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Representative Jared Huffman  
Chair, U.S. House Committee on Natural Resources' Subcommittee on Water, Oceans, and  
Wildlife

Aloha Chair Huffman,

Thank you for allowing me to testify on HR. 4690, Sustaining America's Fisheries for the Future Act of 2021. The proposed amendments in the re-authorization of the Magnuson-Stevens Act are long overdue! Thank you for the courage to reform the Regional Fisheries Councils.

My focus today will be on the Western Pacific Fisheries Management Council (WESPAC) and the need for increased accountability. My experience with this Council goes back for more than 33 years. In 1989, myself and many other small boat (14' to 40') fishermen petitioned the Council to promulgate rules on the massive influx of Longline fishermen relocation to Hawaii. Hawaii small boat fishermen were requesting a cap on the number of these industrial fishers, capable of laying out more than 25 miles of mail line with thousands of hooks. By-catch was a huge problem. Conflicts between Longliners and small boat resulted in shots being fired and gear cut.

Additional regulations requested included, Longline closed areas, Vessel Monitoring for Longliners who would be observed fishing in the closed areas, and Requirements for Log books which led to several successful prosecutions of violations. WESPAC Council members, staff, and the Executive Director lobbied both the State Legislature and Hawaii's Congressional delegation to prevent the requested regulations from being enacted. Were it not for thousands of small boat fishermen attending a multitude of meetings, WESPAC would have succeeded.

Having been made aware of WESPAC and the influence it had on Hawaii's Fishery resources, several small boat fishermen including myself joined the Pelagics, Bottom Fish, Native Hawaiian, and Coral Advisory Panels. For several years we provided advice as fishermen who understood sustainable fisheries because we were taught for generations to practice it. After serving for several years and providing sound advice on limiting permits for bottom fishing in the North-Western Hawaiian Islands (NWHIS) because of declining catch rates and advocating for the use of tuna circle hooks in the longline fishery to reduce mortality on several species of sea turtles, migratory sea birds, and cetaceans such as False Killer Whales, these subcommittees were disbanded in the name of funding reductions. It didn't take a fisheries scientist to conclude what was going on. WESPAC wasn't interested in managing sustainable fisheries. The last straw was the collapse of the lobster fishery in the NWHIS. We dug into WESPAC's mis-management of this fishery and discovered how manipulated science for profit can never be sustainable.

The Lobster fishery started out catching Spiny lobsters, then the Catch Per Unit (CPUE) effort started to decline. The fishermen then targeted slipper lobster, a different species but the species were allowed to be counted together making it appear that CPUE was sustainable. It wasn't long before the CPUE started to decline again. The lobster fishermen then convinced WESPAC that the problem was related to the predators eating the undersized and Berried lobsters (females with eggs) and that they were required to release. Lobster regulations were amended to allow for this change despite testimony in opposition by many Elder Hawaiian fishermen.

The result was predictable crashing a few seasons later and those fishermen just switched fisheries, but the damage was done and more than 25 years later has not recovered.

That was the last straw. Several fishermen who served on the WESPAC dis-banded Advisory Panels organized and partnered with Hula Practitioners, Hawaiian Elders and Environmental groups and others to seek protections from WESPAC for the fish, cetaceans, and corals in the NWHIS by requesting that President Clinton create a monument for protection. At the time President Clinton was considering designation of a monument for the area, WESPAC was actively lobbying then Governor Linda Lingle to oppose the monument by withholding State Waters. Fortunately, President Clinton designated the area the North Western Hawaiian Islands Coral Reef Ecosystem Reserve, setting the Lobster quota at zero. Shortly after that a Federal Permit buyback program purchased the remaining bottom fish permits for the Reserve. The full protection of the area was finalized by President Obama with Presidential Proclamation 8112 signed on August 26, 2016, expanding on previous protections.

WESPAC didn't waste any time in requesting President Trump to issue his own Proclamation allowing fishing in the Papahānaumokuākea National Marine Monument soon after being elected.

Handing our per-diem via cash in envelopes as WESPAC organized group meetings for Native Hawaiians and State elected officials is another questionable practice of WESPAC as it worked to create an Advisory group to advise the State Department of Land and Natural Resources. Although WESPAC never introduced the Bill in the State Legislature they certainly influenced its drafting and introduction of the Bill.

For a much more in-depth current review of WESPAC's lobbying efforts and reporting of an active investigation into possible violations of Federal Ethics Rules, see the following links to Civil Beat Stories covering WESPAC:

November 3, 2021, <https://www.civilbeat.org/2021/11/how-politics-and-lobbying-have-shaped-federal-fisheries-policies-in-the-pacific/>

November 4, 2021, <https://www.civilbeat.org/2021/11/wespacs-aggressive-effort-to-muscle-in-on-state-control-of-fisheries/>

Because of these and many other recurring reasons, these much needed reform measures included in HR. 4690 should be adopted. I would like to highlight proposed sections for its application to WESPAC:

#### Title 1

Sec. 102. Promoting climate resilience in fisheries management. This will enhance protection.

Sec. 103. Incorporating climate science. Especially the suggested training for new council members

Sec. 106. Emerging fisheries. The impacts of new gear on by-catch and protected species.

#### Title II

Sec. 202. Subsistence fishing. In (42A)(A)(iii) Customary trade should not include reimbursement of expenses.

Sec. 205. Community participation in limited access privilege programs. It should be clear that this doesn't apply to programs in State Jurisdictions. Undue influence of WESPAC in State Waters.

#### Title III

Sec. 304. Council procedures and participation. This will increase transparency.

Sec. 305. Council accountability and membership. This is critical to reform WESPAC.

Sec. 306. Amendments to the Western Pacific Sustainable Fisheries Fund. This is critical to reforming WESPAC and bringing accountability on how funds are accounted for.

#### Title IV

Sec. 403. Stock assessments. Reports to congress should also include reduction success of efforts to reduce bycatch.

Sec.404. Cooperative research and management. Scientific transparency will be improved dramatically once this is adopted. WESPAC avoids outside science.

#### Title V

Sec. 503. Reducing bycatch. This is critical to ecosystem management and protected species survival.

Sec. 504. Improving rebuilding outcomes. This is absolutely needed to hold councils accountable.

Sec. 505. Depleted fisheries and preventing overfishing. The holding of SCCs accountable to account for all sources of mortality and including effects of climate change will result in more precautionary recommendations and including a rule of construct regarding overfishing should result in better management by regional fishery councils.

Thank you for the opportunity to address you and the Subcommittee.