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Written Testimony of:

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Committee on Resources

Subcommittee on Water, Wildlife and Fisheries

On H.R. 4051 "SHARKED ACT"

Good Afternoon Chairman and members of the Natural Resource Sub-committee:

Hello, I'm Dewey Hemilright from North Carolina. I appreciate this opportunity to provide written testimony concerning HR 4051. I've been both actively involved around the table in the fisheries management process and a Commercial fisherman for over 30 Years.

This included serving actively since 1995 on the Shark operation team which later became part of the Highly Migratory Species Advisory Panel (HMS AP). In 2011, I was appointed to serve on the Mid-Atlantic Fishery Management Council [MAFMC] for North Carolina until August 10, 2023 when I reached my term limit. During that time, I've been an active Liaison to the HMS AP, the South Atlantic Fishery Management Council (SAFMC), and was appointed to the U.S ICCAT Advisory Committee (IAC) along with serving on the US ICCAT delegation since 2019.

I have lived, worked and been actively involved in real time shark fisheries management and also the lack thereof. This has allowed me to be among the most experienced and qualified to testify on this bill H.R.4051 [Shark Act]

Prior to 1993, you could shark fish 365 days a year and there was no trip limit. This wasn't sustainable, and so NMFS implemented a Shark Fishery Management Plan (FMP) that set a quota of about 2500 metric tons and a 4000 pound trip limit. That changed the landscape for the better. Then, regrettably, NMFS cut the quota in half to 1250 metric tons around 1996, and what that did was shorten the season to directly harvest Large Coastal Sharks (LCS) with two seasons Jan-June then July-Dec until the quota was caught during each period. A number of fishermen quit shark fishing, and also during this time there were States with hundreds of thousands of pounds of unclassified shark landings, which wasn't good.

NMFS failed to manage the LCS throughout their range even though they had the authority and mandate to do so. The NMFS stock assessments were determined to be data poor and so basically they would assume or supplement numbers into stock assessments as 'best available science'.

With being a Commercial fisherman harvesting LCS from Dec 7, 1994 to the fall of 2006 traveling from Mayport, FL to Montauk, NY throughout the year and with a seasonal quota and with 4,000 pound trip limits of carcass weight harvest of LCSs.

After the Sandbar shark species stock assessment, which I focused on catching, was deemed overfished and overfishing occurring, NMFS stopped the directed harvest of Sandbar sharks. And then a limited number of vessels applied to enter into the Shark Research Fishery around 2008 and it basically gave a few qualified vessels about 200,000 pounds per year divided among less than 10 participants from Maine to Texas. Yet the last 5-6 years of quota has gone unharvested.

Over the last 10 years, federally permitted active commercial shark fishermen have decreased dramatically along with fishermen in other fisheries that interact with sharks. One only has to look at the NMFS quota monitoring website to see the directed shark fishery hasn't been landing its sustainable quota over the last 5 years. The only bright spot is Louisiana state water fisheries which continue to harvest a majority of the Gulf of Mexico quota, and the reason is that they allow fishermen to stack numerous shark, state permitted fishermen on one vessel [example one vessel could have 4 limits if that number of permitted fishermen were aboard].

NMFS management has not been flexible at all with its trip limit where there is plenty of quota available. Instead they chose to keep the trip limit the same, not increasing it when possible, which would have helped with the harvest and the few fishermen that are left to make money.

I can't remember the exact date, maybe it was in 2008, but another regulation was implemented which required shark fins to be naturally attached to the shark carcass when landed at the dock, which meant you had to double process your shark carcass, not under the best conditions at the dock and it was more time consuming. As a result, a few more fishermen have dropped out after that which further decreased effort in the fishery.

The final nail in the coffin for the majority of the sustainable directed shark fishing industry was the recent, ill-fated domestic shark fin ban bill. This killed any chance of any of the available sustainable harvest of LCS or Small Coastal Sharks (SCS). There are now simply no fishermen left to work.

Everything that the States, NMFS, and Congress have done to date has succeeded in destroying the domestic shark industry along with the fishermen that lost their livelihood. So, for the purpose of this hearing and the issues of depredation along with scavenging (which is a shark eating a released fish), these problems are going to continue and actually get worse simply because the management worked and now there are a lot more sharks everywhere.

Given the millions of active recreational fishermen, both depredation and scavenging will continually get worse and could likely cause scientific uncertainty buffers to be placed in the Annual Catch Limit (ACL) available from domestic stock assessments. And further unknown factors if the Science and Statistical Committee {SSC} chooses.

Now here's how to fix it, but the effects won't be immediate - it would take some time given the loss of fishermen, infrastructure and markets. Congress should immediately introduce a bill called "The continued sustainable harvest of LCS and SCS species along with the regulation that fins are naturally attached and allow sale of all body parts ACT of 2023". If you can't possess de-attached shark fins fishermen should be allowed to discard them at sea with the entrails of the shark harvested. This would send a very strong message to the rest of the world of the USA's commitment to the sustainable harvest of sharks.

But most of all this would send a strong signal to American fishermen that Congress wants a US sustainable directed shark industry, because we have the best sustainable managed shark fishery even with its faults that could be worked on and be resolved in the near future.

Such an Act should also include a BAN of any seafood imports that don't meet or exceed the U.S. regulations or gear used - that don't meet or exceed the sustainable conservation standards by which USA fisherman have to both harvest and report under. Such an Act would level the playing field for the AMERICAN fishermen and AMERICAN consumers. As well as send a message to the rest of the world that the US will not allow its marketplace to be open to unsustainable fisheries practices.

If such major action does not happen immediately, two very important U.S. fisheries that harvest sharks will be seriously damaged, if not lost altogether, while the shrimp trawl fishery will suffer major losses due to sharks tearing holes in their gear.

So what is it going to be?

I appreciate Rep. Whitman's invitation to submit my 35 years of reality through my comments to this important issue and at the same time offer help in resolving it.

Thank You,
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