



The NCMC

# MARINE BULLETIN

No. 137

Summer 2012

## FIRST STEP TAKEN

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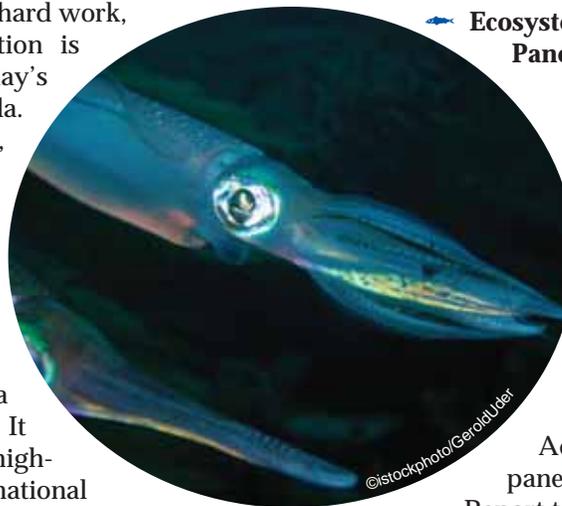
### *NCMC Leads National Campaign to Put Forage First!*

More than a decade ago, we set out to make conserving the ocean's forage base an environmental priority, calling it the first big step toward a broader ecosystems approach to managing marine fisheries. Because of our dedication to this goal and years of hard work, forage fish conservation is at the center of today's national ocean agenda. In April of this year, the *Lenfest Forage Fish Task Force* released a report, Little Fish, Big Impact, on the science and management of forage fish, drawing unprecedented media attention to the issue. It is, in many ways, a high-water mark for a national movement we helped launch and energize.

More than any other organization, the National Coalition for Marine Conservation (NCMC) is responsible for anticipating and affecting this sea change in fish conservation, a change that will produce lasting benefits for wild oceans and the future of fishing for so many species we love and care about, from striped marlin to striped bass and everything in between. We did what we do best: identified an emerging problem, offered science-based solutions and determined where best to advocate for precedent-setting policy changes, all the while drawing other fishing and environmental NGOs to the

cause. Everything we've done to protect predator-prey relationships in the ocean has been designed to give this effort drive and direction and, as you'll see in the following summary, nearly every major advance has its roots in an NCMC initiative.

### THE FIRST STEP DEFINED



#### **Ecosystem Principles Advisory Panel (1997-1999)**

NCMC president Ken Hinman was appointed to represent the conservation community on the *Ecosystem Principles Advisory Panel* (EPAP), assembled by Congress through the Sustainable Fisheries Act of 1996. In 1999, the panel produced its seminal Report to Congress, Ecosystem-Based Fishery Management, calling on each federal fishery management council to develop a Fishery Ecosystem Plan (FEP) for its region and laying out clear ecosystem principles to guide these plans. As a co-author of the report, Hinman made sure it recommended actions that fishery managers could take in the near-term, recognizing that moving to an ecosystem approach to managing and conserving marine fisheries would be an incremental process. **A first step, the report emphasized, would be to consider predator-prey interactions affected by fishing under existing fishery management plans (FMPs).**

*continued on page 4*

### Plus:

- See page 9 for a list of NCMC's travel activity over the summer.

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## TRADE-OFFS

*Everything is political in the sense that any action we take or decision we make or conclusion we reach rests on assumptions, norms, and values not everyone would affirm.*

– Professor Stanley Fish, Florida International University

Yes, everything is political, even fish. And politics, we are told, is about compromise, which is the art of trying to please everyone at the risk of pleasing no one. But *good* politics – making decisions and taking actions that actually *accomplish* something – is more about trade-offs.

The trade-offs we are used to making in fish conservation involve allocating fish to or among fishermen, often today's against tomorrow's. But as we consider the broader effects of our activities – fishing and non-fishing alike – on other species and the environment, the pool of potential winners and losers gets bigger and deeper.

On page 8 we warn of risks to east coast fisheries from offshore oil exploration. Many commercial and sport fishing groups, as well as the federal council responsible for protecting their interests, are against harmful air-gun seismic testing. Not because they don't see the need for new sources of energy, but because it could threaten their livelihoods, their industries. "While the American public may not see any of the oil developed from new offshore leases for a decade or more," says the leader of a fishermen's alliance

against seismic surveys, "the impact on commercial fishing will be almost immediate." Fishermen don't see the value in trading food and jobs from a known renewable resource for an unknown and non-renewable one.

The battle for menhaden (page 4) sets different values in opposition. The industrial fishery that reduces the small, ecologically-critical prey into fish oil and fish meal has long dominated the catch. New rules, which we and many others fought long and hard for, ask the Virginia-based reduction fishery to sacrifice in order to restore depleted numbers of menhaden and leave more in the water for dependent predators like striped bass, tuna and osprey. Oh yes, and maybe share the resource with the many fishermen whose livelihoods depend on the fish that need more menhaden to thrive.

Political decisions all, involving trade-offs with winners and losers, depending on what we value most. And where does the science fit in? In weighing these trade-offs, science can help us understand the likely effects of our decisions, before we take action. But it cannot relieve us of the need, in the end, to affirm our values.

The now-former head scientist at NOAA Fisheries once told us we're just not ready to manage our fisheries in an ecosystems context, given all the uncertainty about the "trade-offs" that will occur if we, for instance, allocate more prey species to their predators. That's not an argument for science-based decisions, we replied, but for science-based inertia. Given that conventional management assumes no harmful impacts on other species or the environment, it can more rightly be argued that the science cannot support the *status quo*. But it can uphold our values.

– 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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# BILLFISH CONSERVATION ACT ADVANCES IN HOUSE



**A**nglers and conservationists scored a big victory in Congress on August 1<sup>st</sup> as the Billfish Conservation Act of 2011 was unanimously approved by the House Natural Resources Committee for future floor consideration. With only minor modifications, H.R. 2706, which would prohibit the sale of foreign-caught billfish in the United States, received overwhelming bipartisan support in the Committee.

“It is great to finally see momentum building for the Billfish Conservation Act,” said Ken Hinman, President of the National Coalition for Marine Conservation (NCMC). “The thousands of Pacific marlin imported into the U.S. every year is a threat to the future of billfish. Congress has an opportunity, this year, to make it clear that future is not for sale.”

By eliminating a sizeable component of the international billfish market, the Billfish Conservation Act will boost the billfish recovery efforts underway in the U.S. and abroad. “Billfish are harvested by other nations and sold to the U.S. even though the U.S. has strong conservation measures in place for its waters; this has caused a serious decline in populations,” said Rob Kramer, President of the International Game Fish Association (IGFA). IGFA and NCMC are partners in a national campaign to *Take Marlin Off the Menu*.

Marlin, sailfish and spearfish are some of the world’s most majestic marine fish, apex predators that play a critical role in maintaining healthy ocean ecosystems. Billfish are also highly esteemed by recreational anglers the world over, and catch-and-release fisheries for these species support many marine jobs and generate billions of dollars to the U.S. economy. Unfortunately, the world’s billfish stocks are seriously imperiled from non-U.S. commercial fishing. (See [Study Confirms Overfishing of Striped Marlin](#)) The Billfish Conservation Act (S. 3424 in the Senate) would prohibit the sale of all billfish in the U.S., allowing only for traditional fisheries within the State of Hawaii and Pacific Island Territories. Swordfish are not included in the prohibition. □

## STUDY CONFIRMS DEPLETION OF STRIPED MARLIN

**A**s we reported in July 2011, the International Union for the Conservation of Nature (IUCN), representing the international scientific community, named three species of billfish as threatened by commercial over-exploitation: blue marlin, white marlin and striped marlin. Now a year later, a new stock assessment for striped marlin, performed by the International Scientific Committee for Tuna and Tuna-Like Species, confirms the dire status of this popular Pacific billfish. According to the ISC, the Western and Central Pacific population of striped marlin has declined in recent years to just 15% of an un-fished population. Even more alarming is the fact that spawning-age females, whose numbers were holding steady at sustainable levels up until the 1990s, have declined sharply to about 20% of un-fished levels. According to a statement from NOAA’s Pacific Island Fishery Science Center: “If the status of the WCPO striped marlin stock was evaluated relative to MSY-based reference points [as we do in the U.S.], using the average estimates during 2008-10 to measure current status and with the minimum stock size threshold set to be 50% of  $B_{MSY}$  [or one-fourth of an un-fished population], *then we would judge the stock to be currently depleted and currently experiencing overfishing.*” □

# MENHADEN CONSERVATION ENTERS HOME STRETCH

The Atlantic States Marine Fisheries Commission (ASMFC) has taken another big step toward increasing abundance of menhaden. At its summer meeting in August, the 15-state Menhaden Management Board approved draft Amendment 2 to the Atlantic Menhaden Fishery Management Plan, setting the stage for a decision on catch reductions this December that would take effect in 2013.

ASMFC's scientific team updated the menhaden stock assessment and presented the results to the Board on August 8<sup>th</sup>. They affirmed in their report and during their presentation that overfishing is occurring and that the stock is likely overfished according to the new, more conservative reference points adopted by the Commission to rebuild a population that is at an historic low and enhance menhaden's important contribution as a prey species.

Unfortunately, problems with the assessment model argue against its use in recommending specific catch reductions to achieve the rebuilding targets. So the Board approved an *ad hoc* method of determining total allowable catch (TAC) to stop overfishing, one used by the federal regional councils in this kind of situation. Basically, it reduces catches from recent levels after weighing a number of criteria, such as status of the stock, life history, resilience to fishing pressure, and ecological importance.

When the Draft Amendment goes out for public comment in October, east coast fishermen and conservationists will be asked to consider options of reducing catches by 10%, 20%, 25% or 50%. The public will also be asked to comment on various options for allocating menhaden between the reduction fishery, based entirely in Virginia, and the bait fisheries spread along the coast as far north as Maine. The options will include 80/20 reduction-to-bait, 70/30, 60/40 or 50/50, balancing social, economic and ecological factors. □

## FIRST STEP TAKEN (continued from page 1)

### ➤ Conservation in a Fish-Eat-Fish World (1999-2000)

Following release of the EPAP report, NCMC organized a workshop on managing related predator and prey species in marine fisheries, inviting policy makers and scientists from the National Marine Fisheries Service (NMFS), the New England and Mid-Atlantic Fishery Management Councils, and the Atlantic States Marine Fisheries Commission (ASMFC). A year later we published the proceedings under the title Conservation in a Fish-Eat-Fish World. Along with general recommendations for making changes to FMPs in order to assess the effects of fishing on other species in the food web, we used Atlantic menhaden as a case study and suggested specific management changes to protect the health of its principal predators, most notably striped bass. Using the striper/menhaden connection as a bridge to ecosystem-based conservation was a natural for NCMC, since we'd been heavily involved in the successful recovery of striped bass on the east coast, and we vowed not to "let the striper go from a poster fish for good conservation to a symbol of what can go wrong when we ignore a fish's ecological needs."

### It Began With Menhaden

*NCMC began our campaign to protect the ecological role of key forage species with Atlantic menhaden, invaluable prey for striped bass and many other east coast fish as well as mammals and seabirds. So it is that with menhaden, we are poised to achieve perhaps our biggest victory in a long line of successes. (see sidebar, Menhaden Conservation Enters Home Stretch)*

### ➤ A Petition to Save Menhaden/"Menhaden Matter" (2003-2005)

In 2003 we circulated a petition to curtail industrial netting of menhaden in Chesapeake Bay, ultimately gathering close to 5,000 signatures, and took it to the ASMFC's Annual Meeting that December, where we presented our 9-page paper documenting the decline of menhaden and its effect on predators to the Menhaden Management Board. We urged the Board to begin amending its interstate FMP and from there, a series of events was set in motion: NCMC formed *Menhaden Matter* with the Chesapeake Bay Foundation, Coastal Conservation Association and Environmental Defense (April 2004); ASMFC held a 3-day scientific workshop to assess menhaden's ecological status, with emphasis on its role as forage in Chesapeake Bay (October 2004); a motion was made to place an immediate freeze on catch as a stop-gap measure while ecological management goals were developed, and ASMFC voted to cap industrial harvest in Chesapeake Bay for five years (August 2005).

### ➤ Ecological Reference Points for Atlantic Menhaden (2009)

In the years since a precautionary cap was placed on menhaden harvest in Chesapeake Bay, NCMC led efforts to change menhaden science and management to account for its importance as forage. We urged the ASMFC to develop ecological reference points (that is, limits on fishing mortality and targets for stock abundance) to gauge the status of menhaden and guide future management. In 2008 we were successful in persuading the commission to task its Management & Science Committee (Committee) with exploring new reference points and reporting back to the ASMFC in 2009. In the meantime, NCMC researched and prepared a scientific paper,

Ecological Reference Points for Atlantic Menhaden, and submitted it to the Committee. Our recommendations inspired the Maryland Department of Natural Resources to make a motion at the August 2009 meeting of the Management Board to begin a new amendment in 2010 to incorporate reference points that protect menhaden as forage.

#### ➤ **Menhaden Addendum V & Amendment 2 (2010-2012)**

A 2010 stock assessment revealed a depleted Atlantic menhaden population resulting from inadequate management benchmarks. Immediate interim action was necessary to restore the stock as ecological reference points were developed. A motion passed by the Menhaden Management Board in May 2010 called for the ASMFC's science advisors to develop a range of alternative reference points for "spawning stock biomass or population fecundity relative to the un-fished level and a reference point associated with abundance," and to take into consideration reference points used for other pelagic forage species.

NCMC fought for a range of conservative rebuilding targets, and the public came out in support of them in unprecedented numbers. The rest, as they say, is history. On November 9, 2011, the ASMFC approved Addendum V with a new management target of 30% maximum spawning potential - or three times the current population level - to "increase menhaden abundance and availability as a forage species." Management measures to achieve this goal will be implemented in 2013 through Amendment 2 to the Interstate Menhaden FMP.

### **Stepping Into Federal Waters: FORAGE FIRST!**

*In 2005-6, NCMC conducted an analysis of three federal FMPs for key forage species in New England, the Mid-Atlantic and Pacific coastal regions. The results were published in our report, Taking the Bait: Are America's Fisheries Out-Competing Predators for their Prey?, which served to launch our national Forage First! campaign. We made specific recommendations for amending FMPs to explicitly account for and protect a forage base for predators. The report's author, NCMC executive director Pam Lyons Gromen and Ken Hinman made presentations at council meetings, to other NGOs, and at a series of forage fish workshops on both coasts. The report's 4-step blueprint for amending forage fish management plans to explicitly account for predator/prey relationships and to prioritize the protection of these relationships over allocation to fisheries was widely adopted by other organizations as a model for implementing forage fish conservation.*

#### ➤ **Traction on the East Coast (2006 - present)**

With our Taking the Bait blueprint in hand, we began working with other like-minded organizations to amend the New England Council's Atlantic herring plan in 2006. By the end of 2007 the plan contained a new objective that recognizes the importance of sea herring as prey. The council also implemented a seasonal near-

shore closure to mid-water trawls in the Gulf of Maine where herring are vulnerable.

Also in 2007, we joined a new *Herring Alliance*, giving a collective voice to nine regional and national groups (at the start; it's since grown to over 50) with interests in herring as prey for cod and haddock, bluefin tuna, whales and seabirds. Herring Alliance members were concerned about the plight of river herring in particular, as large numbers were being taken as bycatch in industrial trawl fisheries targeting sea herring and mackerel. NCMC's Pam Lyons Gromen played a leading role in efforts at the ASMFC to amend the interstate River Herring & Shad FMP to get greater in-state protection of these anadromous species and calling on federal councils to reduce mortality while the fish are out in the ocean. Earlier this summer, a broad-based effort over the last two years led by NCMC and the Herring Alliance secured approval of Amendment 5 to the Atlantic Herring Plan and Amendment 14 to the Mackerel, Squid & Butterfish Plan, each with provisions that will vastly improve catch monitoring and reduce river herring and shad bycatch.

NCMC also leads efforts at the Mid-Atlantic Council to amend the Mackerel, Squid & Butterfish (MSB) FMP to account for forage needs, work that is ongoing as the Council explores methods to account for predator-prey interactions through its developing Ecosystem-based Management Guidance Document, scheduled for completion next year. Our initial concerns about "ecosystem overfishing" of squid prompted the council to establish an Ecosystems Committee in 2005, which was later renamed the Ecosystems and Ocean Planning Committee.

NCMC continues to assist the fishing and environmental communities in evaluating opportunities to engage in Northeast forage fish advocacy. Our 2010 report, *Preserving the Northeast Forage Base: Opportunities to Advance Ecosystem-based Management of Fisheries in the U.S. Atlantic*, outlines our work plan for the east coast, with specific recommendations to advance conservation.

#### ➤ **Traction on the West Coast (2005 - present)**

NCMC's activities at the Pacific Council go back to 2006 and initiation of an amendment to the Coastal Pelagic Species (CPS) plan to prohibit harvest of krill. This action by the council, eventually approved by NMFS in 2009, reinforced our request to the council to convert the CPS plan - which covers sardine, mackerel, anchovy, squid and krill - into a true forage fish plan. Since then, the Pacific Council has taken important steps toward ecosystem-based management of west coast forage fish.

In 2008-9 we participated in the development of a west coast forage fish project under the auspices of the PRBO (Point Reyes Bird Observatory) Conservation

*continued on page 6*

**FIRST STEP TAKEN** (continued from page 5)

Science program. Pam Lyons Gromen served on the steering committee and helped construct the report, "Ecosystem-Based Management of West Coast Forage Species." NCMC and PRBO made a joint presentation to the Pacific Council in June 2009. We asked the council to review and evaluate the CPS FMP to more fully account for the needs of predators in setting annual catch limits and to add other important, unmanaged forage fish for monitoring purposes. Eventually the council agreed to re-evaluate the sardine harvest guidelines and add more forage species (Pacific herring and jack smelt so far) to the FMP.

We also began work with the council on a new fishery ecosystem plan (FEP) to establish a baseline for a healthy west coast forage base. In June of this year, the council took two giant steps forward. First, the council reviewed and approved a draft FEP for adoption in early 2013 and okayed the outline for an Annual State of the California Current Ecosystem Report to inform council management decisions. Second, the council declared a goal of prohibiting new fisheries for currently unmanaged forage species and adopted a strategy for implementing it, either through the FEP or the CPS plan.

➤ **New NMFS Policy on Conserving Forage Fish** (2007-2009)

After the 2006 reauthorization of the Magnuson-Stevens Act, NCMC saw an opportunity for forage fish conservation to be incorporated into revised National Standard 1 Guidelines (NMFS' operational rules for implementing the Act). We had the idea to augment our ongoing activities at the councils by seeking explicit national guidance from NMFS on a more precautionary approach to managing forage fish. We testified at hearings and submitted written comments urging the agency to give the councils guidance on setting allowable catches within an ecosystems context. We partnered with the Marine Fish Conservation Network to conduct a workshop; NCMC moderated the discussions. Because of our efforts, the federal Guidelines cite maintenance of adequate forage for all components of the ecosystem as a goal in setting annual catch limits for fisheries; require that each FMP address predator-prey interactions and other ecological factors when determining the optimum yield (overall benefit to the nation); and declare that species interactions should be considered as reasons to set catch levels for forage fish lower and maintain forage fish populations higher than conventional management.

### Stepping Up Global Standards

➤ **Stricter Criteria for Certifying Forage Fisheries as Sustainable** (2006-2011)

The Marine Stewardship Council (MSC) announced

in 2006 that it was assessing the Gulf of California sardine fishery, the first feed-grade or reduction fishery to apply for the MSC's "sustainable" label. When the MSC called on other reduction fisheries to follow suit and apply for certification "in order to ensure the sustainability of these wild-capture fish used for feed stocks in aquaculture," we saw a potential disaster. The aquaculture industry's heavy dependence on wild-caught fish for feed is widely recognized as a serious risk to marine ecosystems. A subsequent NCMC review of MSC certification methodology revealed major weaknesses in its criteria; forage fisheries could be awarded the MSC label absent any safeguards for the ecosystem or dependent predators. We formally entered the certification process for the sardine fishery, with letters and detailed critiques of MSC assessment methodology, encouraged other NGOs to get involved, and met with MSC officials on a number of occasions, urging the organization to "raise the bar" on forage fishery assessments.

MSC agreed to convene a Low Trophic Level Working Group to continue to examine the issues raised. We were pleased when new guidance crafted by this working group was adopted by the MSC in August 2011, specifying levels of forage stock abundance to be maintained to protect the ecosystem. For a minimum passing score, a fishery must be maintained at no less than 40% of its un-fished biomass. The preferred target population is 75% of an un-fished level. Not only did this mean tougher standards for MSC certification, but it also gave us, along with the new NS1 Guidelines, leverage to seek similar changes in other management bodies.

➤ **Setting Strong Standards for Offshore Aquaculture** (2008 - present)

NCMC has been and continues to be involved in setting national policy for open-ocean aquaculture, insisting that the U.S. establish strong environmental standards for fish farming, including limits on the use of wild fish as feed for aquaculture. We were pleased when a 2010 NOAA/Department of Agriculture report on *The Future of Aquafeeds* incorporated our concerns by recognizing the importance of pelagic forage fish to marine ecosystems. The report acknowledges that increased demand for use of forage fish for use in aquaculture could provide an incentive to over-exploit these fisheries, with negative consequences for the marine environment, and that future supplies of forage fish may be limited as an ecosystem-based approach is applied to manage these fisheries. As the report states, "fisheries managed according to single species sustainable yield measures may not be sustainable from an ecosystem perspective if the importance of forage fish to other animals in the ecosystem is not accounted for. Catch limits or quotas may be reduced to leave a greater supply of forage fish in the oceans to support ecosystem functions." □

# FEDERAL COUNCILS ACT TO PROTECT RIVER HERRING AND SHAD AT SEA

**B**ycatch of river herring and shad in federal fisheries will finally be regulated, affording these imperiled forage fish protection at sea where they spend most of their lives. Measures adopted in June at meetings of the Mid-Atlantic Fishery Management Council and the New England Fishery Management Council will vastly improve catch monitoring and will reduce bycatch in the industrial mid-water trawl fisheries that target Atlantic herring and mackerel but incidentally take millions of shad and river herring each year.

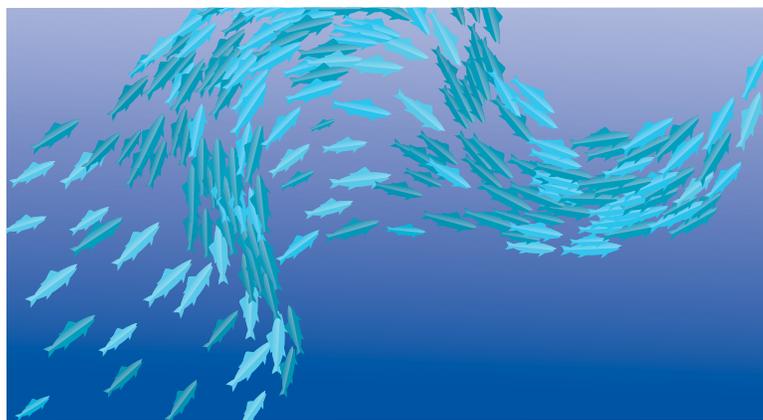
Shad and river herring are anadromous, spending years at sea before returning to their natal rivers to spawn. Coast-wide, their populations have declined to historic lows, prompting severe restrictions for commercial and recreational in-river fisheries. In November, National Marine Fisheries Service (NMFS) initiated a full status review for both species of river herring, alewife and blueback herring, to determine if they qualify for listing under the Endangered Species Act. The majority of states already prohibit river herring harvest in accordance with the Atlantic States Marine Fisheries Commission (ASMFC) interstate fishery management plan. The same plan requires closure of American shad fisheries in 2013 unless a state can demonstrate that the fishery is sustainable.

At the request of the ASMFC and at the urging of National Coalition for Marine Conservation (NCMC) and over 50 other organizations united through the Herring Alliance by their shared concern for the plight of forage fish, the federal management councils have been working for years to amend their plans to address ocean bycatch. Draft measures were released for public comment in April, and stakeholders responded resoundingly in support of the proposed changes, with over 80,000 comments received between the two councils. Actions taken by the councils and strongly supported by NCMC include establishing bycatch limits, implementing 100% at-sea observer coverage for the largest vessels with costs supplemented by industry funds, prohibiting dumping catch before it is counted, and requiring dealers to weigh and sort landings

“We are encouraged that the councils approved important interim measures to protect river herring and shad at sea,” said NCMC executive director Pam Lyons Gromen, who attended and testified at both council meetings. “In the long-term, successful recovery of these ecologically critical fish requires that they be managed holistically throughout their range and afforded the same conservation and management standards as other species taken in federally-managed fisheries.”

NCMC has long-advocated for incorporating shad and river herring into federal management to ensure that management actions meet the strong standards of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Limited to states’ waters (out to 3 miles from the Atlantic coastline), the ASMFC management plan offers no protection to river herring and shad in federal ocean waters (3-200 miles from the coast) though they spend most of their lives at sea. Weighing considerable support from state and federal agencies, fishermen, watershed groups, environmental organizations and the public, the Mid-Atlantic Council voted to initiate a trailing action to include river herring and shad in their federal management plan for Atlantic mackerel, squid and butterfish. Federal management would give the Council the necessary tools and authority to establish a robust program for shad and river herring in federal waters to include the designation of essential fish habitat, resources for catch monitoring and data collection, and a formalized framework for coordinating with the ASMFC and the New England Council.

At its August meeting in Philadelphia, the Mid-Atlantic Council reviewed a draft time line for Amendment 15 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan, the vehicle that will bring river herring and shad species under the umbrella of the MSA. The Council anticipates seeking public comment through a series of hearings that will begin in November. If all goes as scheduled, Amendment 15 will be implemented for the 2015 fishing year. □



*Keep Our Forage Fish  
Program Moving Forward!*

Visit [www.savethefish.org](http://www.savethefish.org) to  
make a donation on behalf of  
the little fish in the sea.

## NEW RULE WOULD CLOSE LOOPHOLE IN TURTLE PROTECTION



image courtesy of NOAA

As long ago as 1986, the National Coalition for Marine Conservation was urging that all shrimp vessels operating in the South Atlantic and Gulf of Mexico be required to install turtle excluder devices, or TEDs. The devices are proven to protect sea turtles from drowning in the nets by providing them with an escape hatch. TEDs also minimize bycatch of recreationally- and commercially-valuable finfish; without what are also known as “trawling efficiency devices,” shrimp nets catch - and discard! - several magnitudes more fish than they do shrimp.

Federal rules mandating TED use first went into effect in 1988, since then saving thousands of endangered turtles, including Kemp’s ridley, green and loggerhead turtles, each year. Unfortunately, turtle deaths have continued because of a loophole in the law, one the National Marine Fisheries Service is now proposing to close. So-called skimmer trawls commonly used in shallow nearshore waters and estuaries were exempt from the TED requirement, regulated instead by limits on tow times. NMFS estimates over 5,000 turtles may be killed by this gear every year. In 2011, 3,585 turtles washed up dead on beaches in the southeast and gulf. It’s suspected that most drowned in shrimp nets without properly-installed TEDs.

On July 9<sup>th</sup>, NCMC joined with 41 other regional and national conservation groups in signing a letter to NMFS strongly endorsing a new federal rule that will require TEDs in all shrimp trawls, including skimmers. The group effort was spearheaded by the Turtle Island Restoration Network, a California-based organization that is also working with NCMC to keep pelagic longlines - another gear that threatens turtles and non-target fish- out of waters off the West Coast. □

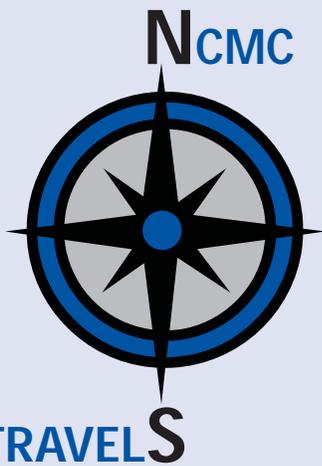
## AIRGUN SURVEYS THREATEN ATLANTIC FISHERIES

The National Coalition for Marine Conservation (NCMC), is opposing the use of harmful airgun seismic testing to explore for oil and gas on the Atlantic Outer Continental Shelf. In a June 29 letter to the federal Bureau of Ocean Energy Management (BOEM), which released a draft Programmatic Environmental Impact Statement (PEIS) on its proposal, NCMC urged the agency to continue to prohibit damaging oil and gas related exploration activities because of the potential for serious adverse impacts on scores of recreationally and commercially important species and their habitats.

The BOEM proposal for air gun testing - using high-decibel, high pressure noises fired in a steady pulse over prolonged periods of time - extends over 330,000 square miles of offshore habitat, from the mouth of the Delaware Bay south to Cape Canaveral, Florida and out to 360 nautical miles from shore, encompassing critical fish habitat and fishing grounds within the Mid-Atlantic Bight and South Atlantic Bight. The PEIS identifies 84 fish species for which Essential Fish Habitat (EFH) has been designated within areas where seismic surveys would be permitted, including habitat for overfished/recovering species such as bluefin tuna, blue and white marlin, sandbar and dusky sharks, and red snapper. The surveys are projected to span the years 2012 through 2020.

“Given the incessant nature, intensity and extensive duration of the noise produced by airgun surveys, the [BOEM] takes an inappropriately narrow and short-sighted approach when evaluating the effects on ocean wildlife,” says NCMC executive director Pam Lyons Gromen. “The agency acknowledges that the most likely responses would be behavioral in nature but overlooks potential long-term and cumulative impacts through its flawed assumption that behavioral impacts will be transient in nature - animals will either move away from the sounds or acclimate to them, no harm done,” she says. “But as noted in BOEM’s own review, ‘changes in behavior could have a population level effect such as keeping fish from migratory routes’ and alteration of behavior could disrupt feeding and reproduction or impair access to spawning grounds and other essential habitats, with long-term repercussions.”

The Mid-Atlantic Fishery Management Council, the federal body responsible for managing and conserving fisheries from New York to North Carolina, is also opposing the tests, citing risks to the region’s valuable fisheries, which provide food, employment and recreation to millions of people and coastal communities. □



## *A log of where we have traveled to fight for the fish in the last quarter...*

✦ NCMC executive director Pam Lyons Gromen traveled to **Warwick, RI** on May 22<sup>nd</sup> to attend a joint meeting of the technical teams for Atlantic Herring Amendment 5 (New England Council) and Atlantic Mackerel, Squid and Butterfish Amendment 14 (Mid-Atlantic Council). The teams discussed areas of overlap between the amendments, especially in regard to monitoring and reducing river herring bycatch, and developed recommendations to improve consistency between the two plans. Later that evening, Pam testified at an Amendment 14 hearing held in the same venue.

✦ At the Mid-Atlantic Council's June meeting in **New York, NY**, the Council took final action on Amendment 14 to the Atlantic Mackerel, Squid and Butterfish Plan, establishing strong alternatives to monitor and reduce river herring and shad bycatch in their small-mesh trawl fisheries. Pam was on hand for the meeting, providing comments as motions were made to select the final alternatives (see Federal Councils Act to Protect River Herring and Shad At Sea, page 7).

- ✦ On June 20<sup>th</sup> at the New England Council meeting in **Portland, ME**, Pam testified on behalf of NCMC and the other 50+ organization members of the Herring Alliance, urging the Council to adopt 100% monitoring for industrial trawlers that take the lion's share of Atlantic herring, capturing millions of river herring and shad in the process. The Council did approve 100% at-sea observer coverage for these major permit holders as well as a number of other measures that will greatly improve monitoring in the high-volume Atlantic herring fishery (see page 7).
- ✦ NCMC president Ken Hinman attended the June 23-24 meeting of the Pacific Fishery Management Council in **San Mateo, CA** and testified on the council's developing Fishery Ecosystem Plan (FEP) and an annual California Current ecosystem status report. He also supported a strategy for prohibiting new fisheries for unmanaged forage species until all forage fisheries, including existing fisheries for sardine and mackerel, can be managed consistent with new ecosystem science and policies adopted under the FEP. "NCMC has worked with the council for years to develop the FEP and ecosystem status report, which together will inform future fishery management decisions on such important issues as maintaining a healthy forage base," says Hinman. "We commend the council for the progress it's made on the FEP, for moving another step closer to an ecosystems approach for managing its fisheries, and for declaring its intent to actively oppose any new fishing on un-fished forage fish."
- ✦ Ken attended the June 28<sup>th</sup> work session of the Atlantic Menhaden Plan Development Team (PDT) in **Arlington, VA**. He also participated in conference calls of the PDT, the Menhaden Technical Committee and Stock Assessment Team on June 7<sup>th</sup>, June 15<sup>th</sup>, July 9<sup>th</sup> and July 19<sup>th</sup>, as well as a July 25<sup>th</sup> convening of the Menhaden Advisory Panel, on which he serves. All of these meetings were in preparation for the August 8<sup>th</sup> meeting of the ASMFC Menhaden Management Board in **Alexandria, VA** and that Board's critical decision to move forward with measures to restore numbers of the east coast's most important prey fish (see Menhaden Conservation Enters Home Stretch, page 4).
- ✦ As the Advisory Panel chair, Pam joined the ASMFC Shad & River Herring Management Board when they convened on August 7<sup>th</sup> in **Alexandria, VA** to hear an update on the Endangered Species Act status review for river herring. A final status determination was due on August 5<sup>th</sup>, but information gathered from three recent NOAA-hosted river herring workshops (topics included climate change impacts, stock structure and extinction risk) must undergo peer review. As of yet, there is no date certain for the status determination to be published.
- ✦ Pam was appointed to the Mid-Atlantic Council's Visioning and Strategic Planning Working Group and attended the inaugural meeting in **Philadelphia, PA** on August 13<sup>th</sup>. The working group's charge is to develop a 10-year strategic plan for the Council by the year's end, drawing on feedback received through stakeholder surveys. The Council is responsible for the conservation and management of important fishery resources off the Mid-Atlantic coast, including summer flounder, bluefish, spiny dogfish, scup, black sea bass, surfclams, Atlantic mackerel and squid.



# HINMAN ELECTED TO MARINE FISH CONSERVATION NETWORK LEADERSHIP

## *Plans to Help Network Ally Fishermen and Environmentalists on Critical Issues*

In August, NCMC president Ken Hinman was elected to the Executive Committee of the Marine Fish Conservation Network, an alliance of 200 fishing, conservation and science groups. Hinman, who was an original founder of the Network in 1992 and who has served variously over the years as co-chair and a member of the board of advisors, returns to a leadership role with the Network because he sees a need for this kind of alliance to re-assert itself. “In recent years we’ve seen fishermen and environmentalists becoming more and more polarized – mirroring the kind of splintering that’s happening on the broader political landscape – to the detriment of us all,” Hinman says. “The Network has in the past built platforms for these interests to stand together on, bringing about big changes that benefit all stakeholders. It can do so again.”

Visit [www.conservefish.org](http://www.conservefish.org) to learn more about the mission and current work of the **Marine Fish Conservation Network**

As examples of bridge-building issues the Network’s Executive Committee is looking at, he names fish traceability (i.e., providing consumers with information on where a species was caught and how), habitat and water quality protection, standards and safeguards for open ocean aquaculture, and educating lawmakers on the social, economic and ecological benefits of wild ocean fisheries. Hinman is joined on the Network’s policy-developing panel by Peter Shelley (Conservation Law Foundation), Phil Kline (Greenpeace), Zeke Grader (Pacific Coast Federation of Fishermen’s Associations), Tom Fote (Jersey Coast Anglers Association), Linda Behnken (Alaska Longline Fishermen’s Association) and Aimee David (Monterey Bay Aquarium).

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