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THE BILLFISH CONSERVATION ACT

Bill Targets Commercial Trade

Federal lawmakers are pushing legislation that would take some of the ocean's most majestic fish out of seafood markets and off restaurant menus throughout the United States.

On July 21st, Rep. John Shadegg (R-AZ) introduced HR 5804, The Billfish Conservation Act of 2010, which would prohibit the commercial harvest, sale and importation of all marlin, sailfish and spearfish, no matter where they are caught, to give them added protection from overfishing.

"Billfish are important recreational resources that have been overfished," says Rep. Shadegg. "The Billfish Conservation Act is a first step in revitalizing these species and their surrounding ecosystems."

Joining him as co-sponsors are Debbie Wasserman-Schultz (D-FL), Mario Diaz-Balart (R-FL), Ileana Ros-Lehtinen (R-FL) and Anh "Joseph" Cao (R-LA). A companion bill, S 3812, was introduced in the Senate on September 21st by Senators David Vitter (R-LA) and John McCain (R-AZ).

"I'm glad that there's now a bicameral effort to protect these wonderful gamefish," said Senator Vitter. "Billfish are relatively long-lived, top-level predators that help keep marine ecosystems in balance and by providing them with this sort of protection, we ensure a brighter recreational future for the next generation of game fishermen."

Marlin and other billfish are among the biggest and fastest fish in the sea. But they are also among the most threatened. Commercial overfishing has reduced their

populations to only a fraction of healthy levels in both the Atlantic and Pacific.

*The Billfish
Conservation Act would
save tens of thousands of
billfish every year*

"Taking marlin and other billfish out of the commercial market in the U.S., which this bill will do, is a necessary step toward giving these magnificent fish the protection they deserve," says National Coalition for Marine Conservation (NCMC) president Ken Hinman.

The NCMC and the International Game Fish Association co-founded the *Take Marlin Off the Menu* campaign in 2008 to make consumers aware of the threat to billfish and to recruit restaurants and retailers to a "marlin-free" pledge. This year, we worked to find Congressional sponsors for The Billfish Conservation Act to curb the burgeoning commercial market in the U.S. According to international trade data, the U.S. is the world's number one importer of billfish. We import nearly 3 million pounds of marlin every year, for sale in our restaurants and grocery stores. That translates into 20,000 or more billfish – mostly Pacific marlin – killed by foreign fleets for U.S. markets annually.

Domestic fisheries are just as big a part of the problem. Although the U.S. banned the sale of Atlantic billfish 20 years ago, and striped marlin have been off limits to west

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SOME THINGS ARE NOT FOR SALE

Many Americans of a certain age were introduced to the blue marlin by Ernest Hemingway. His 1952 novella, *The Old Man and the Sea*, chronicles an epic battle between Santiago and a monster fish longer than the Cuban fisherman's boat.

Hemingway hunted marlin himself out of Havana, with men who are as legendary in the angling world as he is in the literary one. One frequent companion, Michael Lerner, founded the International Game Fish Association in 1939. The IGFA lists the all-tackle record for blue marlin at just over 1,400 lbs. It's a fish unparalleled in terms of size and beauty, hard to find and even harder to catch.

The U.S. Congress is now considering legislation to protect blue marlin and its brother billfish - black, white and striped marlin, sailfish and spearfish. This landmark bill for the billfish would remove them from the commercial market everywhere in the United States. (see The Billfish Conservation Act, p. 1).

Throughout history, animals once offered for sale are no longer. Societies determine that certain species should be protected from the demands of commerce. The reasons may be social, economic, ecological or all three. It doesn't happen overnight; it's a natural progression that takes many decades, even centuries. Today, we've reached that point in history with billfish.

FRIENDS OF THE FISH

Billfish are sport fishing icons, but more. Angler/author Edward Hewitt long ago described the evolution of the master angler in three stages. First, to catch as many fish as possible, then to catch the biggest fish, then the most difficult. We've since added a fourth stage - to not "catch" the fish at all, but release it alive.

For marlin, you might say it started with Jack Cleveland. In 1958, fishing off Cape Hatteras, the late NCMC board member caught a blue marlin he guessed weighed somewhere between 300 and 400 pounds. When he shocked everyone by letting it go, it was the talk of the docks up and down the coast, the first known voluntary release of a big blue. For Jack, it was just the latest on his catch-and-release life list, joining recent additions white marlin and sailfish.

Fifty years later, it's the angler who brings a billfish to the dock that raises eyebrows and starts people talking. The recreational fishery in the U.S. is nearly all live-release. Sport landings total about 1% of commercial landings and imports. But whereas billfish barely show up on the commercial ledgers, the recreational fishery is worth billions to the economy. That, from a fishery that leaves a negligible saltwater footprint.

But the real value of a thriving catch-and-release fishery is not measured in dollars. Its greatest contribution may be to the fish themselves. With so many anglers devoted to billfish and their future together, there is a standing army ready to protect them from overfishing, preserve their habitat and maintain a healthy supply of prey. In other words, to make sure there will always be plenty of billfish in the sea.

-Ken Hinman, President

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

The NCMC is a 501(c)(3) non-profit organization dedicated to the following goals:

- ◆ preventing overfishing and restoring depleted fish populations to healthy levels
- ◆ promoting sustainable use policies that balance commercial, recreational and ecological values
- ◆ modifying or eliminating wasteful fishing practices
- ◆ improving our understanding of fish and their role in the marine environment
- ◆ preserving coastal habitat and water quality.

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MORE MENHADEN

ASMFC Moves to Increase Abundance

The National Coalition for Marine Conservation's persistent efforts to protect the ecological role of Atlantic menhaden continue to pay off. There's been a notable shift in the conversation about menhaden this year at the Atlantic States Marine Fisheries Commission (ASMFC), including a potentially dam-breaking decision to begin managing menhaden more conservatively, which will benefit striped bass and many other predators all along the east coast.

In May, the ASMFC agreed to consider new population targets and fishing limits that will achieve a higher abundance of menhaden while accounting for its role as food for predators. Then in August, the commission initiated changes to its coast-wide management plan that, if adopted, could rebuild a population that has declined by more than 80% since the early 1980s.

The August motion is "to consider a range of percent MSP reference points including the current level, 15%, 25% and 40% MSP." In plain English, this means choosing a new target for increasing the size of the spawning stock, adult menhaden age 3 and older. MSP is the maximum spawning potential, or the productivity associated with an unfished population. The current reference point used to gauge menhaden abundance has allowed the stock's productivity to shrink to less than 10%MSP. Overfishing has reduced the number of spawners, now mostly younger, less productive fish. And fishing pressure is so high on spawners that most get one chance to spawn, if that.

HIGHER ABUNDANCE NEEDED FOR FORAGE FISH

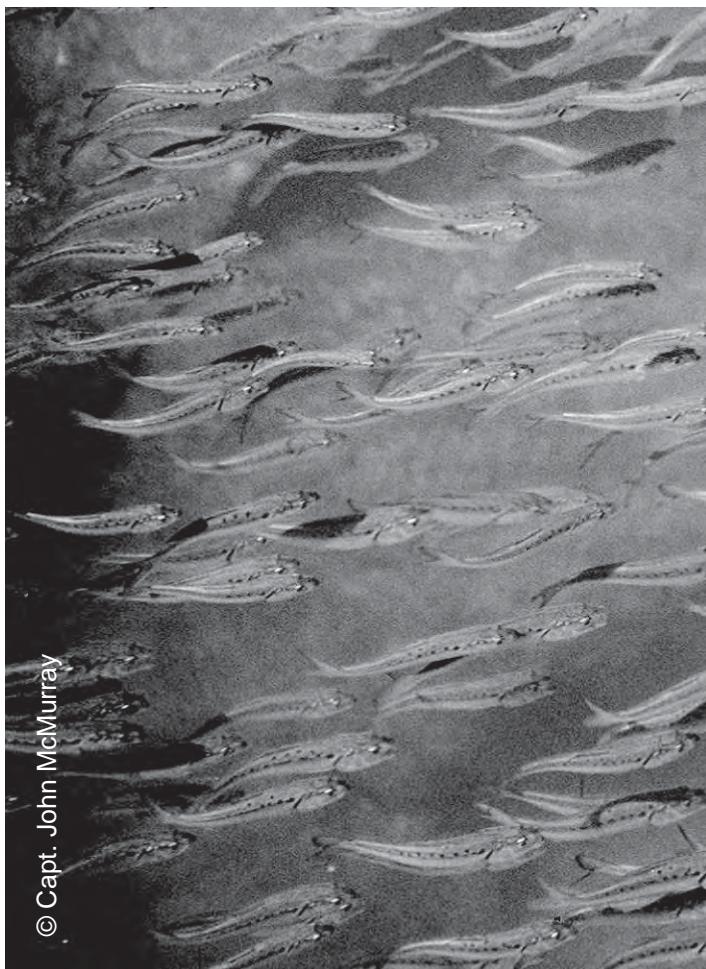
The most conservative option proposed in August, to increase productivity to 40%MSP, is commonly used by federal fishery managers as a proxy for the population needed to produce the maximum sustainable yield (MSY). It's the target for managing fish in a single-species context, which makes it the lower limit for a species as critical to the ecosystem as menhaden. During the discussions at the ASMFC meeting, NCMC president Ken Hinman requested the inclusion of options higher than 40%, in line with emerging standards for other forage fish.

In May, the menhaden management board recommended that "levels of (spawning stock abundance) should be placed in context with those that are currently employed for other stocks of clupeids [e.g., menhaden, herring, sardine] and pelagic forage fishes." In addition, the board asked its technical advisors to refer to the NCMC's 2009 paper on "Ecological Reference Points for Atlantic Menhaden". In that paper, we cite a number of sources that recommend maintaining forage fish abundance at higher levels – sometimes substantially higher - than those typically used for other species: the National Marine Fisheries Service's National Standard 1 Guidelines for federal fisheries (February

2009); the international convention for conserving Antarctic krill; the Canadian Department of Fisheries & Oceans' Policy on Fisheries for Forage Species; and numerous peer-reviewed scientific papers.

And this summer, the Marine Stewardship Council, the most prestigious labeler of "sustainable" fisheries, announced proposed changes to its assessment criteria for forage fish. An MSC working group, established to consider demands from NCMC and its allies that the council needs a higher standard for certifying forage fish, determined that "(i)n certain situations...a precautionary target stock level, which minimizes ecosystem impacts, should be as high as 75 per cent of virgin biomass and, for some species, possibly even higher."

A decision on the range of options to be included in the new AddendumV to the Interstate Fishery Management Plan for Atlantic Menhaden could be made at the ASMFC's annual meeting in November. It would then go out for public comment, including hearings up and down the coast, in early 2011. When available, information about the proposed changes to the menhaden plan and how and when to comment will be posted on our web site at www.savethefish.org. □



© Capt. John McMurray

The Billfish Conservation Act of 2010 would close the United States to the commercial harvest, sale and importation of Pacific, as well as Atlantic, billfish and help ensure that we have healthier stocks for generations to come.

It reads in part:

"No person shall offer for sale, sell, import, or export billfish or products containing billfish."

"By overfishing billfish and other top predators, we risk damaging the ocean food web in ways we may not be able to repair. Taking marlin and other billfish out of the commercial market in the U.S., which this legislation will do, is a necessary step toward giving these magnificent fish the protection they deserve."

- Ken Hinman, president,
National Coalition for Marine Conservation

"Billfish are simply not good candidates for sustained commercial harvesting. More billfish left in the water translates to healthier oceans and greater economic benefit to all of those who depend on our ocean resources."

- Rob Kramer, president,
International Game Fish Association



THE FACTS

The Billfish Conservation Act of 2010 (House Bill: H.R. 5804 & Senate Bill: S. 3812)

What will The Billfish Conservation Act of 2010 do?

- H.R. 5804 and S. 3812 will ban importation and commercial sale of billfish in the United States.

What are billfish?

- Billfish are members of the Istiophoridae family and include marlin, sailfish and spearfish. (*Swordfish are not technically billfish and are not included in this legislation.*)
- Billfish are relatively long-lived, top-level predators that help keep marine ecosystems in balance. Even at un-fished levels, billfish are not as common as other species of commercially harvested fish.
- Billfish are highly migratory species and are found in the waters of the Atlantic, Pacific and Indian Oceans.

Why is it necessary to ban the importation and sale of billfish in the United States?

- Overall, billfish populations are in serious decline or there is insufficient data for sustainable management.
- Billfish are generally caught as bycatch in tuna and swordfish longline fisheries, and a lucrative market for billfish encourages this bycatch to continue.
- **The United States is the world's number one importer of billfish, with over 1,335 metric tons (~ 3 million pounds) reported in 2006.**
- It is already illegal to import and/or sell Atlantic billfish in the United States; however, the legal importation of Pacific billfish facilitates an illegal market for Atlantic-caught fish. Billfish imported into the U.S. are required to have a Certificate of Eligibility attesting that they were legally caught in the Pacific, yet this requirement is not pursuant to mandatory reporting to any U.S. agency.

Will there be significant impacts to the United States fishing industry?

- The combined economic impact of billfish harvest and importation in the U.S. represents only .07% of the \$32 billion annual economic impact of the entire US commercial fishing industry. Banning billfish will have little negative effect on jobs, the U.S. commercial fishing industry or the supply of sustainable seafood.

What can you do?

Take action today to make sure that no billfish will end up in grocery store shelves or on restaurant menus again. Visit takemarlinoffthemenu.org/Billfish_Conversation_Act to send a letter to your Congressmen telling them to "Take Marlin off the Menu."

Marlin Off the Menu

HAWAII TROLLERS: CAUGHT IN THE CROSSFIRE

By C.J. "Jody" Bright, Jr.

don't know whether to save them, or just let them fizzle away", he said, shaking his head.

I did not shake my head, but I admit, I did scratch it. I was talking with the NOAA Assistant Regional Administrator for Sustainable Fisheries. The topic – Hawaii's charter fishing industry.

"Well, before you go to any trouble," I said, "perhaps you should know that the Hawaii Marlin Tournament Series has posted growth numbers every year for the past 10 years. In the recession years, tournaments realized increases in purse and participation. We are also the only big game tournament and charter destination to have our own national TV show....and that show is the only Hawaii sports show to air on a national cable network. So, I don't think we need saving quite yet."

The bottom line – the folks who work with the Western Pacific Regional Fishery Management Council have very little idea of who and what the Hawaii charter and recreational fishery actually *is*. They have started a program to reach out to them, but initially they appear to dismiss the charter "business", or try to align them with the longliners to fend off a perceived common enemy – the mainland conservation groups.

Over on the mainland, misunderstanding who and what the Hawaii charter and recreational fishery actually *is* remains the rule and not the exception. Indeed, some mainlanders even lump Hawaii trollers in with the likes of longliners.

The fact is that Hawaii trollers lead the nation on many conservation fronts. The Kona fleet, in particular, tags and releases more marlin in a year than any other US location. The Kona tournaments release an average of 90% of the marlin caught, better or on par with Cabo, the Gulf Coast and East Coast tournaments. Kona charter skippers have put out more Pop-Up Satellite Archival Tags (PSATs) on blue marlin than any other group, and they have a history

of supporting blue marlin research that goes back more than 20 years. Kona skippers and crews have helped researchers catch and tag bluefin tuna in the Gulf, and marlin in Kona, Tahiti, the Marshall Islands and on the Great Barrier Reef.

On a day-in, day-out basis, the Kona fleet tags about 65% of all the marlin caught in a year. Fifteen years ago, that percentage was about 1%. This is progress, but many outside folks think that this should be 100%.

On the mainland, a family might go catch a few limits of trout or snapper...food for the fish fry at home with neighbors. If fishing is good, they will stay and catch more, releasing those over the limit.

In Hawaii, a family might go to catch a marlin for a family party. There are often 300+ relatives at one party. If fishing is good, the Hawaiian family might catch a couple more marlin for fun, and let go what they don't need. On the way home, they catch a couple ono (wahoo). One gets dropped at the restaurant in exchange for boat gas. If they did not do this, they might not have been able to afford to go fishing at all.

In one form or fashion, this trading of fish has been going on in Hawaii for centuries. It is a way of life, not a lifestyle. Locals here cannot understand why other folks who fish would lump them with longliners who "harvest" 20,000 billfish a year.

There is much good work being done in Hawaii with marlin tag-and-release, marlin research and the expansion of conservation and management. Hawaii school kids are being taught the same lessons on sustainability as mainland kids.

Those for and against The Billfish Conservation Act are making overtures to the folks caught in the crossfire. By championing the good work that is being done – more will be done. On the ground here in Hawaii, it pretty much boils down to that. □

THE BILLFISH CONSERVATION ACT (*Continued from page 1*)

coast markets even longer, 20,807 billfish were landed in 2009 by the Hawaii-based longline fleet: 4,241 blue marlin; 8,722 shortbill spearfish; and 7,844 striped marlin, mostly juvenile fish. Charter fishing boats in Hawaii are allowed to sell their catch, but not all captains do, and most marlin today are tagged and released alive. (See story above)

The legislation will have a negligible economic impact on the commercial industry in the U.S. and could even generate new economic benefits. Billfish are not a target species – in Hawaii, they account for less than 6% of the total longline catch – and modifications in fishing can reduce billfish bycatch without reducing the target catch of tuna and other marketable species. Increasing billfish abundance will enhance the value of the recreational fishery, which brings in billions of dollars but has an insignificant impact on the resource because it is virtually all catch-and-release.

Besides the NCMC and IGFA, the Billfish Conservation Act is supported by the Center for Coastal Conservation, the Coastal Conservation Association, the American Sportfishing Association, the Marine Fish Conservation Network, The Billfish Foundation and *Marlin* magazine. □

NCMC WELCOMES C. J. "JODY" BRIGHT JR. TO BOARD OF DIRECTORS



Wildlife conservation and management is ingrained as part of the way of life for many families in Texas.

During the 1970s, Jody Bright grew up in a circle of families

responsible for the founding of the Coastal Conservation Association, as well as many Gulf Coast fishing tournaments that prosper and support conservation to this day.

Jody decided to “take a year off” from college to go fishing. In 1980, Capt. Bobby Brown gave Jody a job on his new 43’ Merritt “No Problem” while on a shakedown in Cozumel. Doors began to open in the world of big game fishing. Next stop was Bimini to fish for giant tunas with Brown and Capt. Punch Stone; then back to Isla Mujeres and to South Pass. Next, into the Pacific. Kona, Cairns and Bora Bora rounded out Bright’s first full year on the road.

Thirty years have come and gone and Bright has now worked in some 22 countries, apprenticing for some of the finest big game skippers in the world. Bright is one of the few people to take a 1,000-pound marlin as a wireman, captain and angler.

While working for the legendary “Madam and Wild Hooker” fishing team, Bright scouted remote countries and scoured longline and other commercial fishing data in hopes of locating heretofore unknown congregations of marlin. Friendships and relationships with folks in the Pacific far seas commercial fishing world were made and kept over the years. These folks had never had a professional game fisherman in their midst before and were friendly and helpful, although he doubts they ever believe he truly wants to catch fish just to let them go!

In Kona, Bright founded the Hawaii Marlin Tournament Series, which annually awards purses up to \$1 Million, the greater percentage going to scorecards with tag and released marlin. His Big Island Marlin Tournament was the first in Hawaii to pay cash purse for tag-and-release of marlin. He founded and was President of the Hawaii Conservation Association, which was instrumental in the state legislature passing the West Hawaii Reef Fish Management Act. Bright has gone on to work with various NMFS and University of Hawaii researchers in the deployment of Pop-Up Satellite Archival Tags and presents the results to the public through his national TV series “Pacific Expeditions” on the Versus Network, as well as the portal website www.konatournaments.com. □

HERRING NEED OCEAN BYCATCH LIMITS

By Pam Lyons Gromen

The following article, by NCMC executive director Pam Lyons Gromen, was published as an Op-Ed in the September 23 edition of the Providence Journal, the largest circulation newspaper in Rhode Island. It argues for putting a hard cap on the amount of river herring that can be taken by the Atlantic herring fishery. The New England Fishery Management Council met in Newport, RI five days later to consider options for herring Amendment 5. At that meeting, the council changed course and voted to consider a cap on river herring bycatch. NCMC is also advocating for limits at the Mid-Atlantic Council and through the Atlantic States Marine Fisheries Commission.

Hundreds of waterways along the East Coast historically supported spawning stocks of alewife and blueback herring, collectively known as river herring, yet commercial landings of these fish have fallen over 90 percent in the last 20 years. As a result, in 2006 the federal government designated river herring as “species of concern” to increase conservation and avoid listing under the Endangered Species Act.

Unfortunately, state and federal fisheries managers have insufficient information about the status of river-herring stocks, and the problem is complicated by “bycatch.” Bycatch is sea life unintentionally caught while fishing for other species, then discarded (usually dead) at sea or retained and sold.

Bycatch of river herring in offshore fisheries now equals or exceeds annual landings from directed fisheries. Drops in river-run counts in the late 1990s and 2000s prompted state-wide moratoriums in Rhode Island, Connecticut, Massachusetts and North Carolina. During this period, however, river counts were surpassed by enormous bycatch from the emerging industrial midwater trawl fleet that today lands most of the nation’s Atlantic herring (a different fish from river herring) and mackerel.

Some fishery managers would like to wait until late 2012 for a better stock assessment of river herring before considering how to limit bycatch in ocean fisheries of these imperiled species. Unfortunately, the situation is too dire to delay action.

Next Tuesday, Sept. 28, in Newport, the New England Fishery Management Council (NEFMC) will make critical decisions on a set of promising alternatives for addressing river-herring bycatch as part of an amendment to its Atlantic Herring Fishery Management Plan. These include restricted access to areas designated as river-herring “hot spots” and “move-along” rules that would require vessels to avoid areas where river herring are prevalent. So far, the council has shied away from discussing a river-herring bycatch cap — a firm limit on the amount of river herring that can be taken at sea by the Atlantic herring fishery.

(Continued next page)



HERRING NEED OCEAN BYCATCH LIMITS (*Continued from page 7*)

The lack of a recent river-herring stock assessment is often cited as a reason for not establishing such a limit. Yet, because of chronic under-funding of data-collection and stock-assessment programs, fishery managers are often forced to do more with less in other fisheries. As part of the Magnuson-Stevens Reauthorization Act of 2006, federal fishery managers must set annual catch limits to prevent overfishing for all stocks in their fisheries even if no stock assessment exists. In these cases, recent catch levels are often used as the basis for catch limits until available data improve. Moreover, the NEFMC is required to minimize bycatch in its fisheries, and it is well within council authority to implement bycatch limits.

States have been directed to close all commercial and recreational river-herring fisheries by January 2012 unless they submit plans that demonstrate fishing can occur without adversely impacting stocks. Unfortunately, a recent decision at the state policy level specifically excludes bycatch fisheries from state sustainable-fishery-plan requirements, placing the conservation burden entirely on river-herring fishermen, unless action is taken to reduce trawl bycatch at the federal level.

Permitting river-herring bycatch in federal fisheries without limits, while local river-herring fishermen are saddled with closures, goes against the guiding principle of fishery management — that we should manage fish stocks for the greatest benefit to the nation, balancing ecological,



social and economic values. There is no value in letting local river-herring fisheries disappear so that industrial fisheries bycatch can continue.

Of the five states represented on the NEFMC, three (Rhode Island, Connecticut and Massachusetts) have enacted state-wide moratoriums on the catch. When the council meets it must mitigate river-herring losses by implementing a bycatch cap in the offshore trawl fisheries. This will ensure that river-herring mortality is effectively constrained below a set limit in the Atlantic herring fishery.

New England's river-herring fishermen have willingly sacrificed their access to these fish, and they are the ones who will continue to bear the full brunt of rebuilding efforts, if bycatch — the "other" source of fishing mortality — continues unchecked. □

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