

**Wild
Oceans**
For the future of fishing

The Horizon

INSIDE THIS ISSUE

▪ OCEAN VIEW: BACK TO THE BAY	2
▪ I AM WILD OCEANS, KEN HINMAN, PRESIDENT	3
▪ 2018: THANK YOU FOR MAKING OUR YEAR!	4
▪ 2018 OCEAN HONOR ROLL	5
▪ SCOPING A PACIFIC LONGLINE FISHERY, AGAIN	6
▪ COUNCILS PLAN FOR CLIMATE CHANGE	7
▪ STAFF TRAVEL LOG	9

The Modern Fish Act

Different strokes

by Ken Hinman

There can only be one resource at any given time, but there can be and are differing perspectives of the same resource from the viewpoints of different users.

– Carl Nettleton¹

Maintaining a renewable resource, in this case a population of fish, at a sustainable level does not in and of itself satisfy all users, especially when that resource is shared by fishermen with very different motives and expectations. Thus the Modernizing Recreational Fisheries Act, signed into law on December 31st with the support of the organized recreational fishing community. Indeed, for a number of organizations it was their legislative priority in the 115th Congress (2017-18).

“The Modern Fish Act” as it is popularly known is ultimately less of a change in the law (the Magnuson-Stevens Act) – although the bill was changed fairly significantly during its run through the House and Senate – than a statement within the law that recreational fisheries are fundamentally different from commercial fisheries and therefore require different approaches to the way they are monitored and managed.

Clearly there is a big difference between

fishing for recreation and fishing as commerce. Although the intent is similar – to catch fish – the similarity ends there. For anglers, the personal experience is paramount, getting away from the work-a-day world into a more natural one, where it is the sport and challenge of the hunt. For many it is, as *Wild Oceans* co-founder Frank Carlton put it, the primal satisfaction of procuring your own food, while for many others the good fight is acknowledged and the fish are released alive.

Of course, what both recreational and commercial fishermen do have in common, or should anyway, is conservation of the resource first and foremost. Abundance comes first, then access. But conflicts over the latter can affect the former, as the public’s demand for both recreational fishing opportunities and seafood increase.

Starting a Conversation

As we predicted in this space a year ago (see “Fishing and the Law,” Issue #155), there is a good case for more flexible and innovative approaches to monitoring and managing the vast and diffuse recreational community, but giving more flexibility to fishery managers which could affect how quickly and firmly they respond to overfishing would be a tough

sell. It was. So controversial provisions regarding rebuilding requirements, as well as some mandated changes in management strategies, are missing from the final legislation, and it is better for it.

What remains is what’s really needed to get the conversation going and make appropriate changes down the line – a requirement that federal fishery managers take a new look at how a public resource is managed and shared for the broadest public benefit.

The Modern Fish Act directs several studies and reports within the next 2 years, looking into: 1) alternative management measures for recreational fisheries or the recreational component of mixed-use fisheries; 2) ways to improve data collection from recreational fisheries for stock assessments and in-season management; 3) the use of catch shares in mixed-use fisheries, specifically the impact of privatizing a portion of the resource on other current and future users; and 4) criteria and a process for reviewing and making adjustments to allocations in mixed-use fisheries in response to an evolving public interest. ■

¹In *Multi-Jurisdictional Management of Marine Fisheries*. R.H. Stroud, Ed. National Coalition for Marine Conservation (Wild Oceans). 1986.

Back to the bay

In 2003 *Wild Oceans* drew attention to the impact of unrestrained reduction fishing for menhaden within Chesapeake Bay – around 145,000 tons a year 1990-99 – on the health and abundance of striped bass and other predators. A workshop was held a year later to examine menhaden's ecological status, with emphasis on its role as forage in the Bay. In 2006 the Atlantic States Marine Fisheries Commission (ASMFC) capped landings at 109,000 tons. Since then, the Bay cap has been reduced twice and now stands at 51,000 tons.

Although the current cap is set at the level of recent landings, Virginia-based Omega Protein, sole operator of the east coast reduction fishery, opposes the reduced cap – part of last year's Amendment 3 to the interstate menhaden plan – and lobbied the Virginia legislature against implementing it.

At its February meeting, the ASMFC's Menhaden Management Board took up a motion to find Virginia out of compliance, a finding that if endorsed by the Secretary of Commerce could shut down

Virginia's fishery. Debate was preceded by updates on the ongoing stock assessment and work on ecosystem-based reference points, along with a summary of the science on menhaden's ecological role in Chesapeake Bay.

The Board voted to postpone action against Virginia indefinitely provided the annual catch does not exceed the cap, and to consider modifying the cap “after it completes action on ecological reference points” in 2020. While just about all Board members were happy to forego the painful process of a non-compliance finding as long as catches stay low, there are unanswered questions about the meaning and implication of that last phrase.

As we heard at the meeting, the science cannot now tell us the present abundance of menhaden in the Bay or its impact on predators and, indirectly, other prey species, and it may be a long time before it does.

The ASMFC's press release notes that “the Bay cap was established as a pre-

cautionary measure given the importance of menhaden as a prey species” but it wrongly asserts that “additional information stemming from the development of ecological-based reference points (ERPs) may be informative to the Bay cap issue.” The Commission's scientists made it clear the assessment we will see at the end of this year will not include a Bay-specific status report and that the recommendation of ecological reference points will be based on a coast-wide model. Research to address status in the Bay and safe catch levels is a “long-term project, perhaps 5-10 years.”

Given all that, we should maintain the current precautionary cap indefinitely. And there's this. The day before the menhaden meeting, the ASMFC heard that striped bass are still in decline. Management measures will be considered in May to end overfishing and rebuild the spawning population. Chesapeake Bay is the striper's main spawning ground and menhaden's main nursery ground, and menhaden are the striper's main prey.

– 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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I am Wild Oceans

Ken Hinman, President

Our history – Wild Oceans' and my own – is the history of marine fish conservation in America. We grew up together – quite literally. It's been a 40 year journey, filled with challenges and opportunities, and I'd like to think that together we've changed the way we think about and treat the ocean and all its wild creatures.

Wild Oceans was born back in 1973 as the National Coalition for Marine Conservation (NCMC) in the lovely coastal city of Savannah, Georgia. I showed up 5 years later – with a girlfriend, 2 dogs and a VW bug; in other words, everything a young man needs except a job – and I was lucky enough to get hired as NCMC's first paid employee, for which I am forever grateful.

Because of my love of books and writing on the one hand and nature and the outdoors on the other, I'd spent years jumping back and forth between majors in English Literature and Wildlife Management, before ending up with a degree in Environmental Conservation from the University of New Hampshire.

My mixed science and humanities education turned out to be perfect for understanding the science behind ocean issues and effectively communicating our positions to both the public and

policymakers. I highly recommend it. The sciences and liberal arts together teach critical thinking, seeing the big picture, coming at problems from different angles and, above all, seeking ways for humankind to co-exist with the natural world.

My timing wasn't bad either. The organization – an environmental group comprised of fishermen – was a novelty in the 1970s and marine fish conservation itself was a brand-new endeavor. I was lucky enough to be there at the birth of ocean fish conservation: the Magnuson-Stevens Act (enacted 1976) was just being implemented. I attended some of the earliest Regional Fishery Management Council meetings and worked on the first Fishery Management Plans.

As the art and science of ocean fish conservation evolved, we played a pivotal role in that evolution, one I look back on as an expanding circle of concern for all marine life and habitat.

And through it all it's always been about the fish and fishing. One of my early mentors used to say the quality of fishing is the quality of life. As a passionate angler, he meant it literally. But I've come to see he's right in a broader sense, and you don't have to be a fisherman to understand why.

Keeping the oceans wild to preserve the future of fishing is not just a slogan. Here's what I believe. We have to coexist with the sea rather than simply exploiting it while setting aside

designated areas for preservation. Co-existence means fishing as part of the natural system, sharing the resource with a myriad of other creatures of the sea and respecting its natural limits. In turn, when fishing is seen by the non-fishing public as ecologically-sustainable while providing fresh, local seafood, jobs in shore-side communities, and recreation for millions of Americans, public support for this kind of fishing can serve as a bulwark against competing industrial uses that would leave little space for wild fisheries and the wild oceans that sustain them.

Finally, check out the other "I Am Wild Oceans" pages if you haven't already. The future is in good hands. The leadership of Pam Lyons Gromen and Theresa Labriola is widely acknowledged and praised by their peers, the highest compliment there can be. I'm pleased that they are true keepers of the Wild Oceans flame, while being completely unique talents. As the late, great jazzman Ornette Coleman once said of his band: "I don't want them to follow me. I want them to follow themselves, but to be with me."

And because they are, Wild Oceans has never been stronger or more effective. ■

You can locate the "I am Wild Oceans" blog series from our website's home page, **WildOceans.org.**

2018: Thank you for making our year!

By Ken Hinman, President

2018 was another busy year for *Wild Oceans*, a year wherein we achieved some very significant victories for the fish, big and small, and for the future of fishing – all with the indispensable support of the individuals, groups, companies and charitable foundations who share our vision and believe in our mission. Thank you!

Here are some highlights:

✓ **The end of drift netting is in sight.**

California Governor Brown signed a bill to phase-out the bycatch-riddled drift gillnet fishery in his state – the last one operating in the U.S. – by facilitating a transition to more sustainable gear. This action promotes the *Wild Oceans* vision – locally-supplied seafood, community-based employment, abundant and sustainable fishery resources and a healthy environment.

For her work mobilizing stakeholders behind this initiative and others on the west coast, our Pacific Program Director, Theresa Labriola, received the IGFA's prestigious 2018 Conservation Award.

✓ **Billfish sales now illegal anywhere outside Hawaii.**

The Billfish Conservation Act of 2012 ended importation into the U.S. of about 30,000 foreign-caught marlin a year. Last summer the BCA was amended to stop billfish caught under a "traditional fisheries" exemption for Hawaii from entering markets on the mainland closed to all other fishermen, domestic and

foreign, bolstering conservation and enforcement.

Wild Oceans received the IGFA's Conservation Award in 2013 for our role in passing the original law and played a leadership role in passage of last year's strengthening amendment.

✓ **New protections for northeast herring and habitat.**

The New England Council approved new catch limits that leave more herring in the water for bluefin tuna, whales, puffins and other marine predators and set a 12-mile coastal buffer zone excluding mid-water-trawlers to protect sensitive areas for both sea herring and river herring. In other action, the Council protected 25,000 square miles of deep sea coral habitat near Georges Bank – about 75% of the northeast's valuable but vulnerable coral habitat – from bottom-dragging commercial fishing gear.

Our Executive Director, Pam Lyons Gromen, who leads our Atlantic Ecosystems Initiative, was recognized for her expertise when she was re-appointed to three panels advising the Mid-Atlantic region on River Herring and Shad, Ecosystem and Ocean Planning and Atlantic Mackerel, Squid and Butterfish.

✓ **No longlining in closed areas.**

NOAA Fisheries announced that a

federal permit to test the return of longlines to parts of the longline closed areas in the southeast, approved by the agency a year ago, will not be issued after all due to widespread public opposition. *Wild Oceans* was largely responsible for closing 133,000 square miles of coastal waters to longlining nearly 20 years ago, and we continue to fight to keep longlines out of these areas because of the enormous conservation benefits we've seen to billfish, shark and turtle populations.

And that's not all. We worked with the Pacific Council on two new initiatives under its Fishery Ecosystem Plan: a Forage Community Composition Indicator to inform managers about the health of the forage base, and a Climate and Communities Initiative to understand the impacts of warming ocean waters on managed stocks as well as explore tools and best practices for adaptive management.

We also supported new conservation measures enacted for overfished Pacific bluefin tuna and Atlantic mako sharks. And with a new assessment to be completed this year for Atlantic menhaden, which will determine ecologically-based catch limits for years to come, we began a blog series, *A Question of Science* (see p. 9), to help stakeholders understand the assessment process, how we got where we are now and what challenges lie ahead. ■



2018 OCEAN HONOR ROLL

The Wild Oceans Honor Roll recognizes the foundations, companies, groups and individuals that make our victories possible through their generosity and commitment to marine fish conservation.

Guy and Kitty de Chazal Family Fund
Firedoll Foundation
Friends of Fish Foundation
The Tim & Karen Hixon Foundation
Joseph & Catherine Johnson Family Foundation
Herbert Kameon Charitable Lead Trust
A.P. Kirby, Jr. Foundation
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Eddie Smith, Jr.
Patricia Stanley
Take A Vet Fishing
T. F. Publishing
Rick Weber
Susanna B. Weld
Eric Wilsterman
John Wendkos
West Palm Beach Fishing Club



BACK WHERE WE STARTED

Scoping a pacific longline fishery, again

by Theresa Labriola

This summer, the Pacific Fishery Management Council is revisiting a plan to permit a California-based shallow-set longline fishery (SSL). We've been here before. The National Marine Fisheries Service and Council have solidly rejected this course of action in the past. And yet, the longline fishery persistently lobbies for their expansion. Now, it's up to recreational fishermen and everyone who appreciates the diversity, grandeur and opportunities of our ocean resources to act once again to keep longlines out of the Pacific.

Shallow-set longline vessels target swordfish using a monofilament mainline that's more than 40 miles long. The mainline, baited with over 1800 hooks, soaks in the water overnight to attract fish. Hawaii has permitted a shallow-set longline fishery for decades. Allowing a west coast-based longline fishery to gain a foothold in the eastern Pacific will complicate and delay progress towards significantly reducing bycatch in the swordfish fishery. It will change the economic character of California ports and reward indiscriminate, heavy-handed fishing techniques over innovation.

Simply put, increasing longline activity in the Pacific will increase bycatch in our food supply. This includes bycatch of protected Pacific Ocean marine life – endangered sea turtles, and recreational species such as striped marlin, blue marlin, and spearfish. The Billfish Conservation Act prohibits the

importation or sale of these fish in the continental U.S. The Act's purpose is to reduce the import of these species from foreign markets, thereby protecting them for recreational catch-and-release fishing. Increasing longline activity will unavoidably increase billfish bycatch, contravening the intent of the Act and reducing recreational opportunities on the west coast.

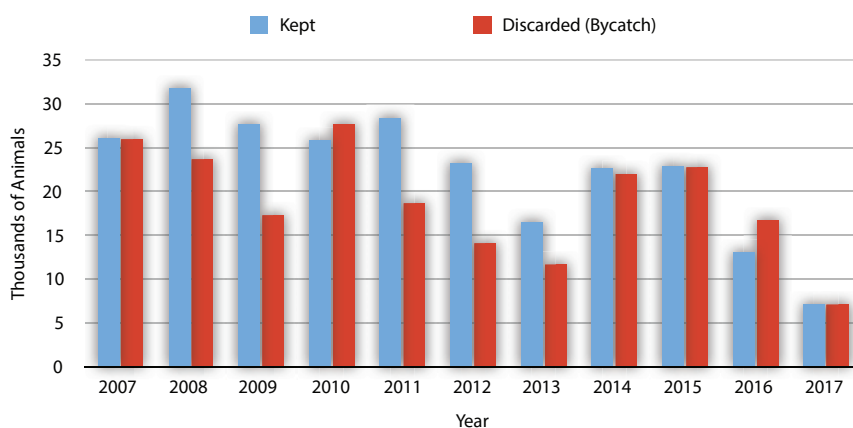
Since 2007, the Hawaii SSL fishery has caught and discarded at least 88 different non-target species, including six endangered species: fin whale, green/black turtle, Guadalupe fur seal, humpback whale, leatherback turtle, loggerhead turtle, and oceanic white-tip shark. This so called “modern fishing method” poses a major danger to plummeting albatross populations, threatening to drive almost three-quarters of all albatross species to extinction. Under a red list compiled by the International Union for Conservation of Nature, 15 out of 22 albatross species are

considered endangered. Although the adaptability of the gear through changes in materials, lengths, and deployment strategies has reduced interactions with some sea turtles and seabirds, the bycatch by pelagic longlines remains a global problem in the struggle to conserve billfish, sea turtles and seabirds.

After decades of gear modification, time and area closures, and voluntary measures, the shallow set longline fishery regularly discards one fish for every fish it keeps.

Instead of doubling down on an indiscriminate gear, the Council can follow through with authorizing and developing deep set buoy gear and linked buoy gear (DSBG) – responsible, low impact gear for targeting swordfish off of California. This new gear can increase our domestic production of swordfish as well as domestic job opportunities for the next generation of U.S. fishermen. Fishermen increase catch rates by deploying the gear deep, during the

DISCARD RATES IN THE HAWAII SSL FISHERY 2007-2017



day, where swordfish prey. After more than five years of research and testing, DSBG is responding with an extremely high swordfish catch rate of more than 85 percent. The DSBG fishery is likely to employ smaller boats with smaller crews that fish closer to shore, and can deliver fresher, more valuable swordfish to market. As with any nascent venture, this fishery needs time to mature.

A west coast SLL fishery could flood the market with lower quality swordfish. In the western Pacific where a swordfish longline fleet is currently operating, each longliner can hold more than 56,000 pounds of fish delivered at just \$2.50 per pound, half the price of DSBG caught fish. They keep the price per pound low and profits high by relying on economies of scale and a loophole in the Magnuson-Stevens Act that exempts their vessels from certain labor laws. As a result, foreign workers make up 98 percent of the crew and earn less than \$7,000 per year.

Currently, pelagic longlines are prohibited within 200 miles of the California coast in the U.S. Exclusive Economic Zone (EEZ). California restricted the use of longlines in 1989. When the Council adopted the Highly Migratory Species Fishery Management Plan, it included a general prohibition on the use of pelagic longline gear in the EEZ and prohibited west coast longliners from fishing using SLL outside the EEZ, east of 150 degrees west latitude. In 2009, NMFS rejected a proposal to allow a California SLL fishery seaward of the EEZ. The end result: California permitted vessels are not allowed to fish using longline gear outside (or inside) the EEZ. Now the industry wants to change the status quo. We might be back where we started, fighting the longline fishery, but together we can defeat them again, protect the integrity and diversity of the California Current large marine ecosystem, our small scale west coast fisheries, and our coastal fishing communities. ■

Councils plan for climate change

Fishery management councils in the Atlantic and Pacific are hoping to stay ahead of the curve by factoring climate change information into their plans for managing fisheries.

The **Pacific Council** is using scenario planning to focus on how the California Current Large Marine Ecosystem might change in the future and how west coast fisheries and fishing communities might respond to those changes. Scenario planning provides insight into potential ways to sustain access to fisheries in the face of climate change. It also offers strategies for maintaining a healthy ocean ecosystem.

Scenario planning involves thinking creatively about how parts of the California Current might change under a set of possible futures. Scenario planning will allow the Council to examine specific potential events in detail and find paths forward that will help address those events should they become a reality. For example, if forage fish shift northward and inshore, what actions might the Council take to maintain the sardine and anchovy fisheries while ensuring adequate forage for dependent predators, specifically, place-based predators such as the brown pelican? The scenario process will not result in a prescribed action, but it will provide flowcharts or “cookbooks” that can assist the Council in preparing for climate related impacts. As the scenarios unfold in real-time, the Council will have a set of potential management actions at the ready it can take in response.

This spring, Council advisors are preparing a list of potential scenario planning topics. The scenarios can focus on population changes for a specific fishery, such as groundfish, or an ecosystem change that may impact a fishery, such as ocean acidification or temperature, or any other scenario related to fisheries management. *Wild Oceans* will push to ensure that the Council thinks creatively about broad ecosystem impacts, such as the affect of shifting forage fish populations and spacial availability on the ecosystem as well as the fishery.

Changing ocean temperatures and currents have already brought unprecedented and highly consequential changes to our coastal and open ocean ecosystems.

In the Atlantic, the three east coast federal fishery management bodies – the **New England, Mid-Atlantic and South Atlantic Councils** – are collaborating on a plan to address the shifting distribution of fish stocks. Species such as blueline tilefish, cobia, spadefish and triggerfish are moving northward along the coast in response to warming ocean temperatures. The Councils are grappling with how to adjust the management of stocks that shift or expand their ranges into new management jurisdictions. In March, the South Atlantic Council will host a meeting of representatives from the three councils to identify priority species and develop options.

Nationally, NOAA Fisheries is employing a new tool to help fishery managers and scientists identify strategies for reducing climate change impacts on fishery resources. The agency has developed a Climate Vulnerability Assessment, a methodology that ranks the vulnerability of managed species to projected changes in climate and ocean conditions. Information about species distributions and life histories are prime considerations.

The Northeast Climate Vulnerability Assessment was the first to be completed, and other regional assessments will soon follow. In the Northeast assessment, 82 stocks were evaluated. The two stocks at greatest risk are Atlantic salmon and bay scallops, which were given an overall climate vulnerability ranking of “very high.”

The Mid-Atlantic Council is the first to use information from the Vulnerability Assessment to advance ecosystem approaches to management. The Council uses the information in an ongoing risk assessment of its managed stocks. The risk assessment helps the Council identify high priority ecosystem interactions that could be addressed through management actions. ■

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Staff travel log

 *Wild Oceans* executive director Pam Lyons Gromen attended the South Atlantic Fishery Management Council's meeting in **Kitty Hawk, North Carolina** from December 3–7 to support the Council's work investigating the importance of bullet and frigate mackerel in the diets of wahoo and dolphinfish. After hearing the results of large pelagic predator diet studies conducted in the South Atlantic, the Council's Dolphin and Wahoo Committee directed council staff to develop a white paper to further explore actions the Council could take to protect unmanaged prey of dolphinfish and wahoo. The white paper will be presented and discussed at the March meeting in Jekyll Island, Georgia.


 On January 14, Pam participated in a webinar hearing for the Mid-Atlantic Council's Chub Mackerel Amendment. Pam spoke in support of incorporating chub mackerel into the existing management plan for Atlantic mackerel, squid and butterfish, and she emphasized the need for precaution given chub mackerel's role in the food web. Chub mackerel are currently unmanaged, but are targeted by industri-


al trawlers in the mid-Atlantic.

 Theresa Labriola, our Pacific Program Director, attended the Pacific Fishery Management Council's Ad Hoc Ecosystem Workgroup meeting in **Portland, Oregon** on January 15 & 16. The Workgroup discussed the Fishery Ecosystem Plan 5-year review. *Wild Oceans* advocated for inclusion of ecosystem goals and objectives, such as maintaining adequate forage fish for dependent predators, that support a resilient ecosystem. The Workgroup also began scoping Scenario Planning topics. Scenario Planning will be used by the Council to help support resilience in the fishing sector while meeting conservation objectives for stocks. (see "Councils Plan for Climate Change," p. 7) We recommended using Scenario Planning to provide insight into ways to maintain healthy ocean ecosystems in the face of climate change.

 Theresa joined *Wild Oceans* board of directors member Stephanie Choate as well as Jason Schratwieser and Adrian Gray of the IGFA for a sport fishing trip in **Miami, Florida**. They spent February 8 & 9 on the water with

Captain Bouncer Smith and Mate Abie Raymond discussing their continued collaboration on ocean conservation challenges, including protecting important prey such as bullet and frigate mackerel in the Atlantic, and keeping longlines out of the eastern Pacific.

 On February 13, Theresa participated in a Pacific Albacore Management Strategy Evaluation (MSE) workshop. NMFS presented preliminary findings on the MSE and solicited public input on the results. We will continue to support precautionary management that ensures albacore conservation within and beyond our territorial waters

 Theresa and recreational fishing leaders from IGFA, Coastal Conservation Association, American Sportfishing Association and others met with Senators and Representatives in **Washington, D.C.** on February 27 & 28 to discuss pending federal legislation to end the use of mile-long drift gillnets in the Pacific. The bills complement and strengthen the California state legislation that was signed into law last year. ■

A Question of Science

"Meeting Resistance," the third in Ken Hinman's blog series, *A Question of Science*, is available on our website, wildoceans.org.

A Question of Science addresses recent and ongoing changes in how the health of the Atlantic menhaden population is assessed, crucial to its management as the most important prey fish on the east coast. The series is especially timely as a new stock assessment is being performed this year, along with development of ecosystem-based reference points to apply to that assessment.

In Parts 1 and 2 in the series, Ken describes how the 2010 stock assessment was scrapped after it triggered the first-ever catch limits on the commercial fishery and replaced with one that allowed catches to increase instead. Part 3 and upcoming blogs examine why the Atlantic States Marine Fisheries Commission's scientists decided a stock assessment they touted as the "most reliable" on the east coast and had long used to justify not managing the menhaden fishery was suddenly no longer "useful for management purposes." ■



Protect the Prey Base

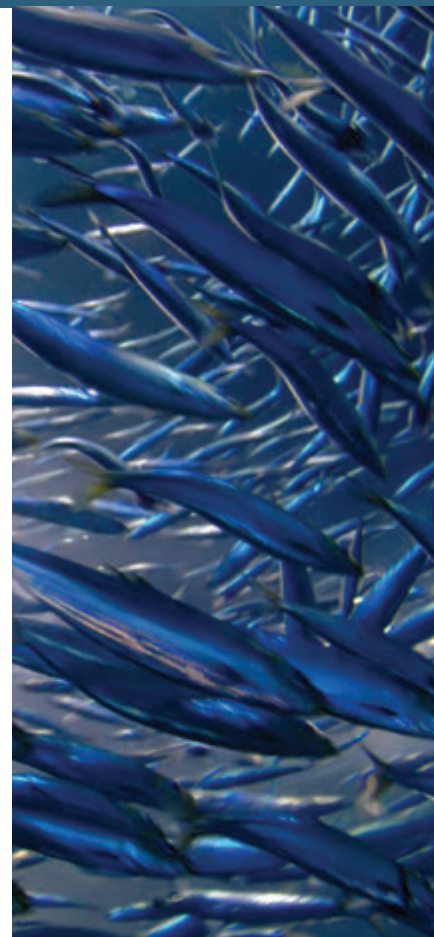
Protecting prey fish, the predator fish and fisheries that depend on them, as well as the marine mammals and seabirds, is sound environmental and economic policy.

High-volume fisheries indiscriminately target a wide range of prey fish – Atlantic menhaden, Pacific sardine, squid, mackerel, sea herring – for industrial uses.

Wild Oceans seeks to fundamentally change the way we conserve and manage fisheries for important prey species. Our activities over the last decade or more have made conserving the ocean's prey base a national environmental priority, a sea 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.

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