

**Wild
Oceans**
For the future of fishing

The Horizon

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A BILL FOR THE BILLFISH

by Ken Hinman

This summer Congress passed and President Trump signed into law HR 4528, a bill amending the Billfish Conservation Act (BCA) of 2012, which eliminated a sizable component of the global billfish market by banning imports into the U.S. This ‘technical amendment’ clarifies that Pacific billfish exempted from the BCA’s federal no-sale provision are only to be sold locally in Hawaii and Pacific island territories.

In effect, it achieves the BCA’s original intent to prohibit the sale of billfish within the mainland U.S. while allowing for a cultural tradition in the islands – the local sale and consumption of billfish – to continue. The BCA does not affect swordfish harvest and sale.

Anglers and conservationists all around the country, including in Hawaii, are praising a law that conserves a very valuable yet vulnerable ocean resource while respecting and protecting local customs. *Wild Oceans* played a leading role in this victory, a project we began 10 years ago with IGFA as the **Take Marlin Off the Menu** campaign, and our thanks go out to all our members, supporters and funders for helping us make this happen.

NOAA Fisheries is already implementing the law, alerting businesses that “(t)he BCA prohibits the sale of billfish and billfish products...throughout the United States. Billfish are exempted from the sales prohibition only when they are landed and retained in Hawaii or the Pacific Insular Areas.” Billfish already in the pipeline as of passage of the bill, according to NOAA, may be donated or destroyed, but not sold.

Conservation, Enforcement and Fairness

Commercial overfishing, specifically excessive bycatch in longline fisheries for tuna and swordfish, has reduced populations of Atlantic blue and white marlin and north Pacific striped marlin to unsustainably low levels.

The Billfish Conservation Act’s primary aim was to end importation of foreign-caught fish – an estimated 30,000 billfish a year – into markets in the mainland United States, which was essential to uphold long-standing federal conservation plans adopted by the five Atlantic fishery management councils (1989) and the Pacific Council (2004) that banned the domestic harvest and sale of billfish (with the exception of swordfish).

The conservation benefit of keeping foreign imports out of U.S. markets is substantial – the U.S. in 2012 was the world’s number one importer of billfish despite the strong conservation measures in place for our own fisheries – but HR 4528 was necessary because the BCA was undermined by the transport of Hawaiian-caught marlin to mainland markets closed to all other fishermen, domestic and foreign. So it’s a conservation issue, an enforcement issue, and – quite frankly – an issue of fairness.

The amended BCA respects the conservation goals adopted by federal fishery managers on the mainland while allowing Hawaii and the Pacific island territories to manage their traditional fisheries for billfish through the Western Pacific Fishery Management Council’s Pelagics Plan. (see p. 2)

Recreational fishing for billfish, which on the mainland is nearly all live-release and evolving in that direction in Hawaii, is extremely valuable to local and national economies. Studies have demonstrated that the value of recreationally-caught billfish is substantially greater than that for commercially-harvested fish with minimal impact on the resource. ■

AND THEN THERE WAS ONE

Out of respect for Pacific island traditions, the Billfish Conservation Act and 2018 Amendments (p. 1) exempt Hawaii *et al* from its federal ban on imports and sales of marlin, sailfish and spearfish. In return it requires that they respect the wishes of mainlanders and their tradition of protecting billfish from commercial exploitation. Mutual respect and compromise – what a concept.

And yet the Western Pacific Fishery Management Council is complaining loudly, to the Administration and to the public through its newsletter, about the loss of mainland markets. By doing so, they unwisely draw attention to their own failure to conserve billfish.

For some reason, the Council claims the BCA is “inconsistent with the principles and standards of the Magnuson-Stevens Act (MSA)”. On the contrary, to give fishermen from Hawaii sole access to mainland markets where fishermen from the other 49 states are excluded, would violate National Standard 4, which forbids discrimination in favor of residents of one state over others.

The Council asserts there is no conserva-

tion need for the BCA because “billfish populations in the Pacific are healthy.” Not so. North Pacific striped marlin, according to the latest stock assessment, are severely overfished; the stock has been reduced to just 15% of an unfished population. While it is true that Pacific blue marlin are not considered overfished, the most recent assessment notes the stock has been in a “long-term decline” since the first assessment over 40 years ago, dropping 40% below population levels in the early 1970s. With no limits on catch, domestic or international, that should be cause for concern.

Finally, the Council maintains that their billfish fisheries are “sustainably managed.” Really? The Western Pacific Pelagics Plan does not regulate landings of striped marlin or any other billfish, which are mainly taken as an incidental catch in the longline fisheries for tunas. In the years since passage of the original BCA (2013-16), Hawaii-based longliners landed an average of 13,000 striped marlin a year. In 2016, the 142-vessel longline fleet fished 48,119,566 hooks, an average of more than 2,500 hooks per multi-mile set. These indiscriminate

hooks caught nearly 40,000 striped marlin, blue marlin and spearfish that year.

Virtually every billfish that is hooked is landed. According to commercial log-books, 99% of the billfish caught are kept. Only those that are damaged or otherwise unmarketable are put back in the water.

In summary, striped marlin are depleted, blue marlin are probably fully-exploited, and every billfish caught as bycatch in Hawaii’s commercial longline fishery, no matter how many, can be and is brought to market. That’s not sustainable management, by any definition.

The Western Pacific Council is speaking for the longliners, not the many small boat fishermen in Hawaii, recreational and commercial, who support billfish conservation and the BCA. They don’t gain from sales outside Hawaii, nor do they benefit from unlimited longline catches. Their social and economic impact is significant, and Hawaii’s fishery managers should forget about the mainland and take care of unfinished business at home.

– 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

Officers and Staff:

Tim Choate, Chairman

Rick Weber, Vice Chairman

Ken Hinman, President

Pam Lyons Gromen, Executive Director

Theresa Labriola, Pacific Programs Director

Laureen Megan, Office Manager

Contact Us:
Wild Oceans
P.O. Box 258
Waterford, VA 20197
office: 703.777.0037
web: wildoceans.org

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A Question of Science

Introducing a New Wild Oceans Blog Series...

Scientific advice has played a critical role in recent decisions about how to conserve and manage Atlantic menhaden. As it should. But beginning with the 2015 benchmark stock assessment – the first conducted with the awareness that it would be used to regulate the fishery – on through the Commission’s halting move toward an ecosystem-based approach to management, science has been at the center of controversy, in particular the way it’s interpreted by the scientists advising the Atlantic States Marine Fisheries Commission.

With another stock assessment underway in 2018-19, along with the invention of new models meant to produce ecological reference points, it’s worth reflecting on how the advent of changes in the way the east coast’s largest commercial fishery is regulated has affected both the science and the public’s confidence in it and, finally, where we go from here.

A Question of Science is a series of *Wild Oceans* blogs which we will post periodically on our website throughout the assessment. Here’s a preview.

- Ken Hinman

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"Confirmation bias is a tendency to search for or interpret information in a way that confirms one's preconceptions."

— Science Daily

Up until about eight years ago, the science was considered sound enough to declare Atlantic menhaden “not overfished” and thereby reject repeated calls by anglers and environmentalists to regulate the catch of what many consider the most important prey fish in the sea.

That all changed in 2011, when the Atlantic States Marine Fisheries Commission (ASMFC) adopted more conservative reference points to assess the health of the menhaden population – that is, standards for measuring fishing mortality and abundance more in line with, although still less restric-

tive than, those in place for most other fisheries.

When these new standards were applied to the results of the 2010 stock assessment, menhaden were found to be “overfished” and the first-ever coast-wide catch limits were imposed on the fishery a year later.

But while this was going on, the ASMFC’s technical advisors began looking for and finding problems with the assessment, questioning whether it was even fit for managing the fishery, even though it had been approved for management by the Menhaden Management Board at the recommendation of these same advisors. Nevertheless, they gave the assessment – the model, the data and the assumptions that go into it – a complete and thorough overhaul in 2014.

Lo and behold, according to a revised stock assessment presented to the Menhaden Management Board at the

beginning of 2015, the stock’s status had improved dramatically; so much so that it was once again no longer overfished and overfishing was not occurring. In fact, the stock was considered so robust that the Commission could safely and substantially increase catches again... and again.

Now, a cynic might be tempted to think this 180-degree turnaround is – as a former mayor of Philadelphia once memorably remarked – “too much of a coincidence to be a coincidence”. Indeed.

But before jumping to that conclusion, let’s back up a little. In our next blog, posted at wildoceans.org/blogs, we look at how in less than a year the menhaden assessment went from what the ASMFC’s technical team assured us was the most reliable assessment they’d ever worked on to one they deemed not suitable for managing the fishery. ■

Victory for atlantic herring

by Pam Lyons Gromen

Fed upon by a long list of ocean wildlife from whales to seabirds to tuna, Atlantic herring is the linchpin holding together the food web in New England waters. On September 25th at its meeting in Plymouth, Massachusetts, the New England Fishery Management Council took groundbreaking action to better manage Atlantic sea herring and to protect its vital ecological role as forage.

The action, Amendment 8 to the Atlantic Herring Fishery Management Plan, establishes a new catch control rule that leaves substantially more fish in the water as prey (over 30 million pounds over the next 3 years) than the current catch-setting methods used by the Council. Amendment 8 also establishes a buffer zone, extending 12 nautical miles from the shorelines

of the New England states (even farther around Cape Cod to encompass a known river herring bycatch hotspot). *See map.*

Industrial mid-water trawling is prohibited in the buffer zone year-round to protect sensitive habitat, feeding grounds, and other fisheries dependent on herring. Mid-water trawl vessels are the largest vessels in the fishery, and they often work in pairs, towing a net, up to 200-feet long, between two vessels. Millions of herring can be quickly removed from a relatively small area, sweeping up other animals in the process. Importantly, Amendment 8 recognizes and preserves opportunities for small-scale gears (e.g., weirs and purse seines) to harvest Atlantic herring within the buffer zone.

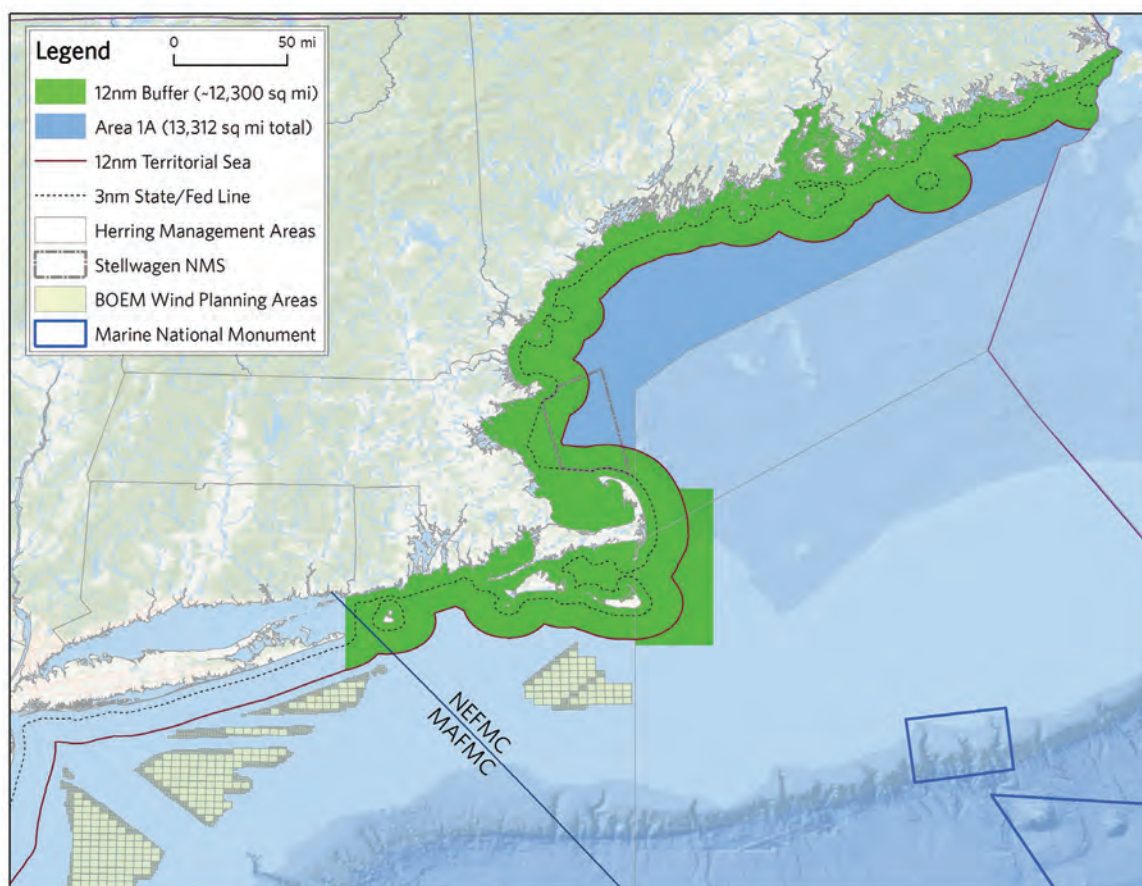
Three years in the making, Amendment 8 responds to the calls of thou-

sands of diverse stakeholders who urged the Council to consider the importance of herring to other users of the resource – the striped bass, tuna and cod fishermen who rely on a healthy forage base of herring to sustain their target predators and the ecotourism businesses who count on the presence of herring schools to attract whales and seabirds. The New England Council is the first of our regional councils to employ a stakeholder-driven process to evaluate options for managing a heavily targeted forage fish, and to act on the results of that evaluation. This is also the first time that a regional council has acted to address localized depletion of a forage fish.

While the specific alternatives *Wild Oceans* supported were not chosen, (we had advocated for a 50-mile off-shore buffer and a control rule that

would have preserved a higher biomass of forage), they absolutely advance the goals we set out to achieve. The action the New England Council took is remarkable and timely. A newly-released herring assessment concludes that the stock is in dire shape, and if the current trend of poor recruitment continues, the stock could decline to an overfished condition. Leaving more herring in the water is more important now than ever.

Amendment 8 could be implemented in 2019, but it must first be reviewed and approved by NOAA Fisheries. *Wild Oceans* and our allies stand ready to usher Amendment 8 through to a final rule. ■





Looking Back...

45 years

1973-2018



Below is Ken Hinman's introduction to the 2006 report, [*Taking the Bait: Are America's Fisheries Out-competing Predators for their Prey?*](#) Since publication of that report, researched and written by Executive Director Pam Lyons Gromen, Wild Oceans (then NCMC) has helped put forage fish conservation at the center of today's national ocean agenda. We've made significant changes in the way important prey species are managed, according to the Blueprint we outlined in *Taking the Bait*, with new protections for Atlantic herring (p. 4) being only the most recent.

TIME TO MOVE FORWARD — FORAGE FIRST

By Ken Hinman

There's a Chinese saying that nature is not composed of things, but of relations. Likewise, an ecosystem is not made up of species, but of the relationships among them. Ecosystem-based management, simply put, takes those relationships into account.

In 1999, the National Marine Fisheries Service Ecosystem Principles Advisory Panel (EPAP) issued a Report to Congress, "Ecosystem-Based Fishery Management," recommending that each Regional Fishery Management Council develop and implement a Fisheries Ecosystem Plan for the ecosystem(s) under its jurisdiction. Recognizing that time, resources and changes to the Magnuson-Stevens Fishery Conservation and Management Act would be required to fully adopt a comprehensive ecosystems approach to fisheries management, the EPAP advises that "an initial step may require only that

managers consider how the harvesting of one species might impact other species in the ecosystem. Fishery management decisions made at this level of understanding can prevent significant and potentially irreversible changes in marine ecosystems caused by fishing."

The panel's clear advice - meant to guide the regional councils in their initial goal-setting for ecosystem-based management - is to take an incremental approach, beginning with protecting key predator-prey relationships in existing fishery management plans. As a first step, it recognizes that the councils' primary responsibility is fisheries and that their authority is confined to the impacts of fishing activities on fish, associated species and their environment. In addition, the panel recommends that the precautionary approach be a fundamental policy of ecosystem-based fishery management. In the face of uncertainty, fishery managers should make risk-averse decisions that err on the side of conservation to "provide insurance against unforeseen, adverse ecosystem impacts."

In the seven years since the release of "Ecosystem-Based Fishery Management," little has been done to explicitly account for predator/prey relationships in management decisions. The hesitancy to move forward on these issues is variously explained as the result of waiting for additional science, or funding, or new legal mandates. Unfortunately, the current state of our oceans demands that we take precautionary action now.

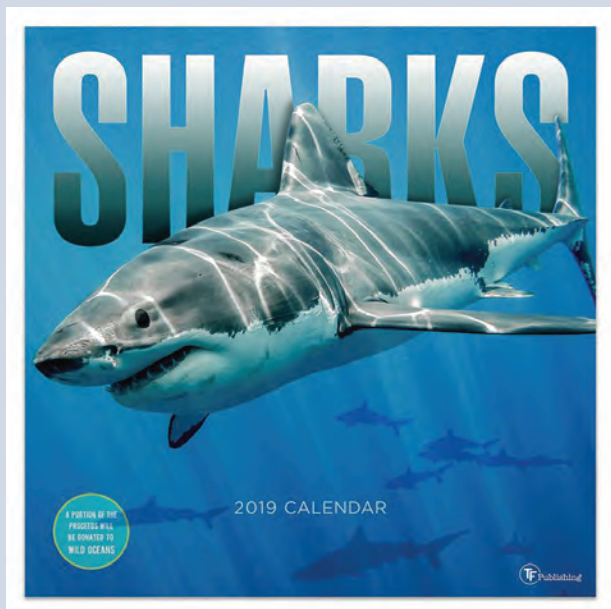
Blueprint for Amending Forage Species FMPs

1. Feature protecting and maintaining the species' ecological role as a principal plan objective.
2. Expand the FMP's information base to fully describe and comprehend the links among associated species, incorporating available information on ecosystem health.
3. Define "ecosystem overfishing" as a complement to traditional overfishing criteria, including ecologically-relevant reference points.
4. Establish a precautionary total allowable catch that explicitly provides a suitable buffer against ecosystem overfishing.

In this report, we focus on conservation of prey fish, which are the fuel for the ocean food web. As America's fisheries, quite literally, take the bait, traditional single-species approaches are unable to tell us whether our policies are meeting the forage needs of predators, or if our fisheries are out-competing them for their prey.

The National Coalition for Marine Conservation [now Wild Oceans] hopes that by offering a blueprint for protecting forage species; by providing a comprehensive analysis of existing plans, focusing on what's important and what's missing; and by recommending constructive changes, we as a nation can better understand and appreciate the role these species play in the ecosystem and guard it accordingly – **before** we unravel the food web that supports a vital living resource for the American people. ■

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SIGNS OF RECOVERY CREATE PRESSURE TO INCREASE QUOTAS

U.S. holds the line on pacific bluefin tuna

by Theresa Labriola

This spring, international scientists estimated the slightest uptick in Pacific bluefin tuna spawning stock biomass (SSB). This started a feeding frenzy. Japan submitted a proposal to the Northern Committee of the Western and Central Pacific Fisheries Commission (WCPFC) to raise the fishing quota of small Pacific bluefin tuna (less than 30 kilograms) and large Pacific bluefin tuna (30 kilograms and over) by 15 percent each. Their plan included a carry over or credit card provision - if fishermen do not reach their quota in a certain year, then up to 5 percent of the remainder can be carried over to the following year. But, the United States and Mexico refused to take the bait. They instead renewed their commitment to the bluefin tuna rebuilding plan.

In 2016, the Western and Central Pacific Fisheries Commission set a goal to increase the stock to a mere 7 percent SSB or 24,000 mt by 2024. Common sense tells us that leaving so few spawners will not produce a sustain-


able fishery on a continuing basis, and in 2017, they set a second goal for Pacific bluefin tuna, promising to rebuild the population to 20 percent of its pre-fishing levels by 2034. While the predicted increase in SSB from 19,000 mt in 2014 to 21,000 mt in 2016 gives us hope, we agree it's too soon to increase bluefin quota.


Steady progress towards the 2024 and 2034 targets requires restraint in the face of opportunity. We need a constant commitment from all harvesting nations to follow through on their responsibilities to maintain catch below fishing quotas. On the water, managers face an uphill battle. In 2017, Japan, Mexico, South Korea and the United States all exceeded their annual catch limit for bluefin. In US waters, the commercial fleet quickly exceeded their quota after a couple successful days of purse seine fishing. To prevent a repeat, the National Marine Fisheries Service (NMFS) employed strict trip limits for 2018, and NMFS is drafting additional regulations for 2019 and 2020.

Nationally, we want to ensure our domestic Pacific bluefin tuna regulations support domestic fisheries, including small-scale, high profit fisheries such as the hook and line bluefin fishery, without exceeding annual limits. In 2017, all directed commercial fisheries closed, and NMFS has still not provided an estimate of discarded bluefin. In order to better understand bluefin's recovery and rebuild the population, we need accounting of all of our Pacific bluefin tuna catch and bycatch.


Internationally, we will continue to urge managers to wait until the current juveniles reach spawning age and the spawning stock biomass recovers before increasing catch. Any other path ignores that bluefin tuna spawning grounds have contracted, bluefin have been overfished since the 1940s, and we do not know what environmental factors influence recruitment. The spawning stock is the investment in the future. A stronger SSB allows the stock to recover quicker and to higher levels when environmental variables align. ■


Staff travel log


 Theresa Labriola, *Wild Oceans* Pacific Program Director, travelled to **Portland, Oregon** on July 23-24 for a meeting with partner organizations to discuss cooperative strategies to modernize the Pacific swordfish fishery, advance ecosystem-based fisheries management and increase forage fish conservation.

 *Wild Oceans* Executive Director Pam Lyons Gromen traveled to **Virginia Beach, Virginia** to attend the August 13-16 meeting of the Mid-Atlantic Fishery Management Council. At the meeting, the Council completed an action to end overfishing of Atlantic mackerel and rebuild the stock which is overfished. Because of the importance of Atlantic mackerel in the food web, Pam submitted written comments and provided testimony urging the Council to rebuild mackerel in as short a time as possible, consistent with the law. Disappointingly, the Council chose an approach that delays rebuilding, increases the risk of continued overfishing, and nearly doubles the commercial quota from current levels. The Council also chose to allow the bycatch cap of river herring and shad to increase along with mackerel catches from 82 metric tons currently to 159 metric tons over the next three years. *Wild Oceans* will appeal to NOAA


Fisheries to reject the risky rebuilding plan for Atlantic mackerel.

 Theresa spent August 27th and 28th in **Sacramento, California** to advance California legislation to end the use of drift gillnets. She met with Assembly members to discuss *Wild Oceans* historic work to bring more sustainable gear to California and the diverse community support for the legislation. (see p.8)

 The Pacific Fishery Management Council met in **Seattle, Washington** from September 6-9. Theresa supported the Council's Climate and Communities Ecosystem Initiative and its 5-year review of the Fishery Ecosystem Plan. The review will help determine how the Council's ecosystem goals and objectives could be improved to be more specific, measurable and better integrated into fishery management plans. She also testified on Pacific bluefin tuna and swordfish management. Theresa attended ancillary meetings of the Legislative Committee, Budget Committee, Highly Migratory Species (HMS) Management Team and HMS Advisory Subpanel.

 The Mid-Atlantic Fishery Management Council convened in **Cape May, New Jersey** from October 1-4. Pam attended the meeting to sup-

port the continued development of a plan to conserve and manage chub mackerel, an important prey fish that ranges into the mid-Atlantic in the summer season when many large ocean predators are migrating through the region. A commercial fishery, prosecuted by a handful of industrial trawlers, has emerged in recent years, with annual catches exceeding 5 million pounds. The Council approved a hearing document for the public comment period that will likely begin this winter. The Council also approved a scoping document for an action to limit access to the shortfin squid fishery and to revise the goals and objectives for the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (FMP). *Wild Oceans* has long been asking for revised FMP goals and objectives that recognize the important ecological roles of squid, mackerel and butterfish as forage.

 On October 9, Theresa participated in a Southwest Fisheries Science Center workshop aimed at engaging stakeholders in developing a coastal pelagic species management strategy evaluation (MSE). Stakeholders gathered in **La Jolla, California** to discuss climate vulnerabilities of forage fish and to identify mitigation strategies. ■

Thank you, Stephanie and E.J. You are an amazing young couple and we wish you a wonderful life journey together!

Wild Oceans Board Member Stephanie Choate and E.J. Oppenheimer were "hitched" on Sunday, September 8th in Tulsa, Oklahoma.

Stephanie and E.J. told friends and family the greatest gift they could give would be to join them for the weekend-long wedding ceremony and "music festival". The couple asked, however, that "if you feel there's more to give then please support the causes that have created who we are and support what we love most in the world."

For E.J., that's the [Valley Foundation](#), which works with small-scale farmers "to restore and preserve the environment while sustaining mankind."

For Stephanie, it's [Wild Oceans](#). "My wonderful father, Tim Choate, has instilled in me the love of fishing and to show gratitude to the industry that made me, I ask you please give to Wild Oceans! I want our future family to see the fish I've seen and that is only going to happen with a team like Wild Oceans who believe in a common ground for the planet and the outdoorsmen who love it."

California modernizes swordfish fishery

by Theresa Labriola

In late September, Governor Brown signed a bill to end commercial drift gillnet fishing and encourage a transition to innovative, more sustainable fishing gear in California. His action ushers in a modern era of supporting locally-supplied seafood and community-based employment while maintaining abundant fishery resources and a healthy environment.

Drift gillnets are an outmoded, ecologically-harmful fishing gear. Under the new law, the California Department of Fish and Wildlife will establish a voluntary program to retire drift gillnet permit holders out of the fishery. Participants will receive \$10,000 in exchange for a permit. The program will also pay each active fisherman \$100,000 to surrender their drift gillnets, ensuring they are not used elsewhere.

A public-private partnership will provide the transition funds. The Bill requires the Ocean Protection Council to use \$1 million to fund the transition program. Private organizations have agreed to raise \$1 million, and the remaining permits will expire four years after the private money is raised.

By ending the use of gillnets, California has modernized the swordfish fishery. *Wild Oceans* has been working for decades to reduce bycatch in the drift gillnet fishery and transition to greener gear. We supported drift gillnet area closures to protect sea turtles, gear modifications to reduce marine mammal interactions, and hard caps to limit protected species' catch (NOAA Fisheries rejected the hard caps in 2017). Still, for every fish caught and kept in a gillnet, another is discarded.

California fishermen can still provide locally-caught swordfish while using sustainable gear. One such emerging, smarter fishing method is buoy gear. Fishermen in Florida have used the gear for over a decade to supply a high-value product with virtually no bycatch. A modified deep-set buoy gear used in California is catching 80% swordfish and only 2% bycatch.

The deep-set buoy gear fishery also complements the historic southern California harpoon fishery, an efficient, no bycatch fishery. The harpoon fishery is exclusive to areas, such as the southern California Bight, where waters are calm and swordfish fin at the surface. Buoy gear fishermen regularly spot finning swordfish while tending their gear. Using buoy gear in tandem will likely increase harpoon-caught swordfish availability to consumers.

We are extremely grateful for the opportunity to work with conservation-minded anglers and pro-fishing conservationists united in a desire to transition the California swordfish fishery to more sustainable gears. ■

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P.O. Box 258
Waterford, VA 20197
www.wildoceans.org

