

**Wild  
Oceans**  
For the future of fishing

# The Horizon

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## Fishing and the law

Henry David Thoreau, the father of American conservation, famously accepted the motto, 'That government is best which governs least'. He added, however, "...and when men are prepared for it, that is the government they will have."

Well, we're not there yet. Still, in a modern world with an excess of rules and regulations Thoreau could never have imagined, his sentiment remains alive and well among anglers, many of whom resent government intrusion into their sport, longing for a simpler time few of them can remember.

*Sportfishing* magazine recently ran a social media poll asking its followers what their fishing would be like without regulations. As editor Doug Olander points out in the February issue, the answers were "all over the place", ranging from those who declared flat-out there would soon be "no fish left" and no fishing, to others who claimed fishing would be "a lot better" or at least that "nothing would change."

Which reminded us of an *Ocean View* editorial, [Nothing Really Changes Except the Rules](#), written in 2005 during the last reauthorization of the nation's fishing law, the Magnuson-Stevens Act (MSA). (It's reprinted on page 7 as part of our 45<sup>th</sup> Anniversary look back into our archives at articles just as relevant today). Then, as

now, reauthorization was a "tug-of-war over the rules," as if "we've lost sight of where it is all supposed to be taking us."

As Olander notes in his editorial, a complaint common to fishermen on both sides of this divide is *fairness* in regulations. Which brings us to the controversial Modern Fish Act (HR 200, proposed amendments to the MSA), which passed the House late last year and is now before the Senate. The bill has the support of many (but by no means all) recreational fishing groups. Its main selling point, in our view, is that it recognizes that recreational fishing is fundamentally different from commercial fishing and so should be treated differently. It allows for more flexible and innovative approaches to management, including data collection and monitoring. Fair enough.

But to make management less rigidly process-driven, the bill moves some of the backstops against overfishing and loosens rebuilding requirements. (Commercial fishermen like this part, too.) Without these constraints, how aggressive will fishery managers be to stop overfishing and rebuild? What will be the unintended consequences of this new flexibility? It's likely those questions will have to be answered if the bill wants a chance of getting out of Congress this year.

Of course, the best new laws are the ones

that actually improve conservation and management while lessening the need for regulation. One such bill is before Congress right now and another will be introduced soon. *Wild Oceans* is working on their behalf.

An amendment to the Billfish Conservation Act passed the Senate and is now in the House. The BCA reserved billfish (outside of Hawaii) for sport fishermen who voluntarily release almost all the fish they catch, removing the need to police the bycatch of commercial longliners or patrol mainland markets. This new amendment ensures Hawaiian-caught fish are sold only in Hawaii, greatly easing the burden of tracking and enforcement.

The Driftnet Modernization and Bycatch Reduction Act, drafted by Sen. Diane Feinstein (CA), would phase-out drift nets on the west coast – the last place in the U.S. they are permitted – by 2020. Limiting the west coast swordfish fishery to cleaner alternative gears will drastically reduce management and regulatory costs while protecting the environment.

We want a future for fishing and the law where the two are complementary, not always in conflict; laws that encourage and promote ways of fishing and managing that do not require constant command and control, while providing public access for food and sport. ■

## The year looked good on paper

We did everything we could to get where we wanted to be. But it turned out not to be enough.

Three years ago, when the Atlantic States Marine Fisheries Commission voted to amend the Menhaden Plan to account for its role as forage for dependent predators – something the public has been asking them to do since the beginning of the century – we were more than ready.

We presented the results of an exhaustive study of ways to set conservation goals for prey fish, published as *Resource Sharing: The Berkeley Criterion* in 2015. Our report confirmed a consensus among fisheries scientists from around the world that setting the target population at 75% of the virgin population is the way to go. It reduces the impact on predators by about half compared to conventional targets, while still allowing reasonable yields to the fisheries.

We shared the results with our allies in advocacy as well as the ASMFC's Menhaden Management Board, Advisory Panel, Technical Committee and Plan Development Team. We were excited that when Draft Amendment 3 was released for public

comment last year, "the 75% solution" was front and center among several options for ecological reference points (ERPs).

An unprecedented coalition of fishermen, environmentalists, birders, whale watchers, etc., from Maine to Florida worked together to spread the word. As a result, over 150,000 members of the public – an ASMFC record – and over 100 fishing and conservation groups voiced support for implementing ERPs in 2018, with over 99% of them backing the 75% option.

So what did the ASMFC do when the menhaden board met to finalize the amendment last November? They voted to wait a few more years on ERPs while additional research is done, then raised the coast-wide catch another 8%.

Over the holiday break I re-read Joseph Monninger's memoir, *Home Waters*, about taking his aging lab, Nellie, on her last fly-fishing trip out west. At one point, he muses: "Even the best fishermen catch fish only a small percentage of the time, which means we persevere in a sport that features failure as its main ingredient."

In the sport of fishing, failure only enhances our successes, which consoles the

spirit. There is little consolation in the Amendment 3 eco-failure, however, which wasn't ours, but the ASMFC's. So before we respond – which we must and will – we have to understand the why and the how.

Why did it happen? A majority of state representatives wanted to give their fishermen more fish, and the only way to do that was to vote to postpone ecosystem-based management so they could continue to use single-species rules and fish at higher quota levels for at least a few more years.

How did they get away with it? By ignoring the 117 fishery scientists who signed a letter endorsing the 75% ERP and deferring to a small team of their own scientists who argued against it, in part because they don't understand it. And in part because they want the menhaden board to wait until their own new, untested models are completed; models they admit will give only a partial picture of menhaden's role in the ecosystem.

As Simon and Garfunkel sang, "A man hears what he wants to hear and disregards the rest."

– 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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HONORED FOR WORK TO ELIMINATE DRIFT NETS

# Wild Oceans' Theresa Labriola Receives Major Conservation Award



Theresa Labriola, Director of Pacific Programs for *Wild Oceans*, was honored with the International Game Fish Association's 2018 Conservation Award on January 27<sup>th</sup> in Fort Lauderdale, Florida. IGFA Conservation Awards are given annually to honor those who have made outstanding contributions to fresh and saltwater fishing conservation.

"Your efforts to remove drift gill nets from California waters and your coalition building work in the recreational and environmental communities make you most worthy of this prestigious award," Nehl Horton, IGFA President, told Theresa. (pictured above)

"As someone who has spent a lifetime on the water with my family - rod in hand - I am honored to receive the IGFA Conservation Award," said Theresa. "I accept it on behalf of those who dare to dream about wilder oceans and work together to realize this dream."

*Wild Oceans* is at the forefront of efforts to replace mile-long drift gill nets in the west coast swordfish fishery with low-bycatch alternatives, such as deep-set buoy gear, to reduce bycatch of finfish and avoid interaction with marine mammals, sea turtles, and other vulnerable species.

"This award acknowledges not only my work with *Wild Oceans* to remove indiscriminate fishing gear from the Pacific Ocean, but the decades-long fight that has brought together diverse parties, from sport fishermen to environmentalists to turtle conservationists," says Theresa. "Despite the varying agendas, we share a common goal to build a healthy, thriving ocean ecosystem."

"I hope my work proves that cooperation is our best strategy towards

achieving this goal. Together we must be willing to step-up and step-out, to collaborate and innovate, and to mobilize our resources and rally our constituents."

"Innovative thinking and collaboration have always been hallmarks of our work and Theresa represents that so well," says Ken Hinman, president of *Wild Oceans*, which in 2018 is celebrating its 45<sup>th</sup> anniversary. (see page 7) ■



A table of *Wild Oceans* board members, friends and family, hosted by *Wild Oceans* Board Chairman Tim Choate, cheer on Theresa as she accepts her award from IGFA President Nehl Horton.

# NOAA calls on fishermen to adopt voluntary mako shark conservation measures

Although the shortfin mako shark is widely recognized as the fastest fish in the ocean, commercial fishing pressure has finally caught up with it, according to the latest (2017) international stock assessment. In response, the International Commission for the Conservation of Atlantic Tunas (ICCAT) has taken the first step in a rebuilding plan for North Atlantic shortfin mako, requiring measures to prevent the population from decreasing any further, stop overfishing and begin rebuilding.

Shortfin makos, vulnerable to heavy fishing pressure as are most species of shark, are primarily caught as by-catch in the tuna and swordfish longline fisheries and are usually kept because of their high market value. The majority of these sharks are immature, i.e., never had a chance to reproduce and contribute to the population. A small but valuable sport fishery exists on the U.S. east coast. Although U.S. landings are a fraction of the total Atlantic catch, domestic regulations are required of all ICCAT members.

NOAA Fisheries is requesting that fishermen voluntarily adopt the internationally recommended shortfin mako shark conservation measures while



Photo taken by Mark Conlin. Courtesy of NOAA Fisheries, Southwest Fisheries Science Center

final regulations are developed. The measures include:

- Commercial pelagic longline fisheries release all live shortfin mako sharks in a manner that causes the least harm. Only sharks that are dead at haul-back may be landed. Fishermen using other gears (bottom longline, gillnet, hand-gear) may not land incidentally-caught makos under any conditions.
- Recreational anglers observe a

minimum size of 71 inches fork length for males and 83 inches FL for female shortfin mako sharks. Notwithstanding these size limits, NOAA has for several years now encouraged release of all makos caught alive and in good condition to keep the population healthy.

NOAA Fisheries will solicit public comments on the final regulations later in the year, in addition to an upcoming fishery management plan amendment in the future. Stay tuned. ■

## Oceanic whitetip sharks listed as threatened

On January 30<sup>th</sup>, NOAA Fisheries, in response to a petition by the Defenders of Wildlife, published a final rule listing the oceanic whitetip shark as threatened under the Endangered Species Act. A threatened species is one that is likely to face extinction in the foreseeable future.

Once abundant in subtropical and tropical ocean waters around the world, whitetip sharks have declined 50-88% throughout the Atlantic and 80-96% throughout the Pacific because of fishing pressure and inadequate regulations to protect them. Bycatch in purse seine and longline fisheries has taken and continues to take a sizable toll on whitetip populations. Whitetips, which reach 11 feet and 500 pounds, are also highly sought in the shark fin trade because of their long, wide fins.

NOAA will now develop a recovery plan and designate critical habitat necessary for conserving the sharks. Recovery will require commitment and persistence. Oceanic whitetips, like many large coastal and pelagic sharks, are slow growing and reach sexual maturity at a late age (around 6-8 years). Once mature, females only reproduce on alternate years, giving birth to an average of six pups after a lengthy 10-12 month gestation period. ■



# 2017 Ocean Honor Roll

*In gratitude, we recognize the following foundations, groups and individuals who generously supported Wild Oceans conservation programs in 2017.*

The Campbell Foundation  
Guy and Kitty de Chazal Family Fund  
Firedoll Foundation  
Friends of Fish Foundation  
The Tim & Karen Hixon Foundation  
A.P. Kirby, Jr. Foundation  
Los Angeles Rod & Reel Club  
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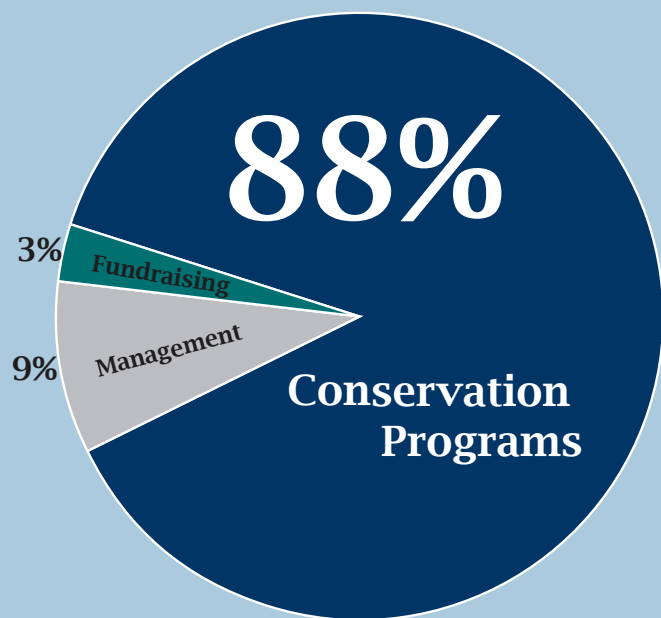
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# 2017 Year-End Financial Summary

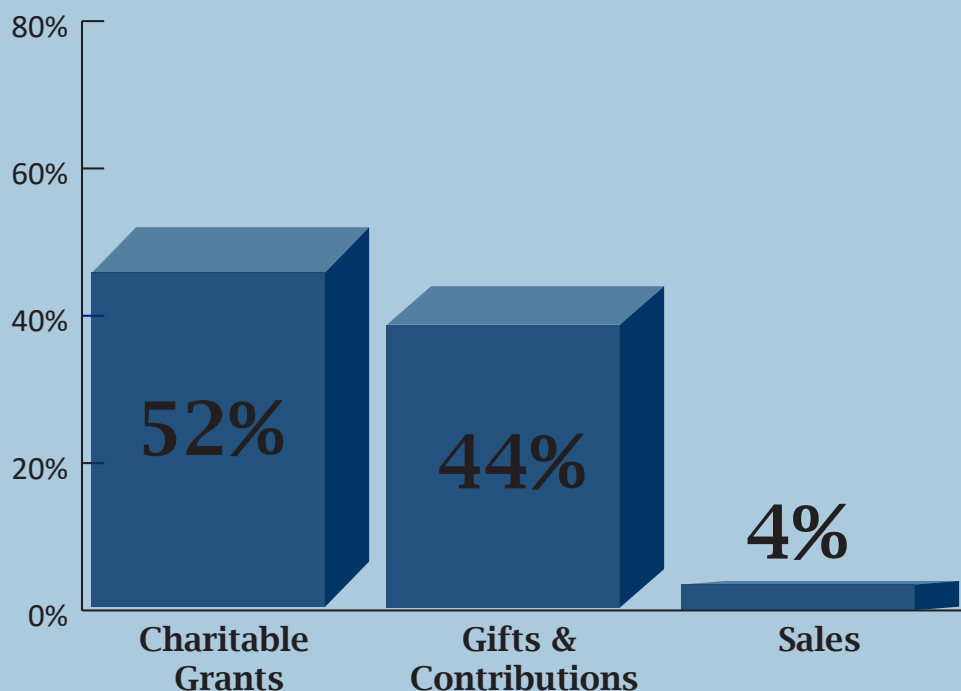
## *Expenditures*



***Wild Oceans*** is dedicated to making sure 100% of your contribution goes directly to work for the fish. Our Board of Directors covers all administrative costs associated with management and fundraising. Rest assured that when you make a donation, we are making every dollar count for conservation!

## *Sources of Revenue*

Gifts and contributions from our supporters contribute significantly to our operation. In short, our successes would not be possible without you!



# Looking Back...

## 45 years 1973-2018



**Wild  
Oceans**  
For the future of fishing

In celebration of our 45<sup>th</sup> anniversary working for the future of fishing, we will be including a special feature in all 2018 editions of the *Wild Oceans* Horizon, and on our website, where we revisit stories from the past that are just as relevant today. Keeping our members informed of important developments in the world of ocean conservation has been a priority since our organization was founded as the National Coalition for Marine Conservation back in 1973.

*The following commentary by Wild Oceans president Ken Hinman was written when Congress was in the midst of amending the federal Magnuson Act and remains relevant today as lawmakers re-examine the Act and consider making changes.*

Ocean View, Spring 2005

### **"NOTHING REALLY CHANGES EXCEPT THE RULES"**

The late, great Hunter S. Thompson said that, and I couldn't help thinking how right he was, as I sat through a panel on reforming fishing laws at the recent conference, "Managing Our Nation's Fisheries." In the 28 years since the councils began implementing the Magnuson Fishery Conservation and Management Act, our fundamental problem hasn't changed. In most cases, without the proper constraints, we will overfish, to the point of resource depletion and harm to our fisheries. And we are more capable of overfishing than ever before.

In other words, despite increases in our knowledge of fish and fishing's impacts, our hard-earned experience repairing depleted fisheries, and a growing conservation ethic among many fishermen, if we were to remove today's rules – most notably, those contained in the 1996 Sustainable Fisheries Act – we'd quickly return to the days of pillage and plunder.

Since 1976, we've changed the rules many times. More than that, we've added regulations ad infinitum. Some might say ad nauseum. And lacking a common vision for our fisheries and a universal conservation ethic, we are becoming process-driven. Following the rules and regulations, more and more of them every year, leading us further away from a management system based on common values. And law without values is a bureaucracy without purpose. It's no more than a process.

The rules have become all-important. Which is why we're so focused on fiddling with them. We're now in the midst of yet another Congressional reauthorization of Magnuson, and it promises, once again, to be a tug-of-war over the rules. Yet it seems

as if we've lost sight of where it is all supposed to be taking us.

I think of myself as a conservative conservationist. I'm a strong and unapologetic environmentalist. But I'm no fan of government bureaucracy, controlling and micromanaging every aspect of fishing, or wasting taxpayers' money. And I'm not happy that our system has become, as one panelist put it, a "costly, redundant and slow processing of actions and creation of disenfranchised, confused and frustrated user groups."

But is the cause of this problem the rules themselves, and is the answer merely lifting the regulatory burden, as some propose? Or is it the lack of a coherent vision and political will behind the rules? Actually, it's both. And we'll never fix things - with more than a temporary fix, anyway - focusing on just the rules.

We can all join the chorus and chant the mantra of reform I heard at the conference: streamline, consolidate and simplify. But that will be impossible until we change more than the rules, and change the way we as a nation think about the ocean. ■





WITH THE PRESSURE ON, INTERNATIONAL MANAGERS STRIKE A NEW DEAL

# Pacific bluefin tuna gets a fighting chance

by Theresa Labriola,  
Pacific Programs Director

With optimism and caution, the Western and Central Pacific Fisheries Commission (WCPFC) set a new goal for Pacific bluefin tuna. At their annual meeting, they maintained their commitment to achieving a nearly threefold increase in the population by 2024, and added a promise to give bluefin a fighting chance by rebuilding the population to 20 percent of its pre-fishing levels by 2034. On the water, this means a big increase in the biomass of breeding-age fish from 17,000 mt in 2014 to 130,000 mt in 2034. While 2034 sounds like a long time, steady progress towards both targets will require a constant commitment from all harvesting nations to follow through on their responsibilities to maintain catch below fishing quotas.

and allow them to spawn. However, high demand for sushi-grade Pacific bluefin tuna threatens its recovery. While many chefs are choosing to take bluefin off the menu, the fish fetches eye-popping prices at Japan's Tsukiji Fish Market (pictured above). At the first auction of 2018, one fish sold for \$323,000. The price reflects bluefin's coveted position in Japanese culture.

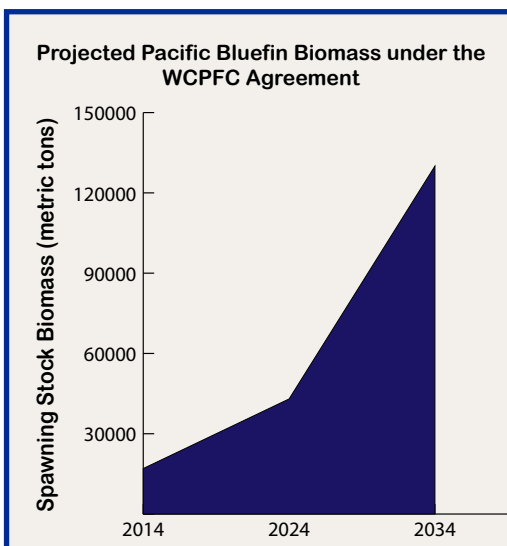
On the water, managers face an uphill battle to secure long-term gains in the spawning stock. Last year, Japan, Mexico, South Korea and the United States all exceeded their annual catch limit for bluefin. The US commercial fleet quickly exceeded their quota after a couple successful days of purse seine fishing. New trip limits have been proposed for 2018 to prevent a repeat. In Japan, the haul of juvenile bluefin as bycatch in their mackerel fishery tipped the scales. There, managers seem more reluctant to take the perceived unpopular step of closing the mackerel fishery to prevent the overharvest of non-target bluefin tuna.

The Japanese mackerel fishery isn't unique and can learn a lesson from the Atlantic fishery where U.S. regulators have implemented an individual bluefin quota to manage the catch. A vessel fishing with pelagic longline gear onboard must have a minimum bluefin quota allocation to embark on a trip. While closing one fishery to protect another may garner little support from the Japanese mackerel fishery, it may hold the key to bringing the population of this trans-Pacific tuna back to a sus-

tainable level that can support fishing for future generations.

*Wild Oceans'* participation in the initial negotiations in Busan, South Korea last summer provided managers with a reminder: while the California recreational fishery catches a tiny fraction of the total bluefin caught, we have an big commitment to rebuilding the population to support fishing for the future. We have also sounded the alarm on the western and central north Pacific striped marlin stock which has languished at historically low levels for decades. Managers draw a line at 140 degrees west (just east of Hawaii) and north of the equator to delineate the management of the western Pacific striped marlin stock and the eastern Pacific stock. However, genetic studies clearly indicate the presence of southern California striped marlin in the western Pacific stock. The Commission tasked its scientific committee with providing updated management advice and recommendations on striped marlin in 2018, a decision that could result in an increase in striped marlin off California.

Reaching international consensus requires that managers choose what's best for the shared resource, without knowing exactly how it will affect their own domestic fisheries. The Commission has acted with optimism for the future of the bluefin tuna fishery, and hopefully, they are beginning to recognize that similar promises are needed to secure a future for western Pacific striped marlin. ■





Accomplishing this goal requires that we reduce the global catch of juveniles



# Staff travel log


 Theresa Labriola, *Wild Oceans* Pacific Program Director, travelled to **Costa Mesa, California** in November to attend the Pacific Fishery Management Council meeting. She provided public testimony in favor of lowering the commercial trip limit for Pacific bluefin tuna to prevent another exceedance of the annual catch limit (see p. 8). She also attended the Highly Migratory Species Management Team and Advisory Sub-panel meetings and spoke in favor of authorizing deep-set buoy gear as a limited entry fishery. She addressed the potential negative social and cultural interactions with the recreational fleet.

 On November 17<sup>th</sup>, Theresa attended a public meeting in **Newport, California** with members of the swordfish fleet, recreational fishing and conservation communities, as well as state and federal fisheries managers. Participants discussed common ground for a potential public and private partnership to purchase and then retire drift gillnet permits.

 Theresa met with colleagues in **Portland, Oregon** on December 1<sup>st</sup> for a biannual meeting of cooperating conservation organizations. They discussed strategies for successfully advancing our collective goals to advance the Council's fishery ecosystem plan, advance greener gear in commercial fisheries and protect Pacific forage fish.

 The Mid-Atlantic Fishery Management Council met in **Annapolis, Maryland** the week of December 11. *Wild Oceans* Executive Director Pam Lyons Gromen attended the meeting to provide input on a number of forage fish issues. Topics discussed included a management plan for chub mackerel, a squid fishing buffer zone around Martha's Vineyard and Nantucket to safeguard spawning squid and prevent localized depletion, and future priorities planning to rebuild Atlantic mackerel and to protect unmanaged highly migratory species prey (i.e., false albacore tuna, bonito, frigate mackerel and bullet mackerel).

All issues remain in the Council's workload priorities list for 2018 with the notable exception of the squid fishing buffer zone, which the Council voted not to pursue. A recently completed amendment to the management plan for squid greatly reduced the incidental squid trip limit from 2500 to 250 lbs during Timester 2 (May-August). The Council believes this reduction has the potential to constrain fishing and address concerns raised regarding excessive squid fishing near Martha's Vineyard and Nantucket in the summer months.

 Theresa participated in the Highly Migratory Species Management Team meeting from January 22-24. The team discussed their proposed analysis for authorizing deep-set buoy gear. She shared *Wild Oceans'* priority for adopting smart management measures that build an economically viable fishery while addressing unforeseen and unavoidable social and cultural conflicts. ■



## Wild Oceans Welcomes Larry Dahlberg to our Board of Directors

*Wild Oceans* is pleased to announce that Larry Dahlberg has joined our Board of Directors.

Larry brings to our board decades of fishing knowledge, experience and conservation achievements. At age 11, he began his professional fishing career as a fly fishing guide for smallmouth bass. In the 70s, he spearheaded a smallmouth migration tagging study that led to regulations resulting in the unprecedented recovery of trophy-sized bass. For 25 years he's hosted and produced *The Hunt For Big Fish* television show, an endeavor which has taken him to over 80 countries. He's an avid angler in both fresh and saltwater with both conventional and fly tackle. Larry has been honored with the Conservation Award from the IGFA, the Henshall Award from the Federation of Fly Fishers, and has received numerous television awards. Larry is also a member of both the Freshwater Fishing Hall of Fame and the IGFA Fishing Hall of Fame. ■

NEW ENGLAND COUNCIL ADOPTS OFFSHORE BROAD ZONE TO SAFEGUARD DEEP WATER CORAL HABITAT

# Deep sea coral protections expand in the Atlantic

An additional 25,000 square miles of deep sea coral habitat in the Northeast will be protected from bottom-tending commercial fishing gear. On January 30<sup>th</sup>, the New England Fishery Management Council voted to include a 600-meter broad protection zone in its Omnibus Deep Sea Coral Amendment in order to conserve deep water corals south of Georges Bank. The amendment will now go to the National Marine Fisheries Service (NMFS) for review.

The Frank R. Lautenberg Deep-Sea Coral Protection Area, developed by the Mid-Atlantic Council and implemented by NMFS in December 2016 protects 38,000 square miles of offshore coral habitat in the Mid-Atlantic region. The New England Council's actions add a critical


piece to a comprehensive plan for safeguarding this fragile and ecologically-important habitat in the Atlantic.

Although discrete deep water coral protection zones for the Gulf of Maine were selected in June, the New England Council had postponed its decision on the offshore broad zone until additional analyses were completed. *Wild Oceans* advocated for a broad zone option carefully developed in collaboration with the Pew Charitable Trusts, the Natural Resources Defense Council, Earthjustice, Conservation Law Foundation and Oceana. Known as "Option 7," the environmental community's broad zone boundaries meticulously preserved the current commercial fishing footprint while

maximizing protections for coral habitat. If chosen, Alternative 7, which more closely mirrored the Mid-Atlantic Council's approach, would have protected 20% more coral habitat than the Council's preferred alternative (Option 6) with only a 1.6% increase in total area.

"While we are disappointed that the Council ultimately chose to stay the course with its preferred alternative, the New England Council's plan contributes significantly to region-wide efforts to preserve deep water corals. Over 75% of New England's documented corals and high quality coral habitat will be protected under the Council's plan," says *Wild Oceans* Executive Director Pam Lyons Gromen. ■

Your mailing label includes your membership renewal date.



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