THE NCMC
MARINE BULLETIN
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STUDDS PROPOSES BAN ON DUMPING PLASTICS AT SEA

Gerry Studds (MA), the new chairman of the House Subcommittee on Fisheries and Wildlife Conservation and the Environment, has combined two bills offered last year to reduce plastic pollution at sea into a single legislative package. The Studds bill, introduced on February 3, incorporates measures proposed in the Plastic Waste Reduction Act (S.2596) and the Driftnet Control Act (S.2611) [see MB, 10/86] to produce a comprehensive ban on the ocean disposal of plastic materials, including fishing gear, within 200 miles of the US coastline.

The Plastic Pollution Research and Control Act of 1987, says Studds, would "provide a comprehensive legal, scientific and diplomatic response to the problem caused by plastic pollution of the marine environment. More than 100 million pounds of plastic trash are dumped annually into the oceans....it is durable, it is ugly, and it is deadly. Every year, thousands of seabirds, fish and marine mammals are killed by entanglement in lost or abandoned nets or other plastic products. Thousands more are harmed by the ingestion of plastics. The time has come for a strong national and international response."

The plastic pollution bill sets a maximum fine of $25,000 for dumping or discarding plastics of any kind at sea within 200 miles of shore, and would apply to offshore oil platforms as well as to all commercial fishing vessels, recreational boats and merchant ships operating off our shores and to US-registered vessels wherever they operate. Synthetic fishing nets accidentally lost at sea would be exempted, provided all necessary precautions are taken to prevent such loss. This dumping ban parellels that of MARPOL, the international convention on ocean pollution, which the US is expected to ratify this year. However, the Studds bill would outlaw dumping plastics at sea regardless of whether or not MARPOL is adopted as international law.

Funds would be provided for research into every aspect of the marine debris problem, with emphasis on quantifying the impact on marine resources and recommending to Congress methods of reducing or eliminating plastic pollutants from the ocean environment. In addition, the bill would instruct the US to study the harmful effects of drift entanglement nets on marine animals, consider the need for a driftnet marking and identification system, and investigate the mandatory use of biodegradable alternatives to synthetic fishing nets. The US government would be directed to enter into negotiations with foreign nations (e.g., Japan) to reduce the killing of pelagic fish and animals in the Pacific driftnet fisheries, and a protective zone would be established around the Aleutian Islands in Alaska where driftnet fishing would be prohibited.

SHARK BOOM HEADED FOR A CRASH

Many people are terrified of sharks - call it the "Jaws Syndrome" - but in reality it is we who are the most dangerous predators of the deep, as a number of species of sharks are discovering. These are the boom years for shark fishing, and populations of the oceanic predators are taking a real beating. According to biologists, the slow growing fish reproduce at such a modest rate that they are unable to withstand the kind of sustained fishing pressure they are being subjected to. Some wonder whether sharks can ever support anything more than the most limited fishing.

An official of the California Fish and Game Department, which is monitoring the declining shark fisheries there, says that every major shark fishery around the world has failed. The thresher and angel shark fisheries on the west coast are a good case in point, as reported in the monthly MARINE FISH MANAGEMENT (December 1986). The commercial shark fishery out of Santa Barbara is one of the largest in the world. Fishermen began targeting threshers in 1977, and within five short years the species was in decline. They next turned to angel sharks, and today that species is in trouble. Scientists and managers studying these declines say the problem is that the fisheries are not in synch with the biology of the sharks; simply put, most of the sharks are caught before they have a chance to produce young. Hence, their numbers take a quick nosedive.

All shark researchers agree that shark overfishing is inevitable without, first, a much better understanding of the unique dynamics of shark populations, and second, fishery management plans that reflect this understanding. Also, because most species of sharks are migratory, interstate and international cooperation will be necessary to conserve them.

TAG AND RELEASE TAKES HOLD IN HAWAII

The Hawaiian International Billfish Tournament (HIBT) is one of the most prestigious big game fishing events in the world, each summer drawing ace billfishermen from more than 20 countries to fish for marlin in the bountiful waters off the Kona Coast. Giant Pacific blue marlin are the trademark of the HIBT, but until last year, so was the sale of nearly all tournament-caught billfish, which are commonly eaten in the islands. Consequently, when the tournament went tag and release in 1986, it both launched a new era for billfishing in Hawaii and sent a message to tournaments everywhere that if Hawaii can do it, so can everyone else.

Actually, the HIBT is not a complete stranger to conservation. The tournament's parent organization, the Hawaiian International Billfish Association, founded a non-profit gamefish research organization in 1980 dedicated to increasing knowledge of billfish and tunas. The Pacific Gamefish Research Foundation, which maintains a scientific laboratory and staff in Kailua-Kona, reports that the inaugural tagging effort at the 1986 HIBT, and a sister tournament in Kona a week earlier, was a great success. Forty-one percent of the fish over the qualifying weight of 100 pounds were tagged and released: 46 blue marlin, 8 striped marlin, 9 shortbill spearfish and 1 sailfish. Add to that figure another 30 undersized marlin that were tagged and put back into the sea.

The enthusiastic support of anglers and charter captains for the new release format made the 28th annual event the most successful ever, according to the HIBT. Some billfishermen, speaking with the zeal of the newly converted, were already talking about a year-round tagging program.

A STUDY IN MISMANAGEMENT

The king mackerel fishery in the southeast has been a textbook study in how not to manage a fishery. Classified an "underutilized species" by the National Marine Fisheries Service (NMFS) in 1975, the year before Congress passed the 200 Mile Bill to conserve fish off our shores, king mackerel proceeded to move quickly into the category of "overfished," then "severely depleted." When at the outset of the 1985-86 fishing season it became clear that immediate action was needed to head off a possible collapse in the Gulf migratory group, but federal officials were unaccountably slow in reacting to the emergency, the National Coalition for Marine Conservation demanded a full-scale investigation into mackerel mismanagement.

NOAA chief Anthony Calio responded to the concerns of the NCMC and others last May by appointing a special committee to examine the king mackerel management process in general, identify the causes of the delay in handling the emergency action in particular, and recommend necessary changes to avoid a recurrence in that or any other fishery. The members of the King Mackerel Committee were drawn from the Gulf of Mexico and South Atlantic Councils, NMFS/NOAA, and the Florida Marine Fisheries Commission. NCMC chairman John Green, a member of the Gulf Council, was among those selected.

On January 7 the Report of the King Mackerel Committee was released, and its detailed description of a management system in confusion and disarray makes for depressing reading. The one bright note sounded by the committee is that they found "no evidence that any person deliberately introduced delays into the process to allow an excessive amount of mackerel to be harvested." That was a charge made by those who perhaps did not have enough faith in Murhpy's Law (i.e., if something can go wrong, it will).

Based on the contents of the Report, and the NCMC's own observations throughout the management process, responsibility for the precipitous decline of king mackerel populations falls to: 1) NMFS, for its poor judgment in promoting development of a fishery it knew nothing about; 2) the Councils, for reacting to an emergency situation by haggling over allocation among fishermen from different regions; and 3) NMFS again, for totally mishandling the Councils' emergency request and causing a substantial delay in closing the fishery. (These conclusions, and the following account of events, represent the views of the NCMC and not necessarily those of the King Mackerel Committee.)

The problems began for king mackerel when NMFS identified the species as "underutilized" in the mid-1970s and promoted the development of a more efficient commercial harvesting sector (gillnets, purse seines). The agency did this despite the fact that "there was little scientific information available upon which to base an adequate stock assessment." NMFS, then, had no data to support its conclusion that king mackerel were underutilized, and subsequent events were to prove they were dead wrong. Several years later, in 1978, the Gulf and South Atlantic Councils began work on a management plan (FMP) when the recreational fishery off the west coast of Florida suddenly collapsed.

The federal agency's bias in favor of commercially efficient gear types evidently led it to view the predominately hook-and-line mackerel fishery as underutilized. The extent of the recreational catch and the impact increased fishing pressure might have on the stocks and on "less efficient, and more numerous, traditional" users was never considered. The

lesson to be learned from this is that just as the Magnuson Act does not permit the development of an FMP if the available information does not support the need for management, NMFS should not be allowed to promote the development of a fishery without sufficient information to indicate it can be done without jeopardizing either the resource or its historical use.

Ironically, when the Councils took on the task of developing an FMP to prevent overfishing, the same lack of information about the mackerel fishery kept them from setting catch limits low enough to do that. The Mackerel Report criticizes the Councils for not "react(ing) conservatively in the face of uncertainty." But NMFS must share in the blame for this, since the conservative measures the Councils did propose, such as barring purse seines from the fishery and restricting the big gillnet boats, were rejected by the agency.

On the other hand, the Councils must bear full responsibility for the way in which they responded to the Stock Assessment Group's warning in August of 1985 that the latest quota of 14.2 million pounds for the Gulf of Mexico, if caught, might cause irreversible harm to the stock. The scientists suggested a quota of from one to 2.3 million pounds for the '85-86 season. The South Atlantic Council and the NMFS director for the southeast region recommended closing the fishery until a safe fishing level within that range could be agreed upon.

The Gulf Council, supported by some members of their own scientific committee, dissented, arguing that the fish in the western Gulf appeared to be in much better shape than those in the eastern half. Their concern was that the Draconian measures would be unfair to fishermen in Texas and Louisiana. NMFS asked the two Councils to agree on a new catch limit, and the Gulf Council's position against lowering the quota forced a compromise of 5.2 million pounds. The failure of the Councils to stay within the biological range recommended by the Stock Assessment Group - for reasons having more to do with allocation than conservation - would later contribute to the delay in getting NMFS approval.

In October, the Councils tried to implement the new quota by filing an amendment to the existing FMP. But NMFS rejected the amendment for procedural reasons. As it turns out, there were those in the NMFS management office who didn't think the Councils could make an in-season adjustment to the quota (the FMP had just been implemented in September), but they made no attempt to verify this with legal counsel and advise the Councils on the proper procedure. Incredibly, one high-ranking NMFS official sat in on the Council deliberations and allowed them to take the wrong course without saying a word to anyone!

The only route left to the Councils was a request for emergency action by the Secretary of Commerce, but when that request finally reached Washington in December, it got lost in an unfathomable, Kafka-esque maze of bureaucracy. "Every person in the NMFS chain, and it is a long chain," reports the Mackerel Committee, "apparently was free to substitute his or her judgment" for that of both the Councils and NMFS personnel in the southeast region, often doing so anonymously and therefore without accountability for their actions.

The NOAA administrator, Calio, initially approved the emergency request, but the word didn't reach mid-level staffers for several weeks. Meanwhile, the NMFS Washington office, though unfamiliar with the mackerel fishery, had decided independent of their regional office that there was no real emergency, and thus no reason to act quickly on the Council request.

This was in direct violation of NMFS policy for emergency actions. Instead, because they had questions about the scientific and legal basis for the compromise quota, they set about drafting a new recommendation for a 2.3 million pound quota, again without consulting the region, which would have told them that landings had already exceeded that amount.

The final result of all this second-guessing and lack of communication was that the agency did not process the emergency request until more than two months after it was received. By the time the new quota was implemented, the commercial limit had been exceeded by 66 percent. The recreational fishery remained open for the remainder of the season, but that allocation was never reached.

The King Mackerel Committee prescribes a number of changes to foster more effective management in the future. First of all, fisheries development and management activities performed by federal agencies must be more closely coordinated so that they are not acting at cross purposes, as they were at the outset of the mackerel debacle. Also, NMFS should commit to providing the Councils with the appropriate scientific support, and both should cooperate to identify research priorities to meet management needs.

The Committee admonishes Council members to put their role as stewards of a public resource before any loyalties to fishermen in their region. Furthermore, the Committee recommends that the Councils develop a mechanism for promptly resolving internal disputes over scientific interpretation. And to avoid a minority forcing a compromise at the expense of the resource, the committee urges that decisions be made by a majority vote of the total membership from the Councils involved, rather than requiring a majority vote on each Council.

Finally, NMFS is directed to shorten its decision-making process and to simplify the procedure for reviewing and approving management plans in general and emergency regulations in particular. The Washington office and the regional branches should have a more direct line of communication, and use it more often. Relative to these last recommendations, William Evans, the new head of NMFS, recently announced a sweeping plan for reorganizing the agency from top to bottom. We will review that plan in the next MB.

CONGRESS TO REAGAN ON CLEAN WATER: "GO AHEAD, MAKE OUR DAY"

The 100th Congress wasted no time in passing reforms to the Clean Water Act, approved last fall but stopped by an eleventh-hour presidential pocket-veto. On just the third day of the 1987 session, the House approved the bill (H.R. 1) once again, and not long after, so did the Senate. The message to the President was unmistakable. If he vetoed the clean water bill another time, as he threatened to do, Congress was ready and willing to override him. Reagan made good on his threat, and so did they. Congress overrode the President's veto by an overwhelming margin.

Action on major legislation so early in a Congressional session is almost unheard of, a fact that underscores the paramount importance Congress places on the new clean water provisions. Among these provisions are several of great importance to marine fisheries, such as a national estuarine management program, recognizing the importance of coastal bays and wetlands to fish, wildlife and recreation; studies of the accumulation of toxics in fish; management of noxious sewage sludge; and pollution abatement in Chesapeake Bay, with emphasis on the effects of pollutants on striped bass.

TIDE TURNS FOR LICENSING IN FLORIDA

The NCMC advocates state (rather than federal) licensing of marine recreational fishermen, and we are convinced that the concept gains support among anglers in direct proportion to their understanding of what a license will do for them. What's happening in Florida bears this out.

A poll taken by the Florida League of Anglers (FLA) at the Tampa Boat Show in January showed overwhelming support for a salt water fishing license if the monies collected were used exclusively to support salt water fishing activities. According to the FLA survey, 94 percent of those questioned endorsed licensing, whereas two years ago sentiments ran three to one against it. The key difference was that the earlier boat show poll did not mention how the license revenues would be spent.

Though the FLA survey does not purport to represent the attitude of all Florida's anglers toward licensing, it does demonstrate very clearly that anglers are far more supportive of licensing when they know that their money will be spent to benefit salt water fishing and conservation. A bill now in the Florida legislature would provide these benefits, and the FLA is hoping that increased awareness among the state's fishermen will get the law passed this year.

The Florida bill would allocate money raised through licensing for enforcement (37 1/2%), research (30%), fisheries enhancement (25%), administration, information and education (5%), and to help fund the state Marine Fisheries Commission (2 1/2%). The NCMC joins the FLA in support of this legislation, for the much-needed money it will raise, but also to count anglers and give them added political clout, and to collect recreational catch statistics to assist in fair and equitable management of marine resources.

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TIME FOR A SHIFT IN GEAR MANAGEMENT

Gillnets, purse seines, longlines, shrimp trawls, fish traps - the efficient hardware of the commercial fishing industry. Somewhere in the United States, each is embroiled in a heated controversy, pitting the men who use them against conservationists and fishermen employing other, less effective types of gear, who contend that unbridled efficiency is ruining the fisheries.

The fishing establishment, as a matter of rule if not policy, is loathe to regulate most types of gear, saying it reduces efficiency and increases the cost of production. Besides, they say, as long as fishing quotas are biologically sound, the kind of fishing gear used doesn't matter. The facts, however, belie this simplistic approach. Certain types of highly efficient gear, and more specifically the manner in which they are commonly used, do create problems that go beyond managing by quotas, problems that can only be addressed through some form of gear regulation:

¶ Non-selectivity, resulting in an incidental, but sometimes significant catch of non-target species of fish and other marine animals.
¶ De facto allocation of the available resource to the fishermen with the most efficient gear, discriminating against those who, by choice or necessity, use less efficient methods of fishing.
¶ Localized overfishing, which may have both a short-term impact on local stock availability to other users, and a long-term impact on stock movements in the area.
¶ Negligent or careless use, resulting in lost, abandoned or discarded gear which may continue to "ghost fish" indefinitely.
¶ Waste, through unwanted or unusable by-catch and spoilage.
¶ Pre-emption of fishing grounds, interfering with the rights of others to access to common property resources.

These are very serious concerns, not irrational attacks on commercial fishing. But stubborn resistance to regulations aimed at resolving these problems, from managers and industry alike, fans the flames of hostility and, worse, diminishes public trust in fishery management. Calls for completely outlawing the offending gear are now fairly common. Frustrated citizens are even resorting to quick-fix legislation, by-passing the fisheries management system altogether, an unhealthy situation.

All fishermen have a legitimate right to fish and an obligation to fish responsibly. But exercising one right without the other creates an untenable situation that benefits no one. Fishermen and managers must change their thinking on gear, acknowledge the problems, and make use of technology and ingenuity to adapt fishing gear and/or its use to eliminate some of these gear problems, and resolve others through the use of alternative gear. Refusing to deal with these issues is only creating much bigger ones - for the fishermen, the fish and our system of management.

BIG CHANGES IN STORE FOR NMFS

William Evans, NOAA's assistant administrator for fisheries, has announced a major reorganization of the National Marine Fisheries Service. His plan is to restructure agency operations from top to bottom to make the NMFS decision-making process quicker and more efficient, particularly in the review and implementation of fishery management plans. Generally speaking, the NMFS chain of command will be shortened by streamlining the administrative staff in Washington (i.e., cutting out some of the links) and creating more direct channels of communication between headquarters and the regional offices and research centers.

At the top will be Evans, and working directly with him a deputy assistant administrator and an executive director, the latter a brand new position. The next tier is composed of six "offices" with responsibility for enforcement, fisheries management, fisheries and environmental information, protected species and habitat, industry services, and international fisheries. The heads of these offices will report to the executive director, while the deputy assistant administrator will oversee activities in the five NMFS regions.

The power structure will be more clearly delineated, says Evans, so that the agency will be able to respond quicker to the Regional Fishery Management Councils, constitutents, and, above all, the needs of the resources. The individuals who are responsible and, just as important, accountable for making decisions will be more readily identified, from within and without the agency.

NMFS recently caught stinging criticism from a committee investigating federal management of king mackerel (MB, Jan. 87) for resembling too closely the stereotype of the slow and inscrutable bureaucracy. Evans, whose goal is a leaner and more efficient agency, believes his reorganization will answer these and other criticims. Only time will tell. As far as the public is concerned, these changes will only be cosmetic unless he, as the director of NMFS, also changes the agency's approach to one of heading off resource problems instead of reacting to them. Evans says that is precisely what he intends to do.

COUNCIL BACKS STATES ON REDFISH CONSERVATION

The Gulf of Mexico Fishery Management Council's draft amendment to the Secretarial Plan for Red Drum is taking shape, and it differs from the existing rules for the offshore fishery in several important ways. State redfish laws, for instance, are given primacy, as are state efforts to rebuild the stressed stocks.

The Council plan requires that all by-catch of redfish in federal waters be landed in accordance with state regulations. This provision sets the stage for a Council plan requiring that the directed commercial fishery, prohibited during 1987, also conform to state laws when it resumes. This is significant since the Gulf states outlaw landing fish caught by purse seine. The Secretarial Plan, on the other hand, would permit a purse seine fishery against the will of the states. The Council would also divide federal waters of the Gulf into primary and secondary management areas. Retention of redfish caught in the secondary areas - off Florida and Texas - would be prohibited. The rest of the Gulf FCZ would be closed to commercial harvest until the Gulf states have implemented measures to allow a minimum of 20 percent of juvenile fish to escape to offshore waters to join the spawning population.

FISHERIES PANEL SETS PRIORITIES FOR '87

After another year of watching federal fisheries officials pass on opportunities to prevent overfishing in favor of more compelling short-term economic goals, the NCMC concluded (MB, Dec. 86) that what is lacking is not the capacity, but the will, to take conservative action. The new chairman of the House fisheries committee, Gerry Studds (MA), has reached the same conclusion, and on February 11 announced that the effective implementation and enforcement of federal environmental laws will be the "major objective" of his committee this year.

"Future generations of Americans must be taken into account when federal decisions affecting the environment and resource conservation are made," declared Studds, who took over as head of the Subcommittee on Fisheries, Wildlife Conservation and the Environment in January. The congressman charges that tomorrow's citizens "are being short-changed" when the government ignores its legal obligation to protect natural resources and the environment. But "this problem does not stem from the inadequacy of federal law," he points out, "because in general the necessary laws are there. But, to be effective, these laws must be aggressively administered, faithfully interpreted and strictly enforced. Unfortunately, this has not been the case in recent years."

Studds says his committee will study the implementation of the Magnuson Fishery Conservation and Management Act, among other federal statutes, and "recommend changes in funding, policy and statutory language wherever such changes are required." The NCMC first raised the subject of hearings on the Magnuson Act with a number of subcommittee members, including Studds, last summer. The need for a thorough examination of the way the nation's fisheries are being managed has only grown since then.

In addition to reversing what Studds calls "a steady decline in the effectiveness of federal environmental and conservation law," his committee will be considering specific action on a number of issues, including a bill to reduce ocean pollution from plastics and damage caused by synthetic gillnets (MB, Jan. 87); obtaining a guarantee that funds raised through excise taxes on fishing tackle and marine fuel will be strictly dedicated and made available on a timely basis to programs to benefit the anglers and boaters who pay those taxes; and enhance efforts to restore populations of striped bass and Atlantic salmon to their east coast spawning grounds.

BUDGET: CUT AND COME AGAIN

Year after year President Reagan has tried to cut 40 percent out of funding for marine fisheries programs, and his proposal for federal spending in fiscal year 1988 is no different. The National Marine Fisheries Service is slated to receive $99.5 million for the fiscal year beginning in October, compared to its current operating budget of $162 million. NMFS programs considered the agency's primary responsibility and the backbone of the federal fisheries system would be cut across the board.

The administration's own analysis of fishery management needs, the "NOAA Fishery Management Study" released last June (MB, August 86), singled out fishery research, data collection, enforcement and habitat protection as deserving of the highest priority in federal fisheries programs. Evidently, the budget planners within the administration didn't read the study, or more likely, didn't understand it. Stock assessments, fishery data collection, habitat conservation and research activities, gear entanglement studies, ecosystems analysis, and programs to enhance striped

bass, salmon, groundfish and marine mammal populations would all receive major reductions in funding. So would the Regional Fishery Management Councils.

Fishery managers would be left with enough, the budgeteers assure, to perform their "essential" management responsibilities. This minimalist approach might work, if guided by a firm, unwavering policy allowing only the most conservative and cautious use of marine resources. But the reality is that the nation is attempting to balance long-term conservation with maximum short-term yields from its fisheries, and that very delicate balance demands the fullest possible understanding of the fisheries and the ocean environment.

This year's budget proposal, in so many ways a carbon copy of previous proposals, does contain one new twist. Aware that Congress has consistently rejected the President's budget and reinstated NMFS funds, the administration is trying a new tactic - holding a sizable chunk of funding hostage to a national salt water fishing license! That's right. If Congress enacts the administration's licensing bill this year (see following story), they would automatically approve an additional $29 million for NMFS. If not, the budget will stand as submitted, and with mounting pressure on Congress to find ways to cut the federal deficit, fisheries programs will doubtless be out there on the chopping block, exposed and vulnerable. The NCMC will be actively fighting to ensure adequate funding for vital fisheries and ocean programs, while working to see that resource-oriented programs receive the highest priority within NMFS/NOAA.

HOBSON'S CHOICE

Washington is offering fishermen a choice between accepting a federal license to fish in salt water or taking bigger cuts in fisheries programs. The administration's answer to what it sees as inevitable shortfalls in funding for fisheries management is for those who use the resource (specifically, consumptive users) to pay a "user fee" for the privilege, and for those fees to be used to support programs necessary to maintain that resource.

The Department of Commerce (which houses NMFS and NOAA) floated a National Ocean License proposal a year ago, but it was quickly shot down for reasons too numerous to recap here. The idea, however, lives on. Indeed, it has matured into the "Marine Fisheries Conservation Assurance Program," a euphemism for "without a federal license you can kiss marine fisheries programs goodbye." To its credit, the new license program attempts to address some of the concerns raised by the original proposal - e.g., dedication of funds to fisheries programs, a fair burden on different user groups - but like its predecessor, it suffers from putting more emphasis on raising money than on actually benefiting marine fisheries.

The plan calls for assessing fees on commercially-caught fish equal to one percent of the ex-vessel value; a $6 license to catch fish anywhere in marine (tidal) waters and a $25 license to buy and sell fish, applicable to both recreational and commercial fishermen; and a $25 federal gamefish stamp to catch fish whose sale is prohibited by federal law. (There are no such fish now, but marlin and sailfish are being considered.) The money raised would be split fifty-fifty between the federal government and the states, and in both cases would be used to conserve and manage marine fisheries.

In touting the program, officials speak of the need to "improve" fisheries management, to "do more" for fishermen, and to "enhance" fishery resources. However, the proposal is an integral part of the administration's budget reduction plan, and the license revenues would only make up a fraction of what the NMFS budget stands to lose. Fishermen could end up paying more and getting less. Other questions being asked are: What impact will it have on the state revenues, since those that have their own licenses will presumably drop them in exchange for half of the federal fees, rather than burdening their fishermen with a dual-system? What effect will it have on the distribution of Wallop-Breaux monies, which are allocated in part on the number of state-licensed anglers? And is an across-the-board federal stamp of $25 realistic? Offshore fishermen may find it an acceptable trade-off for protecting billfish from commercial fishermen, but would the average angler who goes after, say, redfish, be willing to pay that much for the privilege?

The NCMC strongly endorses the notion that fishermen should give something back to the resource, and that a license is a unique way to provide both the needed funds for research and management and information on the fishermen and their catch. But making the license a federal initiative is not the most efficient way to do it, and creates more problems than it solves. We believe licensing should be a state initiative, implemented at the state level, with revenues dedicated to state fisheries activities. The NCMC proposes that Congress actively encourage all states to enact a salt water licensing system by passing a model statute establishing guidelines and incentives to assure that states set uniform licenses fees, licenses are honored in all states, funds are dedicated to programs to benefit fishing, and the fishermen have input into how the money is spent.

ANGLERS UNITE TO CONSERVE BAY FISH

Chesapeake Bay is the largest and most productive estuary on the Atlantic seaboard. Fish migrating along the east coast use the bay as spawning and nursery grounds. The environmental crisis facing the bay is well-known; decades of over-exploitation, water pollution, and habitat destruction have taken a major toll on its fisheries. A cooperative state-federal effort is underway to restore the bay's once unparalleled ability to support fish, shellfish and waterfowl.

According to the Virginia Federation of Anglers (VFA), a group of conservation-minded fishermen, trawlers working the mouth of Chesapeake Bay could be the greatest immediate threat to saltwater fish that migrate in and out of the bay. Ever since a state law requiring the boats to stay at least three miles offshore was rescinded five years ago, says the VFA, the trawlers sit at the narrow entrance to the bay and intercept summer flounder and other species during their fall migrations out of the bay and down the coast. There are three times as many licensed trawl boats today as there were before the law was changed.

The VFA is also working to reduce overfishing by deepwater gillnets, and to protect small, juvenile fish - the future of the Chesapeake's fish populations - from the growing number of recreational and commercial fishermen. In addition, they identify water pollution and shoreside development as the greatest long term threats to the fish, and are supporting efforts to strengthen state laws and to foster better cooperation among government agencies to control these activities. (VFA, P.O. Box 11479, Norfolk, VA 23517)

SHRIMPERS WILL SOON BE PULLING TEDS FEB '87

Shrimp trawlers will soon be required to use Turtle Excluder Devices (TEDs, or trawling efficiency devices), according to proposed regulations issued by the National Marine Fisheries Service. NMFS is the federal agency responsible for protecting sea turtles under the Endangered Species Act. Thousands of Kemp's ridley, green and loggerhead turtles, listed as endangered or threatened, are inadvertently drowned in shrimp nets each year in the South Atlantic and Gulf of Mexico. The TEDs allow the turtles to escape the trawls without any significant loss of shrimp. The devices also cut the by-catch of fish and other marine life by as much as fifty percent.

GUIDE FOR COASTAL ACTIVISTS

"And Two If By Sea: Fighting the Attack on America's Coasts" (109 pp.), by Beth Millemann, coastal projects director for the Coast Alliance, examines the impacts on the coastal zone from residential and industrial development, ocean dumping of hazardous wastes, ocean incineration and energy development, and how the Coastal Zone Management Act and other coastal laws can be used to protect the Atlantic, Pacific, Gulf and Great Lakes coasts from these and emerging threats. The book is published by the Coast Alliance, a network of environmental and conservation groups, including the NCMC, with a common interest in ocean and coastal issues. Copies are $2 each and may be obtained by writing: Coast Alliance, 218 D Street, S.E., Washington, D.C. 20003.

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THE ATLANTIC "EL NINO": LEGITIMATE THEORY, OR VOODOO SCIENCE?

It's beginning to look like there never will be an Atlantic swordfish plan. After years of sometimes bitter disputes between the Regional Fishery Management Councils and the National Marine Fisheries Service (NMFS) over how to regulate the fishery, it may now be either too late for management, or no longer necessary, depending on who you listen to. The US longline fleet has, for all intents and purposes, moved out of the FCZ and is fishing in international waters of the Caribbean and western Atlantic. The fundamental question is why. Have the swordfish populations closer to home been severely overfished, or have the fish simply moved on to greener pastures, with the fishermen hot on their tailfins?

The only fish left to be caught on the traditional US fishing grounds are small broadbills, which alone are not worth the price of a fishing trip. The domestic fleet is maintaining catches of bigger fish, however, by making longer trips farther offshore to non-traditional areas. The Councils assert, based on their own scientists' interpretation of the available data, that the fishery is most likely suffering from growth overfishing; in other words, so many young fish have been killed that there are not enough fish recruiting to the adult population, resulting in a substantial decline in the numbers of large fish.

Scientists with NMFS have never really shared this reading of the data, and were most recently arguing that the stocks are rebuilding. But now there is a new theory, this one coming from NMFS headquarters, not the agency's biologists. The fishery has re-located, according to this theory, because the swordfish have altered their migratory movements in response to changes in ocean currents and temperatures, similar to the "El Nino" effect of several years ago which played havoc with west coast fisheries. This view has evidently been adopted as the official NMFS position on swordfish, and NMFS director William Evans has asked the Councils to consider it in their management planning.

The theory itself is plausible, but what is astonishing is how quickly and readily it is being treated as gospel among the NMFS hierarchy. Requests from Council members for hard data to support the theory have gone unanswered. The Councils' own inquiries have turned up no scientific information to show a pattern of changes in water temperature and currents during the period corresponding to the decline in the coastal fishery. All of which means the profound shift in the swordfish fishery is being attributed to changes in the environment even though the shift can only be observed in changes in catch rates from one area to another. But even the catch-and-effort data is suspect, because recent improvements in the efficiency of the longline gear being used are not being factored in.

The one constant in swordfish stock assessments has been uncertainty, and uncertainty should breed caution. The environmental theory being advanced by NMFS may indeed prove valid, but right now it is only a theory in need of further scientific investigation. Instead, NMFS has already embraced it and concluded that years of increased pressure on swordfish (more boats using longer lines) has had no appreciable impact on swordfish numbers, and therefore the fishery does not need to be regulated.

The NMFS leadership has changed the debate on Atlantic swordfish. If the status of swordfish is no longer at stake, something else is -- the credibility of NMFS science. This is unfortunate, because the many excellent scientists working for the agency do not deserve to have their integrity compromised by political considerations, if that is indeed what is happening. As they would be the first to agree, management based on scientific principle means collecting and analyzing the available facts and then proposing a hypothesis based on that evidence, not the other way around.

RECREATIONAL FISHERIES KEY TO SALMON'S FUTURE

The Atlantic salmon is of far more value to Canada as a recreational resource than as a commercial one, according to a study published by the Atlantic Salmon Federation entitled "Canada's Atlantic Salmon Recreational Fisheries and Their Future: An Economic Overview." A.L.W. Tuomi, the author of the report, provides compelling evidence that the future of salmon fishing rests with the recreational fishery, and recommends that Canada manage salmon accordingly in order to achieve the greatest possible economic and social benefits for that nation.

Though we might expect that Tuomi's conclusion is also true for a number of other species - bluefish, sailfish and marlin come quickly to mind - there are no comparably authoritative studies to back it up. What Tuomi has done is conduct an exhaustive and detailed comparison of the recreational and commercial salmon fisheries, weighed these against the substantial public investment in salmon, and shown in a clear and irrefutable manner that recreational fishing is the best use of this limited natural resource.

An estimated 55,400 anglers fished for salmon in the rivers and coastal waters of the five Atlantic provinces of Canada in 1985, and spent $84 million dollars doing so. The sport generated 2,094 person-years of employment. By comparison, the commercial fisheries contributed $6.5 million and 160 person-years of employment to the economy. Putting the relative contributions in another perspective, anglers accounted for 93% of the total economic activity attributable to salmon fishing while taking only 29% of the catch. Canada, therefore, gets a much better return on its investment in management and restoration when a salmon is caught by a recreational fisherman instead of a commercial fisherman.

BAY STATE ANGLERS SEEK MARLIN GAMEFISH STATUS

While the Atlantic Councils labor toward a billfish plan that would make marlin and sailfish gamefish, recreational fishing interests in Massachusetts are backing state legislation to ban the sale of these fish in order to protect them now from the proliferating US longline fishery. The bill, HB 4448, would reserve all species of billfish (i.e., white and blue marlins; the sailfish is an infrequent visitor) for the state's popular summer sport fishery off Cape Cod, which attracts anglers from as far away as Florida and contributes significantly to the state's economy.

The NCMC strongly supports the bill. Coalition President Christopher Weld explains: "For the most part, recreational fishermen release and return marlins to the water alive, so that for the recreational fishing industry they are a reusable resource. Statistics show that upwards of 75% of the recreational catch is so released. All the in-state (Massachusetts) billfish tournaments in 1987 will be catch-and-release tournaments, reducing the number of marlin killed in Massachusetts waters by recreational fishermen to practically nothing. That anglers in such large numbers are willing to do this for the sake of conserving the species is evidence of how highly prized marlins are as gamefish."

The NCMC views this and other laws to prevent the sale of billfish as a necessary precaution against the impact a growing commercial market, fueled by the incidental longline catch, would have on already stressed billfish stocks. "There is virtually no commercial market for marlin in Massachusetts," says Weld, "and as the populations (of white and blue marlin) are severely stressed, it would be extremely unfortunate to promote the development of a commercial fishery for them."

Other states which restrict the sale and possession of billfish by commercial fishermen are Delaware, Florida and California. Delaware prohibits the sale of all species of marlin as well as sailfish; Florida long ago declared sailfish a gamefish; and California protects striped marlin. On the national scene, the NCMC recently sought clarification of the National Oceanic and Atmospheric Administration's position on a no-sale provision in the proposed federal billfish management plan. Administrator Anthony Calio told the NCMC he would approve a prohibition on the sale of billfish if the Regional Councils can demonstrate the conservation and socio-economic benefits to the fishery.

NEW DUMPSITE RAISES NEW FEARS

The US Environmental Protection Agency (EPA), bending to persistent pressure from fishermen and conservationists, announced in 1985 that the nation's largest offshore sewage sludge dumpsite, 12 miles off Long Branch, New Jersey, would be closed at the end of this year. The long-awaited closure will give the fisheries in the "heavily degraded" New York Bight area, dubbed by some the "Dead Sea," a chance to recover from sixty years of pollution from municipal wastes.

But because the EPA, which had once set a 1981 deadline for halting all ocean disposal of sewage sludge, was still not ready to force the issue, the 8 million wet tons of sludge now dumped at the 12 Mile Site will be diverted to a site farther offshore, the so-called 106 Mile Site off Atlantic City, beginning in 1988. This site is currently the only ocean dumpsite for industrial wastes, about 300,000 tons annually. Although the site is only designated for sewage sludge for the next five years, what happens during that time is crucial to the future of ocean dumping. Conservationists envision the period as a planned phase-out with all dumping ended by 1991 at the very latest. The dumpers (on behalf of Manhattan and several Jersey cities), on the other hand, have made considerable investments in long-range barges and will not give up their last ocean dumpsite without a fight. EPA, in the meantime, will have to be pushed and pushed hard to study and promote alternatives to dumping sludge at sea.

Right now, though, serious concerns are being raised about the environmental impact of dumping both sewage and chemical wastes at the 106 Mile Site, which encompasses a 400 square mile area of Tom's Canyon, just

beyond the 1000 fathom contour of the continental shelf. Bluewater anglers from New Jersey and other states, who fish for marlin, tuna and swordfish in a 4,000 square mile area from Block Canyon in the north to Washington Canyon east of the DelMarVa Pensinsula, believe that the wastes will be transported via warm water eddies to their fishing grounds on the shelf, possibly causing "irreparable and irreversible damage" to the fisheries.

Canyon fishermen have formed an organization called the Thousand Fathom Club to draw attention to this threat, stop all ocean dumping, and provide lasting protection to the offshore fisheries for US recreational and commercial fishermen. After examining the results of experiments conducted by NOAA tracing the movement of eddies in the Canyon, they have concluded that the noxious and toxic elements contained in the sewage and industrial wastes dumped offshore could be dispersed throughout the canyon area. The buildup of sludge materials could also effect flounder, whiting, cod, shellfish and other bottom-dwelling fish that spend part or all of the year on the shelf.

The Thousand Fathom Club has launched a campaign to designate the area east of Block Canyon to south of the Norfolk Canyon a marine sanctuary under Title III of the 1972 federal Marine Protection, Research and Sanctuaries Act. The "Canyon Marine Sanctuary" would be designated for recreational and commercial fishing purposes, requiring an immediate cessation of all waste dumping. The Club (P.O. Box 752, Point Pleasant, NJ 08742) is currently preparing a formal sanctuary application to be submitted to NOAA, and is collecting signatures from offshore fishermen and other concerned citizens in support of their cause.

Clean Ocean Action (COA), a regional coalition dedicated to protecting New York and New Jersey's multi-billion dollar tourism and fishing industries from ocean pollution, has also made stopping chemical waste dumping at the 106 Mile Site one of its chief goals for 1987. The NCMC is a member of COA, as is the Thousand Fathom Club and 65 other conservation, fishing, boating, diving, business, and community groups. (COA, P.O. Box 126, Sea Bright, NJ 07760)

NEW ENGLAND FINDS GILLNET COMPROMISE

The New England Fishery Management Council has finally reached a compromise settlement on one of the most contentious issues that body has faced -- the conflict over prime fishing grounds used simultaneously by charter and party boat fishermen and gillnetters. Gillnet fishermen string hundreds of miles of bottom-tending nets for cod, pollock, flounder and haddock, and hook-and-line fishermen regularly get their gear entangled in the nets when they fish the same area at the same time. The solution the Council has come up with would give each group access to the disputed fishing grounds on an alternating, one-week basis.

The gillnetters and hook-and-liners will take turns fishing areas of Jeffries Ledge and Stellwagen Bank, due east of Boston. The measure has been proposed as an emergency regulation to take effect beginning in April, but legal procedures may delay it until the end of May. The New England Council has fought over this issue for eight years without any progress, primarily due to the intransigence of the gillnetters, who have balked at any restrictions whatsoever. For that reason it represents a victory for recreational interests. Council member Les Smith has steadfastly led the campaign for resolution of the conflict, often standing alone on a Council dominated by commercial fishing interests (see MB, April/May '86). Smith, a member of the NCMC board from Massachusetts, calls the compromise a "step

in the right direction," although it does not directly address the larger issue of overfishing.

The one thing that both sides agree on is that the number of fish they are competing for is shrinking. Conflicts such as the one between the netters and the party boat operators may be tolerable when there are plenty of fish, but a declining resource only intensifies the problem. As the fish grow scarcer, more nets are set in more areas. The problem of ghost fishing by lost nets gets worse. Efforts to get the Council to limit the number of nets and require fishermen to watch over their nets at all times have been blocked by the well-organized netters.

FISHERIES HAVE NO BUSINESS IN COMMERCE

The NCMC has long maintained that a natural resource agency does not belong in the Department of Commerce, and that since the National Marine Fisheries Service is a natural resource agency, and not a public advocate for commercial fishing interests, it should be removed from Commerce to a more resource-oriented environment.

In a January 8 letter to Secretary of Commerce Malcolm Baldrige, Senator John Breaux of Louisiana put his finger on the conflict inherent in housing NMFS in the Commerce Department, although that is hardly what he intended. Senator Breaux, in asking the Secretary to emend the federal redfish plan to permit purse seining in the Gulf of Mexico this year, wrote: "...the Plan you have developed is designed to promote inefficiency in business -- a curious objective for the U.S. Department of Commerce to adopt. Don't forget that the stated objectives of federal fishery conservation and management law are to promote efficiency and the full utilization of U.S. fishery resources."

The plan to which the senator objects is the second federal redfish plan. The initial plan, in fact, did reflect the business-first view which Breaux is espousing; that is, until the Gulf states, the Gulf Council, conservation groups and the vast majority of fishermen in the Gulf region prevailed upon the Secretary to revise it and put conservation of redfish first.

Breaux implies that, since the principal mission of the Department of Commerce is to promote the interests of business, it therefore follows that this is also the primary responsibility of every agency within the Department, including NMFS. Actually, NMFS' responsibility is to provide research, management and other services to promote wise use of marine resources for their economic, recreational and aesthetic value. The interests of business are only one part of that broad equation. What NMFS (or the councils) determines is the most "efficient" way to manage the spawning stock of redfish in the Gulf may not be the most efficient from the standpoint of a particular business interest, in this case the purse seiners. For despite their ability to capture an inordinate number of fish with minimal effort, they are nonetheless a very small segment of the combined commercial and recreational fisheries.

And to declare that the objectives of fishery management are "to promote efficiency and the full utilization of U.S. fishery resources" is only half true, reflecting the narrow, commerce-oriented view of management. The ultimate purpose of management plans developed under the Magnuson Act is "to prevent overfishing, to rebuild overfished stocks, to insure conservation, and to realize the full potential of the Nation's fishery resources." (16 USC 1801 (a)(6)) Whenever promoting "economic

efficiency" would offset these other objectives, priorities must be set, and conservation of the resource for the long-term benefit of the majority is clearly the top priority under the law.

WESPAC PELAGIC FISHERIES PLAN GETS GO AHEAD

Measures to conserve Pacific billfish, sharks, dolphin (mahimahi) and wahoo, developed by the Western Pacific Fishery Management Council, were recently approved by the Secretary of Commerce and will take effect on March 23, 1987. Included in the Fishery Management Plan (FMP) for the Pelagic Fisheries of the waters around Hawaii, American Samoa, Guam and the Midway Islands, are: (1) a triggering mechanism to institute area closures to foreign longliners; (2) a system for monitoring the incidental catch of billfish and associated species; and (3) a prohibition on the use of drift gillnets by foreign vessels and limited experimental use by US fishermen.

The purpose of the FMP, according to the Western Pacific Council, is to simplify the current management regime, both to give foreign tuna fishing vessels a more "reasonable opportunity" to fish in US waters and at the same time make foreign fishing easier to control. Under the existing complicated set of permits and regulations, foreign tuna longliners have opted to avoid the red tape and not fish in US waters. The situation may sound ideal for domestic fishermen, but the State Department, ever worried about how such things might impact on our own distant water tuna fishermen, finds this inconsistent with US tuna policy. For their part, the Council fears that should the longliners decide to apply for permits in large numbers, and the government grant them, the US would be unable to adequately monitor and regulate their activities under the existing plan.

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TEDS: WASTE IS THE REAL ISSUE

The National Coalition for Marine Conservation unequivocally endorses the use of "trawling efficiency devices," popularly known as TEDs, in shrimp nets. The use of TEDs can reduce or eliminate the wasteful by-catch of other marine life, waste that is commonplace in the shrimp fishery. The NCMC position is that resource problems caused by non-selective fishing gear, such as shrimp trawls, should be resolved by altering the design and/or the use of that gear in such a way as to improve its efficiency; that is, its ability to catch target species without killing non-target species. TEDs are, we believe, that rare innovation in fishing technology which contributes to efficiency without creating additional resource problems.

Shrimpers trawling without TEDs kill thousands of sea turtles, millions of fish, shellfish, and other marine animals every year. Fishermen interested in the wise use, or conservation, of marine resources should demand that shrimpers use TEDs. Unfortunately, they are primarily thought of as "turtle excluder devices" only, and their singular association with protecting endangered sea turtles has diverted attention away from their more far-reaching value to marine conservation in general.

TEDs, as turtle saving devices, are now at the center of a furious battle between environmentalists and shrimpers, with the federal government caught in the middle. Reason has been replaced by emotion in the public debate. As a result, the status of proposed federal regulations to require shrimpers to equip their nets with TEDs, scheduled to go into effect this summer, is now in question.

There is a chance that the TED requirement, proposed by the National Marine Fisheries Service (NMFS) to comply with the Endangered Species Act of 1973, could fall victim to the Snail Darter Syndrome. The snail darter, you will recall, is the tiny fresh water fish that held up construction of the giant Tellico Dam some years back. Building the dam, said federal biologists, would destroy the river habitat and seal the fate of the snail darter, an endangered and thus federally protected species. However, because the public debate over the dam focused almost exclusively on the snail darter, stronger and more compelling arguments against the dam project - mainly its outrageous cost to taxpayers in exchange for very dubious public benefits - were largely overlooked. In the public mind,

economic development was being stymied by an exaggerated concern for a fish none of them had ever heard of before. The "value" of the dam was weighed against the "value" of the snail darter, a comparison which made enforcing the Endangered Species Act in that case seem to many unwise, if not downright silly.

Similarly, limiting the case for TEDs to just their role in protecting turtles, no matter how important that is, risks reducing a genuine resource management problem to a polarizing choice between shrimpers and turtles. Indeed, shrimpers who object to the pending regulations are taking great pains to portray the issue as nothing less than the fate of commercial shrimping versus the lives of a few turtles. And with some success. There are reports that NMFS is seriously thinking about backing off its plan to phase-in the mandatory use of TEDs this year.

More than turtles are at stake. The real issue is the responsible use and management of marine resources. Even if not a single turtle were drowned in shrimp nets, the case for requiring TEDs would still be compelling. The full extent of the resource damage caused by trawling for shrimp, and the benefits that the TED modification would bring to resource use, including shrimping, is inexplicably missing from the public dialogue. An objective consideration of these benefits would argue for the use of TEDs as a fishery management measure clearly beneficial to ocean resources and the majority of Americans.

According to NMFS, 47,000 sea turtles get caught in shrimp nets each year, and of these an estimated 12,000 turtles drown. Any way you look at it, those are big numbers representing an intolerable amount of waste; but what makes the situation even worse is the fact that the three species of turtles most often killed are endangered (the Kemp's ridley and the green turtle) or threatened (the loggerhead). The Kemp's ridley is thought to be "on the brink of extinction," with only 700 nesting females known to exist. Many shrimpers, who are currently required to try and resuscitate turtles pulled from their nets and return them to the water dead or alive, contend they don't even catch turtles, and it's true that some haven't. But with 17,000 shrimpers working the waters of the south Atlantic and Gulf of Mexico, the cumulative impact of those who do is tremendous.

The waste doesn't stop there. Because of the small size of shrimp, trawlers use fine mesh nets designed to capture everything in their path, which they do. In fact, the typical trawl collects less shrimp than other fish. Sometimes even as little as 1/10 of the haul is shrimp. The rest of the catch, depending on where and when the trawling takes place, is made up of fish. The finfish are mostly juvenile drum, trout, croaker, etc. and bait fish. NMFS studies put the range of by-catch at from four to twelve pounds of fish for every one pound of shrimp caught. Billions of pounds of fish, an estimated 1.5 billion pounds in the Gulf alone, die in shrimp nets every year!

There is probably nothing more intolerable or inexcusable in the use of natural resources than wanton waste. The public has a legitimate right to ask, at what price shrimp? Is it necessary to kill an average of 8 pounds of fish, most of which is discarded at sea, to harvest a single pound of shrimp? The answer, fortunately, is no, it is not necessary, and the enormous waste can be substantially reduced when shrimp trawls are equipped with simple but effective devices called TEDs.

The impetus for developing TEDs, cage-like contraptions that are sewn into the throat of shrimp nets, was the listing of five species of marine

turtles under the Endangered Species Act in 1978. Shrimpers had previously experimented with similar devices to keep bulky "trash" such as jellyfish, horseshoe crabs, and rays out of their nets. The four models of TEDs now approved by the federal government feature a slanted grate which forces sea turtles and other large animals out a trap door in the top of the net, while allowing shrimp to pass into the cod end. These models have also proven effective in reducing the incidental harvest of finfish by as much as 50 - 70 percent.

The discovery that TEDs reduce the unwanted by-catch of fish earned them the name "trawling efficiency devices," because they made the trawls more efficient at catching the target animals, shrimp. The elimination of turtles, fish, and other animals from the trawls provides more room for the shrimp, letting fishermen trawl longer before their nets are full, and saving fuel by minimizing the drag on the nets. The quality of the shrimp should also be enhanced because it won't suffer under the weight of the by-catch.

In 1983, under mounting pressure to enforce the Endangered Species Act and stop the killing of sea turtles, NMFS initiated a program to encourage the voluntary use of TEDs. But when only a few shrimpers took part, environmental groups threatened to sue to close the shrimp fishery if NMFS didn't make their use mandatory. Last fall, federal mediators brought the shrimping industry and environmentalists together to negotiate an agreement. They reached a compromise, and on March 2 NMFS announced a plan to phase-in TEDs over a three year period, beginning in those areas and at those times where concentrations of turtles are high. The regulations are set to take effect July 15, 1987.

Since March, though, the agreement signed by industry leaders has been poorly received by rank-and-file shrimpers, particularly in the Gulf region, where grassroots resistance is spreading like wildfire. While many shrimpers seem to accept mandatory use of TEDs as inevitable and even necessary, the dissidents say they will refuse to pull TEDs because they are too expensive (about $400 a piece), cumbersome to use, and will cut into their harvest of shrimp. They dispute the NMFS studies which indicate otherwise, and contend that having to purchase and employ TEDs will prevent them from making their living catching shrimp.

No one is out to put shrimpers out of work. But they seem to forget that they make their living catching and selling a public resource, something that belongs to everybody, not just to them. The shrimp belong to everybody, the turtles belong to everybody, and the fish belong to everybody. Shrimping is a privilege, not a right. And the public has a right to insist that this privilege is not abused. To the extent that shrimp trawling routinely kills and wastes substantial numbers of fish, turtles, and other marine life, and TEDs will reduce or eliminate much of that waste, the public has a right to insist that shrimpers use them. Instead of being an unfair burden on shrimpers, it is a cost of doing business which, if they won't accept voluntarily, must be required.

TEDs are the best solution to a genuinely serious problem. They will allow shrimpers to trawl in their traditional manner, but without the traditional problems associated with shrimp trawling. This is technological innovation at its finest, a reasonable way to transform shrimping from a dirty fishery into a clean one. As one fishing organization put it, everyone wins - turtles, sport and commercial fishermen, and most of all, the public, because the resources that belong to them will be responsibly conserved.

WHEN RELEASING FISH, HANDLE WITH CARE

Waste is by no means confined to indiscriminate commercial fishing practices, which is why the growing trend of anglers releasing fish they do not intend to eat or mount as a trophy is such an important development in fishery conservation. As the release of salt water game fish becomes a more common occurrence, even in the competitive tournament setting, it is critical for all anglers to appreciate not only the benefits of releasing fish alive, but also to ensure that the fish is released in a manner that will enhance its chances of survival. An angler's decision to release a fish, out of concern for the future of the resource, brings with it an ethical obligation to do it in a humane way, or otherwise it will serve no purpose.

The following are general rules for releasing salt water fish, gleaned from the International Game Fish Association and other authoritative sources:

¶ Play and release the fish as rapidly as possible. A fish played too gently for too long may be too exhausted to recover.

¶ Keep the fish in the water as much as possible. A fish out of water for more than three or four minutes suffers brain damage due to loss of oxygen. In addition, the fish is suffocating and may pound itself fatally if allowed to flop on land or boat deck. If it is necessary to keep a fish out of water for several minutes, pour water over its gills.

¶ Gentleness in handling is essential. Keep your fingers out of the gills. Avoid cutting the skin. Do not squeeze small fish; lift and hold them by the lower lip. Nets are helpful provided the mesh does not become entangled in the gills. Ripped gills are usually fatal. If the fish is bleeding from the gills, there is little point in releasing it. Larger fish, such as billfish, should be lifted out of the water horizontally, not vertically, to avoid damaging the fish's internal organs.

¶ Flatten the barbs on the hook and remove it as rapidly as possible with longnosed pliers. If the fish is deeply hooked and it can't be worked out, cut the leader and leave the hook in. Small fish, especially, may die from shock from tearing out a hook. If the fish is hooked badly in the gut, keep it.

¶ Return the fish to the water as carefully as possible. Revive the fish if it appears stunned or unconscious after a long struggle. Hold the fish in the water upright, heading upstream. Move the fish forward and backward so that water runs through the gills. This is artificial respiration and may take a few minutes. On the beach, the angler should take the fish far enough out into the waves where its gills won't be washed by the sandy surf. When the fish revives, begins to struggle and tries to swim away, then release it.

NCMC AWARDS FIRST TROPHY FOR TAGGING

Captain William Harrison of Miami, Florida is the winner of the National Coalition for Marine Conservation's tagging award for 1986. The award is presented to the sportfishing captain who, participating in the NMFS Cooperative Game Fish Tagging Program, tags the most blue marlin in a given year. Capt. Harrison earned the NCMC's first annual trophy by tagging and releasing 56 blue marlin last year, most of them in the Bahamas and the Virgin Islands.

"I've never worked at a land-based job in my life," says Harrison, skipper of "The Collection" out of Miami. Working on commercial, charter and private boats since he was a teenager, he has fished every major fishing spot in the world. He pioneered sailfish and marlin fishing in Cozumel, Mexico in the mid-60s, as well as night swordfishing in Florida 10 years later. In 1975 he was the first captain to boat a giant bluefin tuna over 900 pounds in the Bahamas.

The NCMC congratulates Captain Harrison on a job well done. And on behalf of all those committed to the conservation of ocean fish, we thank him for his significant contribution to the understanding of blue marlin.

COUNCILS RECOMMEND LOWERING MACKEREL QUOTAS

Stricter catch limits are needed to rebuild overfished king and Spanish mackerel populations in the south Atlantic and Gulf of Mexico, according to the two fishery councils responsible for their recovery. Fishing for both species of mackerel is governed by a management plan developed jointly by the South Atlantic and Gulf of Mexico Councils. The councils recommended further measures to conserve mackerels after reviewing the latest report from their stock assessment panel.

The Spanish mackerel fishery is currently regulated under a federal emergency rule limiting recreational anglers to four fish per person per trip and holding commercial fishermen to a quota. These regulations, meant to prevent further depletion while the existing plan is being amended, expire June 30. The councils have proposed setting a quota of 3.1 million pounds in the Atlantic and 2.5 million in the Gulf. Recreational fishermen would be held to a bag limit of 10 fish per trip when fishing in the Atlantic north of Florida; four fish per trip off the east coast of Florida; and only three fish on Florida's west coast and throughout the Gulf. These differences reflect the more severely-impacted stock in the Gulf, and the desire to make federal bag limits compatible with state laws. The majority of recreationally-caught Spanish mackerel are taken off the coast of Florida.

Overfishing has been a fact of life for nearly ten years in the king mackerel fishery, and the councils continue to lower the total allowable catch each year in an attempt to turn the stocks around. Quotas for the coming fishing season, beginning in July if approved by the Secretary of Commerce, would be reduced from 2.9 to 2.2 million pounds for the Gulf group. The quota for the Atlantic group would remain 9.68 million pounds. Bag limits are three fish in the Atlantic and two in the Gulf, with Gulf charter boats allowed three fish per person per trip.

CONFERENCE WILL LOOK AT THE FUTURE OF ATLANTIC SALMON

Action needed for future management of Atlantic salmon throughout the range of the species will be the subject of a three-day symposium to be held October 27 through 29, 1987, at the Sonesta Hotel in Portland, Maine, with expert panelists from the international salmon-fishing world presenting their recommendations.

Sponsors of the "Symposium on Future Atlantic Salmon Management," include the Atlantic Salmon Federation, the National Coalition for Marine Conservation, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Sport Fishing Institute, Trout Unlimited, Restoration of Atlantic Salmon in America, and the Connecticut River Salmon Association.

Topics will include the effects of ocean environment on migrating salmon stocks; scientific needs for future management; economic impacts of U.S. salmon restoration; and reports on representative management strategies from Canada, the United Kingdom, Iceland and Norway. High seas harvest of migrating salmon and efforts by the North Atlantic Salmon Conservation Organization (NASCO) to control such fisheries will also be discussed.

The symposium is open to the public. Full details may be obtained by writing to: Atlantic Salmon Symposium, Box 684, Ipswich, MA 01938.

FUNDING FOR FISHERIES IS UP IN THE AIR

The effectiveness of federal ocean and fisheries programs would be greatly diminished if the administration's FY 1988 budget for the National Oceanic and Atmospheric Administration (NOAA) were approved. The proposed budget, currently the object of hearings in Congress, heavily weights NOAA's activities in favor of atmospheric and satellite programs. More than three-quarters of NOAA's budget would go to such programs, leaving less than a quarter of the budget for fisheries, coastal zone management, ocean studies, habitat protection and the like.

NOAA head Anthony Calio defends this shift in priorities, according to the March issue of MARINE FISH MANAGEMENT, by arguing that satellite work is used in support of both ocean as well as atmospheric programs. Calio told a Congressional hearing on the budget that satellite research fits into the agency's emerging concern for the effects of global environmental changes on the oceans, including fisheries.

NOAA's National Marine Fisheries Service, under the leadership of William Evans, wants to enhance studies of how the environment influences fishing success and stock abundance for use in managing ocean fisheries. Declines in catches or catch rates of a particular species may be blamed on overfishing when, in fact, variations in water temperature and currents may have simply moved the fish and concentrated them elsewhere. On the other hand, improved fishing success may not mean a healthy fish population at all, but rather that because of more attractive environmental conditions, the fish are feeding or traveling in an area where they are more vulnerable to fishing effort.

Nevertheless, diverting NOAA's limited resources away from basic, hands-on fishery research in favor of expanding research that will, at least for the foreseeable future, only improve the efficiency of fishermen, would be a very grave mistake. Satellites are capable of monitoring ocean features from high above and, with the help of computers, providing that information to fishermen and researchers almost instantaneously. Combined with other oceanographic data, this technology has mostly been used to help fishermen locate likely concentrations of fish and direct their fishing effort to those areas. So far, however, there has been nothing to suggest any usefulness in assessing the overall condition of stocks or the impact of fishing on those stocks, which is the information most needed by fishery managers.

MULTI-JURISDICTIONAL MANAGEMENT SUBJECT OF NEW MRF BOOK

Multi-Jurisdictional Management of Marine Fisheries, edited by Richard H. Stroud and published by the National Coalition for Marine Conservation (hardcover, 237 pp.), is a comprehensive and thorough examination of the subject of multi-jurisdictional fisheries by acknowledged fisheries

experts. It is the complete proceedings of the 11th Marine Recreational Fisheries Symposium, "Fish Know No Boundaries," held in May 1986. Copies of the book, which will be invaluable to all those involved in fishery management as well as of interest to marine fishermen, may be ordered from the NCMC at a cost of $15.00 each.

"In order to manage a fishery effectively," write Richard L. Leard and Frederick U. Deegen in their introductory contribution to the volume, "it is necessary to manage each stock throughout its range, regardless of political jurisdictions." In the case of migratory fish, which includes all of the major recreational species, this means cooperative management across political boundaries. But as the authors point out, cooperation among various state and federal agencies is often inhibited by the very fragmentary nature of management authority, as well as by the paucity of solid information on the size of a population of fish, its range, migratory patterns, and other vital facts, making agreebment on a broad-ranged management strategy difficult.

Papers included in the MRF book examine this challenge from various perspectives and recommend specific ways to improve fisheries management. Topics include the legal issues involved in inter-jurisdictional fisheries, federal and state management responsibilities, federal pre-emption, and the Magnuson Act/Regional Council system. Also featured are in-depth analyses of the management of important species, such as tarpon, snook, striped bass, snapper/grouper, king mackerel, tuna and billfish.

HINMAN TAPPED FOR NATIONAL FISHERIES PANEL

William Evans, NOAA's assistant administrator for fisheries, has asked NCMC executive director Ken Hinman to serve on a blue ribbon panel charged with developing "a more effective marine recreational fisheries policy" for the National Marine Fisheries Service (NMFS). The panel will meet for two days in Washington, D.C. in June to review the agency's current recreational fisheries policy and programs in support of that policy, and ultimately recommend to NMFS ways to improve its role in the management and conservation of ocean resources which support recreational fishing.

NMFS formally adopted a national policy for marine recreational fisheries in 1981. That policy was based on the recommendations of a task group of recreational leaders on how the agency could better fulfill its responsibilities toward the recreational fishing sector. Upon taking over leadership of NMFS last fall, Evans initiated an in-house assessment of that policy and its implementation, leading to the formation of a national panel of leaders from the recreational fisheries community to perform a comprehensive review.

The U.S. Fish and Wildlife Service is, at the same time, developing its own national recreational fisheries policy, to cover both fresh and salt water fisheries. The NCMC has also been asked to participate in this effort, which is being coordinated with the NMFS policy undertaking. It will culminate in the adoption of the new FWS policy at a National Conference on Recreational Fisheries in June 1988.

WITHOUT FMP, SWORDFISH PLUNDER CONTINUES UNCHECKED

Nearly one out of every two swordfish caught by the US longline fleet is a juvenile that will never grow to spawning size and contribute to the recovery of the depleted swordfish fishery. Without any controls on the harvest of swordfish, the average size of fish landed by domestic fishermen

continued to decline in 1986, with the number of immature fish (under 50 pounds dressed weight) making up an increasingly larger portion of the total catch.

Growth overfishing, or the harvest of too many small fish causing a sharp drop in the number that recruit to the adult population, has plagued swordfish populations in the western Atlantic since the 1970s. The adult stock has been reduced by from 25 to 40 percent since 1978. Last year, the five Atlantic Fishery Management Councils completed work on a management plan to conserve swordfish through a system of seasonal closures to limit the catch of small swordfish. The NOAA administrator rejected the plan because of its impact on US and foreign tuna fishermen, who also catch swordfish on their longlines.

The latest commercial swordfish landings clearly indicate the need to drastically reduce the harvest of small fish immediately. The thousands of longline hooks cannot discriminate between large and small fish, so the lines must be removed from the water during those months when, historically, most of the small fish are taken. The federal management councils are reportedly gearing up to re-submit their swordfish plan to NOAA, a plan that is designed to accomplish that. The NCMC will strongly urge NOAA to approve the plan expeditiously to once and for all put a stop to the wholesale destruction of the swordfish fishery.

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NCMC PLANS INTERNATIONAL CONFERENCE ON BILLFISH

The National Coalition for Marine Conservation (NCMC) has taken the lead in organizing an International Symposium on Billfish Science and Management. Plans call for the symposium to be held August 1-5, 1988 in Kona, Hawaii, site of the last billfish summit fifteen years ago. Joining the NCMC as co-sponsors of the conference, the 13th in the annual series of Marine Recreational Fisheries Symposia, will be the National Marine Fisheries Service, the Inter-American Tropical Tuna Commission, The Billfish Foundation, the US Fish and Wildlife Service, the Sport Fishing Institute, and the International Game Fish Association.

The rising demand for food and recreation from the sea is putting increased pressures on the world's billfish stocks, and this in turn is presenting fishery managers with a significant challenge to conserve and maintain these valuable ocean fish. In planning the 1988 International Billfish Symposium, the NCMC recognized a critical need at this time for an international conference to update and review science and management as it relates to the future of the billfishes, including the marlins, sailfish, broadbill swordfish and spearfish. To this end, the symposium will:

¶ Review the major directed and non-directed fisheries for species of marlin, sailfish and swordfish worldwide, with emphasis on recent and projected trends in the fisheries;

¶ Assess the status of billfish stocks in the Atlantic, Pacific and Indian Oceans, and examine existing methodologies for assessing the status of the stocks;

¶ Identify the biological and statistical information needs for management and suggest ways to meet those needs in order to enhance conservation and management;

¶ Review and assess national and international mechanisms and strategies for managing billfishes and for managing pelagic fisheries (e.g., the tuna fisheries) that impact on billfish populations.

The symposium will provide a unique opportunity to focus international attention on the scientific needs of billfish conservation and to make specific recommendations for improving the scientific and socio-economic

data bases and management mechanisms in support of conservation objectives. Experts from a number of nations will be invited to present papers, which will be published in the symposium proceedings. In addition, special scientific and technical sessions at the symposium will allow individuals to contribute papers dealing with any aspect of the biology, ecology, or population dynamics of billfishes, and those selected will also be published as part of the comprehensive symposium proceedings. For further information, contact: Ken Hinman, symposium coordinator, NCMC, P.O. Box 23298, Savannah, GA 31403.

COUNCILS REMAIN DIVIDED ON BILLFISH SALE ISSUE

The five Atlantic Fishery Management Councils responsible for protecting the US recreational fishery for marlin and sailfish met in June in Hyannis, Massachusetts, to iron out their differences. Just the week before, the Massachusetts Marine Fisheries Advisory Committee had set the stage by voting to outlaw the sale of billfish, something the Councils have been trying unsuccessfully to do for two years and the chief topic of discussion at the inter-council meeting. The problem is that all five councils must agree on a no-sale provision for billfish before the plan can be sent to Washington for approval. Ironically, it is the New England Council (and to a lesser extent the Caribbean) which has refused to sign on to a coastwide ban on the sale of all billfish (except swordfish).

The National Coalition for Marine Conservation is convinced a prohibition on sale is crucial because of the mounting death toll of white marlin, blue marlin and sailfish in the expanding tuna longline fisheries, and the commercial market that is developing as a result. As the market grows and the fish become more valuable, this in turn gives the longliners more incentive to catch and land billfish. A fishery management plan which prohibits the commercial possession and sale of marlin and sailfish throughout the Atlantic FCZ is the most effective billfish conservation and management tool in the Council's arsenal, and the sooner it is implemented the better.

This view is shared by a majority of the Atlantic Councils. The New England delegation, however, came to the June meeting holding firm to their position that a commercial ban is neither necessary nor fair since few billfish are landed in the New England area. As an alternative, they propose a possession limit of one fish per boat per trip. The Caribbean Council, on the other hand, is seeking a way to preserve Puerto Rico's native handline fishery for marlin. They have been charged with devising a system for identifying and controlling the size of that purportedly tiny commercial fishery, but have yet to do so.

Though New England claims that theirs is a unique situation, it quickly becomes apparent that the difference rests not with the nature of the fishery there but rather with the Council's management philosophy, which is heavily slanted toward commercial interests. During the Hyannis meeting it was reported that in fact a substantial number of white marlin are being landed and sold on Cape Cod, and that the commercial fishery there is neither insignicant nor traditional, but a recent and rapidly developing phenomenon. Testimony revealed that as many as 1,000 marlin may have been landed by commercial fishermen at a single dock last year, while sport fishermen caught a total of 602 marlin and released 500 of them. Hearing this evidence, the other Councils took serious exception to New England's request for special treatment and urged that all five Councils unite behind a plan to halt the sale of billfish. The meeting concluded with New England offering to reconsider its stance at its August meeting.

ANGLERS BOYCOTT OCEAN DUMPERS

The Thousand Fathom Club, representing offshore fishermen from New York to Delaware, has declared a "national boycott of Du Pont products." E.I. Du Pont de Nemours and Company, based in Wilmington, Delaware, is one of only two chemical companies still dumping its wastes at sea. Du Pont, however, also profits from the sale of fishing line and boat materials to ocean fishermen. Anglers who fish for marlin, tuna, swordfish, and other pelagics in the canyons near where the company dumps its chemical wastes are now passing notice that Du Pont can't have it both ways. They are urging fellow anglers around the country to join them in boycotting all Du Pont products, beginning July 4, until the company decides to stop using the sea as a dumping ground.

The nation's only offshore industrial waste dumping site (Deepwater Dumpsite #106) is located about 100 miles off the coast of southern New Jersey, where over 300,000 tons of acidic and organic wastes from chemical processes are disposed of each year. Du Pont's present permit to dump at the site (made possible by a controversial court decision overturning the Ocean Dumping Act's original 1981 deadline for an end to all ocean dumping of harmful wastes) is set to expire in July. The company, however, is seeking to renew its permits, and fishermen and environmentalists fear the federal Environmental Protection Agency, which recently designated the site to begin receiving seven tons of sewage sludge in 1988, will comply.

The National Coalition for Marine Conservation believes that efforts to put a halt to ocean dumping of toxic wastes must be increased as pressures mount to find "cheap" but temporary solutions to waste disposal problems. The cost of safer, land-based alternatives, including the use of new technologies to neutralize toxic elements, only outweighs the cost of ocean disposal when the long-term effects on the marine environment and ocean fisheries is ignored. The NCMC continues to support legislation in Congress to end ocean dumping once and for all. Meanwhile, the Thousand Fathom Club is justified in asking fishermen to let Du Pont know in no uncertain terms that they care about the future of the ocean and expect Du Pont to do the same.

NASCO CONTINUES PROGRESS IN SALMON CONSERVATION

International negotiations on salmon fishing at the recent fourth annual meeting of the North Atlantic Salmon Conservation Organization (NASCO) in Edinburgh, Scotland, resulted in a major new agreement to regulate the harvest of Atlantic salmon. With this latest action, all three of NASCO's regional commissions - North American, West Greenland and North-East Atlantic - have now successfully adopted conservation measures to reduce fishing pressure on the shared migratory stocks of salmon, thereby allowing more fish to return to their home rivers to the benefit of national restoration efforts.

The north Atlantic nations represented in NASCO, including the United States, approved measures limiting the catch of salmon near the Faroe Islands southeast of Iceland. This agreement was particularly important since regulation of the Faroese fishery had eluded NASCO for four years, in favor of bilateral negotiations between the Faroese and the European Economic Community. In other actions, the commissioners voted to continue conservation agreements regulating the West Greenland and Canadian interception fisheries. Limits on the length of Canada's fishing season, first instituted last year, are designed to permit more US-origin fish to survive their migrations past Canada's maritime provinces.

The NCMC's Frank Carlton is one of three US representatives to NASCO and chairman of the North Atlantic Commission (NAC). Commenting on the progress made this year, Carlton said: "We are extremely gratified that NASCO, and particularly the NAC, was successful in arranging a new, long-term conservation agreement for the Faroese fishery which involves a significant reduction in catch. This event represents a breakthrough for NASCO and the spirit of Atlantic-wide cooperation, in that the international agreement replaces the old mechanism of bilateral negotiations between the Faroese and the EEC. Secondly, it demonstrates the effectiveness of NASCO because in just four years all three commissions have succeeded in establishing conservation regimes for their regions."

TED RULES ARE REVISED AND POSTPONED

The National Marine Fisheries Service (NMFS) has revised its proposed regulations to require the use of TEDs to eliminate the drowning of endangered sea turtles in shrimp trawls. The new regulations, which will go into effect at the beginning of the 1988 shrimping season instead of this year as planned, will be enforced throughout the south Atlantic and Gulf of Mexico. All vessels of 25 feet in length or greater operating in offshore waters will be required to pull a TED, or turtle excluder device. Smaller vessels in inshore waters (from the barrier islands inward) are exempted from the TED requirement, but must limit trawling time to no more than 90 minutes.

NMFS says it never intended to include inshore shrimping under the TED regulations, because the agency doesn't consider turtle mortality in the inshore fishery a serious problem. Offshore shrimpers, however, pressed for a TED requirement throughout the fishery in exchange for their support of the original federal proposal, which was the result of negotiations between the shrimping industry and several environmental groups. Much of the virulent opposition to requiring TEDs has come from the inshore shrimpers in the Gulf, so exempting them should defuse the situation to a large degree. Still, the shrimpers who operate large vessels offshore can be expected to resist, even though the cost of the devices would be a relatively minor part of their overall cost of doing business.

Getting shrimpers to use TEDs to save turtles will be just the first step in solving the resource problems caused by shrimping. Though a spokesman for the NMFS Protected Species Office acknowledges that shrimp trawling is "the most destructive fishery" of all, in terms of wasteful by-catch of finfish and other marine life, the impending NMFS TED regulations address only the turtle by-catch issue; shrimpers will not be required by law to employ TEDs equipped with fish-excluder panels and accelerator funnels to separate and remove fish from the nets. The National Coalition for Marine Conservation, which has worked hard to educate the public and fishery managers on the seriousness of the fish mortality problem in shrimping, will continue to pursue regulations under the Magnuson Fishery Conservation and Management Act to require that TEDs used by shrimpers be modified to reduce the wasteful by-catch of fish.

NCMC SUPPORTS BROADER COASTAL BARRIER PROTECTIONS

The Coastal Barrier Resources Act is the kind of environmental legislation that should please nearly everyone; it reduces federal expenditures, protects invaluable natural resources, and does so by discouraging rather than outlawing unwise development. The 1982 law prohibits giving federal funds to developers and municipalities for roads, bridges, sewer and water service, and flood insurance along 600 miles of

undeveloped Atlantic and Gulf seacoast. The US Department of the Interior is preparing to recommend that Congress expand this Coastal Barrier Resources System by as much as three-fold, giving another 1 million acres of barrier islands and adjacent wetlands protection from federally-subsidized development. The National Coalition for Marine Conservation will urge Congress to implement the Interior proposal this year in order to prevent the further destruction of fragile coastal ecosystems and the abundance of fish and wildlife they support.

COUNCIL PUTS CONSERVATION AHEAD OF EXPEDIENCY

The traditional harpoon and rod-and-reel fisheries for Atlantic broadbill swordfish have all but disappeared. The average size of broadbills taken in the commercial longline fishery continues to get smaller, as the fishery moves further and further offshore in search of bigger, more marketable fish. More boats are fishing with longer lines and more hooks, but landings and catch rates are declining. These are the unmistakable signs of a fishery in need of management.

The South Atlantic Fishery Management Council, after consulting with the other four Atlantic councils, has re-submitted its plan to reduce fishing pressure, halt overfishing, and rebuild the adult population of swordfish. The centerpiece of the plan is a system of Variable Season Closures (VSCs) which suspend fishing in certain areas when small fish (under 50 lbs.) make up a signficant portion of the catch.

The closures were turned down last year in Washington for purely political reasons. This year the NOAA administration indicated the only politically acceptable management measure is a minimum size limit. But after studying that alternative, the South Atlantic Council, lead council on swordfish management, determined that a minimum size would have negligible conservation benefits, given the non-selectivity of longline gear and the high mortality of hooked fish. Unwilling to endorse an ineffective measure simply because it would gain approval, the Council acted with the best interests of the resource in mind and again recommended approval of the VSC.

OCEAN WILDERNESS

Surveys of anglers have consistently shown that a majority rate a good natural setting and liberation from the constraints of society as among the most important factors in satisfaction with the fishing experience (along with, of course, the reasonable opportunity and expectation of catching fish). This is especially true of marine anglers, since the ocean, by and large, is an environment "where naturalness, solitude and relatively little evidence of man and his work can be found."

These last words come from the Wilderness Act, and though the ocean has not typically been considered wilderness, at least not in the way we define wilderness areas on land, obvious parallels do exist. The sea is not only "natural, balanced and whole," but wild, a place "where man does not dominate." We have explored less of and know less about the marine environment than we do any environment on land, so in that respect the ocean remains the greatest wilderness left on earth.

The Fourth World Wilderness Congress, which is "dedicated to the protection of wilderness values and the balanced stewardship of the world's natural resources," will for the first time consider the management and protection of ocean resources. The Congress, convening September 9-18,

1987 in Denver, Colorado, will feature an Ocean Wilderness Seminar chaired by Dr. Nancy Foster of the National Oceanic and Atmospheric Administration. During the seminar, users and managers of ocean resources and conservation leaders will discuss whether the concept of wilderness applies to ocean areas, and if so, to consider the characteristics of such areas and their relationship to traditional commercial and recreational uses.

The idea of applying wilderness values to ocean management is not new, notes NCMC executive director Ken Hinman, who participated in the initial planning for the ocean management segment of the Congress. He points to the federal Marine Sanctuaries Act of 1972, which, though scarcely used, nevertheless empowers the Secretary of Commerce to set aside and control activities in certain areas to preserve them for their "conservation, recreational, ecological, or esthetic values." And both commercial and recreational fishermen have proposed designating sanctuaries in order to protect productive fishing areas from potentially destructive activities, such as oil exploration, ocean dumping and passive fish traps. (For more information on the ocean management seminar at the Fourth World Wilderness Congress, write: Dr. Nancy Foster, NMFS/NOAA, Washington, D.C. 20235.)

* * * * *

Note: Articles featured in the Marine Bulletin express the point of view of the National Coalition for Marine Conservation, a non-profit, member-supported organization dedicated to better fishing through conservation and environmental protection. The NCMC encourages readers to write and express their opinion on the issues addressed herein.

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SOW THE COMMON GROUND

One of the National Coalition for Marine Conservation's founding principles is that the long-term productivity of the ocean, for the benefit of all, should be the primary objective of marine conservation and management. All fishermen, no matter what their method or motivation, have a shared interest in abundant populations of fish and a healthy ocean environment. This translates into support for public policies and actions to conserve marine resources for the long-term stability of the fisheries and the fishing industries, and to protect against pollution of the environment and destruction of fish habitat.

This common ground that unites all fishermen is absolute, and it is undiminished by the passionate arguments that arise over the allocation of fish among competing groups of fishermen, principally recreational and commercial. In fact, declines in fish populations due to poor management and degradation of fish habitat severely aggravate conflicts between fishermen by shrinking the size of the pie they are fighting over.

Allocation battles are probably endemic to fisheries management, and will therefore always be with us. But fishermen must not permit their differences over who gets what and how many to prevent them from working together and using their collective strength where their common interests lie - with the health of the resource. Unfortunately, that is what is happening. Meanwhile, the polluters and the dumpers and the developers continue to wreak havoc on the nation's precious wetlands and beaches and coastal waters. What good will it do for either side to win the battle, if we all lose the war?

Rip Cunningham, editor-in-chief of SALT WATER SPORTSMAN magazine, extended the olive branch in a recent editorial, in which he challenged representatives of commercial and recreational fishing interests "to establish positive communication while combining forces to fight some common enemies," namely pollution and destruction of natural habitat. It is a suggestion worthy of the most serious consideration by leaders of the commercial and recreational fishing industries. The danger to the future of both industries from pollution and habitat destruction is very real. But so is the potential power and influence of a US fishing industry united behind efforts to protect the ocean environment. As Cunningham notes, "We need it. They need it. And most of all, the resource needs it."

FISH TRAPS AND ARTIFICIAL REEFS

In 1978, fish traps began to proliferate in south Florida. The wire mesh boxes, common throughout the Caribbean, require minimal labor, are typically left to "fish" for five days, and can be set in coral reefs and other high-profile areas where nets are unusable. The State of Florida, convinced that the traps pose a threat to reef fish populations, outlawed their use in 1980. Federal rules, however, permit fishermen to use fish traps beyond state boundaries, in waters over 100 feet deep, and rough estimates put the number of traps in use today in the tens of thousands.

"Impacts of Fish Traps on Artificial and Natural Reef Fish Populations," a recently published report by the American Littoral Society, reviews the available scientific evidence and concludes that the use of traps to catch reef fish (snappers, groupers, and a wide variety of tropicals) is indeed a threat to reef communities. Reef fish, especially those inhabiting artifical reef systems, are "highly vulnerable to overharvesting," according to the report, and "the use of fish traps may lead to extreme overexploitation of those fish communities." Reefs attract and concentrate fish, particularly juvenile fish, by providing food and shelter. Commercial fish traps, says the study, "may very well have the capability to remove a significant percentage of these juveniles before they become adults," forfeiting "their future yield and reproductive potential."

The current controversy over the use of fish traps on artificial reefs in the south Atlantic makes this study especially timely. Copies of the report are available from the American Littoral Society, 75 Virginia Beach Drive, Key Biscayne, FL 33149.

CAMPAIGN FOR GEAR MANAGEMENT

For several years, the National Coalition for Marine Conservation has made a concerted effort to bring fishing gear-related problems to the attention of policy makers and the public at large. These problems -- the incidental catch of non-targeted fish and other marine animals, waste, and conflicts with other resource users -- are associated with certain types of "efficient" gear (e.g., entanglement or gill nets, fish traps, longlines, purse seines, and shrimp trawls). (see MARINE BULLETIN, Feb. 1987)

Managing fishing gear to alleviate or eliminate such problems is (or should be) an integral part of effective fishery management. Unfortunately, it has been inadequately addressed by managers at every level. This laissez-faire attitude has led both sides of gear-related controversies to adopt extreme and irreconcilable positions: the users of the offending gear resist any changes in the type or use of fishing gear; and consequently, their critics call for outlawing the gear altogether. In most instances, neither position is reasonable, nor is it likely to be a satisfactory solution.

The NCMC believes the answer lies in a constructive approach to resolving specific gear-related problems. First, fishery managers, fishermen, and the non-fishing public need to recognize and fully appreciate the nature and extent of the resource abuse caused by certain types of fishing gear. Moreover, this education process must be based on fact, not emotion. Secondly, managers must be provided with practical solutions to problems caused by non-selective fishing gear; this in order to promote change - voluntarily when possible, through regulatory action when necessary - which will benefit all legitimate users of the resource.

To begin this process, the NCMC is sponsoring a Forum on Gear Management in September, which will bring leaders from the national fisheries and conservation communities together to identify gear-related problems and the fisheries they effect, and to suggest positive remedies. Discussions will cover modifications in the design and/or use of gear to make it more selective; the use of alternative, non-destructive gear; limited entry; legal impediments to managing gear; and government assistance to industry for research and development programs to resolve the common problems of by-catch and waste.

THE SUMMER GOLD RUSH FOR YELLOWFIN

Looming over the sportfishing marinas at Montauk, New York this summer are big signs reading, "TUNA WANTED - HIGHEST PRICES." Early in the morning, literally hundreds of sport boats rigged for tuna fishing leave their berths in Montauk (and Hyannis, Massachusetts and Mannasquan, New Jersey and elsewhere) and head for the deep blue waters of the offshore canyons. The flotilla settles down to serious fishing for tunas - yellowfin, bigeye, and the occasional bluefin. Whatever is caught, whatever size, is brought back to the docks to be sold.

Waiting at the docks are buyers prepared to pay top dollar for high quality tuna, some destined for sushi connoisserus in Japan, some for stateside consumption. Fishermen who land their catch in good condition are getting over $7.50 a pound for bluefin and bigeye. Most of the tuna being caught are yellowfin, though, for which some buyers were paying up to $3.50 in mid-August.

This summer's "gold rush" for tunas is attracting fishermen of all sorts, blurring the usual distinctions between commercial and recreational. What the commercial fishermen describe as a "sellers' market" is causing many "sport" fishermen to sell out. The temptation to recoup the day's expenses, and possibly make a tidy profit to boot, has been too much for many anglers to resist. Just as the disappearance of swordfish has caused commercial longliners to turn to the now plentiful yellowfin, offshore anglers who find marlin in short supply this season are also concentrating on tuna. They've traded sport for profit and trolling for chumming in order to hook the most fish and make the most money.

But by the end of August, the market for yellowfin had been flooded. With boats reportedly landing six or seven 100 lb. fish apiece, the price had plummeted to as low as 50 cents a pound, and fishermen were throwing the fish they couldn't sell into the trash. And still the boats were going out, and the tuna were coming in. The Atlantic bluefin, slowly recovering from decades of overfishing, is the only species of tuna for which fishing is currently restricted. No regulations exist for yellowfin and bigeye, which are under tremendous pressure from longline vessels throughout the Atlantic; no one knows how much pressure the stocks can take and for how long.

Sportfishermen are justifiably concerned about the impact of the rapidly expanding longline fisheries on the stocks, especially on marlin and sailfish which are routinely killed by tuna longlines. But their calls for controlling the longliners are muted by those among them who are cashing in on the tuna bonanza. Conservation begins at home. State and federal authorities have no jurisdiction over tunas, so waiting for them to impose limits is ducking the issue. Some charter boat captains on Long Island, who depend on yellowfin for a good share of their business, already realize this and have begun to institute their own bag limits. Other

anglers should follow their example and practice restraint, abhor the waste of precious resources, and remember why they took up fishing in the first place.

BILLFISH PLAN GOES TO PUBLIC HEARINGS

After two years of wrangling over a prohibition on the sale of marlin and sailfish as the centerpiece of a federal plan to conserve billfish in the Atlantic, the five Regional Fishery Management Councils drafting the plan have finally reached an accord. In July, the Caribbean Council joined the Mid-Atlantic, South Atlantic and Gulf of Mexico Councils in endorsing a ban on the sale of billfish. One month later the last holdout, the New England Council, came onboard, adopting a resolution to support a ban "as the preferred alternative for the purpose of public hearings to solicit comments."

New England's qualified endorsement reveals some latent opposition to the no-sale provision. Nonetheless, the Councils are now set to go to public hearings on the Atlantic billfish plan this fall, and gauge the level of public support for outlawing the sale of blue and white marlin, sailfish and spearfish. Their timetable points toward submitting the billfish plan to the Secretary of Commerce for review next January, which could put the law on the books in 1988.

A billfish plan has been a long time coming, but there is now light at the end of the tunnel. NOAA legal counsel is on record that a no-sale provision is legally consistent with the Magnuson Act and other federal laws. NOAA administrator Anthony J. Calio, the man who will likely make the ultimate decision on plan approval, has already declared that "in principle, a prohibition on banning the sale of billfish could be approved," provided the Councils can justify the need for such a measure. For their part, the Councils have, through two years of deliberations on the issue, built a formidable case for closing down the commercial market for billfish. Meanwhile, the need for such action has grown even more urgent with the mounting by-catch of marlin in the tuna longline fisheries and the corresponding expansion of the market for these fish.

Now it is the angling public's turn. Hearings will be held beginning in September at selected sites from New England to Florida, on the Gulf coast and in the Caribbean. Every billfisherman who values the recreational experience, and who wants to protect the future of billfishing, is urged to attend the hearing in his or her area and proclaim that that future is not for sale. To find out the date and location of the nearest hearing, call the councils: New England (617) 231-0422; Mid-Atlantic (302) 674-2331; South Atlantic (803) 571-4366; Gulf of Mexico (813) 228-2815; Caribbean (809) 753-6910. Or call the NCMC.

NCMC CALLS FOR REVIEW OF TUNA POLICY

The United States has, since 1946, taken the official position that highly migratory species should be managed by international agreement rather than unilateral action on the part of coastal nations. This policy remained essentially unchanged even after 1976, when Congress extended US fisheries management jurisdiction to include all oceanic fish residing within 200 miles of our shores - with the notable exception of tunas.

The US policy regarding tunas is ostensibly due to their highly migratory nature, although that reason is belied by the fact that fishing for other, equally highly migratory species such as blue marlin, broadbill

swordfish, shark and salmon is regulated under the Magnuson Fishery Conservation and Management Act of 1976. In fact, the tuna policy is more the product of political and economic considerations than biological ones. Today the US stands virtually alone among nations in excluding tuna from its extended fisheries jurisdiction, a policy that is becoming increasingly more difficult to reconcile with global realities.

"The world has changed, while US policy (on tunas) has remained the same," says NCMC president Christopher Weld. "As a result, US policy is out of step with the rest of the world, it is contrary to the interests of the American fishing industry as a whole, and enormously costly in terms of the overall national interest. It is time that US tuna policy was reviewed at the highest levels of government."

In calling for a reconsideration of our policy on highly migratory species, the NCMC notes that exempting tuna from US management creates innumerable problems in both fisheries management and international relations. US tuna policy has thwarted attempts to manage pelagic fisheries in our 200-mile zone, hurt our own offshore fishing industry in the process, and jeopardized US relations abroad.

On the homefront, the Regional Fishery Management Councils, created by the Magnuson Act and assigned responsiblity for managing fisheries in the US 200-mile zone, have been trying for over ten years to devise and implement measures to conserve swordfish and billfish (marlin and sailfish) in the Atlantic. Their failure is due in large part to their inability to regulate tuna fishing. Tuna longlines are not selective and take a substantial by-catch of other pelagic fishes, including swordfish and marlin. Measures to limit the incidental catch of these species in the tuna fishery, always a chief component of proposed management plans, are considered regulation of tuna fishing, and are thus not allowed.

Most recently, the Gulf Council objected to a provision in the latest five-Council swordfish plan which would restrict nighttime longlining by US tuna vessels in order to reduce the by-catch of swordfish. "So long as tuna are exempt from management under the Magnuson Act," said the Council, "and the US government is unwilling to restrict the opportunities for foreign fleets to fish for tuna in the US EEZ, the Council feels it is not equitable to discriminate against domestic tuna fishermen by restricting their activities."

The State Department, the principal exponent of our tuna policy, says the US must provide foreign fishermen with a "reasonable opportunity" to catch tuna in the US zone; the idea being that American fishermen will in turn be afforded unrestricted access to tuna stocks abroad. It's a nice idea, but it's never worked out that way, as illustrated by the recently-concluded agreement on behalf of US distant water tuna fishing interests in the Pacific. The agreement - the first in more than ten years of trying - provides that the US government and the San Diego-based tuna industry will together pay $120 million over five years to a group of fifteen south Pacific island nations for access to tuna in their waters. Needless to say, this was not the result of the US asserting its "right" to catch tunas, but rather the willingness of the US to pay for the privilege. Why, given the US position on tunas, did we finally agree to pay? For one thing, to repair damage to US relations and strategic concerns in the region caused by years of trying to impose our tuna policy on nations which do not share it. The Soviet Union, in fact, was poised to take advantage of this bad feeling by pursuing political and economic ties with several of the south Pacific nations, something the State Department could not allow.

Other happenings in the world of tuna and billfish underscore the inadequacy of the present system to deal effectively with pelagic fisheries. They only add urgency to the need for the US to review its policy on highly migratory species, and how that policy fits into the global management scheme. Chief among these are:

¶ The rapidly expanding fisheries for tunas, including the US longline fishery for yellowfin tuna in the Gulf of Mexico, which the US is now powerless to regulate; and increasing longline activity in the Caribbean Sea by nations, such as Taiwan, which are not party to any international fisheries treaties in the Atlantic.

¶ Regional efforts outside of ICCAT to protect the fisheries in the Caribbean, e.g., by the Organization of Eastern Caribbean States and the Gulf and Caribbean Fisheries Institute.

¶ The alarming rise in the incidental catch of billfishes in the tuna longline fisheries, and the related development of commercial markets for these highly-valued recreational in the eastern US.

¶ The 1986 ICCAT Enhanced Billfish Research Initiative to monitor and assess the extent of the longline catch of billfishes in the Caribbean and its impact on Atlantic stock abundance.

¶ Rejuvenated US efforts to manage and conserve Atlantic billfish and swordfish under the Magnuson Act, and a pending proposal by the National Marine Fisheries Service, which oversees domestic fishery management, that the Councils manage the pelagic fisheries (i.e., swordfish, billfish and sharks) under one comprehensive management plan, but excluding tunas.

¶ An international symposium on billfishes in 1988, which will, in addition to reviewing billfish science, also review existing and potential management strategies for highly migratory species.

All of these related events, considered separately and together, make a compelling case for a high level review of US highly migratory species policy; specifically, the ability of that policy to address the wide range of domestic US fishing concerns, not just those of the distant water tuna industry, and on a broader scale, how the US policy relates to global fisheries policy and law.

Management of highly migratory species under extended jurisdiction can co-exist with and actually complement international cooperation on matters of mutual interest. Both the ICCAT billfish research program and the International Billfish Symposium mentioned above recognize the necessity of a global sharing of scientific and statistical information to support management decisions. Significantly, these two initiatives are being conducted for billfishes, where domestic management is the internationally accepted norm, with the active support and participation of the international community. In other words, domestic management and international cooperation are not mutually exclusive.

The US has a vital interest in these and other international efforts to collect and analyze data on ocean-wide fisheries. We also have an interest in regional and international cooperation in fisheries management and conservation. But a more resolute and consistent domestic policy by the US is necessary to complement these efforts. The US should close the tuna loophole in the Magnuson Act; not to unfairly restrict foreign fishermen but to manage all fishermen in US waters equitably, to ensure

that all fishing within our jurisdiction takes place in accordance with established US conservation objectives, and to enhance the ability of the US to promote these objectives through international agreements.

CONSERVE FISH, PROTECT FISH HABITAT

The biological dependency of many marine fish species on coastal habitat areas, such as bays and marshlands, requires that efforts to conserve the fish must be complemented by efforts to protect the habitat and the ocean environment they depend on. Activist organizations supported by conservation-minded fishermen, such as the National Coalition for Marine Conservation, add a critical dimension to the environmental cause, principally through broadening the traditional concept of fisheries management to include managing and conserving fish habitat, too.

Fishery conservation groups, for instance, were instrumental in persuading the National Marine Fisheries Service (NMFS) to adopt a National Habitat Policy in 1983 to define that agency's responsibilities in habitat-related research and enhance its role in the critical review of activities affecting living marine resources and their habitats. The efforts of fishermen and the conservation groups they support have also helped incorporate habitat considerations into fisheries laws. In 1986, the Magnuson Fishery Conservation and Management Act was amended to require that the Regional Fishery Management Councils consider the habitat needs of fish under their jurisdiction, and that federal agencies respond to Council concerns. All eight Councils now have habitat protection and environment committees to study fish habitat issues in their regions.

Finally, fishing interests participating in environmental coalitions, such as the Coast Alliance and Clean Ocean Action, bring a fisheries perspective to coastal issues, e.g., barrier island protection and ocean dumping, that would otherwise be lacking. Moreover, they have helped build fishery protections into such national environmental legislation as the Coastal Zone Management Act and the Outer Continental Shelf Lands Act.

The NCMC considers strengthening the habitat connection one of fishery conservation's most important tasks. We continue to lobby NMFS and the Councils to act as stronger advocates for habitat conservation within the federal government, and to enhance federal programs to monitor and assess the quantity and quality of fish habitat. The Coalition is also urging NMFS, in its working relationship with the Army Corps of Engineers, to put the first priority on preserving natural habitat areas, especially coastal wetlands, so that the restoration of lost habitat will be a last resort.

COMMENTARY: ON MAKING BILLFISH GAME FISH

We do not subscribe to the opinion that because the recreational harvest of a fish is more valuable than its commercial counterpart, the fish should automatically be set aside for sportfishermen. In many instances, giving game fish status to a species of fish is neither a practical nor a reasonable management option. Generally speaking, sound resource conservation will not profit from divvying up the fish among users species-by-species, or by applying different management strategies based on how much a fish is worth and to whom.

But the circumstances surrounding the Atlantic billfish plan, which would, in effect, designate marlin and sailfish game fish, make it a very special case. First of all, the value of a billfish caught by an angler so far exceeds its commercial value that it renders the latter negligible by

comparison. Secondly, the yield from the recreational fishery is measured in terms of fishing opportunities, not fish caught; about two-thirds of the fish hooked by anglers are released alive. This means that society can benefit socially and economically from the recreational fishery, and even enhance that benefit on a continual basis, without risk of depleting the resource. Finally, the fact that catching a billfish on rod-and-reel is a relatively rare event even in times of stock abundance makes the recreational fishery extremely vulnerable to commercial inroads.

There's another reason the billfish case is unique. The principal threat to billfish is the tuna longline by-catch, and the growing commercial market in the US which would not exist if the longliners were not killing so many billfish. The Regional Councils tried for nearly ten years to restrict the longline by-catch, but to no avail. Hence, the only serious option left for the Councils is to shut down the commercial market. By putting one fishery off limits to managers, the US has narrowed their options in another, and undercut the principles of sound management.

Ken Hinman

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Note: Articles featured in the MARINE BULLETIN express the point of view of the National Coalition for Marine Conservation, a non-profit, member-supported organization dedicated to better fishing through conservation and environmental protection. The NCMC encourages readers to write and express their opinion on the issues addressed herein.

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THE COUNCILS SAY NO TO DRIFTNETS

The Regional Fishery Management Councils regulating the mackerel fisheries in the southeast made a decisive move this month to head off another crisis before it develops.

The increasing use of driftnets to catch king mackerel off the east coast of Florida has alarmed other fishermen in that already stressed and heavily regulated fishery. The high rate of by-catch in the nets has also prompted concern about their impact on other marine life in the area. These concerns were brought before both the South Atlantic and Gulf of Mexico Councils in September. After hearing the evidence, the Councils voted to request an emergency moratorium on driftnetting for mackerel until they can study the situation further and amend federal mackerel regulations to address the use of this controversial gear. The southeast regional director of the National Marine Fisheries Service (NMFS) has reportedly indicated to the Councils that he will support the moratorium.

A driftnet is a type of gillnet that hangs vertically in the water, drifting freely with the currents, and gilling or entangling prey. Fishermen in the Ft. Pierce, Florida area experimented with driftnets to catch mackerel as early as 1980, but they had problems with sharks damaging the catch and the gear. Moving further southeast they had better success, and in 1986 began fishing the nets in earnest. The nets are on average over a mile long and hang fifty feet deep; some stretch over three miles. Last year driftnetters caught 165,320 pounds of king mackerel. As of August of this year, the seventeen boats now using the big nets had already harvested 546,201 pounds, a more than threefold increase over 1986 with another month still to go in the season.

A number of legitimate concerns about the impact of the nets were raised at the Council hearings. These include: new fishing gear taking an increasingly larger share of the limited commercial allocation away from traditional fishermen, principally handliners; the alleged inferior quality of the netted fish, some of which are unmarketable and discarded; the large number of non-target fish caught incidentally and discarded at sea; and the potential impact on the mackerel populations, particularly the severely depleted Gulf migratory group, should the driftnetters expand their activities.

In the opinion of the National Coalition for Marine Conservation, the two most serious issues involve the entry of a new, highly efficient method of fishing into a fishery which is already fully-exploited (in the case of the Atlantic group of mackerel) or overexploited (the Gulf group), and the intolerable by-catch of other species commonly associated with driftnet fishing.

The traditional mackerel fishermen, who primarily use hook and line, are already suffering drastically reduced catches because of the declining stocks and stringent quotas imposed under the federal Fishery Management Plan for Mackerels. The driftnets, which have been proven effective in harvesting large numbers of king mackerel in a short period of time, can only shrink further the share of the resource available to handliners and recreational anglers, thereby allocating the majority of fish to a handfull of fishermen using the biggest nets.

If this scenario sounds familiar, it should. In the mid-1970s the appearance of power-rigged encircling gillnets in Florida caused, at the very least, a major shift in harvest from the hook-and-line and small net fishermen to the big run-around gillnet boats. Many fishermen and some fishery managers and biologists are convinced the encircling gillnets were responsible for the mackerel decline that began in the late 1970s, since there were no signs of trouble before they entered the fishery. Ironically, most of today's driftnet boats used to be rigged for run-around gillnets.

A study conducted by NMFS observers aboard driftnet vessels this year indicates a significant by-catch problem. According to NMFS, an estimated 43,841 unwanted fish were caught in the nets and discarded at sea from April through August 1987. Seventy percent of these fish were little tunny. Other commonly netted species were barracuda, dogfish, filefish, shark and crevalle jack. In addition, NMFS estimates that 204 sailfish were killed in the driftnet fishery this year, as well as hundreds of croaker, pompano, flounder and amberjack. There have been allegations of sea turtle and marine mammal deaths due to the nets, but NMFS could not substantiate these. However, there is the possibility of "fallout" - fish or other animals, such as turtles, entangled in the nets but dropping out when the net is retrieved - which would make the by-catch estimates for all species conservative.

At its meeting in Charleston, the South Atlantic Council reviewed the NMFS report, as well as testimony from driftnet fishermen, wholesalers, and sport and commercial fishermen. The netters evidently came to the meeting fully expecting the Council to recommend regulation of driftnetting, because early on they offered a "compromise;" a quota of one million pounds a year from the Atlantic migratory stock (out of a total of 3.5 million), limit the nets to 3,000 yds. (1 1/2 miles) in length, and even restrict the number of boats in the fishery. This, they said, would permit them to make a living while setting aside fish for other commercial users.

A majority of Council members did not find this acceptable. First of all, they cited the inequity of allocating a substantial share of the fish to a brand new gear used by a tiny minority of fishermen. As one member pointed out, the seventeen driftnetters accounted for only 1.7% of the commercial mackerel permits issued in Florida, but they had caught nearly 20% of the quota for all commercial fishermen. They also expressed reservations about the use of the nets because of the high level of by-catch and waste of resources. As for the impact of the nets on the king mackerel populations, they noted that fishing on the Atlantic migratory

stock would cease by October at the latest, when the fish move out of the area. However, the protected Gulf stock would then move into southeast Florida, and the possibility of netting those fish could not be allowed. Therefore, they recommended an immediate halt to driftnetting while the Council considers regulations for fishing the Atlantic stock, which will resume next April.

The NCMC supports the emergency moratorium on driftnetting because we believe the burden should be on new gear entering a fully-utilized or overexploited fishery to demonstrate that it will not have an adverse effect on either traditional users, the managed stocks, or non-target marine life. The information available to date on the mackerel driftnet fishery corresponds to a pattern of use in other fisheries; that is, a high rate of incidental catch and conflicts with other users. We firmly believe the trend in managing marine fisheries is and should be away from non-selective types of fishing gear and their attendant problems.

Finally, it is less than a year since the Report of the King Mackerel Committee, a study of how mismanagement had allowed mackerel stocks in the Gulf to be overfished. That committee concluded that, among other things, the inability or unwillingness of managers to act conservatively in the face of uncertainty prevented them from taking the action necessary to protect the resource. In this most recent instance at least, it is evident that the lesson has been learned - albeit the hard way - but learned nonetheless.

GULF SHRIMPERS LAUNCH CLEAN-UP CAMPAIGN

Much has been made of the terrible impact of plastic pollution on marine life - synthetic waste products, non-degradable garbage, and discarded fishing gear kill incalculable numbers of fish, marine mammals and pelagic birds every year. Although fishermen have been cited as part of the problem, they are also among its victims. In addition to the adverse impact on fish populations, fishermen lose time and money when their gear is fouled by debris. And no fishermen have a more serious problem than shrimpers, whose trawls have been known to "catch" everything from plastic bags and tires to unexploded bombs and crashed airplanes.

The Texas Shrimp Association (TSA) has announced an industry-wide campaign to clean up the debris in the Gulf of Mexico, declaring that "the shrimp harvesting industry has a major stake in cleaning up the Gulf." The TSA says it will work with other public and private groups in the clean up effort, and is calling on shrimp vessel owners and crews to observe the following rules: limit the amount of plastic containers taken on board; stow all plastic waste and deposit it in shoreside containers at trip's end; bring plastic debris encountered at sea to shore and dispose of it properly so it is not caught again; and document, with photos if possible, the type of debris caught in the trawls and returned to shore.

SWORDFISH: WHERE DO WE GO FROM HERE?

The National Marine Fisheries Service has informed the Regional Fishery Management Councils responsible for managing swordfish in the Atlantic that the agency will not implement their re-submitted Fishery Management Plan. (See MB, June 87) NMFS cited the plan's "adverse economic impact upon US fishermen fishing beyond our EEZ" (200-mile zone) and the "impact upon US tuna fishing within the EEZ" as the reasons for rejecting the plan developed by the five Atlantic Councils to halt growth overfishing and head off a possible collapse in the fishery.

The Council plan - essentially the same one rejected by NMFS last year - proposed a series of seasonal closures, plus a ban on all nighttime longlining, including longlining for tuna (which has an incidental take of swordfish), during the closures. When NMFS disapproved the plan the first time, many Council members (and outside observers, including the NCMC) saw the decision as motivated more by concern for US and Japanese tuna fishermen than concern for the future of swordfish. At the time, such allegations were vigorously denied by the administration. Regardless, it was apparent that NMFS had substituted its own judgment for that of the Councils in determining how to regulate the swordfish fishery, which in actuality meant NMFS opted for no regulation at all.

This time, NMFS (in the person of southeast director Craig O'Connor) admitted upfront that its decision was a "policy call," but insisted that the agency had the authority to second-guess the Councils on management measures, or, it would seem, the need for management at all. That's highly debatable. Under the Magnuson Act, NMFS may only disapprove measures proposed by the Councils if they fail to meet the National Standards established by the Act or conflict with other applicable laws. O'Connor intimated that the closures, during which US fishermen would be prohibited from landing swordfish regardless of where they caught them, even outside US jurisdiction, were beyond the authority of the Councils and therefore were illegal. When Council members questioned that reading of the law, he declined to provide them with a written legal opinion and said none would be forthcoming. That could be taken to mean the agency believes it can overrule the Councils arbitrarily and without accountability.

The management of swordfish in the Atlantic, as much as any fishery under US jurisdiction, has dramatized the direct conflict between the short-term economic interests of the fishing industry and conservation. The Councils have consistently proposed measures to restrict the catch of swordfish in the belief that they are necessary to prevent overfishing and a further decline in the stocks. NMFS, on the other hand, has streadfastly refused to implement any measures that will reduce longline (swordfish or tuna) fishing effort, and has offered no practical alternative for swordfish management. And that's where we stand. But those who are still committed to conserving swordfish and are not totally jaded by all this must ask: Where do we go from here?

HOUSE FISHERIES PANEL ENDORSES ANTI-POLLUTION LAWS

On September 22, the Merchant Marine and Fisheries Committee of the US House of Representatives voted unanimously to approve two important new legislative initiatives to clean up our polluted seas. HR 940 is designed to dramatically reduce the amount of plastic trash dumped into the ocean every year. The bill, introduced by Congressman Gerry Studds (MA), would prohibit all US flag vessels (commercial and recreational vessels as well as those belonging to the Navy and Coast Guard) from disposing of their plastic or synthetic garbage at sea. Further, it would empower the Coast Guard to enforce these restrictions on foreign vessels operating within the US 200-mile zone, in accordance with a pending international agreement to halt plastic pollution.

The committee also approved HR 2210, which deals with TBT, a toxic substance contained in many anti-foulant paints used to keep barnacles and algae from collecting on the hulls of boats. The bill, also authored by Studds, would outlaw the use of toxic paints on vessels under 25 meters (85 feet) in length, and establishes maximum amounts of TBT that paints used on larger vessels can release into the water. Both the marine paint and the

plastic pollution bills are expected to go to a vote on the House floor soon, where it is hoped they will get the same strong bi-partisan support they received in committee.

COALITION WELCOMES NEW DIRECTORS

At the 1987 annual meeting of the National Coalition for Marine Conservation on September 28 in Hyannis, Massachusetts, two well-known and respected names in recreational fishing and ocean conservation joined the NCMC's Board of Directors: Colin M. "Rip" Cunningham and Jose Campos. Rip Cunningham, of Boston, is editor-in-chief of SALT WATER SPORTSMAN, a national magazine devoted to marine recreational fishing, and has taken a leadership role in numerous conservation issues. Joe Campos, of San Juan, Puerto Rico, is currently chairman of the Caribbean Fishery Management Council and a strong voice for conservation among the islands' fishing community and on the international scene. The Board, recognizing the abilities and achievements of these two outstanding individuals, welcomes their contribution to furthering the goals of the Coalition.

JETTIES STILL HAUNT OREGON INLET

Proponents of an ill-advised and costly proposal to stabilize Oregon Inlet on the Outer Banks of North Carolina are still fighting to keep it alive. Under former Secretary James Watt, the US Department of the Interior refused the Army Corps of Engineers permission to anchor two mile-long rock jetties on public lands adjoining the inlet. Interior believed then, as it does now, that placing permanent obstructions on the barrier islands of the Outer Banks will very likely cause severe beach erosion, loss of wildlife habitat and recreational opportunities at Cape Hatteras National Seashore and Pea Island Wildlife Refuge . Nonetheless, new bills in Congress (S 1410 in the Senate and HR 2758 in the House) would force Interior to abrogate its responsibility for protecting public lands and permit the Corps to proceed with jetty construction.

The National Coalition for Marine Conservation will continue to oppose the Oregon Inlet project. The jetties would cost the nation's taxpayers dearly (over $100 million to build plus annual maintenance) with dubious benefits. The record of jetties on the Atlantic coast suggests they will not do what they're supposed to do, i.e., create a stable channel for navigation. What they will do, however, is accelerate erosion of the adjacent coastline. Barrier islands and beaches are highly unstable by nature, and to interfere with this process is to invite environmental disaster for the Outer Banks.

COMMENTARY: U.S. ANGLERS ANSWER THE CALL

Less than a year ago the United States succeeded in persuading the International Commission for the Conservation of Atlantic Tunas (ICCAT) to initiate a program to study the status of billfish populations throughout the Atlantic. This was a major coup, since, save for the US, there is little interest in marlin and sailfish within ICCAT. Nonetheless, the US was able to convince the tuna-oriented commission of the importance of billfish to this country's recreational fishermen, and ICCAT approved $10,000 to help launch the program -- provided the US raised another $25,000 from private (non-government) sources.

Well, the US billfishing community came through in spades! The Ft. Lauderdale Billfish Tournament/South Florida Fishing Classic contributed $10,000. The Key West Marlin Tournament donated $5,000, as did The

Billfish Foundation, based in Miami, and the Florida Conservation Association (FCA). The Palm Beach Chapter of the FCA chipped in an additional $500 and challenged other chapters around the state to do the same. More money may be on the way.

So our delegation will go to the November ICCAT meeting in the Azores carrying a check for over $25,000 and a resounding message from American fishermen that they are more than willing to do their part to further billfish conservation. The US now plans to recommend that ICCAT extend the international billfish research program for another five years, eventually making it a permanent part of ICCAT's scientific effort.

Thanks to the generosity and foresight of the aforementioned groups of fishermen, and the many others who have worked hard and continue to work on behalf of the ICCAT initiative, international cooperation to enhance our understanding of billfishes is becoming a reality.

Ken Hinman

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Note: Articles featured in the MARINE BULLETIN express the point of view of the National Coalition for Marine Conservation, a non-profit, member-supported organization dedicated to better fishing through conservation and environmental protection. The NCMC encourages readers to write and express their opinion on the issues addressed herein.

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NMFS ADOPTS HOLISTIC APPROACH TO FISHERIES MANAGEMENT

The National Marine Fisheries Service (NMFS) has unveiled plans to reorient the agency's responsibilities for living marine resources. The objective of the Ecosystems Monitoring and Fisheries Management Initiative released on September 29 is to eventually shift all Federal fisheries research, monitoring and management programs from the traditional single-species focus to a "multi-species/ecosystem approach." The ecosystem approach, the agency says, will provide "a better understanding of the physical, ecological and human systems surrounding the Nation's fisheries" and ultimately the ability to "forecast changes" in marine ecosystems that affect resource abundance.

The rationale for the fishery agency's new orientation is the biological fact that no fish exists in isolation, but is vitally linked to its environment and the other species with which it shares that environment. Therefore, efforts to manage and conserve a particular fishery should take into account the entire ecosystem the species inhabits, including its interrelationship with other fish populations and the complex ecological and oceanographic processes that influence fish productivity and behavior. Fluctuations in fish populations, the NMFS initiative emphasizes, can and do occur independent of fishing effort, and the agency believes a better understanding of these changes would help fishery managers make more informed decisions.

NMFS has been gradually moving toward the ecosystem approach ever since Dr. William Evans took over as assistant administrator for fisheries and made clear his intent to broaden the scope of fisheries management. In fact, the nation got a preview last year, during scientific deliberations over the condition of Atlantic swordfish stocks. While some biologists argued that the steadily decreasing number and size of swordfish being landed signalled overfishing, others within NMFS, supported by Evans, suggested instead that changes in ocean currents and temperatures had caused the fish to move out of their historical habitat. Though other factors were involved, this view undoubtedly contributed to the administration's controversial decision not to restrict fishing effort.

The thinking behind the NMFS ecosystem initiative is scientifically sound, and it would obviously be unfair to judge its potential for

improving management and conservation on the basis of the swordfish controversy alone. On the other hand, that incident does help identify several legitimate concerns about how this approach could impact the practice of fishery management.

Chief among these concerns is how it might alter the agency's ability to provide the scientific information and technical support necessary for management decisions, specifically those for which the Regional Fishery Management Councils are responsible. Understanding the cause-and-effect relationships of complex ecosystems is an important objective, but attaining a level of understanding where natural fluctuations in populations can be predicted, and distinguished from changes caused by man's activities, is probably many years in the future.

As it is, regulatory measures designed to protect fisheries from overfishing are often inhibited by claims that the data base is incomplete or the scientific evidence is not conclusive. That's nearly always true, but uncertainty should prompt caution, not serve as an excuse to do nothing. Could it be that requiring managers to consider an even broader range of factors, about which they know even less and over which they have little or no control, will further inhibit their ability to act quickly and effectively? Will the integration of the ecosystem approach into existing research programs dilute rather than enhance already limited research capabilities?

The National Coalition for Marine Conservation will be carefully studying the Ecosystems Monitoring and Fisheries Management Initiative and working with NMFS to ensure that such concerns are properly addressed. The NCMC will provide a copy of the executive summary of the NMFS proposal to interested persons on request. Or for a complete copy of the plan, write: Chief, Budget and Planning Division, Management and Budget Office (F/MB), NOAA/NMFS, 1825 Connecticut Avenue, N.W., Washington, DC 20235.

NCMC ENDORSES RECREATIONAL BILLFISH PLAN

The Draft Fishery Management Plan for the Atlantic Billfishes would, among other things, prohibit the sale of marlin and sailfish from Maine to Texas beginning in 1988. The National Coalition for Marine Conservation submitted the following statement to the National Marine Fisheries Service and the Regional Fishery Management Councils in support of the billfish plan:

"The billfishes - principally, blue and white marlin and sailfish - support one of the most important recreational fisheries in the Atlantic, off the Gulf coast and throughout the Caribbean. As many as 100,000 anglers and about 20,000 charter and party boats are estimated to fish for billfish annually. The recreational billfish fishery contributes substantially to coastal economies - participants spend around $100 million a year - as well as the marine recreational fishing and tourist industries in general.

"As a recreational resource, the value of billfishes can be sustained and even enhanced over time, because recreational fishermen have voluntarily adopted a conservation ethic when it comes to these big game fish. From one-half to two-thirds of the marlin and sailfish hooked by anglers are released alive. In other words, yield from the recreational fishery is measured in fishing opportunities, not catch, and therefore society is able to benefit from the fishery and even enhance that benefit on a continual basis, without risk of depleting the resource.

"It is our considered opinion that the proposed Fishery Management Plan (FMP) for the Atlantic Billfishes is critical to protecting billfish from overexploitation and preserving billfish as a healthy, recreational resource.

"We strongly endorse the stated purpose of the FMP -- to maintain blue marlin, white marlin, sailfish and spearfish as abundant resources, at levels that will achieve the highest availability to the US recreational rod-and-reel fishery. Moreover, we vigorously support the management measures proposed to accomplish this goal.

"The billfishes and the recreational fishery they support are under an increasing threat from commercial fishing. Billfish abundance and availability to recreational fishermen is being jeopardized by the harvest of marlin and sailfish in the tuna longline fisheries, and the rapidly explanding commercial market for these species which has developed as a direct result. A total prohibition on commercial possession and sale of billfish (with the exception of the Puerto Rican handline fishery as noted in the FMP) is absolutely crucial to closing the billfish market and thereby removing the incentive for commercial fishermen to target billfish or retain incidentally caught fish. Taking billfish off the commercial market will also discourage anglers from selling fish they would otherwise release.

"In addition, the NCMC supports the recommended minimum size limits for recreationally-caught billfish (200 pounds for blue marlin, 50 pounds for white, and 30 pounds for sailfish) to encourage anglers to release fish and to reduce overall mortality in the fishery even further. We believe recreational fishermen have already demonstrated their commitment to billfish conservation by releasing more than half of the fish they catch, and that concerned anglers will accept and abide by the minimum sizes proposed in the FMP.

"The foundation of the FMP, however, must be a ban on the commercial possession and sale of billfish - throughout the entire Atlantic Fishery Conservation Zone - to protect this valuable recreational resource for the benefit of this and future generations of fishermen."

NEW SPONSORS JOIN BILLFISH SYMPOSIUM

The Pacific Gamefish Research Foundation and the Hawaiian International Billfish Association will co-sponsor the International Billfish Symposium being organized by the National Coalition for Marine Conservation and scheduled for August 1-5, 1988 in Kailua-Kona, Hawaii. These two organizations have for many years been involved in a collaborative effort to enhance research on billfish stocks in the Pacific Ocean. Other symposium co-sponsors include the Inter-American Tropical Tuna Commission, the International Game Fish Association, the National Marine Fisheries Service, the Sport Fishing Institute, The Billfish Foundation, and the US Fish and Wildlife Service. For information on the symposium, write: Billfish Symposium, c/o NCMC, Box 23298, Savannah, GA 31403.

HOUSE APPROVES PLASTIC POLLUTION BILL

On October 13 the US House of Representatives voted overwhelmingly (386-14) to approve legislation to substantially reduce the amount of lethal plastic debris dumped in the ocean by the world's merchant and fishing fleets. HR 940, authored by Massachusetts Congressman Gerry

Studds, would implement provisions of an international pollution agreement (known as MARPOL) prohibiting the disposal of plastic garbage, including fishing gear, from ships at sea. The bill also directs the US Environmental Protection Agency to identify land-based sources of plastic pollution of the marine environment.

Backers of the anti-plastics legislation are hopeful the quick House action will induce the Senate to ratify the MARPOL treaty and pass the implementing legislation before the close of the 1987 Congressional session. To fast track HR 940 through Congress, Studds agreed to delete the more controversial restrictions on the use of plastic gillnets contained in his original proposal and include them in separate legislation. That bill, which calls for the US to study of biodegradable alternatives to synthetic nets, develop a system to reduce the incidence of lost nets, and pursue international agreements to minimize the impact of driftnets on marine resources, has subsequently passed the House Fisheries and Wildlife Subcommittee.

GROUP ADVOCATES SINGLE U.S. FISHERIES AGENCY

Bismarck could have been referring to fisheries management in the US when he said, "The widest division of responsibility allows the maximum appearance of authority and the minimum accountability." Responsibility for conserving freshwater and marine fisheries and related habitats is divided among no less than 37 separate Federal agencies whose authority often overlaps and conflicts. Consequently, there is no clear national fishery management policy, no strong champion for policy development, and no common national vision for rebuilding fish stocks and protecting fish habitat.

To remedy this situation, an ad hoc coalition of fishing and conservation interests known as Fisheries Alliance-National, or FAN, proposes that all Federal fisheries responsibilities be consolidated into a single, independent agency. FAN grew out of a committee organized under the auspices of the American Fisheries Society to study ways of improving Federal stewardship of fisheries. That committee's recommendations, known as the "Harville Report," centered around unifying the authority for fisheries now divided among the US Fish and Wildlife Service, the National Marine Fisheries Service (NMFS), and a myriad of other agencies whose activities affect aquatic resources.

FISHERMEN PRESSURE DUPONT TO QUIT OCEAN DUMPING

The DuPont Company's request for permission to continue dumping industrial wastes off the coast of southern New Jersey is still pending as the US Environmental Protection Agency's decision has been delayed by a groundswell of opposition from fishermen and environmentalists. Hopefully, the agency will ultimately be persuaded to deny the permit and take a tangible step toward ending all ocean disposal of harmful materials by the 1991 deadline. (The original 1981 deadline for halting all ocean dumping was extended by a federal court decision to give the dumpers more time to find land-based alternatives.)

DuPont, one of the few companies still dumping its waste products directly into the sea, wants to dispose another 405,000 wet tons of industrial wastes at the deepwater dump site approximately 106 miles off New Jersey, the last ocean dumping ground on the east coast. The company is under increasing pressure from organized fishermen to withdraw its application for a new permit, and one group, the Thousand Fathom Club based

in Pt. Pleasant, NJ, is promoting a boycott of DuPont, which manufacturers fishing line and other products used by fishermen. DuPont cannot have it both ways, they are telling the company, because anglers will not support a business whose actions they see as a potential threat to the fish and their environment.

DuPont spokesmen describe the "wastewater" they are discharging at the 106 Mile Site as innocuous. The critics point out that contained within the highly acidic waste materials being dumped are cadmium, mercury, arsenic, lead and other toxic heavy metals, which are present in quantities that could cause significant environmental damage. The dumpsite is located on the 1000 fathom curve adjacent to the offshore canyons that provide blue water fishing for fishermen from Rhode Island to North Carolina. Tests conducted by the National Oceanic and Atmospheric Administration and the US Navy indicate that the pollutants, in addition to their impact on the canyon area, may be moved inshore by warm water eddies, southward on the offshore surface currents, and even to the mouth of the Chesapeake Bay via the prevailing bottom currents over the continental shelf.

SALMON LEADERS MEET TO REVIEW PROGRESS

Restoration of Atlantic salmon in rivers where they formerly were plentiful is showing marked success, commercial culturing of the fish in captivity is relieving pressures on wild populations, improvement of salmon habitat in rivers where they spawn is critical to the success of restoration efforts, and the general public is willing to pay for such restoration. These were some of the key points made by speakers from the United States, Canada and other north Atlantic nations at the Symposium on Future Atlantic Salmon Management held in Portland, Maine on October 27-29.

Stephen Rideout of the US Fish and Wildlife Service described the results of artificial propagation of salmon in the Connecticut and Merrimack Rivers. Thanks to stocking, he said, salmon are returning to these rivers where the native stocks were virtually wiped out by the 19th century. Researchers from Cornell University reported the results of a survey they conducted into the willingness of the public to support salmon restoration efforts with their tax dollars. They found that more than half of the households surveyed in New England cared enough about the return of Atlantic salmon to pay to support restoration programs.

The growth of aquaculture has enhanced salmon conservation in some ways, said John Anderson of the Atlantic Salmon Federation, by taking pressure off wild stocks. He predicted that by 1990, farmed fish production will exceed landings of wild salmon by 15 to 1 worldwide. However, he cautioned about the dangers from the spread of disease and genetic effects on wild fish. Walton Watt of Canada talked about the relationship between habitat destruction and long-term declines in salmon catches. According to Watt, the greatest threats to salmon habitat are siltation of riverbeds caused by agriculture and acid rain, and he urged more attention to these problems.

While management efforts in the US are devoted almost exclusively to restoring a lost fishery, other salmon-producing nations must complement restoration with controls on fishing effort. Measures taken to manage Atlantic salmon vary considerably on a nation-by-nation basis, yet all restrict the harvest of salmon in home rivers by one means or another, according to representatives from Canada, the United Kingdom, Norway and Iceland, whose rivers produce the majority of salmon in the Atlantic.

Resolving conflicts among nations whose rivers produce salmon and those which harvest fish feeding off their coasts has been the most severe challenge for the North Atlantic Salmon Conservation Organization (NASCO). Nonetheless, these conflicts are being resolved, according to speakers from several NASCO member countries, all of whom agreed that an adversarial approach was not the way to settle international problems.

A recurring theme throughout the symposium was the critical importance of scientific and statistical research to the success of restoration efforts, national management programs, and international cooperation in salmon conservation. Appropriately, the symposium opened with a session devoted to science in support of management needs. An international panel of scientists from Denmark, the Faroe Islands and Canada put particular emphasis on augmenting catch statistics with information on natural mortality of salmon during their ocean life, the effects of ocean currents and temperatures on salmon distribution, and the extent of unreported catches.

The symposium was sponsored by the Atlantic Salmon Federation, the National Coalition for Marine Conservation, the US Fish and Wildlife Service, the National Marine Fisheries Service, the Sport Fishing Institute, the Connecticut River Salmon Association, and Restoration of Atlantic Salmon in America. The complete proceedings of the symposium will be published as part of the annual Marine Recreational Fisheries series. Write the NCMC for more information.

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SPECIAL REPORT:
A FRESH LOOK AT PROBLEM FISHING GEAR

Among the most difficult challenges facing today's fishery managers is that of striking a balance between industry efforts to increase the output of commercial fishermen, principally through more efficient fish harvesting methods, and the need to protect ocean resources and the interests of other resource users. Historically, the scales have been tipped in favor of productivity at any cost, even though the problems that certain highly-efficient fishing methods pose for conservation and fair allocation are by no means new. What is new, though, is a growing public awareness of these problems and the determination to do something about them.

An unprecedented amount of national and international attention has been focused on fishing gear-related conservation issues recently. Lost or discarded fishing gear has been identified as a major source of plastic debris killing marine life. Hundreds of thousands of porpoise, seabirds and non-target fish die in driftnets every year. The by-catch of marlins and other billfish in the Gulf and Caribbean longline fisheries threatens the future of the Atlantic stocks. Shrimp trawls kill not only hundreds of endangered sea turtles annually, but billions of young fish as well. A handful of boats armed with enormous purse seines nearly destroyed the spawning stock of red drum in the Gulf of Mexico. And so on...

Developing ways to alleviate or eliminate these and other gear-related threats to ocean resources must become an integral part of national fisheries policy. In September, the National Coalition for Marine Conservation (NCMC) hosted a Forum on Gear Management in Hyannis, Massachusetts, bringing together leaders from fishing and conservation groups and members of the Regional Fishery Management Councils to discuss the nature of gear problems and explore possible remedies.

The Purpose

"Managers have been wrestling with the problems of overfishing, undesirable by-catch, and gear conflict for years, but on a case-by-case basis and usually in reaction to social and political pressure," notes NCMC executive director Ken Hinman. "What we desparately need is a more comprehensive approach to regulating destructive fishing practices, one which puts the emphasis on anticipating and preventing problems and conflicts. That means objectively assessing which harvest methods are appropriate for which fisheries, taking into consideration not only productivity but also impacts on the resource, the environment, and fishermen in general. The NCMC forum was a first step toward bringing that about."

Both the wasteful destruction of resources and harvest methods which preclude other uses are incompatible with our national goals for ocean management. Yet there is no definitive policy governing fishing practices to assure that these things do not occur. In order to place gear management squarely in the mainstream of fishery conservation, we must do the following:

1. Define gear management in terms of the fair allocation of marine resources among the users of different types of fishing gear, and adherence to the principles of sound resource conservation.

2. Broaden the concept of efficiency in the utilization of living marine resources to include the impact of fishing activities on the long-term health of the fisheries, non-target fish and other living resources, critical habitat, and present and future opportunities for all users.

3. Promote reasonable and practical solutions to fishing gear-related problems that will enhance the long-term productivity and stability of the nation's fisheries.

The first two goals require changes in attitudes, chiefly those rooted in decades of concern for commercial exploitation first, and conservation and the rights of displaced user groups second. The third goal involves offering constructive remedies that will be essential to convincing both managers and fishermen that change will mean a more efficient use of limited resources, not massive disruption in the industry.

The Problem

The most direct impact that man has on marine life is the fishing gear he or she uses to interact with it. That there are serious problems associated with certain types of highly efficient fishing gear, or in the way such gear is commonly used, is unquestioned. The offending gear includes such basic commercial fishing hardware as gill or entanglement nets, longlines, trawls, fish traps, and purse seines. However, the issue is not one of commercial versus recreational fishing, nor is it fishermen versus environmentalists. These are genuine conservation and management issues that effect all users of limited, publicly-owned resources.

The threats to ocean resources and conflicts with other fishermen that are at issue can be divided into seven categories:

¶ ACCESS. The pre-emption of fishing grounds, giving exclusive access to one user group, interferes with the lawful rights of others to use common property resources. Example: The setting of hundreds of miles of fixed gillnets in the New England groundfish fishery denies party and charter boats access to prime fishing areas.

¶ ALLOCATION. The de facto allocation of fish to the fishermen with the most efficient gear discriminates against those who, by choice or necessity, use less efficient methods of fishing. Example: The introduction of large, power-rigged gillnets drastically reduced the number of king and Spanish mackerel available to traditional hook-and-line fishermen and recreational anglers.

¶ BY-CATCH. Indiscriminate gear causes an incidental, but sometimes significant, catch of non-target species of fish and other marine animals. Examples: Too numerous to list. Wherever such non-selective gear as entanglement nets, longlines, trawls and fish traps are used.

¶ GHOSTFISHING. Careless or negligent use of synthetic fishing gear often results in lost or abandoned gear "ghost fishing" indefinitely, and/or causing navigational hazards. Examples: Too numerous to list. In the North Pacific drifnet fisheries alone, fishermen leave behind 1,624 miles of deadly nets each year.

¶ HABITAT DESTRUCTION. Gear damage to live-bottom areas which support marine life. Example: Bottom-trawls used to catch snapper disturb or destroy natural reefs off the coasts of Georgia and Florida.

¶ OVERFISHING. The intensive harvest of schooling fish has a short-term impact on local availability to other users, a long-term impact on stock movements in the area, and ultimately may deplete the resource. Example: Run-around gillnets used off the west coast of Florida depleted migratory runs of king mackerel in short order, leaving other fishermen with empty hooks and nets. The fish did not return in subsequent years.

¶ WASTE. The unproductive loss of resources due to unwanted or unmarketable by-catch, spoilage, and non-catch mortality (drop-out, haul-back, etc.). Example: An estimated one-half of the salmon killed in driftnets drop out before the nets are retrieved or during haul-back.

These problems exist in a wide range of fisheries on every coast, in every part of the world. No species and no fishery is immune. Together, they underscore the fact that the ability to catch fish is not and must not be the sole criterion for judging whether or not a particular fishing gear is appropriate. A driftnet, for instance, may be very effective in catching pelagic fish, but it may be entirely inappropriate as a fishing device because of the damage it inflicts on other oceanic life.

The Missing Dimension

Today's overcrowded fisheries and stressed resources demand strict standards to govern fishing practices, especially the types of gear used. Yet, in spite of the fact that gear-related problems are demanding an increasing amount of attention from fishery managers, there is no consistent national policy to guide managers. While gear management should be an essential element of fisheries management, it remains in many respects the missing dimension.

The principal focus of fishery management is the maintenance of stock abundance. This usually consists of controlling fishing effort through quotas, length of season, bag limits, size limits, area closures, and other restrictions designed to limit the total quantity of fish caught, or to restrict the harvest to a selected portion of the population. These measures usually do not resolve conflicts among competing fishermen, the wasteful by-catch of non-target animals, habitat destruction, or the other problems described above.

Nor are they meant to. Very often the existence of gear problems is denied, or downplayed, in order to perpetuate the fiction that managing through quotas is enough, and that within established catch limits, fishermen should be encouraged to use the most "efficient" harvest methods available. Fishery managers are reluctant to interfere with the efficiency of commercial fishing, and regulations that reduce the exploitive ability of fishing gear are routinely discouraged. Consequently, such regulations as may be necessary to mitigate the negative impacts that are commonly associated with the most sophisticated types of fishing gear are considered measures of last resort.

National fisheries law, as embodied in the Magnuson Fishery Conservation and Management Act of 1976, clearly establishes the long-term conservation and equitable allocation of fish resources as the principal objectives of fishery management. The exploitation of fish resources, therefore, should be carried out within these parameters at all times. Whenever and wherever the use of certain fishing gear undermines the objectives of conservation and fair allocation, managers should be directed to give priority to conservation over exploitation.

A New Definition of Efficiency

Fishery managers do not lack the authority to control and even prohibit the use of destructive fishing gear. If they do not take firm action, it is usually because they lack the will to do so in the face of political and economic pressures from industry. The Magnuson Act provides federal managers (the Regional Fishery Management Councils) with a variety of ways to regulate fishing gear. Unfortunately, the law also contains other provisions which have been misinterpreted to discourage gear regulation except in the most extreme circumstances.

The Magnuson Act, under the Discretionary Provisions for the development of Fishery Management Plans (FMPs), gives the Regional Councils (and the Secretary of Commerce) the express authority to manage and regulate fishing gear when necessary to fulfill plan objectives:

Section 303(b)(2) states that any FMP, with respect to any fishery, may "designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specific types of fishing vessels or with specified types and quantities of fishing gear." Section 303(b)(4) states further than any plan may "prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels..." Moreover, "fishing" as defined by the Magnuson Act (Sec. 3(10)) is not restricted to fishing for the species for which the FMP is being prepared. Therefore, there is nothing to prevent regulation of fishing gear under a particular plan for the purpose of reducing the by-catch of non-target fish, i.e., fish not belonging to the management unit of the plan.

Among the reasons most frequently cited by the Secretary of Commerce and the National Marine Fisheries Service (NMFS) for rejecting gear regulations proposed by the Councils, or cited by Council members themselves, is the Act's National Standard No. 5 (Sec. 301(a)(5)). This standard states in part: "Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources..." The Guidelines for FMPs issued by NMFS attempt to clarify the concept of promoting efficiency: "(NMFS) believes that an FMP should not restrict the use of productive and cost-effective techniques of harvesting, processing or marketing, unless such restriction is necessary to achieve the conservation or social objectives of the FMP."

This seemingly reasonable guide is, of course, subject to varied interpretation. The Secretary can, and has, taken this to mean that "efficient" fishing gear receives a priori acceptance in a fishery, and that the burden of proof always rests with those who would restrict it. Given the limitations of fishery science and data collection, conclusive proof is hard to come by. The Councils, for that reason, may determine that the objectives of an FMP, particularly one for a stressed species, would be better served by shifting that burden of proof to the users of the "efficient" gear, i.e., requiring them to demonstrate that the gear will

not have a negative impact on the resource or traditional users. The Commerce Department, however, has the last word.

The criteria for defining what is efficiency is crucial to the interpretation of Standard No. 5 and its application to fishery management. The narrowest definition is a simple measure of relative cost or effort per unit of harvest, with the objective being to maximize the latter in relation to the former. Regulations lowering the efficiency of gear raise the cost of fishing.

But the explicit mandate of the Magnuson Act is to consider all relevant social, economic and ecological factors. Therefore, the efficiency equation must be broadened to factor in: negative impacts on the fisheries and other marine resources; lost opportunities to other resources users, present and future; and the costs of research, management and enforcement inherent in closely monitoring and regulating full exploitation of a resource with highly efficient gear. If this is done, no gear type can legitimize its place in a fishery solely on the basis of harvest capability.

Management Options

Once again, managers do have the legal authority to regulate fishing gear in a variety of ways. Below is a diagram of gear management options, ranging from setting catch limits by gear-type at one end to total prohibition of the gear at the most extreme. The middle range of options, though largely neglected, offers ways to resolve persistent gear problems which standard methods of regulation cannot.

Regulatory Measures:

- Quotas
- Minimum size/mesh size/hook size
- Time/area restrictions
- Limit size of unit of gear (length and depth of nets, length of longlines)

↓

Design Modifications:

- TEDS in shrimp trawls
- Medina panels in tuna purse seines
- Biodegradable fishing gear

↓

Alternative Gear

↓

Limited Entry

↓

Prohibition

The first category, Regulatory Measures, is where most of the action concerning gear takes place, though managers are usually reluctant to impose them. Nonetheless, they do not satisfactorialy address the full range of gear impacts and are in many cases a starting point at best. For instance, eliminating wasteful by-catch and other problems typical of certain non-selective gear requires more far-reaching measures. The design of the gear itself may be altered or modified to make it more discriminating in what it catches. Or fishermen may be induced or compelled to switch to alternative fishing methods which don't cause the same or similar problems.

Of course, in some cases it may be that no amount of regulation or modification can resolve all the problems associated with a type of gear, and that total prohibition of the gear is the only solution. But the option of banning a gear completely, from either a specific fishery or as a fishing device, should not be a starting point for debate; rather, it becomes a serious option only when it is determined that more moderate measures will not achieve the desired result.

Technological Solutions

Most advances in fishing technology have been toward producing increasingly more sophisticated types of gear in order to increase catch per unit of effort, and many of these improvements have contributed to the problems we are faced with today. However, there is no reason this same technological know-how cannot be re-directed toward making indiscriminate gear more selective and less destructive.

In the 1960s and early 1970s, several hundred thousand porpoise were drowned annually in yellowfin tuna nets. Federal law to protect marine mammals required that the tuna industry sharply reduce the incidental catch of porpoise. A technological breakthrough, coupled with simple changes in fishing procedures, made that possible. After the nets were equipped with so-called Medina panels, which allow porpoise to escape unharmed, the number killed by tuna purse seines fell dramatically to 15,000 by 1980. (The reason that number is not lower is due to politics, not an inability to bring the kill closer to zero.)

Another well-publicized example of how technology can be used to help alleviate fishing gear-related problems is the TED, or turtle excluder device. The TED fits into the neck of a shrimp net and prevents endangered sea turtles from being caught and killed during trawling. Beginning in 1988, they will be mandatory for all large trawlers fishing offshore in the south Atlantic and Gulf of Mexico. TEDs have also been shown to reduce the by-catch of juvenile finfish (an estimated 1.5 billion fish a year) by as much as 50 percent and more if properly modified for that purpose.

We have probably only scratched the surface in applying technology to problem fishing gear. The wider use of biodegradable materials could reduce the harmful impact of ghostfishing by lost fishing gear. Ongoing experiments suggest the use of lighter weight fishing line in the yellowfin tuna longline fisheries would allow the larger billfishes and bluefin tunas to break free. Research is being done to develop degradable hooks to enhance the survival of released fish. Etc...

Perhaps the most attractive aspect of resolving gear problems by making modifications in the existing design or materials is that it allows fishermen to continue to fish in their traditional manner, with some adjustments, but without the destruction they traditionally cause. The one drawback is that it takes time to study and develop the technology, and then more time to gain its acceptance. When these solutions are sought in response to an emergency, as is usually the case, the time factor is even more critical.

A program to study the impact of fishing gear on marine resources, and to undertake the research and development needed to reduce or eliminate the negative impacts, should be an integral part of federal fisheries management. Ironically, NMFS initiated a "conservation engineering" program in the 1960s to develop more selective, less destructive gear, but the program's budget has been whittled down to zero and at present it is

only a committee set up to work with the fishing industry. (Annual budget requests for $2-4 million in funding are always rejected; NMFS does not see the program as an appropriate role for government.)

As it is, research and development of more benign gear is nearly always in reaction to a crisis, such as the porpoise and turtle situations mentioned above, when the public outcry is raised to the point where Congress demands that NMFS come up with a remedy and appropriates the money to do it. That's not the way to do it. The search for technological solutions, or conservation engineering, should be an ongoing activity for NMFS, before a crisis develops. Funding for the program should come from the commercial industry, and from federal funds currently used to promote marketing, product development and other industry-oriented activities.

Alternative Gear

When no technological solution exists, fishermen can pursue alternative methods of fishing which will allow them to remain active in the fishery. No gear-type is indispensable. All fish now caught with gillnets can be and are caught with other gear. Every fish now taken by longline can also be caught by rod and line fishing.

The twenty-plus mile longlines now commonly used to catch tuna and swordfish are a relatively recent innovation, displacing methods of fishing which were productive without the by-catch which has made pelagic longlines so notorious. In fact, longlining may, according to some experts, be the least efficient way to catch tunas. For instance, school tuna are harvested quite successfully in bait fisheries, where bait fish are tossed into the water to bring the schooling fish to the surface, where they are caught with unbaited hooks.

The swordfish fishery in the northeast Atlantic, which is almost entirely a longline fishery today, was once prosecuted with harpoons and rod and reel before longlines appeared in the 1960s. The swordfish have since disappeared due to overfishing by the longliners. Managers say the harvest of young swordfish must be curtailed to rebuild the stocks, but longlines do not discriminate between small and large fish. When and if the swordfish return, many believe the fishery should be limited to harpoon and rod and reel to assure the continued health of the stocks.

Limited Entry

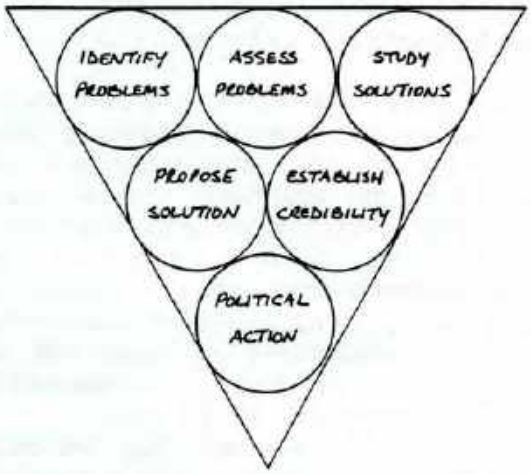
Commercial fishermen fish for profit, not numbers of fish. They are constrained by the marketplace and not the health of the fishery per se. Shrinking catches are acceptable as long as there is a corresponding rise in the value of the catch. The more efficient the gear, the longer the fisherman will continue to profit; conversely, the less efficient the gear, the sooner that fisherman will be driven from the fishery.

Allowing highly efficient harvesting gear uncontrolled access in a mixed fishery virtually guarantees that "the big dogs will eat while the little ones go hungry." Furthermore, it presumes that economic efficiency is the primary criterion for claiming the right to harvest a resource. Recreational anglers would not be the only ones to argue with that. Limiting the number of vessels allowed to participate using a certain type of gear can be a useful tool for assuring that the available resource is distributed more equitably among various users. Limited entry, though still a controversial concept in marine fisheries, has an important role to play in resolving gear-related allocation problems.

The Political Wedge

Although gear management is most emphatically not a campaign against commercial fishing - only certain fishing practices employed by a minority of fishermen - it is sometimes erroneously viewed that way. But as we have hopefully demonstrated, there are reasonable ways to resolve gear-related problems which allow for the continued productive use of ocean resources, for both food and recreation. There is, in other words, a middle course between a stubborn refusal to deal with these problems and the anti-commercial fishing sentiment which that posture inevitably provokes.

Nonetheless, it would be naive to think that merely recognizing the existence of reasonable alternatives is enough. The fishing industry resists change and resents government interference; the continuing TED/shrimper controversy makes that clear. Change will only come, then, if pursued from a position of strength. To gain acceptance, proposed remedies must, to the extent possible, be supported by research and documentation. Proponents must demonstrate, by their actions as well as their words, that they are advocates for wise resource use, not special interests. Finally, gear management must be spearheaded by political action involving a broad constituency of ocean users.



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