GILCHRIST. So, in some areas of the world, eating shark-fin soup has been a tradition for thousands of years?

Mr. COOK. That's correct.

Mr. GILCHRIST. But it is not a tradition in Hawaii or the other islands in the Pacific, Mr. Aila?

Mr. COOK. It is a tradition in Hawaii. Very much so. We have a very large ethnic population here that consumes a large amount

of shark fins, but nothing compared to the State of California which is the largest importer of shark fins.

Mr. GILCHRIST. Thank you, Mr. Cook.

Mr. Aila, can you respond to that?

Mr. AILA. There is a small population of Chinese and Japanese in Hawaii that utilize shark-fin soup. The majority of the population does not eat shark-fin soup. In fact, what is driving the increase in fins is as the East Asian market becomes more affluent, more people can afford it, and that is what is driving the market.

Mr. GILCHRIST. Thank you.

Mr. SAXTON. Thank you.

Mr. Abercrombie?

Mr. ABERCROMBIE. Thank you very much. Mr. Chairman, just very quickly for those students who came in, they may be a little confused. The voice you hear of Mr. Cook is coming by satellite. Congress is not totally backward in how it operates, so we are dealing in real time. That box that is speaking there actually is not the box, it is a real person.

Mr. FALEOMAVAEGA. Will the gentleman yield just for 5 seconds?

Mr. ABERCROMBIE. Sure.

Mr. FALEOMAVAEGA. I would just like to recognize the presence of our closeup students who come all the way from American Samoa. We are very honored to to have them here and I hope they are getting an education to see what the legislative process is really about here in the Congress.

Thank you, Mr. Chairman and the gentleman from Hawaii.

Mr. SAXTON. You came at just the right time. I hope you folks brought some kava for us. After this hearing, we are going to need it.

Mr. ABERCROMBIE. Never mind that. We are looking for tomato soup, now.

[Laughter.]

Mr. FALEOMAVAEGA. If the gentleman will yield, I am going to request that the students will provide the Chairman and the members an a capella song that they have learned, if that is all right, after the hearing.

Mr. ABERCROMBIE. Yes; and I will make this even quicker. Mr. Cook, I appreciate your testimony. Particularly, I want to focus a little bit on your conclusions very quickly, if I can.

You point out in your conclusions that the question of waste is put forward with regard to the blue-shark situation right now, but the question of waste is far broader than that. Do you have some recommendations—you don't need to go into them in detail, but could we ask for recommendations from you with respect to the other kinds of target catches and waste problem. Do you see that as something that needs to be addressed by us as well?

Mr. COOK. Yes; I do. I think you know that the last time that we were in session with this group, you asked Andy Rosenberg from National Marine Fisheries Service for a definition of waste. There is very, very significant waste in other fisheries in the country.

In Alaska, there is tremendous waste in the chum salmon fishery. There is waste in many roe fisheries throughout the country. To single out the Hawaiian longline fishery, the waste that occurs

with shark finning, is only one bit of waste in very, very many fisheries with similar problems.

Mr. ABERCROMBIE. Thank you. You heard my questions about the underfunding. I would like you to submit, if you can, to the Chairman those areas where you think that Westpac could usefully benefit and, by extension, the information to be gained to benefit not only the fisheries there but our task here. If you would forward to us those things that you feel have been underfunded, I think it would be useful to us. Could you do that?

Mr. COOK. Yes; I can.

Mr. ABERCROMBIE. The last point, then. There has been some argument about whether the sharks are landed, and I think this has a great deal to do with the finning because I think some of the people who are not involved in it, actually—that is to say, doing the fishing—they find it offensive that a fish would be brought on board and then the fin hacked off and then the remaining part put back in the sea.

You say, in your testimony, that most of the sharks—in fact, 98 percent of the sharks—that are finned are done to those who are dead when they get on board. Yet, there was testimony, I believe, that had the opposite conclusion.

Can you tell me definitively what is the ratio here? Are the sharks alive when they brought on board or are they dead when they are brought on board and finned because, if they are dead and finned, that is an entirely different proposition from simply harvesting them, hacking off the fins and throwing them back in the water.

Mr. COOK. The sharks are handled in exactly the same manner as the rest of the catch is handled. The animal is brought on board and is killed very quickly and efficiently, normally by severing its spinal cord. After the animal is dead, the shark fins are removed. Anybody who has ever dealt with a shark, it is perfectly logical that they are killed before the fins are removed.

Mr. ABERCROMBIE. Thank you very much.

Thank you, Mr. Chairman.

Mr. SAXTON. Thank you, Mr. Abercrombie. Right on time. I thank the witnesses for their insight and the members for their questions. The members of the subcommittee may have some additional questions for the witnesses and we will ask you to respond in writing. The hearing record will remain open for thirty days for those responses.

If there is no other business, the Chairman again thanks the members of the subcommittee and our witnesses. The subcommittee stands adjourned.

[Whereupon, at 12:55 p.m., the subcommittee was adjourned.]