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Before the House Natural Resources Subcommittee on Water, Oceans, and Wildlife

On

H.R. 1305: To Implement the Agreement on the Conservation of Albatrosses and Petrels

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Introduction

Thank you for the opportunity to appear before you today.

My name is Edward Melvin. I have worked for the Washington Sea Grant at the University of Washington for 29 years. I am also an Affiliate Professor in the School of Aquatic and Fishery Sciences at the University of Washington. Prior to that I worked for California Sea Grant as a Marine Advisor in the Monterey Bay area of California for a decade. Today I testify to this Subcommittee as an international expert in albatross and petrel conservation. My testimony is my own, not as a representative of any organization, including Washington Sea Grant or the University of Washington. My testimony is in support of HR 1305: To implement the Agreement on the Conservation of Albatrosses and Petrels.

Credentials and Research Efforts

My academic credentials include a BA degree at the University of Pennsylvania and a Master of Science degree in Fisheries at Humboldt State University. I maintain a program of collaborative research blended with directed outreach education to help solve seabird conservation problems primarily in North Pacific commercial fishing fleets.

For the past 25 years, I have focused on developing methods to reduce the incidental mortality of seabirds in gillnet, demersal and pelagic longline, and trawl fisheries, locally, regionally and internationally. I have served on the Seabird Bycatch Working Group of the Agreement for the Conservation of Albatrosses and Petrels (ACAP) since its inception in 2007 and have authored numerous working papers to advise the Agreement on best practices to prevent the mortality of seabirds in fishing operations. Prior to that I served on the Incidental Mortality Arising from Fishing Ad Hoc working group of the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), which successfully pioneered the

development of best practice mitigation of seabirds in bottom-longline fisheries resulting in the near elimination of seabird mortality in Convention fisheries.

I also serve as a member of the US Endangered Species Act Short-tailed Albatross Recovery Team, which is an international team with members from the US, Japan and Canada, and have served as a judge of the World Wildlife Fund's SmartGear Competitions. I have been recognized with awards for my work in seabird conservation in fisheries from the National Oceanic and Atmospheric Administration with the Stewardship and Sustainability Award for Science, Research and Technology; from the US Fish and Wildlife Service with the 2015 Presidential Migratory Bird Federal Stewardship Award; from the Pacific Seabird Group with their Special Achievement Award; and from the University of Washington, College of Ocean and Fishery Sciences with their Distinguished Research Award.

I was honored to lead collaborative research with Alaskan longline fleets. This work resulted in reducing albatross bycatch rates by 89% and other seabirds by 78% in Alaskan longline fisheries due to the adoption of streamer lines at first on a voluntary basis by the fleet in 2002, and then by regulation in 2004. More recently I led a multi-year research program with the Japanese tuna industry based in South African waters that led to establishing best practice seabird bycatch mitigation measures, which were adopted by ACAP and incorporated into the conservation measures of most tuna Regional Fishery Management Organizations. In addition, I led a collaborative research program to develop seabird bycatch avoidance options for the west coast longline fleet, which are guiding the fleet implementation of seabird bycatch prevention measures. I have also led collaborative research to develop seabird conservation measures for catcher-processor trawl vessels targeting pollock in the Bering Sea and for gillnet vessels targeting sockeye salmon in Puget Sound, Washington.

Albatrosses and Petrels: The Vulnerable Ocean Wanderers

With the exception of people who spend a considerable amount of time at sea or who work on seabird colonies, most US citizens are unlikely to see an albatross or a petrel in their lifetimes. This is because albatrosses and petrels are true mariners, spending most of their lives at sea – coming to land only to breed. Albatrosses have a life history that makes their populations especially vulnerable to adult mortality. They are long-lived – more than 60 years; they successfully reproduce from 4 to 13 years of age; they produce one egg every year or every other year, and they do not replace an egg if it's lost in a breeding season. They mate for life, so if one bird in a pair dies it can take several years for the survivor to find a mate and resume breeding. Adult mortality as low as two to three percent can trigger population decline and limit population recovery.

Albatrosses travel throughout the world's oceans in the mid to high latitudes, some circumnavigating the globe before they breed or between breeding events. In some

cases albatrosses travel thousands of miles in a single foraging trip to provision chicks on breeding colonies. Chicks are completely dependent on their parents for food for four to five months after which chicks are abandoned by the parents, fledge and begin long migrations as they learn to feed themselves. Both albatrosses and petrels evolved to breed on isolated islands free of predators and with suitable habitats and wind patterns that favor riding the winds to travel long distances with minimal effort. Because they wander extensively over the world's oceans, they occupy the national waters of many countries and the international waters of the high seas where they interact with a host of fisheries.

Anthropogenic Threats to Albatrosses and Petrels

Albatrosses and petrels face threats at sea and on their colonies and more generally from climate change. The most significant threat facing albatrosses and petrels is mortality from interactions with fishing gear, especially in longline and trawl fishing operations. Estimates of seabirds killed in longline fisheries alone number in the hundreds of thousands. In longline fisheries these birds are attracted to vessels to forage on fishing waste and can become hooked as they attempt to forage on baited hooks that are sinking away from the surface to fishing depth. In trawl fisheries, seabirds are attracted to the discharge of waste from vessels that catch and process fish, and can collide with the cables that tow or monitor fishing nets, becoming entangled or fatally injured. Best practices to prevent fisheries mortalities are well established; however, few fleets have adopted these practices, and where they are required, fisheries are poorly monitored and conservation measures are rarely enforced.

On land, many albatross and petrel species are threatened at their breeding sites by introduced predators (rats, mice, cats, pigs, goats, cattle, dogs; etc.) and plants, diseases, plastics ingestion, habitat loss or human disturbance. Climate change is leading to sea level rise and increased severe storm events that can inundate low-lying breeding colonies, like those in the Hawaiian Islands, killing both adults and chicks and eliminating breeding islands. There is increasing evidence that changing weather patterns from climate change can make prey more difficult to find for these birds and can change the wind patterns they rely on to access important feeding areas.

Fifteen of the 22 species of albatrosses are threatened with extinction as categorized by The International Union for Conservation of Nature (IUCN).

The Agreement for the Conservation of Albatrosses and Petrels

Given the vulnerability of albatrosses and petrels due to their biology and their distribution across a wide range of national and international ocean jurisdictions, coordinated international effort is essential to assure that albatross and petrel populations are protected from the many threats they confront. The Agreement on the Conservation of Albatrosses and Petrels is a multilateral agreement that seeks to

achieve a favorable conservation status for these unique birds, primarily by coordinating and undertaking international activity to mitigate known threats to their populations.

Development of the Agreement commenced in 1999. ACAP entered into force on 1 February 2004. Currently, there are 13 Parties to the Agreement: Argentina, Australia, Brazil, Chile, Ecuador, France, New Zealand, Norway, Peru, South Africa, Spain, the United Kingdom and Uruguay. The most recent nation to join the Agreement was Uruguay in 2009. ACAP is supported by a Secretariat located in Hobart (Tasmania, Australia). Three working groups (Population and Conservation Status, Seabird Bycatch, and Taxonomy) support an Advisory Committee. Sessions of the Meeting of Parties (MoP) are held at three-year intervals, while the Advisory Committee and its working groups meet in each of the two intervening years. The US has consistently participated as an observer in the Working Groups, the Advisory Committee and the MoP. I serve as an expert to the Seabird Bycatch Working Group. The main role of this working group is to review the results of research designed to reduce the incidental mortality (bycatch) of albatrosses and petrels and develop best practice advice to prevent their mortality in specific fishery gear types. ACAP Parties and the Secretariat encourage the adoption of its best practice advice in world fisheries overlapping the range of albatrosses and petrels.

Although ACAP's initial focus was to protect Southern Hemisphere albatrosses and petrels, starting in 2009 the Parties agreed to include the North Pacific albatrosses, a Mediterranean petrel and a South Atlantic shearwater. There are 31 species now protected under ACAP (see Appendix 1). ACAP listed species include three that are critically endangered, eight endangered, ten vulnerable, seven near threatened and three species of least concern as categorized by the IUCN.

Albatrosses and Petrels of the United States

The three North Pacific albatrosses (Black-footed, Laysan and Short-tailed Albatrosses) are listed as ACAP species and breed on colonies in the Hawaiian Islands in the US as well as on islands off Japan, and forage in US waters. These albatross range across the North Pacific Ocean north of 20 degrees North latitude interacting with fisheries from a host of nations. The Short-tailed Albatross, once thought extinct due to harvest on their breeding colonies, is listed as endangered under the Endangered Species Act (ESA). Black-footed and Laysan Albatrosses are classified as species of conservation concern by the US Fish and Wildlife Service. The Short-tailed Albatross is the focal point of seabird bycatch avoidance requirements in US longline fisheries operating in the Pacific Ocean; each fishery has specific incidental take limits under ESA. The second largest breeding colony of Short-tailed Albatross is the Senkaku or Diaoyutai Islands, but has not been monitored since 2002 because the islands are a disputed territory by Japan, Chinese Taipei, and the Republic of China. The Pink-footed Shearwater was listed as an ACAP species in 2015. Pink-footed Shearwaters forage in US waters off the west coast following breeding on islands off Chile.

The US is a world leader in developing and applying conservation measures to protect albatrosses and petrels in our North Pacific fisheries and our fisheries are among the largest and best monitored globally. In Alaska longline fisheries alone, I estimate that over 170,000 fewer birds were killed, including over 11,000 albatrosses, in the 17 years following the voluntary adoption of streamer lines (a seabird avoidance technology) by the fleet in 2002 based on collaborative research with the industry. This solution was required in the fishery two years after voluntary adoption. However, US fisheries are not working on a level playing field with regard to other fleets. Most if not all non-US fishing fleets fishing the North Pacific do not employ conservation measures to protect albatrosses and petrels and fishery monitoring is poor to non-existent. Fishermen I know and work with often note that this lack of parity in requirements for seabird protection and enforcement is unfair putting them at a competitive disadvantage and imperiling successful conservation.

Why the US should Implement the Agreement on the Conservation of Albatrosses and Petrels

The following are the reasons I encourage this subcommittee to support HR 1305, and to facilitate its passage in the House and the Senate.

This bill would allow the US to formally join the international effort to maintain a favorable conservation status for albatrosses and petrels by joining the Agreement on the Conservation of Albatrosses and Petrels.

As the 14th nation to join the Agreement, the US would have a formal vehicle to use its formidable leadership position to extend the science based conservation measures already in place in US fisheries to the fisheries of other nations and to international tuna commissions that have jurisdiction over any part of the range of albatrosses and petrels that breed or forage in the US. As noted earlier, the US already participates in the ACAP process, but joining the Agreement would give the US a seat at the table for decision-making, research, and policy development and would allow US representatives and experts to hold positions of leadership in ACAP working groups, the Advisory Committee and the MoP. Being a party to the Agreement would allow us to more efficiently share our skills and experience to the benefit of these species and to the functioning of the Agreement itself.

No government bordering the North Pacific Ocean is Party to the Agreement at this time preventing the critical mass necessary to protect albatrosses and petrels worldwide. The US would thus be the first North Pacific nation to join the Agreement and could lead by example to encourage other North Pacific range states and governments to join the Agreement and the essential international effort to protect these vulnerable species. Canada, Japan, Chinese Taipei, The Peoples Republic of China, Russia, and South Korea all have large longline fleets that operate in the waters overlapping the foraging range of North Pacific Albatrosses. In most of

these countries seabird conservation measures are lacking and/or not enforced nor are fishing operations monitored at sufficient levels to quantify the extent of seabird bycatch. Once the North Pacific albatrosses leave US waters, they have little to no protection from fishery mortality. We already collaborate with Japan (and Canada) on the recovery and protection of Short-tailed albatross through the ESA Recovery Team. Personally, I have worked closely with the Japanese tuna industry and the Japanese fishery management agencies on developing best practices to avoid seabird bycatch for their longline fisheries. I also have collaborated extensively with scientists in Chinese Taipei, Canada and Russia on seabird bycatch mitigation for their fisheries. My experiences and instincts tell me that these countries could follow the US into ACAP if the US were to lead. US status and leadership could also influence governments beyond the North Pacific to join the effort to protect these vulnerable species by joining the Agreement.

In addition, it is also likely that joining the Agreement would trigger further prioritization of seabird conservation work in our federal agencies. NOAA Fisheries could augment and institutionalize its capacity to lead mitigation research and fishermen training, and facilitate the participation of its scientists and managers in the ACAP process. The US, already a powerful voice in international fishing bodies (Regional Fishery Management Organizations), would be better positioned to advocate for worldwide adoption of fishery conservation measures based on the US experience and ACAP best practice advice. Further, joining the Agreement is likely to broaden the focus of conservation efforts in US fisheries from the endangered Short-tailed albatross to all North Pacific albatrosses and possibly the Pink-footed shearwater. As it is, protection for other seabirds, including Laysan and Black-footed albatrosses, is incidental to ESA based protections for Short-tailed Albatross. With regard to land threats, joining the Agreement is likely to elevate prioritization of the North Pacific albatrosses within the US Fish and Wildlife Service. This would result in provision of more consistent and reliable resources to monitor and assess albatross populations breeding on the Hawaiian Archipelago, better conservation plans to maintain habitat and eradicate predators on breeding colonies, and more reliable participation in the Agreement process.

Summary

Albatrosses and petrels are low-productivity, vulnerable species that span the world's oceans where they interact with a multitude of fisheries regulated by a host of governmental jurisdictions. Given that fishery mortality is the primary threat to these birds, only a coordinated international effort, as afforded by the Agreement on the Conservation of Albatrosses and Petrels, can ensure these birds survive. I encourage you to support HR 1305, which will allow the US to become a party to the Agreement and bring our considerable status and experience to this international effort to protect these amazing animals.

Thank you for the opportunity to testify in support of this important piece of legislation. I would be happy to answer any questions that you may have.

Albatross and Petrel Species to which the ACAP Agreement applies

The ACAP Species Assessments contain the most recent scientific information regarding albatross and petrel species listed under the Agreement. These assessments provide data on each species' population status and trends, their distribution, the threats they face both at breeding sites and at sea, as well as the conservation measures that are in place to protect them.

	Albatrosses	**Scientific name**	**Year added to Annex 1**
1	Northern Royal Albatross	*Diomedea sanfordi*	2004
2	Southern Royal Albatross	*Diomedea epomophora*	2004
3	Wandering Albatross	*Diomedea exulans*	2004
4	Antipodean Albatross	*Diomedea antipodensis*	2004
5	Amsterdam Albatross	*Diomedea amsterdamensis*	2004
6	Tristan Albatross	*Diomedea dabbenena*	2004
7	Sooty Albatross	*Phoebetria fusca*	2004
8	Light-mantled Albatross	*Phoebetria palpebrata*	2004
9	Waved Albatross	*Phoebastria irrorata*	2004
10	Black-footed Albatross	*Phoebastria nigripes*	2009
11	Laysan Albatross	*Phoebastria immutabilis*	2009
12	Short-tailed Albatross	*Phoebastria albatrus*	2009
13	Atlantic Yellow-nosed Albatross	*Thalassarche chlororhynchos*	2004
14	Indian Yellow-nosed Albatross	*Thalassarche carteri*	2004
15	Grey-headed Albatross	*Thalassarche chrysostoma*	2004
16	Black-browed Albatross	*Thalassarche melanophris*	2004
17	Campbell Albatross	*Thalassarche impavida*	2004
18	Buller's Albatross	*Thalassarche bulleri*	2004
19	Shy Albatross	*Thalassarche cauta*	2004
20	White-capped Albatross	*Thalassarche steadi*	2004
21	Chatham Albatross	*Thalassarche eremita*	2004
22	Salvin's Albatross	*Thalassarche salvini*	2004

	Petrels	**Scientific name**	
1	Southern Giant Petrel	*Macronectes giganteus*	2004
2	Northern Giant Petrel	*Macronectes halli*	2004
3	White-chinned Petrel	*Procellaria aequinoctialis*	2004
4	Spectacled Petrel	*Procellaria conspicillata*	2004
5	Black Petrel	*Procellaria parkinsoni*	2004
6	Westland Petrel	*Procellaria westlandica*	2004
7	Grey Petrel	*Procellaria cinerea*	2004
8	Pink-footed Shearwater	*Ardenna creatopus, syn. Puffinus creatopus*	2015
9	Balearic Shearwater	*Puffinus mauretanicus*	2012

Updated: 8 September 2015