The NCMC
MARINE BULLETIN
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OIL AND WATER

Inside this issue:

On April 20th in the Gulf of Mexico, BP's Deepwater Horizon oil rig exploded, killing 11 workers and setting off an unremitting torrent of oil into gulf waters, millions of gallons and counting. At this writing, there's no end in sight. Some are calling it the worst environmental catastrophe in United States history. One thing is certain. It will be a long time before we realize the full extent of the damage.

It's true that you can't appreciate an environmental and economic disaster as monumental as the BP blow-out by examining its effect on a single species, human or otherwise. The toll taken by the relentless, months-long gushing of crude into an ever-expanding area of the gulf is appalling: on the people of the region - fishermen, tourism-related businesses, just-plain-folks who live and recreate along the shoreline; and on the Atlantic's wild animals that live and breed in the gulf this time of year - endangered sea turtles, shorebirds and myriad species of fish.

On the other hand, pondering the post-spill fate of one species can help us wrap our minds around something that is in so many ways unfathomable. Before the underwater eruption of oil seized the nation's headlines at the end of April, the fate of bluefin tuna in the Atlantic was among the biggest stories on the ocean front. Hopes were high leading up to a March vote by a UN-sponsored body to ban the global commercial trade in the endangered fish. Those hopes were dashed when the proposal was defeated. (see "Bookends," p. 3) Then there was renewed determination to take action right there in the Gulf of Mexico, the giant tuna's only western spawning ground, where hundreds of rare breeders are killed as longline bycatch during peak spawning season - March through June - every year.

Breeding-age bluefin from the western stock entered the gulf to spawn earlier this spring, before the spill. The timing could not have been worse. Oil now blankets much of the northernmost reaches of their breeding grounds, an area renamed the Black Lagoon. After the adults exit the gulf – an exodus that begins in late June and follows the Loop Current, the same route the oil is taking as it floats toward the Florida coast – they leave behind the entire 2010 year class as tiny and vulnerable larvae, struggling for survival in a sea of sludge. It's a cruel blow to a fish that's already reeling from decades of gross over-exploitation, with potentially graver consequences for the future of the species.

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Ocean View
Commentary

TEN YEARS AFTER

The U.S. pelagic longline fleet likes to describe the way it fishes as "ecosystem-friendly," citing changes in gear and fishing practices to minimize fatal interactions with protected species. Of course, they claim all the credit for themselves, giving none to the conservation groups that forced them to change their ways.

The use of circle hooks was required fleet-wide after a June 2000 "jeopardy-finding" that longlining endangered the survival of sea turtles. The generally more-forgiving hooks, however, are not proven to reduce longline deaths of other non-target species. For threatened billfish and sharks, the most effective "modification" to longlining was closing bycatch hot-spots to the indiscriminate gear.

In response to a 2000 lawsuit by the National Coalition for Marine Conservation, the government closed 133,000 square miles of fishing grounds off South Carolina and both coasts of Florida to pelagic longlining the following year. The conservation benefits have been huge, saving tens of thousands of threatened blue and white marlin, sailfish, pelagic and large coastal sharks and hundreds of thousands of juvenile swordfish.

Although the closures helped rebuild Atlantic swordfish, U.S. landings last year were less than two-thirds our ICCAT quota. The industry blames the closed areas, but in fact, the U.S. hasn't landed its quota since 1994. In the 5-year period before the area closures were implemented, the number of active longline vessels decreased by 45%. Effort continued to drop off after 2000, but has been rising in recent years. In 2009, U.S. fishermen caught nearly the same tonnage of swordfish they took the year before the closures.

WE'D LOVE TO CHANGE THE WORLD

Even so, the industry wants the U.S. to re-open closed areas to catch more swordfish, lest a portion of "our" fish be given to countries that don't longline in an "ecosystem-friendly" manner. But surely the answer's not to increase our own bycatch and discards of threatened species in order to keep that from happening?

Filling the U.S. quota will not end attempts by other nations to get a piece of the pie. ICCAT membership has doubled in the last two decades. Pressure to redistribute swordfish was not created by the U.S. underage, and it won't go away by laying claim to "our" fish. As highly migratory species they belong to the world. The world is changing. ICCAT is changing. It's in our interests to make change work to our advantage.

We are much better off arguing that re-allocation of a once-overfished stock, if it occurs, should be based on a nation's ability to fish "ecosystem-friendly," with a minimal bycatch of non-target species, including turtles, seabirds, billfish and sharks. To this end, the U.S. must keep its conservation measures in place – mandatory use of circle hooks and closure of bycatch hot-spots - measures we 'd like to spread throughout the Atlantic.

As for the future U.S. quota, we should accept a modest reduction, provided the beneficiaries of our sacrifice are developing coastal states that practice selective and sustainable fishing. In that way, we recognize the new realities at home and abroad.

-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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BOOKENDS

CITES Forces ICCAT Action, Before… and After (?)

At the March 13-25 meeting of the United Nation's Convention on International Trade in Endangered Species (CITES), a proposal to ban the international trade of severely overfished Atlantic bluefin tuna was rejected by a majority of the convention's members. Introduced by the Principality of Monaco on behalf of the world's environmentalists and many concerned fishermen here in the United States, the proposal drew the support of the U.S., Norway and Kenya. The European Union (EU) also supported the ban, but with a one-year implementation delay to give fishing nations time to respond to overfishing concerns. But that wasn't enough. Japan, which imports most of the world's bluefin catch for its sushi market, aggressively campaigned against any trade restrictions. Many poor fishing nations in Africa, Asia, Latin America, and the Caribbean sided with Japan, claiming a trade ban would unfairly burden their local fishing communities.

While the National Coalition for Marine Conservation and others who care about the future of bluefin tuna are sorely disappointed with this lost opportunity, we do not view the effort that went into bringing the issue before CITES as a failure or that all opportunities are lost. In fact, much was gained by going after a trade ban. Although we didn't get it, we did manage to leverage some substantial improvements in bluefin conservation, with possibly more on the way later this year.

"There is no question that the very real threat of CITES compelled the International Commission for the Conservation of Atlantic Tunas [ICCAT] to add bluefin to its agenda last November and to adopt much stricter regulations," says NCMC president Ken Hinman, a member of the U.S. ICCAT advisory committee. "That never would have happened otherwise." At the 2009 meeting of ICCAT, the total allowable catch for the eastern Atlantic was slashed by 30% and the closed season during spawning in the Mediterranean was expanded to all but one month of fishing. New compliance measures were also enacted to rein in illegal and unreported catches. Finally, ICCAT members agreed to adopt even stricter catch limits for the period 2011-13 when it meets in November 2010, limits that provide a higher probability of rebuilding. If a new stock assessment, scheduled for September, shows the eastern stock is near collapse, fishing would be suspended in 2011.

KEEPING THE PLEDGE

It remains to be seen, of course, what the actual catch in the eastern Atlantic will be, given the history of illegal fishing there, particularly in the Mediterranean. It will also be incumbent upon the U.S. and others who are serious about ending overfishing to hold ICCAT's feet to the fire on its promise to go further at this year's meeting. That promise was used by Japan and others to marshal opposition to trade restrictions at CITES.

Following the CITES defeat, European and international environmental groups launched a full-scale boycott of bluefin to keep the pressure on. Here in the U.S., NCMC and its allies re-focused attention on the need for additional measures to protect the western spawning stock in the Gulf of Mexico. (see also Oil and Water, p. 1)

Pre-ICCAT positioning among nations has already begun in advance of the all-important 2010 session that will be held November 17-27 in Paris. An informal meeting of key ICCAT parties was held in Barcelona, Spain on May 30th to discuss their respective commitments to bluefin recovery. After the meeting, a joint statement was released by Japan, Korea, Canada and the U.S., confirming their intent to follow the scientific advice and adopt catch limits that will rebuild the eastern Atlantic stock with at least a 60% probability within 10 years. (The standing agreement on the western stock sets a goal of rebuilding through science-based quotas by 2018.)

Although representatives of the EU participated in the meeting, they declined to sign on to the pledge, possibly due to dissension in the ranks of the 27-nation union. That's significant because the EU includes the major harvesters of tuna in the east, among them Spain, France and Italy. Naturally this raises worries they are having second thoughts about the 2009 deal. ICCAT's long record of failing to walk its talk was one of the most forceful arguments in favor of closing the bluefin market through CITES.

Nonetheless, the CITES campaign did produce tangible gains for bluefin conservation and we still could get more in its aftermath. "Yes, some of us hoped we might hit a home run this time and not have to keep playing the game at ICCAT," says Hinman. "Our efforts so far have been worth it, though. We saved a lot of tuna that we wouldn't have otherwise, and at the end of the day, that's what counts. But we recognize that the game is a long way from over." ❑

BUNKER DOWN

New Science Shows Overfishing, Need for More Conservative Management

The "most important fish in the sea" is about to get some long overdue respect.

The Atlantic States Marine Fisheries Commission (ASMFC) voted on May 5th to consider new, more conservative ways to manage the fishery for menhaden, a prey fish important to striped bass and many other predators in Chesapeake Bay and up and down the east coast from Maine to North Carolina. The action came after the commission heard the confounding results of a new stock assessment that concludes "not overfished" and "no overfishing," despite plenty of evidence to the contrary.

The biological benchmarks used to judge the condition of the menhaden population were called into question by an independent peer review panel, which recommended to the ASMFC that it adopt alternative targets and limits associated with higher abundance and fishing mortality rates that better account for predator needs. The commission then voted on a motion to charge its technical advisors to develop new, more conservative "reference points" to use in future management decisions and it passed unanimously.

"We have been arguing for years that menhaden are not being managed responsibly, that abundance is low, and that it's harming predators and degrading the ecosystem," says Ken Hinman, president of the National Coalition for Marine Conservation (NCMC) and a member of the interstate menhaden advisory panel. "We are very pleased that the ASMFC is taking this crucial step toward enacting a more conservative approach to menhaden, one that takes into account its vital role in the coastal ecosystem."

Figure 1

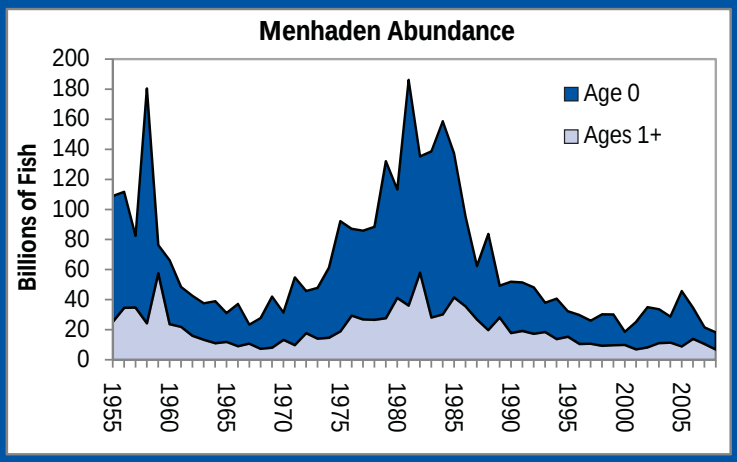
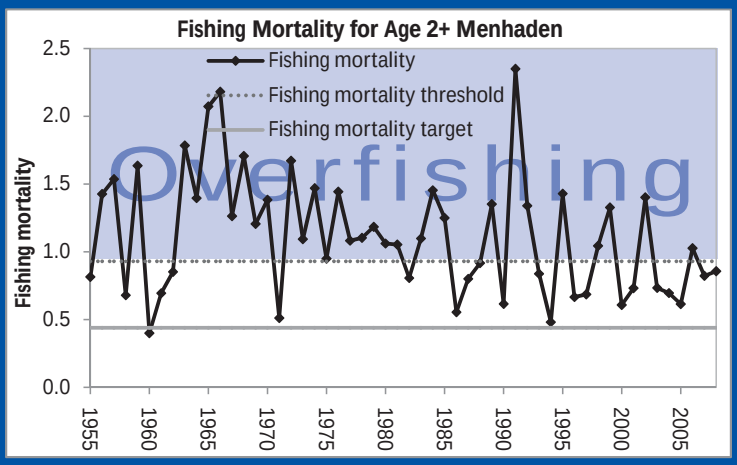


Figure 2



A FALSE IMPRESSION OF STOCK HEALTH

The 2010 Menhaden Stock Assessment Report's status determination of "not overfished" and "no overfishing," it turns out, is only accurate "relative to the current reference points," according to the review panel. The assessment, in fact, is full of negative indicators as to resource health, indicators that are highly descriptive of a menhaden population that is low and incapable of replenishing itself. Among the assessment's findings:

- *Population abundance of age 1+ fish has been declining since the mid-1980s and today is at an all-time low (covering the period 1955-2008) (See Figure 1)*
- *Recruitment – that is, the number of juvenile fish produced that survive to enter the adult population - has been poor for over two decades, less than 1/3 the level in the 1970s and early '80s*
- *The fishing mortality rate on age 3 fish and older, the spawning population, is 65-69%, making it unlikely that most adult menhaden have a chance to spawn more than once, if at all*
- *Fecundity, or egg production, from the current spawning population is less than 10% that of an un-fished population*
- *Fishing mortality is near the overfishing threshold. Given uncertainty in the estimate of fishing mortality, there is a "significant probability" that overfishing occurred in 2008, as it has in 32 out of the last 53 years, including 1999, 2002 and 2006. (See Figure 2)*

The Review Panel's report and recommendations make it clear the ASMFC is getting a false impression of stock health because its current targets for fishing mortality and spawning production are too high and too low, respectively. The commission's Menhaden Management Board responded

(continued on next page)

BUNKER DOWN (*Continued)*

by asking the Menhaden Technical Committee, working with the Multi-Species Committee (which includes scientists from the striped bass and other species committees), to develop a range of new reference points that better protect the spawning stock and achieve higher abundance; that account for predator needs; and that consider how targets and limits are set for other forage fish similar to menhaden. The committees are to report back by the August 2010 meeting, if possible, with a range of management strategies to achieve the new goals, at which time the ASMFC would begin the process of implementing new management measures.

A year ago (June 2009) NCMC presented the ASMFC with a detailed scientific paper, "Ecological Reference Points for Atlantic Menhaden," laying out the need for new targets and associated fishing limits for menhaden that take into account its critical role as prey, placing more emphasis on increased abundance (the number of fish in the water) and more fully taking predation into account when considering mortality from fishing. Our paper played an important role in persuading many commissioners and technical advisors of the need to change the way menhaden are being managed. The new stock assessment and peer review panel report have reinforced this need, to the point where change, for the good of menhaden and its many predators, is now imminent. We will continue to work closely with the commission over the coming months to make sure those changes are implemented. ❑

OIL AND WATER *(Continued from page 1)*

MAKING A BAD SITUATION WORSE

The catastrophe in the gulf is so overwhelming in scope that it's easy to feel helpless. But like many other groups concerned with preserving life in the sea, the National Coalition for Marine Conservation (NCMC) has been doing what it can, beyond simply adding our voice to the crescendo of outrage and recrimination. We've focused our efforts on the agency we work most closely with, the National Marine Fisheries Service, urging NMFS to stand up within the Obama Administration as the advocate for the region's fish and fishermen.

At an early May meeting with NMFS director Eric Schwaab, NCMC president Ken Hinman directly challenged the government's decision to allow BP to use harmful chemical dispersants to clean up the oil, pointing out that the long-term impact on marine life is unknown and could be disastrous. Millions of gallons of dispersants have been used to break up the oil into tiny particles in the hopes that coastal beaches and wetlands will be spared. But "(t)he use of dispersants in such deep water, and the type of chemicals being used, could be a triple-whammy for the gulf ecosystem, making a bad situation even worse," warned Hinman. The chemicals being applied by BP are among the most toxic to marine life; the oil itself is made more toxic after being treated; and perhaps worst of all, the poisonous mix is being dispersed throughout the water column, the oil broken down to a size that is more easily ingested by creatures low on the food chain, most notably filter feeders like shrimp and menhaden and the larvae of many species of fish that, like the bluefin, breed in the gulf during springtime.

"We know there are those in the industry, and even in Washington, who want this problem to go out of sight, out of mind, and rash decisions about the use of dispersants are being made to get the surface slicks off the evening news," said Hinman. "But pushing the problem below the surface and spreading it throughout the gulf could contaminate more fish and more fisheries while making the damage much harder to measure."

The Administration responded to concerns about the dispersants and on May 24th instructed BP to cut back on their use by up to 80 percent. After ignoring a previous request from the Environmental Protection Agency to switch to a less toxic chemical dispersant, the company significantly reduced the amount it's applying to the spill, from around 70,000 gallons a day to 12,000, according to the EPA.

SALVAGING WHAT WE CAN

The damage may already be done, however, even if we don't know what that means. Not yet, at least. NCMC is urging NMFS and its parent agency, NOAA, to share leadership with the U.S. Fish & Wildlife Service on research and monitoring of the oil spill's impact on marine life. We've asked for the preparation and implementation of a comprehensive plan to oversee and tie together the commendable but piecemeal efforts of various federal and state agencies, university researchers, fishing associations and environmental NGOs that are testing fish and water quality and gathering data independently. The nation's ability to fully understand the depth and breadth of the impact of the spill on a wide range of species and habitats, and to undertake the most effective remedial measures in order to salvage what we can of the gulf ecosystem and the lives and livelihoods it sustains, will depend on it.

In the short term, NMFS has focused, and rightly so, on seafood safety, closing fisheries to protect the public from contaminated fish. Within a month after the blowout, the area closed to all fishing, commercial and recreational, was expanded to about 80,000 square miles, roughly a third of all U.S. territorial waters in the gulf. The closure extends into deep water used by pelagic longline vessels that target tuna and swordfish, limiting interactions with spawning bluefin tuna this season. But getting a closure in this way, notes NCMC's Hinman, is not what we want. "Given the toxic soup this year's bluefin were born into, that's like curing the disease by killing the patient," he says. "Right now, it's hard to see *any* light behind this dark cloud." ❑

FISHERY COUNCILS TAKE UP RIVER HERRING & SHAD BYCATCH

Earlier this year, the Atlantic States Marine Fisheries Commission's (ASMFC) Shad and River Herring Management Board voted to collaborate with the Mid-Atlantic and New England Fishery Management Councils to reduce at-sea bycatch of shad and river herring. Both councils are in the process of developing plan amendments for their small-mesh trawl fisheries, which regularly capture river herring and shad while in pursuit of other small pelagic fish like Atlantic sea herring and mackerel.

The initial public comment period for Amendment 14 to the Mid-Atlantic Council's Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (FMP) will wrap up on July 9th. NCMC and its allies are advocating for increased at-sea observer coverage in the mackerel and squid fisheries, enforceable bycatch limits, and bycatch-triggered trawl closures that protect river herring and shad in offshore areas where they congregate.

To the north, the New England Council is developing alternatives to mitigate river herring and shad bycatch as part of Amendment 5 to the Atlantic Herring FMP. The Council has added a scientist to its sea herring technical team to help pinpoint times and areas where bycatch is greatest. In May, the Council's Herring Oversight Committee requested additional analyses to support restricted access to areas important for river herring and shad and for "move along rules" that would require vessels to avoid areas where these species are prevalent.

"We are encouraged by the recent actions of the federal councils to address ocean bycatch, but successful implementation of the federal amendments will depend on increasing observer coverage in the Northeast's small-mesh fisheries," says NCMC Executive Director Pam Gromen. "Allocation of observer sea days is ultimately a decision of the National Marine Fisheries Service, and so far, the agency has refused to make shad and river herring bycatch a priority." In December 2009, NMFS denied an ASMFC request for emergency action to increase river herring bycatch monitoring *- a request that was supported by both the New England and Mid-Atlantic councils and over 100 fishing, environmental and outdoor recreation associations.*

American shad stocks remain at historic lows while river herring are listed as "species of concern," a designation that is supposed to focus conservation efforts in order to avoid a listing under the Endangered Species Act. The ASMFC ordered all river herring fisheries to close by 2012 and all American shad fisheries to close by 2013 unless states can prove the fisheries sustainable, yet bycatch is essentially unrestricted because of poor catch monitoring.

NCMC continues to work through the ASMFC, New England and Mid-Atlantic Councils, and NMFS to hold each accountable for its responsibilities to address river herring and shad bycatch. "The ultimate solution is a formal plan that coordinates state and federal waters management to protect these fish throughout their range," Gromen added.

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