

**Wild
Oceans**
For the future of fishing

The Horizon

Gladiators

by Ken Hinman,
Wild Oceans President

The swordfish is an amazing animal. It is able to swim at speeds up to 60 miles an hour because, according to new research reported in *National Wildlife* magazine, it distributes oils from the base of its bill through tiny veins just below the surface of the skin, oils that reduce drag through the water. It's the kind of advantage Olympic swimmers are always seeking. The swordfish has it... naturally.

For our first 40 years as an organization, the swordfish, *Xiphias gladius*, "the gladiator," was the fish in our logo, so it's near and dear to us, not least because its incredible size and speed make it one of the greatest angling challenges. We devoted 15 years to restoring Atlantic swordfish from the brink of commercial extinction, through limits on longlining, including a ban in coastal nursery areas. Today, our work to conserve Pacific swordfish is at the heart of our campaign to promote cleaner ways of fishing commercially.

As much as we identify with the broadbill, big and fast we are not. But we *are* gladiators in the fight to conserve fish.

In fish conservation, we've learned, it's



not how fast you go but that you move with purpose, steadily and in the right direction. We take our cue from Capt. Bill McDonald of the Texas Rangers: "No man in the wrong can stand up against a fellow that's in the right and keeps on a-comin'!"

In a world of big government, big business and big environmental organizations, we believe there is a critical role for small, independent-minded groups like *Wild Oceans*. As Margaret Mead famously observed, "A small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Because of our vision, innovative thinking and commitment, stocks of critical forage fish are now being protected from expanded fishing; many thousands of billfish and sharks are now being saved from death by indiscriminate fishing gear and sales to commercial markets; and the public at-large is learning that the future of the ocean is tied directly to how we see the future of fishing. ■

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Our Mission

Wild Oceans was founded by anglers in 1973. Like the sportsmen before us who pioneered wildlife conservation on land, we are passionate protectors of fish and the wild world we share.

Our mission is to keep the oceans wild to preserve fishing opportunities for the future. To do this, we bring conservation-minded fishermen and pro-fishing environmentalists together to promote a broad, ecosystems approach to fisheries management that reflects our expanding circle of concern for all marine life and the future of fishing.

So much of what we love about the sea, about fish, about fishing, is in the wildness. But that wild world, and the future of fishing, now hangs in the balance. Everything we do, every decision we make, must be guided by a clear vision of the future we want for our oceans and of how the fishing public and responsible consumers will fit into that future.

The buck stops... where?

To fully implement the Billfish Conservation Act of 2012, NOAA Fisheries must enact a Final Rule. Before the Final Rule there must be a Proposed Rule. And before that, an Advance Notice of Proposed Rulemaking (ANPR).

The ANPR was issued 3 ½ years ago in April 2013. We've yet to see a Proposed Rule. NOAA published eight release dates from August 2013 to July 2016 and every one came and went; no rule. The agency offers no explanation, other than that it's still being reviewed within the Administration.

Happily, the law is in force with respect to preventing an estimated 30,000 foreign-caught billfish a year from being sold in U.S. markets on the mainland, where commercial fishermen have been prohibited from selling marlin, sailfish or spearfish for decades.

The BCA, however, provides an exemption for the "traditional fisheries and markets" in Hawaii and Pacific island territories. The law is silent on whether or not Hawaiian-caught fish can or cannot be sold else-

where in the U.S. In the ANPR, NOAA asked for comment on that question.

Wild Oceans and nearly 80 other fishing and conservation groups said emphatically: What's caught in Hawaii should stay in Hawaii. More persuasively (you might think), all the original sponsors of the BCA – Republican and Democrat; in the Senate and the House – are on record, before the bill was passed and again after the ANPR, stating their intent that all sales on the mainland be prohibited.

The arguments are compelling, clearly emphasizing what's at stake:

- The U.S. would be in violation of its fair trade obligations by closing markets to foreign fishermen while arbitrarily keeping them open to some of our own. Such discrimination could open the BCA to legal challenge and jeopardize its substantial conservation benefits.
- Preferential treatment to fishermen from Hawaii would constitute discrimination under Magnuson-Stevens Act National Standard 4 by allowing residents from one state to sell fish in other states where residents are prohibited from possessing

or selling their catch under the MSA.

- Enforcement would be more costly and difficult. The Congressional Budget Office's 2012 analysis of the BCA, estimating negligible costs associated with enforcement, was based on the assumption that billfish and billfish products may not be possessed or sold outside of Hawaii. The chances of prohibited billfish entering illegitimately into U.S. commerce would increase.
- Gains in billfish conservation from restricting foreign imports could be compromised if exclusive access to these markets for island fishermen results in higher marlin landings in Hawaii, where there are no limits on total catch.

Time is running out on this administration. A bipartisan group of congressmen says the buck's been passed long enough. To avoid the uncertainty and further delays that come with a change to a new administration, they've introduced lame duck legislation to make the intent of the BCA unmistakable and require a Final Rule within 45 days. Something's got to give.

– Ken Hinman, *President*

For the Future of Fishing

Wild Oceans is a 501(c)(3) non-profit organization dedicated to keeping the oceans wild to preserve fishing opportunities for the future.

Our 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 fish habitat and water quality

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Progress for people and fish

Wild Oceans staff and Board of Directors are continuously hard at work to conserve fish and their habitat to ensure a healthy future for fishermen and fishing. Here are a few of our successes in 2016.

Protecting Menhaden's Role as Forage. For over 15 years, the ASMFC, the regulatory vehicle for managing Atlantic menhaden on the east coast, was stalled at the intersection of the east coast's largest commercial fishery and the most important forage fish in the sea. That all changed this year, when the commission began the process of amending its menhaden plan to add abundance targets and fishing limits, known as ecological reference points or ERPs, specifically designed to more fully protect this critical forage fish's role in the Atlantic coastal system. *Wild Oceans* president Ken Hinman worked all year long promoting conservative, precautionary ERPs that are ready to be implemented next year through Amendment 3, and we are happy to report they are among the options that went out for public comment at the end of the year. (see page 5)

Fishing Clean and Green for Big Fish. In September, the Pacific Fishery Management Council reversed an earlier decision to postpone permitting buoy gear in the swordfish fishery in favor of more research. Changing its mind under strong pressure from *Wild Oceans* and our partners on the west coast, the Council has now decided to pursue authorization based on five years of research showing this new, highly selective gear can catch swordfish with minimal bycatch of turtles,

marine mammals, billfish and sharks compared to drift entanglement nets or shallow set longlines. The process of deciding who gets a permit will get underway soon. After spending time on a buoy gear research boat this fall, West Coast Project Director Theresa Labriola reports that "experienced swordfish fishermen will find success catching swordfish with deep-set buoy gear, and those who know how to 'read the water' for swordfish will excel at it."

Preserving Deep Sea Coral Habitat. This year *Wild Oceans* executive director Pam Lyons Gromen worked to secure a Federal Rule designating a deep-sea coral protection area in the Mid-Atlantic. Developed last year by the Mid-Atlantic Fishery Management Council, it must be approved and implemented by NOAA Fisheries. A Proposed Rule was issued in September and we along with allied fishing and environmental groups jointly urged implementation with recommendations on monitoring and enforcement, because "(o)nce implemented effectively, the Coral Area will protect innumerable fragile and ancient deep-sea corals in the U.S. mid-Atlantic ocean from the impacts of many of the most damaging fishing gears in a vast and biologically-rich area less than 100 miles off the Nation's most populous coastline."

Saving Unmanaged Prey for a Healthy Forage Base. *Wild Oceans* achieved big wins on both coasts with completion of plans to prohibit the development of new or expansion of existing fisheries for unmanaged forage species until adequate science is available to ensure

ecosystem sustainability. The Pacific and Mid-Atlantic Councils, through similar actions, have recognized the importance of forage species to wild predators and associated fisheries. In April, NOAA Fisheries issued a Final Rule implementing Comprehensive Ecosystem Based Amendment 1, developed by the Pacific Fishery Management Council. Four months later, the Mid-Atlantic Council finished work on an Unmanaged Forage Omnibus Amendment, which will now go to NOAA Fisheries for approval and implementation. The forage species covered by the prohibitions, in addition to being currently unmanaged by either federal or state bodies, are those with high ecological importance and high potential for development of large-scale commercial fisheries.

Establishing a National Marine Park for the Public. *Wild Oceans* supported the establishment of the Northeast Canyons and Seamounts Marine National Monument to ensure that these biodiversity hot spots can be preserved for generations to come. During the development of rules for the new park, we asked the Obama Administration to ban destructive human activities such as industrial trawling, drilling and mining while recognizing the role of the fishing public in conservation and allow for compatible uses. Because of the well-reasoned stand we took, the new monument created in August protects these fragile deep-water habitats for overall ocean health while maintaining the public's ability to enjoy the region's wildness, e.g., by trolling for billfish, tuna and mahi-mahi over the canyons and seamounts. ■

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and support our 40-year legacy of protecting the future of fishing. Every dollar you donate goes directly to work supporting our conservation programs. We may be a little fish in a big ocean, but our impact is enormous. As a small, independent-minded organization, we bring a much-needed angler's perspective to the issues threatening the health of our fisheries. Our long-term record of success would not be possible without the generosity of our members.



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www.WildOceans.org/gift-membership

PUBLIC ASKED TO WEIGH-IN

Act now for the future of menhaden



Credit: NOAA Fisheries/Jerry Prezioso

The Commission responsible for conserving Atlantic menhaden is seeking public comment on changes to the way this important east coast forage fish is managed with respect to its role in the ecosystem, as well as re-visiting how the catch is allocated among fisheries from Maine to Florida.

A Public Information Document (PID) is available for review and comment through January 4, 2017, at www.asmfc.org/about-us/public-input. Gathering the views of the public through the PID, which presents a range of issues and options, is the first step in preparing Amendment 3, slated for completion next year.

We urge you to express your views to the Atlantic States Marine Fisheries Commission (ASMFC) using the address on its web site or sending an email to

comments@asmfc.org (subject line: Menhaden PID). Tell the commission how important it is to you and your fishing that there is an abundance of menhaden in the water, and support the use of “ecological reference points” to set population targets and catch limits. To this end, the fishing and conservation communities are strongly backing **Option D under Issue 1 – Reference Points**.

Here’s why:

FACT: The amount of fish in the water and available to predators is the key measure of a healthy population of any prey fish, including and especially Atlantic menhaden.

FACT: Despite signs that menhaden are not being overfished in terms of meeting the needs of the menhaden fisheries,

the needs of menhaden predators and the ecosystem are not being accounted for with the population targets and fishing limits currently used by fishery managers.

FACT: A large and diverse group of marine ecologists agree that leaving as much as 75% of the un-fished population or biomass in the water each year, and never less than 40% of the un-fished level, significantly minimizes adverse impacts to predators and enhances abundance throughout the population’s natural coast-wide range, while still providing substantial ongoing yields to fisheries.

Now’s the chance we’ve all been waiting for, to get behind a plan to conserve Atlantic menhaden and its many predators and the fisheries menhaden supports long into the future. PLEASE CONTACT THE ASMFC TODAY! ■

Thanking Our Partners for Their Support in 2016

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The Campbell Foundation, Guy & Kitty de Chazal Family Fund, Firedoll Foundation, Friends of Fish Foundation, The Tim & Karen Hixon Foundation, A.P. Kirby, Jr. Foundation, Herbert V. Kohler, Jr./Natalie Black Kohler Foundation, Los Angeles Rod & Reel Club Foundation, Marisla Foundation, Mostyn Foundation, The Curtis & Edith Munson Foundation, Norcross Wildlife Foundation, Palm Beach County Fishing Foundation, Robertson Foundation, Andrew Sabin Family Foundation, John A. & Elizabeth F. Taylor Charitable Foundation, The Volgenau Foundation.

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Mid-atlantic council says “no” to federal management of river herring and shad

by Pam Lyons Gromen,
Executive Director

On October 5th at its meeting in Gal- loway, New Jersey, the Mid-Atlantic Fishery Management Council decided not to move forward with federal management of river herring (blue- back herring and alewife), American shad and hickory shad. Before return- ing to their natal rivers to spawn, these anadromous herrings spend years at sea where they are vulnerable to high-volume pelagic fisheries target- ing Atlantic sea herring (managed by the New England Council) and Atlantic mackerel (managed by the Mid-Atlan- tic Council). Their complex life cycles make river herring and shad invaluable components of the Atlantic forage base because they are eaten by a wide range of predatory fish, mammals and birds that live in riverine, coastal and open ocean habitats.

In a statement released following the meeting, the Council said its decision was “largely based on the fact that RH/S [river herring and shad] are already managed by the ASMFC [Atlan- tic States Marine Fisheries Commis- sion] and that the catch caps set by the Council have kept incidental catch very low compared to historic levels.”

Yet the Council also acknowledged that there is significant uncertainty in estimating the annual amount of shad and river herring taken incidentally in federal fisheries. Bycatch is tracked using data collected by at-sea observ- ers, and observers are only deployed on a small percentage of Atlantic her- ring and mackerel fishing trips.

Thousands of stakeholders, including a number of recreational fishing and watershed groups who have fought hard to restore their local river herring and shad runs, testified and wrote let- ters to the Council to support the in- clusion of river herring and shad in a federal management plan. A federal plan would complement the ASMFC’s restoration efforts in state waters by implementing conservation and man- agement strategies in federal waters outside of the ASMFC’s jurisdiction. Enforceable science-based catch lim- its, habitat protection from fishing and non-fishing impacts, and prioritization in data collection and research pro- grams were put forward as important benefits of federal management.

Mid-Atlantic constituents hammered home their concerns that at-sea by- catch was hampering recovery efforts, concerns supported by recent genetic studies which found that a large por- tion of alewife and blueback herring incidental catch, primarily taken by large mid-water trawl vessels target- ing Atlantic herring off the New Eng- land coast, was from the most vulner- able stocks originating in mid-Atlantic states.¹

And the allowable catch of these at- risk mid-Atlantic stocks is increasing as a result of the New England Council’s decision to increase the annual river herring and shad cap in the Atlantic herring fishery by 16% – approxi- mately a half million fish – through an action that was approved by NOAA Fisheries on November 1st.

In comments submitted to the Mid- Atlantic Council in advance of the Gal-

loway meeting, *Wild Oceans* reiterated its long-standing support for federal management, citing the troubling dis- connect between the Mid-Atlantic and New England councils’ treatment of river herring and shad. Even though there is extensive overlap between the Atlantic herring and mackerel fish- eries, each council manages its own river herring and shad cap. While the New England Council significantly in- creased its bycatch limit for the 2016 –2018 fishing years, the Mid-Atlantic Council reduced its river herring and shad cap for the same time period. Federal management would provide the authority and tools needed to im- plement a single, science-based catch limit designed to prevent overfishing and achieve rebuilding goals.

Piecemeal efforts are falling short of what is needed to rebuild these vital forage fish. River herring and shad continue to fall through the jurisdic- tional cracks in our fishery manage- ment system. ■

(Endnotes)

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Northern anchovy

by Theresa Labriola,
West Coast Fisheries Project Director

Recent studies on the role of forage fish in the California Current ecosystem show that many predators consume multiple, rather than focusing on just one. But some predators, mainly fish-eating seabirds, rely heavily on individual forage fish species for more than 10 percent of their diet. Although the California Current may not have one “key” forage species, these studies put anchovy in the spotlight.

Common murrelets, brown pelicans, marbled murrelets, and tufted puffins, all of which have experienced declines attributable to low prey abundance, are particularly dependent on anchovy. A recent review of forage species in predator diets found that northern anchovy appeared in the diet of 57 of the 119 upper-level predators surveyed in the California Current. Northern anchovy was one of the top five forage species, along with juvenile rockfish, krill, Pacific herring and market squid.

However, management of northern anchovy lags behind these food-web studies. Managers have set the same annual anchovy catch limit for the past 20 years based on a 1991 bioeconomic model. Few doubt that the old estimate dwarfs the current population, but the anchovy catch limit has not changed in response to declining numbers. A study published last year in *Marine Ecosystem Progress Series* noted a 72 percent decline across a number of fish species that favor cool-water conditions, including anchovies, since the 1970s. A study in *Fisheries Research* suggests that the number of adult anchovies that can reproduce declined more than 99 percent between 2005 and 2009.

Given the importance of anchovy to sustaining a healthy forage base in the California Current food web, *Wild Oceans* is pursuing an update to the anchovy harvest rules and a management framework that considers the overall forage base in order to maintain ad-

equately diverse forage for the ecosystem. If we continue to fail to account for predator needs, we will set anchovy catch limits too high, leading to overfishing with negative impacts to predators and the entire California Current ecosystem. ■

(Sources)

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California brown pelicans off the southern California coast eat about one percent of the total anchovy biomass. During their breeding season, 90% of the California brown pelican's diet consists of northern anchovy.


(Source: www.nps.gov/chis/learn/nature/brown-pelican.htm)

Staff travel


 West Coast Fisheries Project Director Theresa Labriola attended the Pacific Council's Highly Migratory Species Management Team meeting in **Portland, Oregon**, August 8-11. The Management Team discussed authorization of deep set buoy gear, new exempted fishing permit applications as well as modifications to the Highly Migratory Species Fishery Management Plan.

 The Western and Central Pacific Fisheries Commission Northern Committee (WCPFC NC) held their annual meeting in **Fukuoko, Japan** August 29 - September 2. Theresa served as a member of the U.S. Delegation and advocated for adoption of a rebuilding plan for bluefin tuna that includes a higher rebuilding target, reduced fishing effort and restricted fishing on spawning grounds in the Sea of Japan. (see page 9) She also attended the first Joint IATTC-WCPFC NC Working Group where members discussed the importance of consistent ocean-wide management goals and objectives.


 The second week of September was a big one for *Wild Oceans*. Chairman Tim Choate was inducted into the IGFA Fishing Hall of Fame in ceremonies September 13 in **Dania Beach, Florida**. There to celebrate with Tim at IGFA headquarters was his daughter Stephanie, along with fellow *Wild Oceans* Directors Mary Barley, Rick Weber, Bill Boyce and President Ken Hinman. Tim joined a very exclusive club because of his extraordinary contributions to fishing and fish conservation – especially his pioneering work and promotion of the use of circle hooks, which have saved many, many thousands of billfish – and his leadership of *Wild Oceans*. We are all very proud!

 On September 15, also in **Dania Beach, Florida**, Ken Hinman gave the Keynote Address at the 6th International Billfish Symposium. Says Ken: “It was a great opportunity to spread the gospel to an audience of fishers, scien-

tists and conservationists, reconnect with some old acquaintances, and learn about some of the latest research into billfish biology, behavior and habitat.”


 Theresa travelled to **Boise, Idaho** for the Pacific Fishery Council Meeting held September 12-20. Theresa testified on ecosystem goals and objectives as well as in support of authorization of deep set buoy gear (DSBG) and issuing an exempted fishing permit to further DSBG research. The Council agreed to consider revising its ecosystem goals and objectives in 2018 and also decided to take more immediate steps to authorize DSBG as currently configured and fished in the Southern California Bight.


 The Inter-American Tropical Tuna Commission (IATTC) held its annual meeting in **La Jolla, California** October 11-14. Theresa attended as part of the U.S. Delegation and urged for adoption of a more precautionary rebuilding plan for bluefin. The IATTC decided to follow the lead of the WCPFC and maintain the current rebuilding target of just 7% spawning stock biomass.

 While in **La Jolla** on October 13, Theresa joined the Pflieger Institute for Environmental Research on its research vessel to test deep set buoy gear as well as linked buoy gear, two innovative fishing methods that are proving to catch swordfish with less bycatch than indiscriminate longline or drift gillnets.



Let's Work Together for Bluefin. Theresa Labriola with Masa Miyahara, President of Japan Fisheries Research Agency and Chair of the WCPFC NC, Fukuoko Japan.

 The ASMFC's Menhaden Management Board held their Annual Meeting in **Bar Harbor, Maine** on October 26 and took a pair of significant actions to close out the year. Ken Hinman was in attendance for *Wild Oceans*. Taking its last chance to set the total allowable catch under the existing, single-species reference points before they are replaced by Ecological Reference Points through Amendment 3 next year, the Board approved a 6% increase in catch, setting a coast-wide quota of 200,000 tons. On the positive side, the Board approved a scoping document for Amendment 3 for public comment (see page 5), which includes options for ERPs recommended by *Wild Oceans* in our 2015 report, *Resource Sharing: The Berkeley Criterion* and by Ken through his membership on the Menhaden Advisory Panel.

 The Pacific Council met in **Garden Grove, California** from November 16-21. Theresa supported modifications to the management of northern anchovy, which has declined steeply in the past decade (see page 7). Also, as the Council considered options for permitting deep set buoy gear, Theresa conveyed a number of recommendations developed after she met with commercial and recreational fishermen as well as state and federal managers. ■

The truth about the dare to “go slow” on bluefin

by Theresa Labriola,
West Coast Fisheries Project Director

This fall, international fishery managers dared to turn a blind eye to the continued collapse of Pacific bluefin tuna and take only the tiniest step towards recovering this favored fish. This was not the kind of dare regarded as brave, but the kind seen as dangerous and embarrassing. In the face of evidence that spawning bluefin tuna hover near extinction at less than 3% of their historic spawning stock biomass (SSB), managers only agreed to maintain their goal to increase the stock to a mere 7% SSB by 2024. This target runs counter to scientific recommendations, rebuilding plans for other Pacific tunas, and common sense.

The action by Northern Committee (NC) of the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC) gambles with the future of bluefin in favor of short-term fishery stability and economic gain and distorts the international vision to “maintain and restore fish stocks at levels capable of producing [maximum sustainable yield].”

In truth, their slow approach to rebuilding Pacific bluefin also runs counter to management of other tunas. The United Nations Fish Stocks Agreement provides that “For overfished stocks, the biomass which would produce maximum sustainable yield (BMSY) can serve as a rebuilding target.” Many international bodies use 20% SSB as a target for tunas. The WCPFC has

adopted this as a limit reference point for three tuna species, including albacore. The Commission for the Conservation of Southern Bluefin Tuna has set 20% SSB as an interim rebuilding target for Southern bluefin tuna. In the Atlantic, they use a rebuilding target of BMSY for Atlantic bluefin tuna.

Common sense tells us that leaving so few spawners robs the species of an opportunity to recover quickly when the opportunity arises. Ecosystem drivers highly influence bluefin spawning success. Scientists predict that warming waters at the spawning or nursery grounds is likely to have a negative impact on larval growth and survival and growth and recruitment of juveniles. Given the species’ sensitivity to ocean drivers and predicted habitat changes due to climate change, it makes sense to leave more spawners in the ocean by setting a stronger target, even 40% SSB, as recommended by *Wild Oceans* and others. This would relax fishing pressure, increase the spawning stock more quickly, and give the stock a better opportunity to recover quickly and to higher levels.

To justify the decision to “go slow”, Japan applied the precautionary principle to markets instead of the resource. Historically, bluefin have recovered from very low spawning biomass. With this in mind, Japan suggested that we should take small steps towards increasing the spawning population, being precautionary by minimizing impact on the commercial fleet and the

multi-million dollar bluefin market.

In the eastern Pacific, we’ve seen large schools of juveniles that have fueled a few years of fantasy recreational fishing in both size and numbers, as well as speculation of an imminent recovery. However, local abundance cannot predict the health of the stock ocean-wide. Moreover, once these fish head west to the Sea of Japan to congregate and spawn, they will face an armada of purse seine vessels mining the spawning grounds, catching some fish before they spawn as well as the older, larger adults.

The truth about the dare to “go slow” on bluefin recovery is that the current plan predicts less than a 1% chance of rebuilding bluefin to 20% SSB in the foreseeable future.

In December, the WCPFC holds its annual meeting in Fiji. There, the Commission can return to its commitment, made in 2015, to develop and implement a harvest strategy for Pacific bluefin tuna that would specify the pre-determined management actions necessary to achieve agreed biological, ecological, economic and/or social management objectives. *Wild Oceans* will urge the U.S. Delegation to: 1) pursue a harvest strategy; 2) advance a more precautionary rebuilding target for 2024; 3) reduce fishing effort on Pacific bluefin tuna; and, 4) cut the harvest on the spawning grounds in the Sea of Japan by considering the cumulative impact of catching both juveniles and spawners. Hopefully then, we can avoid the consequences of this embarrassing, dangerous, dare. ■



SHARK CALENDAR HELPS WILD OCEANS BRING BACK THE BIG FISH

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