THE NCMC
MARINE BULLETIN
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BLUEFIN UPDATE: ICCAT LIMITS NOT ENOUGH

The International Commission for the Conservation of Atlantic Tunas, meeting in Madrid, Spain, extended its conservation program for Atlantic bluefin tuna through 1988, a move supported by the US delegation to ICCAT. The program, which features a western Atlantic quota of 2,660 metric tons and a moratorium on directed fishing for bluefin in spawning areas such as the Gulf of Mexico, has been in effect since 1983. There is mounting evidence, however, that these measures are having little impact; that in fact the severely depleted stocks may be in even worse shape than five years ago.

Recent studies done by ICCAT scientists and presented to the 23-nation commission last November indicate that the spawning stock of "giant" bluefin, reduced by overfishing to about 30 percent of 1970 abundance, is still shrinking. The number of young and medium age fish, on which the long-range recovery plan depends, is still very low - less than 20 percent of 1970 levels - and not enough fish are recruiting into the adult population. The 1982 year-class of bluefin, for instance, once considered the foundation for future growth in the stocks, has not produced near expectations.

With reproduction so mediocre, the amount of fishing pressure permitted under the ICCAT agreement is evidently much too high to allow the stocks to rebuild. Nevertheless, the commission seems content to stay in a waiting mode, laying all its hopes on getting an extraordinary year-class of bluefin and then keeping quotas low enough to protect those fish until they mature. It's a strategy which carries considerable risk, since in the meantime the fishery wavers on a thin edge between recovery and collapse.

The continued slaughter of large numbers of spawning fish heightens the risk of collapse. Despite ICCAT measures to protect the small spawning population in the Gulf of Mexico, those fish are still being killed. At the time the moratorium in the Gulf was declared, the Japanese had been the principal harvesters of giant bluefin. Today the Japanese are gone, but a growing fleet of American longliners is in the Gulf catching yellowfin tuna. Bluefin are a substantial by-catch in this fishery. Some of these fish are counted against the US quota, since longliners are permitted to keep two incidentally-caught bluefin per trip until the quota is met. But

in 1987 an estimated 1,755 fish (350 tons at an average size of 400 pounds) were caught in excess of the daily or yearly limits and discarded. The number of giants killed in the Gulf, therefore, remains significant, further reducing the spawning population and making the appearance of a strong year-class unlikely.

The apparent failure of the ICCAT program to protect bluefin and initiate a recovery demands stronger action by the US to enhance the Atlantic-wide conservation effort. This country should take a hard line at the next ICCAT session to substantially reduce the allowable catch of bluefin beginning in 1989. Here at home, we should impose limits on the amount of tuna longlining in the Gulf of Mexico, augmented by better monitoring of the by-catch problem. Stricter controls over tuna fishermen will require amending the Magnuson Fishery Conservation and Management Act to include tunas under US jurisdiction, a step which is long overdue and becomes more critical with each passing year.

FISHERY COUNCILS SEEK END TO OCEAN DUMPING

In response to "a rare show of solidarity among commercial fishing interests, charter and party boat operators and recreational fishermen over the issue of ocean dumping," the New England and Mid-Atlantic Fishery Management Councils in January issued a joint call for an end to the disposal at sea of industrial waste, contaminated sewage sludge and other harmful materials. Citing the ill effects of ocean dumping on fisheries off the northeastern coast of the United States, the councils are insisting that all appropriate state and federal agencies step up enforcement of existing laws and regulations until dumping is stopped, work to reduce pollutants discharged into rivers and coastal waters, and research alternatives to fouling the ocean with harmful waste.

The future of dumping at the federal 106 mile deepwater dump site off the coast of Cape May, New Jersey was singled out as of particular concern. It is the only offshore site currently approved for industrial wastes and municipal sewage sludge, and is close to valuable commercial and recreational fishing areas on the edge of the continental shelf. Important fisheries affected include cod, menhaden, bluefish, butterfish, squid, mackerel, tunas, billfishes and sharks.

The two councils are acting under the mandate of a 1986 amendment to the Magnuson Act, which directs each regional council to consider the habitat needs for fisheries under their jurisdiction, to express those concerns to the relevant regulatory agencies, and for those agencies to respond to those concerns. The councils have urged the Environmental Protection Agency to improve its monitoring of vessels to prevent dumping short of the site and disposal of non-permitted waste materials. Fishermen are asked to give detailed reports of illegal dumping to either the councils, EPA or the Coast Guard. Finally, the councils are taking their concerns to Congress to support legislation to end ocean dumping once and for all. A bill to halt the dumping of sludge by 1991 was recently approved by the House Merchant Marine and Fisheries Committee.

BURDEN FOR REDFISH CONSERVATION SHIFTS TO GULF STATES

The Gulf of Mexico Fishery Management Council stopped all fishing for red drum in federal waters of the Gulf after its stock assessment group told council members in December that the fishery was in far worse condition than anyone had suspected. The scientists, charged with studying the impact of intensive harvesting on the adult spawning population

offshore, discovered that inshore juvenile stocks have also been seriously overexploited. Their conclusion - the number of adult redfish has declined sharply in recent years, while very few young fish are recruiting into the spawning stock.

A federal moratorium on harvesting redfish with purse seines took effect in 1986, restricting the Gulf fishery to limited rod and line fishing and a small by-catch for shrimp trawlers. The ban was prompted by fears that a dramatic increase in netting was depleting the brood stock which lives offshore. This fear was confirmed by the stock assessment group. But the group's findings regarding the condition of the juvenile fish which grow up in coastal waters adds an alarming dimension to the problem. Pressure on these fish from recreational and commercial fishermen inshore is so great that only 1 or 2 percent are surviving to the age of 5, when the fish move offshore to reproduce.

The Gulf Council will undoubtedly extend the emergency ban on fishing for redfish through the remainder of 1988. It is now up to the five Gulf states to drastically reduce the harvest of juveniles in state waters. Biologists believe the number of young fish escaping to the adult population must be increased to from 20 to 30 percent to avert a collapse in the fishery within a few years. The council has gone so far as to ask the states to follow the federal example and close the fishery in state waters (Florida did that in January). It's uncertain how Louisiana, Texas, Alabama and Mississippi plan to increase escapement, but it's obvious they will have to shift their current emphasis on producing more fish in hatcheries to further limiting catches.

US SIGNS PACT TO HALT PLASTIC POLLUTION

When the US government signed an agreement last December to prohibit the dumping of plastics from ships at sea, it was a significant event in the campaign to halt the plague of plastic debris that is strangling the world's oceans. US ratification of Annex V of MARPOL, the International Convention for the Prevention of Pollution from Ships, means that nations representing the required fifty percent of the world's shipping tonnage have finally endorsed the treaty, and it will enter into force sometime in late 1988.

The world's merchant fleet is responsible for disposing of some 639,000 plastic containers at sea every day - that's 230 million a year. Commercial fishermen dump 52 million pounds of plastic packaging overboard annually. Fishing vessels routinely discard, abandon or lose fishing gear, principally nets and lines made from synthetic materials, totalling an estimated 100,000 tons a year. Although there is little hard data on how much this mind-boggling amount of plastic debris is impacting ocean wildlife, there is no doubt whatsoever that it is significantly increasing the unnatural mortality of marine animals.

The guidelines established by MARPOL are voluntary; however, they are expected to be enacted into national regulations by the signatory nations and therefore should sharply reduce the amount of plastic entering the marine environment. On a related front, representatives from the fishing industries of Canada, China, Japan, Korea and the US, meeting at the North Pacific Rim Fisherman's Conference on Marine Debris in October, resolved to make every effort "to insure that plastic materials are not discarded at sea and loss of fishing gear be avoided wherever possible." The resolution contained a list of measures to achieve this goal, including onboard incineration of non-toxic waste, shoreside recycling or disposal, reduced

use of persistent plastic materials, and advances in technology and operations to minimize the loss of gear and enhance the recovery of lost gear.

CANADA ABOLISHES DRIFTNETTING

Canada has completely banned the use of driftnets within that country's 200 mile fishery zone. The announcement, which came last November, was welcome news to conservationists everywhere, since Canada's decision is expected to put pressure on other North Atlantic nations, principally in Europe, to take similar action.

"Driftnets are the single most destructive piece of gear in existence and they should be banned for any kind of fishery," Wilfred Carter, the president of the Atlantic Salmon Federation (ASF), told the MARINE BULLETIN. The ASF has led the campaign against driftnetting for salmon on the basis of its impact on salmon stocks as well as the incidental killing of many other species of fish, mammals and marine birds. It has been estimated that the driftnet fisheries in the Atlantic and Pacific kill two salmon for every one they capture, making it a particularly inefficient and wasteful way to catch salmon.

In other action on driftnets, President Reagan on December 30th signed into law the Driftnet Impact, Monitoring, Assessment and Control Act. The new law directs the US Commerce Secretary to enter into negotiations with nations conducting high seas driftnet fisheries in the North Pacific in order to monitor their impact on ocean resources and to set up an enforcement program. It also empowers him to impose trade sanctions on nations which refuse to cooperate. In addition, the Act requires the Commerce Department, home of the National Marine Fisheries Service, to develop a system for marking and identifying the synthetic nets and to investigate the feasibility of using biodegradable materials.

TAG A TUNA FOR TOMORROW

An alliance of fishing tackle makers, fishing magazines, and east coast anglers is giving a much-needed boost to the National Marine Fisheries Service's Atlantic tuna tagging program. "Tag a Tuna for Tomorrow" is a wide-ranging yellowfin and bigeye tagging program which will offer prizes and other incentives to recreational fishermen who tag and release fish between March 1 and December 1, 1988. Sponsors are the AFTCO, Berkley, Daiwa, Kunnan, Sevenstrand, Lowrance, and Shimano manufacturing companies, and SALT WATER SPORTSMAN and THE FISHERMAN magazines.

The chief purpose of the program is to help supply fisheries managers with critical data on yellowfin and bigeye populations, life spans, growth rates and migration routes. The recent explosion in the commercial longline fisheries for these species, along with the paucity of data collected to date, has left managers unprepared to respond in an effective manner. Another objective of the tagging effort is to introduce anglers to the conservation ethic of sportfishing. This aspect of the program is a particularly welcome antidote to the rampant excess and greed exhibited the last several years by the many "sportsmen" killing tuna in order to cash in on the high prices being paid by buyers at dockside.

In a 1986 MARINE BULLETIN commentary in support of the NMFS Cooperative Game Fish Tagging Program, the NCMC extolled "the simple idea of anglers taking an active, hands-on role in helping scientists to achieve a more complete understanding of the life histories of the species they are

fishing for. In return, this knowledge enables fishery managers to make better informed decisions that will ultimately benefit the fish and the fishermen." The "Tag a Tuna for Tomorrow" program deserves the support of all conservation-minded fishermen. For more information, contact: Ben Secrest, AFTCO, Inc., 17351 Murphy Avenue, Irvine, CA 92714 - (714) 660-8757.

OCEAN INCINERATION PLANS ARE DROPPED

Waste Management, Inc., which has been trying to get permission to burn toxic wastes off the US coastline since 1981, has evidently given up the chase. Although the Environmental Protection Agency (EPA) recently confirmed plans to proceed with developing regulations to allow ocean incineration under "environmentally sound" conditions, the company cited uncertainties and delays in the US permitting process as the reason for its decision to withdraw its application.

Indeed, Waste Management may simply have read the writing on the wall. Environmentalists and coastal states have for years been pressuring the EPA to deny the company a permit to incinerate PCBs, dioxins and other toxic substances on large vessels offshore, arguing that the risks of a disastrous life-threatening spill at sea are too great. The EPA, reacting to these concerns, was proceeding slowly in spite of its avowed commitment to eventually allow the burns. Meanwhile, a major setback to the ocean incineration industry came last November when representatives of eight European countries agreed to phase out the burning of hazardous materials in the North Sea by December 31, 1994. The decision came after more than ten years of experience in the North Sea and affirmed that ocean burning is not a viable future option for managing toxic wastes.

AMERICAN LONGLINERS TARGET BILLFISH IN CARIBBEAN

Some US longline vessels fishing in the southeastern Caribbean are landing boatload after boatload of not just swordfish and tuna, but also marlin and sailfish, according to reliable reports from the Caribbean island of Aruba, and generally behaving in a manner that is angering island fishermen. Sportfishermen are outraged that literally tons of marlin, a staple of the area's recreational fisheries, are being brought to dock, already dressed for the export market. There are also reports that US boats have been dumping their garbage, including plastic refuse, at sea within a mile from shore.

After decimating the stocks of swordfish closer to home, the American longline fleet has in recent years moved en masse into the Caribbean Sea, where populations of broadbill are still fairly healthy. But for how long? NATIONAL FISHERMAN magazine reports 40-50 US vessels are active in the Caribbean, and more are on their way as fishing effort continues to shift away from US waters. A single longliner, says one source, took 500,000 pounds of swordfish last year. In just one trip in October, that same boat caught and landed 15,500 pounds of marlin at the port of Aruba.

There are no rules governing fishing on the high seas in the Caribbean, and domestic plans to limit the catch of swordfish by American longliners and prohibit the sale and importation of billfish have not yet been implemented. In the interim, the NCMC is asking US fisheries authorities to extend data collection and monitoring requirements to all US longliners active in the region, and has advised the international research team assessing Atlantic stocks of marlin under the auspices of ICCAT of the situation near Aruba.

TEDS SURVIVE CONGRESSIONAL CHALLENGE

Congress voted to reauthorize the Endangered Species Act for another five years, and in the process quashed a bid by shrimpers to delay implementation of federal rules requiring them to begin using Trawling Efficiency Devices (TEDs) this year.

The National Marine Fisheries Service (NMFS) says shrimp trawls in the South Atlantic and Gulf of Mexico drown thousands of endangered sea turtles each year. The TED has proven effective in expelling captured turtles from the nets, as well as juvenile finfish and other shrimp by-catch. All vessels 25 feet or larger trawling offshore are scheduled to be pulling TEDs by this summer. (Inshore shrimpers are required to limit their tow times to 90 minutes while the impact of shrimping inshore is studied by the Fish and Wildlife Service.)

Under the new regulations, 40 shrimp boats began using the devices off Cape Canaveral, Florida last fall, and NMFS reported success in preventing turtle deaths with no significant loss of shrimp. But Rep. Ortiz of Texas, acting on behalf of Gulf shrimpers opposed to the regulation, introduced an amendment to the Endangered Species Act that would have postponed mandatory TED use until at least 1990. Conservationists rallied enough support for TEDs in Congress to defeat the amendment handily.

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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 STRIPED BASS SAFETY NET

The level of cooperation that currently exists among the twelve east coast states with regulations to protect striped bass can be directly attributed to the Atlantic Striped Bass Conservation Act. This law, enacted by Congress in 1984, authorizes the federal government to impose a ban on all fishing for stripers in any state which does not comply with conservation measures recommended by the Atlantic States Marine Fisheries Commission (ASMFC). Prior to 1984, compliance with the interstate program was limited.

The Striped Bass Act is an innovative mix of federal and state responsibility for managing migratory fish. A federal ban has never been necessary, but that's the beauty of it. The interstate conservation plan, though approved by all the Atlantic states in 1981, doesn't carry the force of law, but the Striped Bass Act does. Very simply and very neatly, it compels states to reduce striper catches to the satisfaction of the ASMFC - or else.

Soon, Congress will begin debate on whether or not to extend the Striped Bass Act, which expires in September. Rep. Gerry Studds (MA), the author of the original legislation, introduced the reauthorization bill on March 9, calling it "a healthy balance between voluntary state conservation and the prospect of federal intervention" necessary, he said, "to help restore the striped bass as one of the premier recreational and commercial fisheries along the eastern seaboard." Studds will chair the hearings in the House Subcommittee on Fisheries and the Environment.

Few fish have declined as severely as the striped bass. And even though there are tentative signs that the stocks are rebounding, the commitment to coast-wide conservation must be a long-term one. It would be extreme folly to relax catch restrictions at the first sign things are beginning to look up, but there is already pressure from some fishermen to do just that. With the federal law acting as a safety net, that won't happen until the ASMFC collectively decides it's time.

The interstate plan is designed to protect young stripers as they grow to maturity - particularly those from the relatively good spawning year of 1982 - with minimum size limits in coastal and inland waters. There is no fishing allowed in New York, where PCB contamination has closed the

fishery, or in Maryland and Delaware, where fishing has been halted temporarily. Not incidentally, Maryland waters of Chesapeake Bay and the Hudson River in New York are the chief bass spawning grounds, and the closures there have been a bonus in protecting the spawning population and enhancing future productivity.

Spawning in the Hudson River last year was the best it's been in the eighties. The State of Maryland's summer 1987 count of fingerlings in the spawning reaches of the Chesapeake was still only half the long-term average, but there was a big increase in near-spawning age females on the spawning grounds last year. As one state official observed, there's "a lot of fish stockpiled waiting to mature." Biologists expect the 1982 year-class of stripers to reach full maturity and reproductive potential either this coming summer or the next.

The severe decline of striped bass has been blamed on pollution as well as overfishing. The Emergency Striped Bass Study, conducted jointly by the US Fish and Wildlife Service and the National Marine Fisheries Service since 1979, is an ongoing investigation of the wide range of potential factors in the decline. The study has produced information for use by managers regulating fishing activities as well as the state/federal effort to clean up Chesapeake Bay. The Atlantic Striped Bass Conservation Act, if renewed, would also provide funding to extend these studies.

TRAWLS AND REEFS

Using roller-rigged trawls to catch reef fish is a lot like bulldozing the orchard to harvest apples. The heavy trawls, outfitted with large wheels or rollers and towed along the ocean bottom to scoop up snapper and grouper, can severely damage the reefs or "live-bottom" areas these fish inhabit. To prevent habitat destruction, and also reduce the harvest of under-size vermilion snapper, the South Atlantic Fishery Management Council has proposed outlawing the use of trawls in the snapper-grouper fishery.

Roller-rigged trawls were developed several years ago by well-meaning but misguided marine extension agents to give shrimp fishermen in the southeast a way to earn money in the off season. Almost right away there was concern about their impact on natural reefs, and Florida banned them in state waters. Until last year, the use of trawls in federal waters was very sporadic, so the South Atlantic Council took no action. Then in early 1987, Georgia-based vessels began dragging the few live-bottom areas off the coast of that state, and others geared up to join them.

Divers reported that sponge, coral and rock habitat had been crushed or torn up by the trawls and area fishermen petitioned the Council to move to stop trawling on the reefs. Aware that amending the snapper-grouper plan would take months, and that trawling would begin again during the winter and spring of 1988, the Council last fall asked the National Marine Fisheries Service for emergency action to prohibit the trawls. The NCMC supported the Council in its request, citing "legitimate concerns about the impact of (roller-rigged trawls) on habitat supporting reef fish offshore, as well as the by-catch of undersized fish and other species. The wise and prudent thing to do," the NCMC argued, "is prohibit the use of that gear while the Council studies the situation and prepares regulations."

When NMFS declined to take emergency action, the Council pushed ahead with a plan amendment and went to public hearings in March. Amendment No. 1 to the snapper-grouper plan, if approved by the Secretary of Commerce, will prohibit the use of trawl gear in the snapper-grouper fishery. The

Council is acting under the authority of the new habitat provisions of the Fishery Conservation and Management Act, which require the Councils to preserve habitat vital to the long-term productivity of fisheries under their jurisdiction.

PROTECTION SOUGHT FOR MORE COASTAL BARRIERS

The Department of the Interior is getting ready to present Congress with its plans for expanding the Coastal Barrier Resources System, which protects undeveloped coastal islands, beaches and marshes from new development. Conservationists, led by the Coast Alliance (a coalition of ocean interest groups, including the NCMC), are hard at work to broaden the system beyond the modest scope of the Interior plan and include undeveloped areas throughout the coastal United States.

The present system includes 450,000 acres, or 600 miles of shoreline, on the Atlantic and Gulf Coasts. Development in these designated coastal areas does not qualify for federal construction subsidies and flood insurance, thereby forcing would-be developers to shoulder the risks of building on the fragile coast, where massive erosion and loss of property and even life often result from such development. In turn, discouraging coastal development preserves critical fish and wildlife habitat areas which would otherwise be lost to the American public.

The expansion plan proposed by Interior omits eligible undeveloped areas on the Pacific Coast and along the Great Lakes. The department says it needs a mandate from Congress to include coastal barriers in these regions. The Coast Alliance is at work educating citizens in the Great Lakes and the Pacific Coast about the value of the system, in hopes that Congressmen from these areas will support legislation to amend the Coastal Barrier Resources Act of 1982 to include all four coasts. Congressional hearings on this subject are scheduled for later this session.

FLORIDA ANGLERS SHARE TAGGING HONORS

A pair of fishing captains from Florida each tagged and released 51 blue marlin last year, most off St. Thomas, Virgin Islands, making them the co-winners of the 2nd Annual NCMC Tagging Award. Captain O.B. O'Bryan of Pompano Beach and Captain Dan Timmons of Fort Lauderdale were both awarded the 1987 Captain's Trophy, for tagging the most blue marlin, in ceremonies March 14 at the Southeast Fisheries Center in Miami, headquarters for the NMFS Cooperative Game Fish Tagging Program.

The NCMC sponsors this annual award to encourage recreational anglers to participate in tag-and-release fishing, and as a demonstration of our support for the NMFS tagging program, which was started over 30 years ago. Today more than 5,000 fishermen are tagging billfish, tunas and sharks, from the United States to Africa, from Canada to South America. Important information on stock structure and distribution has been obtained from tagging, information which has been helpful to the conservation of bluefin tuna, marlin and sailfish in the Atlantic.

THE BILLFISH PLAN GOES TO WASHINGTON

The long-awaited Atlantic Billfish Plan, which contains crucial measures to protect marlin and sailfish from overexploitation, was finally sent to the Secretary of Commerce for review and approval on March 30. It is now up to the public to let the secretary know how important this plan is to the future of billfishing.

The Fishery Management Plan for Atlantic Billfishes, prepared jointly by the five Atlantic Fishery Management Councils, would ban the sale and importation of blue marlin, white marlin, sailfish and longbill spearfish; prohibit the possession of billfish by commercial longline and driftnet vessels; limit billfishing to rod and reel only; set minimum lengths for recreational catches; and require tournaments to report catch and effort data. A traditional handline fishery in Puerto Rico, which reportedly takes a small bycatch of billfish for the local market, will be allowed to retain for sale 100 fish a year, provided the Caribbean Council can come up with a foolproof way to monitor this fishery and restrict it to its historical participants.

The overriding objective of the billfish plan is to preserve billfish abundance and availability of fish to the traditional recreational fishery. Anglers practice a strong conservation ethic when it comes to billfish, releasing alive more than half the fish they hook. Consequently, a very valuable fishery is sustained with minimal impact on the resource. The billfish plan will promote this conservation ethic even more by imposing minimum size limits: the length equivalents for 200 pound blue marlin, 50 pound white marlin and 30 pound sailfish.

The future of the recreational fishery is jeopardized by the commercialization of billfish. The majority of billfish being sold in the US today are caught on tuna longlines, and as the tuna fisheries expand, the number of billfish caught and sold is skyrocketing. The longline fisheries are changing in reaction to the market for billfish, too, so that although the catch of billfish may be incidental, it is not accidental. The market has created what might be called a "directed bycatch" of marlins in the longline fisheries.

The NCMC strongly endorses the Atlantic Billfish Plan, and we urge every conservation-minded fisherman - and anyone supportive of the wise use of ocean fisheries - to write and express support for the plan. Letters should be sent to: Secretary William Verity, US Department of Commerce, Washington, DC 20230.

FISHERIES BUDGET UNDER ATTACK

Every year since coming to Washington, the Reagan administration has proposed potentially crippling cuts in federal oceans and fisheries programs, so its recently released budget for FY 1989 contains no surprises. Congress, fortunately, sees the error in such a wholesale disruption of the nation's ability to conserve and manage marine resources, and has been able to at least maintain funding at current levels. The latest attack on the fisheries budget, in the opinion of one Congressional leader, is nothing less than a "retreat" from the federal government's responsibility for fisheries. Congress, with the support of fishing interests and conservationists, is gearing up for another battle.

Budgeting, as much as anything else, is a matter of setting priorities, and within the Department of Commerce, fisheries has been low on the administration's list. The present budget for the National Marine Fisheries Service (NMFS) is $162 million a year, which is hardly adequate for the agency to fulfill its obligations for fisheries and habitat research, data collection, habitat conservation, law enforcement and management. Regardless, the administration wants to reduce that by a whopping 43%, to $96.8 million, claiming it is only trimming non-essential programs, or those which can or should be taken over by the states or private industry.

Under the new budget, the National Oceanic and Atmospheric Administration, of which NMFS is a part (albeit a shrinking one), would have a total budget of $1.153 billion. The fisheries share would be diminished from the current 15% of the NOAA budget to less than 10%. To add insult to injury, other NOAA programs have been spared the knife; the National Weather Service goes virtually untouched, while the satellite program actually gets an increase of 35%. Satellites, interestingly enough, will play an integral role in the new NMFS "ecosystems approach" to fisheries management unveiled last September (see MB No. 31), which will attempt to integrate NMFS fisheries programs into NOAA's oceanographic and atmospheric monitoring and forecasting capabilities. For more on the satellite connection, see Commentary in this issue.

NEW REPORT CONFIRMS JETTIES ARE A LOSER

If mile-long jetties are built to stabilize the treacherous passage at Oregon Inlet, they will cost the nation far more than they're worth, according to a study commissioned by the federal Office of Management and Budget. For each dollar invested in the jetties, concludes the Washington-based consulting firm Kearney/Centaur, the long-term benefits to the fishing industry will amount to no more than 93 cents and possibly as little as 81 cents. These results contradict those of a 1984 economic study performed by the Army Corps of Engineers, which showed a favorable benefit-cost ratio of 1.4 to 1.

Proponents of the project, which has a price tag of $110 million plus annual maintenance costs, contend that building the jetties at the mouth of the inlet, which is located on North Carolina's stormy Outer Banks, is the only way to make the channel safe for fishing and other vessels. Opponents counter that the price tag is too high, especially since jetty construction could be an environmental disaster for the Outer Banks. The record of jetties on the Atlantic coast indicates there would be severe erosion problems on the adjacent coastline, in this case public park lands, which would mean the loss of recreation opportunities and coastal resources.

FOUNDATION UNDERTAKES GILL NET STUDY

Gill nets have been the center of controversy in southern California since the mid-1970s, and in 1988 the issue is hotter than ever. Environmentalists charge that the indiscriminate nets kill marine mammals such as porpoise, seals and even whales. Recreational fishermen say the nets are too efficient, and decry the by-catch of marlin and other game fish. Sport divers worry about the risk of entanglement in derelict nets. Recently, a petition to ban the use of all gill nets in California waters attracted several hundred thousand signatures, though not nearly enough to force the issue to a statewide referendum. In response to all this, the commercial netters claim the problems associated with their gear are highly exaggerated, the result of misinformation.

The San Diego Oceans Foundation, which promotes a balance between the use and preservation of ocean resources, has announced it will try to insert reason into this very emotional debate by taking an indepth, objective look at the gill net issue, in the hopes that a "better understanding of the problems will emerge along with a way to solve them." The Foundation, using input from all concerned and interested parties, including government agencies, will seek to gather factual information on gill nets to identify the problems and benefits of their use, and to make short- and long-term recommendations on the role of gill nets in the proper use of ocean resources.

COMMENTARY: SOMETHING IN THE AIR AT NOAA

We've always felt the nation's fisheries service doesn't belong in the Commerce Department, where the industry/consumer orientation is more conducive to exploitation than wise use or conservation. However, we must admit we never once thought that the mindset of NMFS' parent agency within Commerce, NOAA - the oceans and atmosphere administration - might pose a more ominous threat to federal fisheries programs.

What's going on in NMFS right now is a major re-focusing of the agency's responsibilities to accommodate NOAA's far-reaching Climate and Global Change Initiative. The technocrats in NOAA are promoting the ability of satellite remote sensors, computer simulators and the like to not only forecast changes in the oceans and atmosphere, but also as a principal source of information for use in managing fisheries. The new NMFS Ecosystems Monitoring and Fisheries Management Program, which reaches into every phase of the agency's activities, including its budget, is a child of this initiative, and frankly, it has us worried. Not because trying to understand fisheries in the context of entire marine ecosystems is a bad idea - in fact, it's a very good one - but rather because it's still a long-range goal whose practical application to the resource problems of our day is untested and unknown.

NMFS assures that research in support of the ecosystem approach will be built onto existing programs, while the latter are integrated into the new system. Yet, the NOAA budget contains devastating cuts in routine NMFS science and management activities, but sizable increases for NOAA technical programs. If the ecosystem approach is NOAA's way of making this radical change in budget priorities more palatable, we're not reassured. It looks more like an attempt to de-emphasize fisheries management altogether.

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OCEAN DUMPING:
A NIGHTMARE FOR EAST COAST FISHERMEN

The offshore dumping of sewage sludge and other waste is turning the ocean into a cesspool. Fishermen working the area near where tons of municipal sewage is dumped off the coast of New Jersey are returning with horror stories about what they're catching, and what they're not. Catches of crabs and lobsters are reportedly down by as much as 90 percent, and many of those landed are infected with shell disease. Both tuna, a migratory pelagic, and cod, a bottom dweller, are suffering from skin lesions and fin rot. The public may soon be warned not to eat certain fish caught near the dump site because of contamination.

East coast fishermen who depend on the ocean for food and recreation recently formed an ad hoc coalition to stop ocean dumping. The Coalition to Cease Ocean Dumping (CCOD), led by NCMC board member Les Smith and based in Narragansett, Rhode Island, includes representatives of commercial and recreational fishermen and related industries who have joined together to protect the ocean environment from sewage sludge and industrial wastes. The CCOD's immediate goal is to close the 106 Mile Dump Site, where millions of tons of sludge will be dumped this year. The group's ultimate objective is to put a complete end to ocean dumping of all harmful wastes.

Actually, the dumping of sewage sludge in the ocean was supposed to stop in 1981, according to a 1977 amendment to the federal Ocean Dumping Act. Today, less than 5 percent of the waste from the nation's sewage treatment plants is still disposed of at sea, but this seemingly small percentage, coming from New York City and several nearby municipalities, adds up to a noxious 8 million tons of sewage a year. The dumping continues because New York sued the US Environmental Protection Agency (EPA), citing the high cost of switching to land-based alternatives, although that's what the rest of the nation has done. A federal judge sided with the dumpers, and EPA, despite the agency's statutory mandate to deny permits for the disposal of sewage wastes which may "unreasonably degrade or endanger" human health or the marine environment after 1981, refused to appeal the decision.

Instead, EPA's plan was to eventually move the sewage further offshore to another site, which it did this year. The old sludge dump site, the so-called 12 Mile Site in the New York Bight, is now commonly referred to as

"the dead sea" after years of ocean dumping severely degraded the water quality and marine life. The new repository for the contaminated sludge is a deepwater site 100 miles east of Cape May, New Jersey - the 106 Mile Site. This site has been used to dispose of a variety of waste materials, primarily industrial wastes, since 1961. EPA redesignated it for sewage, too, assuming that the depth of the water and the offshore currents would disperse the wastes and blunt their impact on the environment.

All EPA has done, however, is transfer the problem from a once-productive area that's already been ruined to one that may soon be. West of the dumpsite, at the edge of the continental shelf, are the offshore canyons, which are extremely rich fishing grounds and habitat for all sorts of marine life. Although sewage dumping at the 106 Mile Site has only been going on since January, many of the adverse impacts documented at the old site are already being observed by fishermen fishing the canyons: fouled gear, reduced catches, and disease-ridden fish. It seems the prevailing ocean currents are not simply dispersing the wastes, but rather spreading them to a wider area and putting a much vaster ocean area at risk.

Organized fishermen, conservationists and the New England and Mid-Atlantic Fishery Management Councils are united in opposition to ocean dumping of sewage sludge, industrial wastes or any harmful materials at the 106 Mile Site, the last offshore dumping site in the US. But how best to achieve that goal is unclear. Several routes are being taken, and the best policy right now is to pursue each of them. For instance, there is anti-dumping legislation in Congress, which sets 1991 as a target date to halt dumping. Many believe this is too long to wait, and besides, the bills contain nothing to prevent another court-ordered extension of the deadline. One bill (HR 3938/S 2066), authored by Rep. Claudine Schneider (RI), does contain provisions to force a phase-out and is therefore preferrable to the others, but it still would allow several more years of degradation, which the offshore fisheries may not be able to withstand.

Because of the uncertainty of getting Congressional action this year - an election year - and the need for something to be done right away, the CCOD is seeking legal action to bring an immediate halt to ocean dumping at the 106 Mile Site, while supporting long-term legislation to put a permanent end to the option of disposing of harmful wastes at sea. The National Coalition for Marine Conservation supports the CCOD in its efforts. For further information, write to Coalition to Cease Ocean Dumping, P.O. Box 541, Narragansett, RI 02882.

GROUP JOINS CALL FOR NEW TUNA POLICY

The United Sport Fishermen (USF), an umbrella group for recreational fishing and fish conservation groups from around the country, adopted a resolution at its March meeting advocating the inclusion of tunas under US management jurisdiction. NCMC executive director Ken Hinman, who was invited by USF to make a presentation on US tuna policy, summarized events leading up to our present position of excluding tunas from the Magnuson Act and the problems it has created for fisheries management: 1) the obstruction of efforts to conserve other large pelagics, namely swordfish and billfish; 2) the virtually unregulated harvest of tunas off the US coast; and 3) strained relations with other nations which claim rights to tunas. Hinman concluded by recommending that the Magnuson Act be amended to extend US management authority to all highly migratory species, including tunas, and that the US continue to participate and cooperate in international agreements to conserve highly migratory fish. This position was approved by consensus of USF.

HISTORIC WORLD SUMMIT ON BILLFISH

The future of the world's marlin, sailfish, swordfish and spearfish will be the subject of the International Billfish Symposium in Kailua-Kona, Hawaii on August 1 - 5, 1988. This historic conference will bring together, for the first time ever, experts in science and management from all over the globe to explore ways to improve the conservation of billfish in the Atlantic, Pacific and Indian Oceans.

The theme of the symposium is "Planning the Future of Billfish: Research and Management in the 90s and Beyond." For five days, scientists, managers, fishermen and conservationists from more than a dozen countries will meet to discuss the most critical issues facing the billfish fisheries today, and help to set priorities for the study and conservation of billfish for decades to come.

The billfishes, because of their extraordinary size, strength and beauty, rank among the most revered game fish of all, sought by anglers from Cape Cod to Capetown, Kona to Key Largo. Billfish are the object of established commercial fisheries, too - primarily the broadbill swordfish, but marlin and spearfish have also been traditionally targetted by fishermen from several nations - and new commercial fisheries for billfish, such as the one in the US, are emerging as other pelagic species become scarce. A very substantial number of billfish are also taken as a by-catch in the tuna fisheries.

A basic premise of the symposium is that in order to insure the continued abundance of billfish and thereby preserve future fishing opportunities, we must have a better understanding of the fish and the impact of fishing activities on the numbers of fish. Unfortunately, our knowledge of the life histories and habits of billfish is limited, as is information on the make-up and distribution of the stocks. And we know relatively little about the true extent of the world harvest of billfish, or the present condition of billfish populations.

Moreover, international management policies for billfish and other highly migratory fish are guided more by politics than conservation. The paucity of information on billfish only exacerbates this problem. New and innovative strategies for enhancing billfish science and management are needed.

The International Billfish Symposium will be an unprecedented effort to deal with these critical research and management issues. The most respected authorities on billfish, from the US, Japan, Australia, Mexico, New Zealand, Africa, Europe and elsewhere, will examine the status of the stocks and trends in the fisheries, assess the effectiveness of current research and conservation efforts, and make recommendations on how to improve both the level of science in support of management and the institutional framework for achieving management objectives. There will be five days of panels and sessions featuring expert presentations, each concluding with open discussions involving the audience. All papers presented at the symposium, and the discussions they generate, will be published by the National Coalition for Marine Conservation.

The billfish symposium is organized by the NCMC, and co-sponsored by the National Marine Fisheries Service, Inter-American Tropical Tuna Commission, Hawaiian International Billfish Association, US Fish and Wildlife Service, International Game Fish Association, Pacific Gamefish Research Foundation, Sport Fishing Institute, The Billfish Foundation,

Instituto Mexicano de Pesca Deportiva, the Fundacion Mexicana para la Conservacion de los Peces de Pico, and the Japan Game Fish Association.

For information on the program and agenda, registration, and reservations at the King Kamehameha Hotel, write: International Billfish Symposium, c/o NCMC, P.O. Box 23298, Savannah, GA 31403.

DRIFTNET BAN SETBACK

The NCMC has criticized the National Marine Fisheries Service (NMFS) for its decision to reject a South Atlantic and Gulf of Mexico Fishery Management Council proposal to prohibit the use of driftnets in the king mackerel fishery. That decision clearly demonstrates, in the opinion of the NCMC, that the agency still clings to a laissez-faire attitude toward fisheries exploitation, and is out of step with recent trends in the management of troublesome fishing gear.

Driftnets (also known as drift gillnets or entanglement nets) are a singularly destructive and wasteful method of fishing. Driftnets create an invisible wall of netting, stretching through the water for several miles, which indiscriminately gills or entangles whatever creature comes in contact with it - be it fish, mammal or seabird. Because they are set and then allowed to drift with the current for hours, usually untended, before they are retrieved, nets or portions of the nets are often lost, severed by other vessels, or cut loose when snagged on submerged objects. These derelict nets, made from synthetic nylon and plastic materials, continue to ghostfish indefinitely.

The NCMC believes, as do a growing number of marine conservationists, that driftnets are an inappropriate way to catch fish. Driftnets have a documented history of indiscriminately killing substantial numbers of non-target fish and marine animals, which are either important to other fishermen or to the ocean ecology. They create conflicts with other users and an unfair allocation of the resource among those users. Allowing the use of driftnets is neither in the best interest of fisheries management, nor the management of marine resources in general.

Many public officials are beginning to agree. Greater awareness of the adverse effects of driftnets is leading to either strict controls on their use or moves to outlaw them altogether. The US Congress, for example, passed legislation in December directing the Commerce Department to negotiate with Japan and Taiwan to reduce the devastating impact of their salmon and squid driftnets on marine life in the North Pacific. Last fall, the Canadian government declared a total ban on the use of driftnets within that country's territorial waters.

Since 1985, driftnets have been used increasingly to catch king mackerel off the east coast of Florida. In January, the South Atlantic Council, with the solid backing of its Gulf counterpart, with which it jointly regulates the mackerel fishery, proposed amending the federal mackerel plan to outlaw driftnetting. (Under agreement reached last fall, the netters are not allowed to fish on the severely depleted Gulf stock of kingfish.) In recommending the driftnet ban, the Councils cited both the level of wasteful by-catch (amberjack, barracuda, sailfish, etc.) and the adverse impact on traditional handline trollers and anglers.

NMFS, which must approve Council recommendations, denied the request for a "regulatory amendment," instructing the Councils to develop regulations for driftnets via the formal amendment process, which would

take more than a year. According to criteria set forth in the mackerel plan, regulatory amendments, which can be implemented in 90 days, can only be used to resolve user or gear conflicts that arise in the fishery. In explaining his decision, Joseph Angelovic, NMFS director for the southeast, asserted that "The present record does not establish a user or gear conflict within this fishery," only increased competition, and thus a regulatory amendment is "inappropriate."

The NMFS veto dismisses not just the Councils' recommended action, but also its assessment of the threat driftnets pose to the mackerel fishery. The Councils clearly view intensified competition for a limited resource, in a limited area - the direct result of the introduction of new, highly-efficient gear into a fishery already crowded with other users, i.e., hook and line fishermen - as a user/gear conflict. Landings for the commercial handline trollers in southeast Florida, many of whom were previously squeezed out of the Gulf fishery by the introduction of roller-rigged gill nets in the late 1970s, have dropped sharply since the advent of the driftnets. The driftnetters share of the catch in southeast Florida has jumped from 16 percent in 1986 to 54 percent in 1987.

The Councils are also disturbed about the documented by-catch. NMFS observers report that for every two fish landed in the driftnets, one fish is discarded. No one knows how many are killed and drop out of the nets before they're pulled in, a problem common to entanglement nets. Localized overfishing is also a serious concern. Where the driftnets are deployed, there is sufficient evidence to show that other fishermen in the area are being deprived of access to the resource. The Council members are mindful that similarly intensive fishing by roller-rigged gillnets eventually led to the near collapse of the Gulf stock as the netters continually overfished one area before moving on to another.

NMFS, however, doesn't acknowledge these concerns but sees the problem before the Councils merely as one of allocating the resource among users. Indeed, Angelovic suggested the Councils might resolve that issue by setting a quota for driftnets, hinting that his beef is not so much with the process the Councils are using to prohibit driftnets, but with the ban itself; that it would be rejected under any circumstances. NMFS is once again substituting its judgment for that of the Councils, and the mackerel fishery may once again suffer as a consequence.

Perhaps the NMFS leadership should re-read the federally-appointed Mackerel Committee's 1987 report on the causes of the Gulf debacle. The Committee recommended that, to avoid a recurrence, managers should "adopt a more conservation-oriented philosophy"; achieve "closer coordination between fisheries development activities and fisheries management to ensure that they are not acting at cross purposes"; reject "the presumption that regulation in the face of uncertainty is not needed"; and that NMFS should not substitute its judgment for that of the Councils unless it "has no basis in the record or is otherwise absolutely contrary to law."

The Gulf stock of mackerel was nearly destroyed because managers who weren't sure about the condition of the fishery nevertheless encouraged the expanded use of new, more-efficient gear. Nothing was done to protect the resource in advance, only after a crisis had developed. The Councils have taken the mackerel committee's advice to heart and are acting conservatively to protect both the Atlantic group of mackerel and the fishermen who use it. NMFS, on the other hand, is still following to the dangerous course of blithely promoting the increased exploitation of a fishery until it's in trouble.

A NATIONAL POLICY FOR RECREATIONAL FISHERIES

The NCMC has endorsed the guiding principles, goals and objectives of the National Recreational Fisheries Policy being promoted by the U.S. Fish and Widlife Service. The Policy, developed with input from government agencies and private constituency groups, is meant to provide long-term goals for conserving and enhancing the nation's recreational fisheries.

The policy statement puts the emphasis in the right places: on conservation and resource protection, on public involvement in resource management, and on improved cooperation among all government agencies involved with fisheries or their habitats. The policy sets forth goals for resource use which, though stated as part of a recreational policy, will benefit all resource users, commercial included, and the public as a whole. In addition, it complements the policy being developed by the National Marine Fisheries Service.

The policy declares: 1) The nation's recreational fisheries provide substantial benefits to all Americans, to the health and welfare of our society, and to the national economy; 2) These benefits derive from healthy and robust fish populations and related habitats. A concerted effort is required to maintain, restore, and increase the productivity of these populations and habitats to provide for continuing public benefits; 3) Governments, vested with stewardship responsibilities, must work with the recreational fisheries constituency and the general public to conserve, restore, and enhance fisheries and their habitats; 4) Constituency groups, the recreational fishing industry, and individual anaglers have an obligation to support natural resources stewardship, practice responsible angler ethics, and actively participate in individual and cooperative fishery resource conservation efforts.

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THE FOX IN THE HEN HOUSE

"The goal of conservation is to maintain resource productivity for future generations. Allocation relates to the needs and expectations of fishery users...When the two processes are combined...the pressures are always to add more effort to serve the interests of more users." - NOAA Fishery Management Study, 1986

The Congressional authors of the 1976 Magnuson Act created Fishery Management Councils made up of citizens representing regional fishery interests for one reason - to keep management "close to the docks" and thereby enhance the Councils' credibility and support among fishermen. But the idea of making the people who stand to profit financially from the fisheries under management responsible for deciding who should catch how many fish has always been a controversial one.

At worst, critics charge, making managers out of fishermen assures the emphasis in fisheries management will be on exploitation, not conservation. At the very least, they argue, it turns the Council appointment process into a political battlefield, pitting user group against user group in the fight for representation, while the qualifications of the candidates take a back seat.

Yet in spite of serious concerns about conflict of interest on the Councils, conservationists and recreational fishing groups have by-and-large been reluctant to try and bar professional fishermen (that is, anyone with a financial interest in the harvest of fish) from Council membership. For one thing, there is the worry that excluding the fishing industry would severely erode its support for the Council system and thus undermine federal fisheries management altogether. Besides, the Councils have become progressively less dominated by commercial interests, as recreational fishermen flex their political muscle.

But recent events are igniting renewed debate over the conflict of interest issue, suggesting that it is time for Congress to once again re-examine what it has wrought. The spark is new federal guidelines for determining the qualifications of prospective Council members, guidelines which clearly favor the appointment of professional fishermen and their paid lobbyists. The change in criteria has in turn legitimized and

strengthened the efforts of the commercial fishing industry to reverse the progress made toward achieving a fair balance of recreational and commercial interests on the eight Regional Councils. As a result, the Council system threatens to become more political than ever, with the interests of the resource possibly lost in the fray.

Under industry pressure, Congress in 1986 added language to the Magnuson Act directing the Secretary of Commerce to give priority for Council membership to active participants in the fisheries or their representatives, over individuals who are simply knowledgeable about the fisheries. The guidelines NOAA prepared for the Secretary, and released prior to this year's appointments, virtually require that appointees either make their living in the fishing industry (commercial or recreational industries) or be an industry lobbyist. The outright bias in favor of commercial fishermen is implicit in the pointed statement that "Fishing recreationally is not by itself sufficient experience" to earn a seat on a Council, while merely being a commercial fisherman is.

It should be obvious that the new criteria do nothing to enhance the quality of the people appointed to the Councils, but do everything to ensure that the fishing industry will have a prominent, if not predominant, role in Council deliberations. The predictable consequence will be to give added influence to exploitative interests, resulting in increased harvests to accommodate the needs of the industry.

How to rid the Councils of politics and special interests without destroying them? The 1986 NOAA Fishery Management Study, popularly known as the Calio Report after the former NOAA chief who commissioned the study, had an answer. Just two years old, that Report has apparently already been relegated to a shelf in Washington; it should be dusted off and re-read, because it had some excellent suggestions on how to enhance fisheries management. Two of these - separating the conservation and allocation decisions, and improving the method of selecting Council members - would do much to take conservation out of the political arena.

The authors of the study accurately observed that the Councils, composed as they are of representatives of competing user groups, cannot effectively serve the Magnuson Act's conservation goals if they are at the same time attempting to accommodate all the economic interests in the fishery. Instead of barring professional fishermen and industry people from the Councils, they recommended giving the authority for deciding the allowable catch level for each fishery to NOAA, where it would be made based on biological considerations without regard to user needs. After the total catch is set, and only afterward, the Councils would allocate it among the users. Finally, the selection of Council members would be revised, so that all nominations are accepted and reviewed by a national board of non-partisan individuals, free from outside political pressure. The board, instead of the state governors, would submit a short list of the three best qualified persons to the Commerce Secretary.

GILLNET ISSUE CAPTURES NATIONAL ATTENTION

"A Sea of Calamities" is how SPORTS ILLUSTRATED described the widespread misuse of gillnets in a major feature article in the magazine's May 16 issue. The article, which quotes the National Coalition for Marine Conservation (NCMC) extensively on the range of resource-threatening problems associated with gillnets, focuses on the use of anchored nets to fish for cod, haddock and other groundfish on Georges Bank. The story author Clive Gammon tells is one of poor quality fish, conflicts with other

fishermen, lost gear, and the incidental catch of unwanted species, including numerous porpoise. It is, in other words, a stinging indictment of the unregulated practice of gillnetting.

Interviews with sport fishermen and trips aboard charter fishing boats reveal the enmity with which many anglers in New England (and elsewhere) view gillnets. Hundreds of miles of nets are strung across the prime Georges Bank fishing grounds - "wall-to-wall gillnets" says one angler - preventing hook-and-line fishermen from setting their gear in the most productive areas and, they claim, overfishing the local stocks. But it is Gammon's voyage aboard a gillnet vessel captained by Tom Morse that provides the most damning evidence.

Capt. Morse's boat is named the "Surprise," although no one familiar with the controversy in New England would be surprised at the gillnetters' catch. Morse retrieved his nets after leaving them in the water for two and a half days (because of foul weather), only to find the fish so decomposed and eaten by sand fleas as to be barely marketable. The netter and his crew seemed to take this in stride, though, suggesting perhaps it may be a common occurrence. But what they found in their net next was much more disturbing - a dead harbor porpoise, one of the few species of porpoise found in the North Atlantic. Then another, and another...a half-dozen in all had been entangled in this one gillnet and drowned. And the six porpoise were only a fraction of the many animals killed by the indiscriminate net and thrown back into the sea, wasted.

While the crew sought to portray the damaged catch and especially the dead porpoise as a fluke, poorly tended nets and a big by-catch of fish, shellfish and marine mammals are not uncommon to gillnetting. Nor is Capt. Morse a rogue gillnetter guilty of isolated abuses; he is, in fact, the president of the New England Gillnetters Association, a group which steadfastly opposes any regulation of the gillnet fishery.

The NCMC has consistently joined with concerned New England fishermen in supporting a number of reasonable regulations which would permit the commercial cod fishery to continue but alleviate some of the problems of gear conflict, ghostfishing by lost gear, and the catch of unwanted species. Measures proposed include: mandatory tending of all nets by their owners; mandatory marking; maximum lengths for strings of nets and minimum spacing between nets; a cap on the number of nets allowed in the fishery; closed areas; and alternating access for gillnetters and anglers to the most crowded fishing grounds. Each of the above have been rejected by either the New England Fishery Management Council or the National Marine Fisheries Service or both. As a result, gillnetting on Georges Bank continues largely unrestricted. But the increasing attention being brought to this issue, by the SI article and other efforts, is putting enormous pressure on fishery managers to rein in the destructive use of gillnets everywhere.

SHARKS: RECOGNIZE AND RESPECT BIOLOGICAL LIMITATIONS

In January 1987, the NCMC predicted the national boom in shark fishing was headed for a crash. Nothing has changed since to alter that forecast. At the time, we recommended increased studies into the dynamics of shark populations, and conservative management strategies which take into account the shark's unique biology. While we are pleased to report that research is proceeding apace, action to regulate fishing pressure is still over the horizon.

Shark landings by recreational and commercial fishermen are increasing dramatically on every coast. The biology of most species of shark - they mature slowly, and reproduce in small numbers after a long gestation period - make them particularly vulnerable to overfishing. Indeed, every major shark fishery we know of has collapsed after only a few years of intensive fishing, and require many years to recover. If ever a fishery were in need of preventive measures to protect it from impending disaster, it's the shark fishery. But what kind of protection is needed, and how will it be applied? Those are the tough questions fishery conservationists are struggling to answer.

In the recreational fishery, anglers must be made aware of the need to conserve sharks by releasing fish they don't intend to eat, mount or otherwise use. There is no place in recreational fishing for the pseudo-macho attitude of killing a big shark simply to show it off at the marina. Sport fishermen must also learn the value of tagging the sharks they release. Actually, inquiries to the NMFS shark tagging program in Narragansett, Rhode Island are already on the rise. Jack Casey, who heads up the shark project, believes that now is a very critical time to promote tagging, while the information on growth rates, migrations, and stock structure can still benefit conservation.

Controlling the growth of the commercial fishery, whose potential to harvest large numbers of fish is tempered only by the size of the market for those fish, presents a more difficult challenge. The Regional Fishery Management Councils are presently studying the need to develop a plan to regulate shark fishing, but the plan they adopt will likely do little more than establish a system for collecting data on the fishery. As crucial as that is, it's not enough.

In theory, the aim of fishery management is to prevent overfishing. In practice, the prevailing philosophy among managers is that there must be scientific proof that overfishing is occuring before restrictive regulations can be enacted. Applying this philosophy to sharks is courting disaster. Because of the "boom and bust" nature of shark fisheries, by the time a decline is evident it will be too late to prevent a stock collapse.

Steve Berkeley, a biologist with the South Atlantic Council, agrees that treating sharks like other fish is asking for trouble. For sharks, he points out, there is a more direct relationship between the size of the adult spawning population and reproductive success. That's because the adults give birth to only a few pups each year, whereas other fish can lay millions of eggs in a single spawning. So a substantial reduction in the number of adult shark will have a much more drastic effect on that stock's ability to reproduce than a similar reduction would for other fish stocks.

Because the unique biology of sharks demands that science and management be even more closely coordinated than for other fisheries, a more conservative and innovative approach is necessary. This approach, for example, must recognize that some species of sharks should not be harvested in a directed commercial fishery, while others should be restricted to only low-intensity fisheries.

The NCMC supports the Councils' efforts to implement a Fishery Management Plan for Sharks. That plan, we believe, should contain three basic elements: 1) data collection on the recreational and commercial catch and effort; 2) a campaign to educate the public about shark conservation and tagging; and 3) a framework management strategy. This framework plan should establish a standing stock assessment group to

closely monitor the fishery; require regular stock reports to the Councils; define a safe, "threshold" level of catch for each species; and finally, outline a procedure for implementing catch restrictions in a timely manner upon the advice of the stock assessment group.

In sum, managers and biologists must cooperate fully to assure that the Councils are operating with the best scientific advice possible, and that signs of overfishing are identified and reacted to quickly. At the very least, the exercise of developing a conservative plan for sharks will be an educational one, with the problems encountered and the solutions proposed useful in the management of other fisheries in the future.

NCMC-PACIFIC RELEASES ABUNDANT OCEAN PLAN

A comprehensive study of the management of ocean fish off the coast of California has been published by the NCMC-Pacific Region. The report, "Toward a More Abundant Ocean: Improving Fisheries Management in California," describes the state's fisheries in biological and economic detail, reviews the effectiveness of current management, and suggests alternative approaches that would result in more abundant ocean resources.

"Threats to the continued health and well-being of our fisheries are coming from three general directions," says the NCMC-PR: "important fish habitats are being lost, pollution is affecting the water column and its life-giving functions, and overfishing is reducing many stocks to dangerously low levels." However, the effective management of California fisheries is inhibited by the fragmentation of management authority among local, state and federal agencies often working in opposition rather than cooperation. Uncertainty pervades ocean management because of insufficient scientific knowledge of the fish, ocean ecosystems and man's impact on both. And the general public, to whom the resources belong, is not adequately involved in management, says the report, leaving decisions to bureaucrats and the most powerful special interests.

The purpose of the study is to provide a better understanding of the problems now facing California's fishery resources and the users of those resources, and the role that alternate management schemes could play in addressing these problems. The NCMC-PR will use its study to generate at least three alternative ocean resource management models to present to the state legislature to replace the present inadequate system. A series of statewide forums is planned to air the plan and gather public input and support. More information on the Abundant Ocean Plan is available from the NCMC-PR, 10665 Sorrento Valley Road - #230, San Diego, CA 92121.

BILLFISH PLAN WILL SET CONSERVATION PRECEDENT

Whether or not you've ever fished for marlin or sailfish, or ever will, you've got a stake in the pending federal Fishery Management Plan for Atlantic Billfish. If approved by the Secretary of Commerce this summer, the billfish plan will set historic precedents for the future use and conservation of ocean fish.

The plan outlaws the sale of billfish (except for swordfish) caught in the Atlantic and sets minimum size limits for fish not released by anglers. Because its stated objective is to maintain the highest availability of billfish to the recreational fishery, it's been termed by some a "socio-economic plan." But that's a misnomer. What truly distinguishes this plan from others is that it is the first to make conservation rather than exploitation its primary goal.

The five Atlantic Region Councils have declared recreational fishing to be the best use of the billfish resource, i.e., it brings the most benefit, socially and economically, to the nation. Accordingly, the plan recognizes that the resource is most valuable to the recreational fishery when maintained in a state of abundance. The "optimum yield" from the fishery is not measured in the number of fish harvested (most recreationally-caught billfish are released alive), but is instead defined as maintaining the largest population of fish possible in order to enhance the anglers' chances of hooking a marlin or sailfish.

Management plans written under the Magnuson Act are supposed to prevent overfishing, but typically they merely react to it, at which point their sole purpose becomes rebuilding depleted stocks. The billfish plan, on the other hand, would enact measures to conserve this important fishery in advance of the severe decline that will inevitably occur if the growing commercial exploitation of billfish is allowed to continue. This precedent - setting a specific goal for a fishery and acting ahead of time to achieve that goal - can and should be applied to the management of other species; most notably bluefish and shark, major fisheries currently in a state of abundance but likewise coming under increasing fishing pressure.

* * * * *

Note: Articles featured in the MARINE BULLETIN express the point of view of the National Coalition for Marine Conservation, a non-profit, privately-supported organization dedicated to better fishing through conservation and environmental protection.

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A BIG VICTORY FOR BILLFISH...AND MORE

On September 1st, US Secretary of Commerce William Verity approved new federal regulations to reduce fishing mortality on marlin and sailfish. The Fishery Management Plan for Atlantic Billfish, developed by the South Atlantic Fishery Management Council in cooperation with the New England, Mid-Atlantic, Gulf of Mexico and Caribbean Councils, will become law on October 18th. After that date, the sale of billfish (with the exception of swordfish) caught in the Atlantic will be illegal, commercial vessels will be prohibited from possessing billfish while in US waters, and anglers will observe strict minimum size limits for all fish caught and not released alive.

"It's been a long time coming, and not a moment too soon," declared NCMC executive director Ken Hinman, chairman of the South Atlantic Council's billfish advisory panel. "Approval of the Plan, which will end commercial exploitation of Atlantic billfish in the US, marks a major victory for billfish, billfishermen, the cause of conservation, and not least of all, the fisheries management process itself. And it shows what can be accomplished when recreational fishermen and conservationists pull together behind a common goal."

The major provisions of the Billfish Plan include: A prohibition on the sale of blue and white marlin, sailfish and longbill spearfish caught in the Atlantic, Caribbean or Gulf of Mexico; minimum size limits of 86 inches (lower jaw to fork of tail) for blue marlin, 62 inches for whites, and 57 inches for sailfish; possession restricted to rod and reel fishermen only; mandatory reporting of catch and effort data by selected fishing tournaments; non-retention of billfish by foreign vessels in US waters (as required by preliminary regulations); and an exemption for the sale of fish from the Puerto Rican handline fishery, when and if all five Councils approve a method of permitting and monitoring this small artisanal fishery.

Years of Frustration End

The Councils have been wrestling with a way to conserve billfish in the Atlantic since 1977, but without success -- until now. The principal objective of the Councils has always been to maintain marlin and sailfish populations in abundance for the traditional recreational fishery. But prior attempts to prevent commercial overfishing, mainly by restricting the by-catch of billfish in the tuna longline fisheries, always ended in

failure because of the controversial US policy not to restrict tuna fishing (tunas are not regulated under the Magnuson Fishery Conservation and Management Act).

A decade of frustration in billfish conservation, however, may have finally come to an end. (Ten years, incidentally, in which the commercial billfish harvest in the Atlantic has tripled, according to the Food and Agriculture Organization of the UN.) A plan built around outlawing the sale and importation of billfish, instead of trying to limit longlining directly, developed in response to exponential growth in the domestic tuna fleet in the Gulf of Mexico and movement of American swordfish longliners into the Caribbean during the early 1980s. This increased level of longlining in tropical and sub-tropical waters meant an extraordinary rise in the incidental capture of marlin, which then began to appear regularly on restaurant menus and in markets up and down the east coast.

In March 1985, leaders of the marine recreational fishing community met at an NCMC-sponsored conference in Hilton Head, South Carolina, where they voiced serious concern about the growing commercialization of billfish in the US, and fears that the Atlantic stocks could not long sustain the added fishing pressure. A resolution was passed by the conferees calling for a national prohibition on the sale of marlin and sailfish. A short time later, in June of that year, the Councils agreed to make a ban on the sale of billfish the centerpiece of the Billfish Plan.

A United Effort

From its inception three years ago until its recent approval, the no-sale Billfish Plan has been a cooperative effort with many key players. Special credit, though, must go to members of the five Atlantic Region Councils and their staffs: first, for recognizing and responding to the unique needs of the billfish fishery; second, for working closely with the recreational community throughout the Plan development process; and third, for pursuing implementation of the Plan with dogged determination. The National Marine Fisheries Service, too, under the direction of NOAA chief William Evans and new fisheries director Jim Brennan, is to be commended for backing the Councils when the Plan reached Washington, where it encountered significant opposition from within the administration (namely from the Office of Management and Budget and the Small Business Administration, on behalf of the commercial industry and taxidermists respectively).

At this point, the only thing that could stop the Billfish Plan from taking effect would be a lawsuit by the commercial fishing industry. The National Fisheries Institute, which represents fish importers and processors, has reportedly announced its intention to file. It is impossible to predict how any court might rule on a challenge to the Plan. But NOAA attornies, after carefully reviewing all the regulations in accordance with the Magnuson Act and other applicable federal laws - and well aware of the possibility of a suit - judged the Billfish Plan legally defensible and are presumably ready and willing to defend it in court, if necessary.

NOAA/NMFS's decision to go with the judgement of the Councils on how best to manage billfish, instead of substituting its own, is significant, particularly given the unprecedented approach taken by the Councils. Indeed, in so many ways the Billfish Plan represents an historic step forward for US fisheries conservation and management. The Councils started by acknowledging that recreational fishing for marlin and sailfish is far

and away the best use of the resource, i.e., it brings the most benefit, socially and economically, to the nation. They determined that the expanding commercial market for billfish is a direct threat to billfish conservation, and established specific measures to protect the resource in order to enhance the present and future value of the recreational fishery. But above all else, the Billfish Plan has the long-term conservation, not the short-term exploitation, of billfish as its primary goal. Conservation before overexploitation; now that's progress!

A NATIONAL RESPONSE TO MARINE DEBRIS

Plastic pollution is arguably the most pervasive problem facing ocean conservationists today. Persistent plastics are discarded into the marine environment in outrageous quantities: garbage from merchant, naval and fishing vessels; lost or discarded fishing gear; trash left by beachgoers and thrown overboard by boaters; and non-degradable refuse originating inland and washing into coastal waters via rivers or shore-side waste treatment plants. This marine debris is not just unsightly, but causes death or injury to millions of marine animals. Beach litter is an aesthetic and economic burden for most coastal communities. Safe navigation is jeopardized by the ubiquitous flotsam and jetsam clogging our waterways.

It's an enormous problem, and the pressing need to do something about it has been acknowledged across the nation and around the world, as reflected in numerous new initiatives at every level of government, including an international agreement by 28 nations to stop dumping plastics at sea (MARPOL), which goes into force this fall. Still there is so much we don't know about the nature and origin of marine debris and its impact on the ocean environment. For instance, what kinds of debris are the most dangerous to marine life; how much of it is there; and what are the different sources? How many fish and sea mammals are dying from ingesting or becoming entangled in plastics, and is it stressing their populations, inhibiting reproduction, etc.? What efforts will be most effective in reducing marine debris and lessening its impact on the environment? What are the alternatives to at-sea disposal? To the use of persistent plastic materials?

We must find answers to each of these questions if the limited resources (budget, manpower) at hand can be used effectively in resolving this problem. And our efforts will have to be well-coordinated, with the various national agencies responsible for the ocean, fish and wildife, and navigation working together to pool their information and their resources to find a solution to plastic pollution.

In 1987, in response to widespread concerns about plastic pollution, the US took an important step with the formation of an Interagency Task Force on Persistent Marine Debris, involving twelve federal agencies under the direction of the National Oceanic and Atmospheric Administration (NOAA). The Task Force was charged with assessing the extent of the pollution problem and the need for research, and identifying measures to address the problem. In May of this year, the group released its findings. Its specific recommendations, designed to re-orient the priorities and programs of the federal government to tackle marine debris, are grouped into five general categories:

¶ National Leadership. The federal government, says the Task Force, should take a leadership role, both in setting standards for state and local governments, but also in coordinating their activities, including US

interaction with international organizations. All federal agencies should cease disposal of plastics into the ocean as soon as possible, review their plastics use and disposal practices, and encourage recycling and the use of recyclable materials. NOAA should act as coordinator and information clearinghouse for all agencies involved with marine debris. The Administration should make a long-term commitment to supporting the NOAA Marine Entanglement Program, as well as enhanced research, development and monitoring associated with reducing plastic pollution.

¶ Public Education. The Task Force directs all federal agencies to work with state and local governments, industry, and environmental groups to develop and disseminate educational materials on the debris problem. An interagency information exchange should be set up, and the Coast Guard and other agencies should begin an educational program for vessel operators and boaters on new and impending regulations governing ocean disposal.

¶ Law Enforcement. Each agency responsible for enforcing laws to reduce plastic pollution should make these laws a high priority, says the Task Force report. The Regional Fishery Management Councils should, as part of fishery management plans, enact requirements that fishing gear, such as traps and pots, use biodegradable materials to reduce ghostfishing.

¶ Research. The Task Force asks for increased studies to identify and quantify the harmful effects of marine debris on marine fish and wildlife, with emphasis on threatened and depleted species; assess the losses to coastal economies; pinpoint land-based sources of pollution and their contribution to the problem; and determine the potential for using degradable plastics. NOAA should work with the fishing industry to find ways to reduce the loss of fishing gear and recover gear when it is lost.

¶ Clean-Up. Much of the public concern emanates from the most visible symptom of the problem, litter on our beaches. The Task Force calls on agencies to remove persistent plastic debris from beaches managed by the federal government; to work with local and private groups in support of beach clean-up projects; and help coordinate the collection and interpretation of data on types and quantities of debris removed.

The Interagency Task Force on Persistent Marine Debris was formed as a result of the activities of numerous conservation groups to achieve an awareness of and a national response to this ocean pollution problem. The NCMC has been pushing for action on plastic pollution for more than three years, and will continue to work with federal agencies, and with Congress, to encourage the implementation of these recommendations. More information on the findings and recommendations of the Task Force is available from Tim Keeney, Task Force Chairman, The White House, Washington, DC.

U.S. ADOPTS A NATIONAL RECREATIONAL FISHERIES POLICY

An ambitious and unprecedented effort to establish a national policy for conserving and enhancing recreational fisheries of the United States culminated in the official adoption of a "National Recreational Fisheries Policy" at a conference June 6-8 in Washington, DC. The Policy represents the collective efforts of state, tribal and federal government agencies, along with numerous private fishing organizations and industry representatives. President Christopher M. Weld endorsed the Policy on behalf of the National Coalition for Marine Conservation.

The Policy declares the substantial value of recreational fisheries to all Americans, and the reliance of the fisheries on healthy and abundant

populations of fish and related habitats. It lays out long-term goals for conserving fishery resources, and calls for cooperation and coordination among government and private entities in carrying out the objectives of the Policy. These goals are: 1) protect and/or increase the productivity of fishery resources; 2) ensure and enhance the quality, quantity and diversity of recreational fishing opportunities; 3) enhance partnerships between governments and the private sector for conserving recreational fisheries; and 4) achieve and maintain a healthy recreational fisheries industry. (For a copy of the National Recreational Fisheries Policy, write Frank Dunkle, Director, Fish and Wildlife Service, US Dept. of the Interior, Washington, DC 20230.)

The biggest question before the conferees meeting in the Capitol to celebrate adoption of the Policy was - how to translate this document from a piece of paper into a "living, breathing mechanism" to achieve improved fishery management and provide better fishing opportunities. "Don't let it gather dust," exhorted William Horn, the Interior Department's Assistant Secretary for Fish and Wildlife and Parks, as too often happens to well-intentioned documents which are unveiled to much fanfare and then quickly forgotten.

The consensus was that if the Policy is to truly effect change in the way our fishery resources are managed, its recommendations will have to be implemented by every entity involved in its development - government, industry and private fishing and conservation groups - with each encouraging and cooperating with the others in this endeavor. This is especially true in the area most often cited, in the document as well as at the conference, as crucial to improved recreational fisheries - the preservation of fish habitat.

Most also agreed, however, that the Policy is already worth more than the paper it's written on, because fundamental changes - in awareness and attitude - have occurred during the process of developing the Policy, a process never before attempted on so large a scale. Every government agency with some stewardship responsibility for fisheries, and all the major recreational fisheries and conservation groups, were involved in clarifying and prioritizing the issues, and grafting a consensus for action.

On top of that, many groups, such as the NCMC, are already pursuing the ends cited in the Policy. It is up to these groups to determine how the Policy can add legitimacy and force to their efforts; how it can be used to hold the federal agencies' feet to the fire where fishery conservation is concerned. In this sense, the Policy is both a "call to arms" for the recreational/conservation community and an additional reserve of ammunition with which to fight to protect and conserve fishery resources.

CONGRESS APPROVES MORATORIUM ON OFFSHORE DRILLING

The fertile fishing grounds of Georges Bank, perhaps the most productive in the North Atlantic, may soon be off limits to all future oil and gas development. In April, Canada declared a moratorium on drilling that country's share of the Bank until the year 2000, because of the potential threat it poses to the fisheries and the area's fragile marine environment. Legislation to ban drilling on the US side through 1989 was recently approved by the US Congress. Congress also approved restrictions on energy development in other highly productive and sensitive ocean areas off the northern coast of California and southern Florida.

The sponsor of the legislation, Rep. Gerry Studds of Massachusetts, says he is hopeful the next US president, whether George Bush or Michael Dukakis, will take Canada's lead and prohibit drilling on Georges Bank indefinitely. The Reagan Administration's long-range plans to lease drilling rights on the Bank have been steadfastly opposed by the State of Massachusetts, every fishing and environmental group in New England, and the regional office of the Environmental Protection Agency. (Proposed lease sales off California and Florida have met with equally strong opposition from state officials and local fishing groups.) Each year since 1983, Congress has vetoed the sale of tracts in the most environmentally sensitive areas of Georges Bank, in waters less than 60 meters deep. The bill passed this year, however, extends those protections in 1989 to the entirety of Georges Bank out to the 400 meter isobath. This, says Studds, would protect "virtually all of the critical fishery habitat and would prohibit development within the bank's circular currents, which play a crucial role in retaining nutrients to maintain the area's high productivity."

SYMPOSIUM CALLS FOR GREATER INTERNATIONAL EFFORT IN BILLFISH CONSERVATION

The compelling need for greater global cooperation to conserve wide-ranging species of marlin and swordfish, in the face of equally widespread uncertainty as to the health of these fisheries, was the overriding theme of the recently concluded International Billfish Symposium, organized by the National Coalition for Marine Conservation and co-sponsored by a dozen fisheries organizations from the United States, Mexico and Japan.

More research into the biology, behavior and distribution of billfish (marlin, sailfish, swordfish and spearfish), the establishment of a global network for gathering fisheries data to assess the condition of the stocks, and higher priority for billfish concerns within regional and ocean-wide management regimes were among the recommendations highlighting the Symposium, held August 1-5 in Kailua-Kona, Hawaii.

This historic gathering of the world's foremost billfish authorities attracted 160 scientists, managers, conservationists and fishermen from fifteen countries with an established or developing interest in billfish. A total of sixty papers were delivered and discussed during the week-long conference, covering such topics as trends in the recreational and commercial fisheries, the current status of billfish populations, research needs and priorities, and management strategies. The very latest studies in growth, reproduction, stock identification and stock movements, by scientists from every corner of the globe, were presented, as were papers on the socio-economic value of billfishing.

The state of billfish in 1988, according to a consensus of speakers at the Symposium, can be summed up this way: Fishing pressure is mounting on the world's already heavily-exploited stocks of swordfish and marlin. If present trends continue, and the fisheries remain unregulated, fishermen can expect serious declines in catches in the near future. Severely aggravating the situation is the fact that data on billfish catches in the Atlantic, Pacific and Indian Oceans is poor and generally unreliable, as speaker after speaker attested. Efforts to manage the harvest of billfish lag far behind the need to do so, or are non-existent. This is largely due to the inter-relationship between the commercial tuna longline fisheries and the incidental longline catch of billfish, and the nearly complete subordination of billfish concerns to the interests of tuna fishermen in setting management objectives for these highly migratory species.

These were some of the recommendations made at the Symposium to improve billfish research, data collection and management:

Research. The amount and focus of research necessary to conserve billfish was the subject of lengthy discussion. Though a number of presentations introduced information which was not available at the time of the previous Billfish Symposium in 1972, progress in most study areas over the last sixteen years has proven woefully inadequate to meet present day needs. There was a general demand for increased levels of research across the board, but ceding limits on funding and manpower, the emphasis was placed on obtaining the information most needed to support stock assessments and to evaluate the impact and effectiveness of management measures. Stock identification, age and growth studies, mortality rates, catch rates, and length frequency data were cited as critical information needs.

The present unsatisfactory level of research was blamed on, among other things, the small number of scientists engaged in full-time billfish work (many assigned to pelagic fisheries spend the majority of their time on tunas), which in many countries merely reflects the low priority and minimal funding still accorded recreational fisheries. To promote the necessary research, private fisheries organizations must demonstrate stronger public support for billfish programs. The trend among sport fishermen toward releasing marlins and sailfish, which greatly assists tagging studies aimed at getting information on stock distribution and life cycles, should be encouraged and expanded in all areas of high angling activity. Finally, the scientists in attendance agreed that a follow-up technical conference should be convened, preferably within a year, to maintain the momentum of support for enhanced research generated at this year's meeting, and that regular billfish symposia with international participation should be planned.

Data Collection. The fisheries for billfish involve many nations and occur throughout the far-reaching oceanic range of the fish. More comprehensive data on the true extent of the commercial and recreational catch and effort around the world is absolutely vital to monitoring the status of the stocks. The creation of ocean-wide data banks, using existing international fisheries organizations, was proposed with unanimous support. The information collected should be widely disseminated among all nations involved in billfish management.

In this regard, the new ICCAT initiative to monitor billfish catches in the Atlantic was singled out for praise, and there was support for expanding that effort, and for initiating a similar effort in the Pacific. An informal meeting of representatives of Pacific Rim nations to discuss a coordinated data collection program was suggested. As for making the best of today's insufficient data sets, speakers recommended working to simplify the population models used in assessing the stocks and adapting them to fit the type and quantity of numbers available for analysis.

Management. Although there was a clear difference of opinion between advocates of national efforts to manage highly migratory species (billfish and tunas) and those supporting management by international agreement only, it was evident these differences are by no means irresolvable. For example, the efforts of individual nations to conserve highly migratory species within their own 200 mile zones are an accepted reality (viz., the US Atlantic Billfish Plan and recent actions by Mexico and Australia), while international agreements which complement national efforts are generally viewed as a vital component of conservation.

Nations belonging to international fisheries organizations were urged to offer more political, scientific and financial support to billfish conservation programs within those organizations, and to explore ways of using them to control billfish harvests on the high seas, beyond national jurisdictions. At the same time, obstacles to national management of billfish and other highly migratory species should be removed; in the US, for instance, by amending the Magnuson Act to include regulation of tuna fishing. Regional fisheries agreements, in such areas as the Caribbean Sea and the Indian Ocean, should be considered in order to bring smaller, developing fishing nations into the conservation process and give special protection to so-called fishing "hot spots."

Future issues of the MARINE BULLETIN will feature in-depth articles on the Fisheries, Status of the Stocks, Data Needs, and Management, based on papers presented at the Symposium. The complete proceedings of the International Billfish Symposium, including papers, panel and audience discussions, and concluding recommendations, will be published in two volumes by the NCMC.

Bulletin Edited by 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, privately-supported organization dedicated to better fishing through conservation and environmental protection.

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ONCE BITTEN, TWICE SHY

With the disastrous mismanagement of king mackerel in the Gulf of Mexico fresh in their minds, federal fishery managers are determined to take a more conservative approach to protecting the Atlantic migratory group of kings. Earlier this year the South Atlantic and Gulf Councils moved to head off any further decline in the Atlantic stock by cutting the 1988-89 fishing quota by nearly a third. Now they have followed with a proposal to outlaw the use of driftnets, run-around gill nets and purse seines, a measure they say is necessary to assure the survival of the traditional commercial and recreational fisheries.

After reviewing the newest population assessment last April, the two Councils concluded that the Atlantic stock is either on the verge of being overfished, or already over-exploited. Catch rates for both recreational anglers and commercial trollers in Florida have dropped in recent years, while pressure from large-scale commercial net fisheries is intensifying. The Councils lowered the annual allowable catch from 9.68 million pounds to 7 million pounds. (The commercial share is 2.6 million lbs.; anglers must observe a daily bag limit of three fish each.)

With quotas getting smaller, the Councils want to prevent the users of traditional gear from being squeezed out by more efficient newcomers. They have proposed an amendment to the Fishery Management Plan for Coastal Migratory Pelagics (the mackerel plan) which would exclude purse seines and run-around gill nets from the fishery for Atlantic king mackerel. Driftnets would be prohibited for all coastal pelagics: king and Spanish mackerel, cobia, dolphin, cero mackerel, little tunny and bluefish.

Run-around gillnets and purse seines have been used to catch Gulf mackerel, but neither had been seen in the Atlantic fishery until both showed up off the east coast of Florida this spring. The managers fear that the increased use of this highly-efficient gear would further stress an over-utilized resource and unfairly displace traditional fishermen using less efficient gear, notably hook and line. The similarity between this situation and the one in the Gulf just before the bottom fell out of that fishery in the late 1970s is not lost on Council members.

The biggest concern right now, however, is driftnetting. Fishermen began using the one- to three-mile long nets as far back as 1983, but they

were not employed effectively until 1985. Since then, the driftnetters have increased their harvest exponentially. The thirteen vessels in the driftnet fleet represent only two percent of Florida's licensed mackerel fishermen, but caught 54% of the total commercial harvest last year. Under the sharply reduced quota for the Atlantic stock, the continued use of driftnets will force early closures in the fishery, leaving traditional fishermen high and dry for the bulk of the season.

Besides causing conflicts with other fishermen, driftnets are an indiscriminate and destructive method of fishing. The well-documented history of fishing with driftnets is one of enormous waste, unavoidable by-catch of fish and other marine animals, and the routine loss of gear - monofilament nets which keep on fishing indefinitely. Their appearance in the mackerel fishery has prompted the Councils to add minimizing by-catch and waste to the list of plan objectives.

The National Coalition for Marine Conservation (NCMC) fully supports the proposed gear amendments. The NCMC opposes the use of driftnets in the mackerel fishery - or any other fishery, for that matter. And we have long held that allowing new fishing gear to disrupt an established, fully-utilized fishery is not good management. To do so only further stresses the resource while reducing the catch of traditional fishermen whose catches are already limited by declining stocks or strict quotas.

The NCMC will urge the National Marine Fisheries Service (NMFS) to approve the new regulations on the grounds that they are in the best interests of the king mackerel fishery and the majority of participants in that fishery. Above all, it is action meant to prevent what happened to the now-depleted Gulf fishery from occuring in the Atlantic. As the report of the committee investigating the Gulf fiasco advised in 1987, "The managers of the resource must anticipate likely problems, not react to crises." Since one of the authors of that report was James Brennan, the recently appointed director of NMFS, we expect the agency to endorse the Councils' conservative action.

CONGRESS SETS NEW CUT-OFF DATE FOR OCEAN DUMPING

Congress has finally agreed on a plan to halt the dumping of sewage sludge at sea by January 1, 1992. Sewage sludge is the semi-solid by-product of waste treatment, and contains harmful toxic metals such as chromium, lead and mercury. These substances accumulate in the marine environment and are suspected of harming marine life. Fishermen and environmentalists have been lobbying Congress and the Administration to halt sludge dumping for years. The campaign intensified this year as fishermen saw their landings decline, and discovered an alarming number of fish with fin rot and shellfish with burn holes among their catch.

The Ocean Dumping Act long ago set a 1981 deadline for cities to cease dumping sewage which "unreasonably degrades" the ocean and human health, and nearly all of them did. But New York City sued that year and a federal court awarded NYC and several neighboring communities an indefinite extension. The US Environmental Protection Agency shamefully refused to press the issue, instead relaxing its criteria for judging what wastes degrade the environment. Congress has been debating a new ocean dumping law ever since, while each year the cost of continued dumping is borne by the ocean, the fish and the fishermen.

Under the new law, dumpers will pay a fee of $100 per ton of sewage sludge starting in 1989. They will be required to quit dumping sometime

during the next three years, or face heavier fees plus additional penalties thereafter. The law also carries severe penalties (fines and jail time) for anyone caught dumping medical wastes at sea.

The legislation is designed to put the cost squarely on the shoulders of the dumpers, forcing them to seriously seek alternatives to fouling the sea. Based on the estimated 8 million tons of sewage sludge still dumped in the Atlantic each year, the cost of ocean dumping at current levels would jump by $800 million next year. Congress hopes that this will be incentive enough for cities still dumping offshore to work with federal environmental authorities to find acceptable land-based alternatives for the sludge. The fees collected under the new law will be used to study and develop those alternatives.

Following on the heels of DuPont's decision not to seek renewal of its chemical waste dumping permit in 1990, and Allied Signal Corp.'s recently stated intention to stop dumping industrial wastes offshore at the close of 1991, the end of ocean dumping of harmful wastes may finally be near.

NCMC HONORED FOR CONSERVATION WORK

The Hawaiian International Billfish Association has awarded the National Coalition for Marine Conservation the 1988 "Dudley Cushman Lewis Award" for outstanding contributions to gamefish conservation. The second annual award, named for the late co-founder of the HIBA, was presented to NCMC President Chris Weld on August 7, following the International Billfish Symposium, organized by the NCMC, in Kona, Hawaii.

"In the opinion of the Board of the HIBA, the National Coalition for Marine Conservation has had a long and enviable record in gamefish conservation - a cause they perceived long before many other organizations," declared HIBA chairman Peter Fithian. "Through the medium of the Marine Recreational Fisheries Symposium and many other avenues, the NCMC has continued to encourage the private, and through them the public sectors, to be more conservation-minded. For this, and all they must yet do, the HIBA Board presents the Dudley C. Lewis Award to the NCMC and its President Chris Weld. Dudley would have approved."

TRENDS IN THE WORLD FISHERIES FOR BILLFISH

The International Billfish Symposium, held last August in Kona, Hawaii, opened with a review of the major fisheries for billfish around the world. Papers were presented by experts from the United States, Japan and India. Following is a brief overview of the fisheries for marlin, sailfish and swordfish, based on presentations at the symposium. (A report on the condition of billfish populations will be featured in the next issue of the Marine Bulletin.)

First, a number of general observations about the fisheries. Billfish are caught throughout the entire range of the various species. The vast majority are taken by commercial fishermen, principally as a by-catch in fishing for tuna. The data on commercial landings comes primarily from the Asian high seas tuna fleets, but this data is not widely accessible to other nations. There is little accurate information available on recreational catches. Nevertheless, we know that fishing pressure on billfish stocks is increasing all over the globe, while catches are declining. With nearly 90% of the commercial billfish catch taken by fleets targeting other species, the amount of fishing activity is not determined by billfish abundance.

The Atlantic Fisheries

The rod and reel recreational fishery is based primarily in the US. Good, reliable data on recreational catch and effort is woefully lacking. But tournament sampling indicates that overall effort has increased substantially since the early 1970s. Catch rates seem to be stable for blue marlin, but very low for white marlin during the last several years. The most significant trend in the sport fishery is toward tag and release fishing. On average, 70% of billfish caught by US anglers are released.

The commercial harvest of marlin and sailfish in the Atlantic is almost exclusively a by-catch in the tuna longline fisheries, although swordfish longlines also catch marlin. Historically, the chief harvesters have been Japan, Korea, Taiwan and Cuba. The US longline fishery in the Gulf of Mexico and Caribbean is developing very rapidly and has become a major catcher of billfishes. Artisanal (small-scale subsistence) fisheries thrive in the Caribbean, on the east coast of South America and off west Africa, and though scant data exists on these fisheries, they are thought to be major harvesters of billfish, particularly sailfish.

Total marlin landings in the traditional commercial fisheries have declined substantially since peak years in the 1960s, to about 3,000 metric tons annually, due to a number of probable factors, including changes in abundance. Japanese longline data shows that the catch rate for marlins has dropped sharply and steadily, even allowing for changes in the species of tuna targetted and the different areas fished. A similar condition prevails for sailfish and spearfish.

Swordfish in the Atlantic are the target of directed longline fisheries. They are also a by-catch on tuna longlines. The recreational fishery for swordfish no longer exists, and harpooning, the oldest fishery, has all but disappeared, too. The major harvesters of swordfish are Spain, Italy, the US and Japan (which takes swordfish as a by-catch). Landings increased dramatically from the mid-1970s to 1985, with a peak of 35,000 metric tons that year. This was because of a number of factors, such as increased demand, greater effort, higher by-catches in the tuna fisheries, expansion of the fisheries throughout the fish's range, and improvements in fishing gear and techniques which have made longlines more effective. But despite all this, catch rates and the mean size of swordfish landed have declined markedly in all Atlantic fisheries.

The Fisheries in the Pacific and Indian Oceans

As in the Atlantic, most Pacific billfish are caught on longline gear as a commercial by-catch in the tuna fisheries. The Japanese fishery alone covers virtually the entire range of billfish throughout the Pacific and Indian Oceans, although effort shifts according to the tuna species sought. Where Japan has reduced its effort lately, Korea and Taiwan have filled the void. Although an incidental catch, billfish are highly valued in Japan; the Koreans and Taiwanese also catch billfish for the large Japanese sashimi and sushi markets.

Total landings in the Pacific have declined since 1972 for striped, blue and black marlin (a combined annual catch of from 30-40,000 tons). Some of this decline can be attributed to the Japanese shift to bigeyes, and the use of deepwater longlines to catch these higher value tunas. The Japanese also operate a large driftnet fishery directed at both billfish and tuna. From 3,000 to 10,000 tons of billfish are netted each year. Small numbers are taken incidentally in purse seine and set-net fisheries.

There is no good estimate on the recreational catch and effort on billfishes in the Pacific. The primary angling grounds are the tip of Baja California, mainland Mexico, Hawaii, New Zealand's Bay of Plenty and the eastern coast of Australia. There is currently a major effort by recreational interests in these areas to promote tag and release fishing.

The catch of swordfish in the Pacific is almost exclusively commercial. Seventy percent are taken as a by-catch on tuna longlines, and the rest by harpoon, driftnet and handline. The directed driftnet and harpoon fisheries are mainly off southern California. The fact that the swordfish fishery is mostly incidental to tunas is significant in two ways: 1) catches are influenced more by tuna markets than swordfish markets; and 2) since tuna is primarily a day-fishing operation, there is a potential to substantially increase swordfish harvests by increased night-fishing. Also, an increase in harvests from the Pacific will likely occur as the Atlantic fisheries continue to decline.

Information on the fisheries for billfish in the Indian Ocean is only recently emerging. In 1986, about two-thirds of the catch was taken by - surprise! - tuna longlines, and much of the rest using driftnets. Once again, the longline activity is by distant water fleets from southeast Asia. A recent explosion of purse seining for tuna, however, seems to be reducing the amount of longlining. Sportfishing is developing into an important fishery in many areas of the Indian Ocean, and the coastal artisanal fisheries are thought to be growing, too. But catch statistics for both these fisheries are scattered among 25 coastal and island nations.

SHRIMPERS DELAY THE INEVITABLE

Ten years ago Congress afforded sea turtles federal protection under the Endangered Species Act. The turtles are still waiting for that protection to come - in the form of a simple device known as a TED - but the shrimpers who must use the TED are stubbornly resisting.

According to the National Marine Fisheries Service, thousands of endangered turtles drown in shrimp nets every year. Shrimping also kills a staggering number of finfish. The TED, or turtle excluder device, fits into the shrimp net and allows turtles to escape. TEDs can also reduce the by-catch of fish. But shrimpers have fought regulations requiring them to use TEDs, and have taken their case to the courts and to Congress. Recently they succeeded in postponing the use of TEDs for at least another year.

Under the Endangered Species Act, NMFS prepared a timetable for phasing in the mandatory use of TEDs in the southeast Atlantic and Gulf of Mexico during 1988. Shrimpers working offshore from North Carolina to Texas were supposed to begin equipping their nets with TEDs earlier this year, and inshore shrimpers next year. But TED opponents, after failing to convince a federal judge to overturn the law, went to Congress where they held hostage a bill to renew the Endangered Species Act, demanding that turtles be deleted from its provisions. This forced a compromise which gives shrimpers a reprieve until May 1989 for trawling in offshore waters and until 1990 for shrimping inshore. Only shrimpers near Cape Canaveral, Florida, where there is a high incidence of turtle deaths, must currently use TEDs.

The NCMC unequivocally endorses federal regulations mandating the use of TEDs to protect turtles, and has gone one step further, taking the lead among marine conservation groups in advocating the use of excluder devices

modified to reduce the overall shrimp by-catch, which includes literally billions of young fish, including trout, croaker and flounder. Such modified TEDs are vital to halting the intolerable waste of marine life caused by trawling for shrimp. At stake in the TED issue, therefore, is not just the fate of endangered turtles, but ultimately our ability to use and manage limited marine resources in a responsible manner.

A NEW "OCEAN VIEW"

The National Coalition for Marine Conservation has introduced a new publication, Ocean View, which will be issued periodically to foster public awareness and understanding of selected marine conservation issues. The first edition is entitled, "Time for a Change in U.S. Policy on Highly Migratory Species," authored by executive director Ken Hinman. It is an in depth analysis of our policy of excluding tunas from the authority of the Magnuson Fishery Conservation and Management Act, and how this misguided policy conflicts with other US fisheries law and accepted international practice, inhibits conservation of offshore species such as swordfish, marlin and sharks, and permits unregulated exploitation of tuna stocks within our 200 mile zone. The release of this edition of Ocean View coincides with a major push by the NCMC and others to get Congress to amend the Magnuson Act and extend fisheries conservation to all species of fish within our ocean jurisdiction.

* * * * *

Editor: Ken Hinman

NATIONAL COALITION
FOR MARINE CONSERVATION
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November/December 1988 No. 39

A LICENSE TO FISH

James Brennan, the head of the National Marine Fisheries Service (NMFS), says asking Congress to approve a national fishing license will be his top legislative priority in 1989. "The days when we could walk into Congress with a laundry list of needs is over," Brennan told the National Fisheries Institute. "The funds from a marine license would provide us two things: additional financial resources for essential programs; and a stable funding base for federal fisheries programs. Let's face it, there really are not very many options."

What's narrowing the options for virtually every federal agency is the budget deficit, or the gap between the amount of government services people want and their willingness to pay for them. To close that gap requires either cuts in spending, an increase in revenues, or both. Neither is popular. President-elect George Bush campaigned on a promise of "no new taxes," while also pledging his support for an increased federal role in solving a number of environmental problems.

Of course, the Administration's proposed license is not described as a tax, but as a revenue enhancer or, most accurately, a user fee. Nonetheless, it is a child of Washington's tight budget environment. The idea of collecting fees from the nation's fishermen originated in 1985 in the Office of Management and Budget as a deficit reducing measure. OMB, as the Administration's advisor on fiscal priorities, has in these lean times emerged as one of the Capitol's most powerful policymakers.

The cost of management, research and law enforcement associated with fishery conservation is rising, and NMFS has continually been threatened with sizable cuts in its budget. Brennan candidly admits that the reason for a national license is money. It's an effort on behalf of NMFS to maintain adequate funding for marine fisheries programs by creating a stable source of funds not subject to the vicissitudes of the Congressional budget process. This is the real-world context within which we must view the license proposal. However, the legitimate need for the revenues a license would provide does not in itself justify a license. The proposal now on the table must be considered on its own merits; in terms of its fairness to those who will be licensed, and its effectiveness in giving them a worthy return on their investment.

The legislation expected to be introduced into the 101st Congress sets fees for both commercial and recreational fishermen and establishes a Marine Fishery Conservation Fund to be used for the conservation of marine resources within the U.S. Exclusive Economic Zone. Every person fishing in the federal zone - 3 miles to 200 miles offshore - would pay $20 a year for a license. This fee would be in addition to any state fees, since it only involves fishing in federal waters. Commercial fishermen would also pay a 1 3/4 percent ad valorem fee on the ex vessel value of fish landed and sold. The U.S. Department of Commerce estimates these fees would net about $60 million in the first year, with recreational and commercial fishermen each contributing about half.

Money deposited in the Conservation Fund, according to the proposed legislation, would be spent exclusively on: collecting and analyzing economic and statistical information on the nation's recreational and commercial fisheries and supporting industries; putting observers on domestic vessels; conducting scientific research on the fish and their habitat; conserving and managing fish stocks; improving enforcement; and educating the public on marine conservation programs. Provisions are included to ensure that the expenditures benefit each region according to payments received from that region. The federal Regional Fishery Management Councils are guaranteed an annual appropriation of at least $7,750,000.

Longtime supporters of marine licensing, including the National Coalition for Marine Conservation, agree that those who benefit directly from the ocean's bounty should pay for the privilege, and have always insisted that any and all money collected should support programs necessary to preserve the nation's fisheries. In advocating a license, proponents have also stressed the paramount need for a dependable source of funds dedicated to fisheries programs. In these respects, the current proposal is commendable. The Administration has obviously learned from the criticisms of its earlier, failed attempts to push a national license law.

Even so, if fishermen are to support a license - and the bill is unlikely to get through Congress without their support - they must be convinced that the license revenues will actually enhance the government's ability to manage and conserve the fisheries, not merely perpetuate what many see as an unsatisfactory status quo. And herein lies the weakest aspect of the new license proposal.

The fishing public is now more receptive to the idea of a marine license than ever before. This may in part be a grudging recognition of the government's legitimate right to exact economic rent for the harvest of ocean fish, just as it does for the use of other common property resources on public lands, such as timber, grazing rights and the like. But in the main, support for licensing has grown because of the expectation that it would provide better fisheries conservation and management. Without this expectation, it will be hard to convince fishermen that a license is in their best interest.

Sources in the Commerce Department say that the new revenue would supplant funding NMFS can expect to lose in future appropriations, not to supplement a budget already deemed inadequate to its task. This seems a likely scenario. On the up side, NMFS would be spared going to Congress every year to beg for that portion of its budget. On the down side, marine fisheries management might not benefit at all. And with the perception that federal programs have traditionally shortchanged recreational fisheries, asking anglers to foot half the bill may be asking too much.

Still, the Administration's proposal has enough to recommend it to merit a fair and critical review, which it will receive during hearings before the House Merchant Marine and Fisheries Committee. The burden will be on NMFS to demonstrate to American fishermen not just that they have an obligation to contribute to the cost of fisheries conservation by buying a license to fish, but more importantly, that by doing so they will be contributing to better fishing in the future. The NCMC will be working with the Administration and with Congress in the months ahead to ensure that the licensing legislation offers fishermen not just a user fee, but a way to more effectively address the growing needs of fishery management.

THE ONCE AND FUTURE FISHERY

Cooperative management of striped bass along the Atlantic coast, based on an interstate plan devised by the Atlantic States Marine Fisheries Commission (ASMFC), has existed since 1985 soley because of the Atlantic Striped Bass Conservation Act. This law, enacted in 1984, requires states from Maine to North Carolina to enforce ASMFC recommendations or face a federally-imposed moratorium on fishing off their shores. So far, it has kept twelve states with quite different fisheries interests and philosophies working together to rebuild the striped bass fishery.

The future of the striped bass, according to the ASMFC, depends on a sufficient number of fish from 1982 and subsequent year-classes surviving to sexual maturity and replenishing the striper population. Under the existing plan, these fish are being protected by progressively higher minimum size limits, with a target of 33 inches this year, when the 1982 fish reach six years of age. New information from reproductive surveys in the Chesapeake Bay, however, indicates that striped bass attain sexual maturity not at six years but at eight. This new evidence means the minimum size limits will have to be gradually raised to 38 inches by 1990.

The ASMFC is amending the striper plan to reflect this new information on spawning. A majority of states support the stricter measures, but not all are in agreement, namely New York, New Jersey and Rhode Island. For this reason, action by Congress in the waning hours of the 1988 session which renewed the Striped Bass Act through 1989 is critical to preventing these or other states from bending to internal pressures and relaxing fishing restrictions before the recovery is complete.

Now is no time to let up. Reproduction is improving in some key spawning areas, and there is a noticeable increase in the number of larger bass, both signs that the conservation measures are working. The history of striped bass management clearly demonstrates that three ingredients are essential to a striped bass comeback. These are: state- and federally-funded research, such as the sexual maturity studies cited above; timely action by the ASMFC in keeping the interstate conservation plan current with the needs of the fishery; and continued support from Congress to ensure that all states comply. If a single element of this cooperative effort is removed, the return of the striped bass on the Atlantic coast would slip further into the future.

AN OLD PROBLEM BECOMES A NEW WORD

When a new word becomes an enduring member of our spoken and written language, it qualifies as a candidate for official entry into the English language by being included in an authoritative dictionary. The editors of one such authority, THE AMERICAN HERITAGE DICTIONARY (published by Houghton Mifflin), are presently considering the inclusion of "ghost net", according

to the November 1988 issue of The Atlantic magazine. The first stage of research has produced the following definition, which is not the final product: "ghost net (noun) - an abandoned plastic drift net, or a large fragment of one, that ensnares and kills whales, turtles, seabirds, seals, walruses, porpoises, and fish."

The term is actually derived from "ghost fishing," the common description of a lost net continuing to fish with no fishermen tending it, hence the adjective ghost. Ghost fishing does not appear in the dictionary either. But regardless of which term is recognized, the significance in all this is that the problem they describe is achieving the infamy it deserves.

FISHERY MANAGEMENT COURTS?

The recreational and commercial fisheries for king mackerel in the Atlantic, scheduled to close for the remainder of the 1988-89 fishing season on October 17 and November 23 respectively, have been kept open by court order until further notice. The action lifts all restrictions placed on the harvest of king mackerel from the Atlantic migratory group while a U.S. district judge in North Carolina hears a lawsuit filed by state officials and 111 commercial and recreational fishermen who contend the restrictions are unnecessary. The judge will decide, in effect, whether or not the Atlantic stock of king mackerel is overfished.

North Carolinians do have a legitimate beef with mackerel management (who doesn't?). Because they get last crack at the fish in their migratory run north along the coast, their fishing season is cut short when the newly reduced quotas are met and the entire fishery is shut down. They are, therefore, unfairly penalized simply because they reside at the northernmost range of the fishery. The South Atlantic and Gulf of Mexico Fishery Management Councils and the National Marine Fisheries Service should amend the plan to correct this and other deficiencies. For example, the recreational allocation should be regulated by bag limit alone, not bag limit and quota. And something should be done to end double-counting, which occurs when a "sport" fisherman sells his or her catch and it is deducted from both the recreational and commercial quotas.

These are matters of management policy, and should be addressed through the Council process, not in a court of law. The plaintiffs in the king mackerel suit have gone too far, asking a judge to rule that the total allowable catch established for the fishery by the Councils and NMFS was arbitrarily chosen and unnecessarily restrictive. The suggested allowable biological catch for the fishery was between 5.5 and 10.7 million pounds. The Councils, North Carolina claims, should have selected a quota higher than 7 million pounds, which would have kept the fishery open longer. The Councils instead chose to be more conservative in order to forestall the further decline of an overfished resource.

The trend toward challenging fisheries management decisions in court is an immensely disturbing one. (The Atlantic billfish plan is also the target of a suit.) For one thing, it negates Council deliberations, and the public involvement and checks and balances built into that lengthy process, in favor of the verdict of a politically-appointed judge with no fisheries knowledge or experience. It is doubtful the plaintiffs are aware of the full ramifications of their action, both immediate and long-term.

If they are successful in overturning the mackerel quota, it could undermine the rationale for pending amendments to ban driftnets and other highly-efficient gear in the fishery, leaving the Councils vulnerable to an

almost certain lawsuit by driftnetters. If the Councils cannot prohibit this gear, they will have to set an allocation for it, which would establish the deadly nets as a fixture in the fishery. The irony of this would be that commercial fishermen in North Carolina faced an early closure this fall primarily because of large-scale driftnetting off Florida.

WILL IT BE TOO LATE FOR SWORDFISH?

The swordfish stocks in the northwest Atlantic exhibit the classic symptoms of overfishing, and have probably been in a state of overfishing for ten years. The traditional harpoon and rod and reel fisheries are, for all intents and purposes, gone. The commercial longline fisheries continue to thrive only because they have employed more sophisticated and more efficient gear and continually travel further offshore to less-exploited fishing grounds. And yet the average size of fish caught by the longliners is small and getting smaller, and catch rates are declining.

The swordfish fishery is being destroyed by the efficiency of the fishing industry and the complete lack of regulation. Past attempts by the Regional Fishery Management Councils to manage swordfish in the Atlantic, Gulf of Mexico and Caribbean have repeatedly run up against tuna politics and a domestic dispute with NMFS scientists. Confronted with these seemingly insurmountable obstacles, and perhaps sensing that it may be too late to save swordfishermen from themselves, the five Councils are debating whether to even continue the fight at all. It's a sorry state of affairs, one which does credit to no one.

What is needed to halt the steady decline of swordfish is a strict limit on the number of fish caught in the directed longline fishery and on the by-catch of swordfish in the tuna longline fisheries. But the National Marine Fisheries Service has refused to support any but the most ineffectual restrictions on American swordfishermen (e.g., a 25-pound minimum size), and the Magnuson Act's tuna exemption has nixed proposals to restrict tuna longlining.

A major effort will be made during 1989 to repeal the tuna exemption, and though it won't be easy, the arguments for bringing tuna fishing under U.S. jurisdiction are stronger than ever. Resolving differences between the Councils and NMFS on how to manage swordfish is another matter. Council members, for their part, have become increasingly intransigent when it comes to swordfish after years of being second-guessed by NMFS officials and undermined by NMFS scientists.

Swordfish scientists at the Southeast Fisheries Center in Miami have a peculiar way of explaining what others see as unmistakable signs of overfishing. They contend, for instance, that the disappearance of swordfish from traditional fishing grounds is the result of environmental changes, not excessive harvests; the preponderance of small fish in the longline catch means increased recruitment, not a shortage of adult fish.

There is little support for such conclusions outside of Miami. The fact is, the big fish are disappearing and too many small fish are being caught before they can mature and spawn. In other words, the stocks are being depleted faster than they can rebuild. At the 1988 International Billfish Symposium, Steve Berkeley, a biologist with the South Atlantic Council, and Peter Miyake, from the staff of the International Commission for the Conservation of Atlantic Tunas, both presented evidence which attests to the poor condition of swordfish populations. Berkeley testified that the average weight of fish landed by American fishermen has dropped

nearly 50% in the past decade, from 153 to 85 pounds. This has occurred, he said, in spite of a massive shift in fishing effort to new fishing grounds where fish tend to be larger. Miyake added that there are half as many swordfish in the north Atlantic over four years old as there were in 1978, and that the numbers get progressively worse for older age groups. He characterized the suggestion that more young fish are entering the fishery as "unrealistic."

Why does NMFS opt for exploitation over conservation in the face of uncertainty about the future of swordfish? Is NMFS under so much pressure from commercial fishermen that it only sees what they want it to see? The longliners want to keep the fishery wide open as long as it remains profitable, even if it leads ultimately to a collapse. For then the swordfish longliners can turn to tuna, another unregulated fishery; indeed, many have already made the switch.

TUNA POLITICS REVISITED

In the recent NCMC "Ocean View," we quoted the New England Fishery Management Council stating its support for amending the Magnuson Act to include tuna, and implied that all eight Councils share that position. That's not true, as was made clear at an October meeting of Council Chairmen, where only five of the eight Councils endorsed a tuna amendment. The Pacific and Caribbean Councils voted to oppose the change and the North Pacific Council abstained.

One of the most compelling arguments for expanding U.S. fisheries jurisdiction to tuna, as the "Ocean View" article pointed out, is that the Councils cannot effectively manage and conserve swordfish, billfish and pelagic sharks because any regulation of tuna longlining, which takes a large by-catch of these species, is off limits. No one knows this better than the Councils responsible for managing pelagic fish, and all of the Councils with that responsibility, with the single exception of the Caribbean Council, are on record in support of a change in the law (New England, Mid-Atlantic, South Atlantic, Gulf of Mexico and Western Pacific).

It is clear that the positions of the other three Councils are unrelated to the management of fisheries within their jurisdiction. The North Pacific Council, for one, has chosen to duck the issue altogether by claiming no vested interest in the outcome, since none of the fish involved in the debate inhabit waters that far north. However, that fact should not excuse that body from taking a stand for or against rational fisheries policy.

Both the Caribbean and Pacific Councils are under pressure from the U.S. tuna industry, which prefers a laissez faire approach to managing tunas. The west coast is, of course, the home base for the distant water purse seine fleet and the big tuna canneries like Starkist and Ralston Purina. In addition, the Pacific Council has never had to develop a management plan for either billfish or swordfish, as have the five Atlantic Councils and WESPAC, and has therefore not experienced firsthand how much of an obstacle the tuna exclusion has been to these efforts. The Caribbean Council has, but evidently the threat of tuna canneries in Puerto Rico to leave for friendlier turf has altered their priorities.

THE CHALLENGE OF ESTIMATING BILLFISH ABUNDANCE

The dearth of information available to reliably measure the abundance of billfish highlighted the stock assessment sessions at the August 1988

International Billfish Symposium in Hawaii. With current trends in the fisheries showing fishing pressure mounting for all species (see "Marine Bulletin," No. 38), doubt about the true health of the world's billfish populations raises serious questions about our ability to prevent overfishing before it occurs.

The ability to estimate billfish abundance is critical to gauging man's impact on the resource. But nearly all the stock assessments presented at the symposium were prefaced with the caveat that any "conclusions" they reach or hint at are written in water and could certainly change with the flow of new information on the fisheries. For the most part, the assessments for billfish are an exercise in identifying the gaps and flaws in the data base. The catch and effort statistics made available for stock analyses come from only a portion of the world's fisheries and are in many cases nearly a decade old. Recreational data is scarce. Information on billfish aging and growth and natural mortality, also crucial to billfish counters, is incomplete.

Though the data available for the Atlantic stocks is better than for the Pacific, this good news carries its own bad news; the stocks we know most about - Atlantic swordfish and to a lesser extent Atlantic blue and white marlin - show clear signs of decline. This raises speculation that the poor information on Pacific stocks masks trouble there, too.

The best data set exists for Atlantic swordfish, for two reasons: most of the fish are caught by fleets targeting swordfish (as opposed to incidental catches), and catch statistics are collected by an ocean-wide body, the International Commission for the Conservation of Atlantic Tunas, or ICCAT. No such commission exists for the Pacific, where billfish, including swordfish, are primarily a longline by-catch.

The mainstay of stock assessment work on swordfish in the Pacific and for marlins and sailfish in both oceans has traditionally been Japanese longline catch and effort data. But in 1980, the Japanese stopped making this information available except as part of international treaty obligations. This has had a devastating impact on the data base, particularly in the Pacific, limiting assessments to trends occurring through 1980. Catch and effort statistics from the period 1980-88 are desparately needed to support reliable, up-to-date assessments.

The ICCAT Enhanced Billfish Research Program, initiated in 1986, is one notable effort to obtain some of this information in the Atlantic, through observers aboard selected longline vessels, tagging studies, and port sampling. To make up for the deficiency of catch data in the Pacific, scientists have begun looking to the Korean and Taiwanese fleets. While Japan has cut back some of its longline fisheries, Korea and Taiwan have been moving in to fill the gap. Statistics from these fisheries are available, but scientists must wrestle with the problem of integrating the two sets of data (pre-1980 Japanese and post-1980 Korean/Taiwanese) to produce a reliable description of trends in abundance over time.

As a result of the symposium, the groundwork is being laid for a trans-Pacific fisheries commission to collect and analyze catch and effort information on all the major billfish fisheries. ICCAT has been urged to continue and expand its Atlantic billfish research. Scientists and managers are negotiating a meeting in 1989 to set an international research agenda, with emphasis on stock assessment studies to support management decisions. Those decisions will be made based on the best information at hand; we have an obligation to see that it's the best possible.

NEW BOOK REVIEWS PROGRESS ON ATLANTIC SALMON

"Present and Future Atlantic Salmon Management: Measuring Progress Toward International Cooperation," edited by Richard H. Stroud, is published jointly by the Atlantic Salmon Federation and the National Coalition for Marine Conservation. The book is the complete proceedings of the October 1987 international symposium held in Portland, Maine.

The symposium reviewed management measures required to enhance, restore and maintain salmon stocks throughout their natural range, from home rivers in North America and Europe to the high seas. The book contains papers and discussions on a variety of issues, including salmon stocking and restoration, fishery conservation, scientific and statistical information for managers, habitat and environmental protection, commercial aquaculture, and social/economic values of salmon fisheries. Among the authors are the world's foremost experts on Atlantic salmon, representing every major nation either producing or harvesting salmon.

The 204-page, hardcover book is available for $15 postpaid. To order, send check payable to Atlantic Salmon Symposium, c/o NCMC, P.O. Box 23298, Savannah, GA 31404.

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Note: The "Marine Bulletin" is edited by Ken Hinman. Featured articles express the point of view of the National Coalition for Marine Conservation, a non-profit, privately-supported organization dedicated to better fishing through conservation and environmental protection.

NATIONAL COALITION
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CURRENTS

National Coalition For Marine Conservation, Inc.

A Bi-monthly Summary of Coalition News & Activities

September 1988

¶ NCMC executive director Ken Hinman participated in the National Recreational Fisheries Conference in Washington, DC June 6-8. The conference marked adoption of the National Recreational Fishery Policy, which the NCMC has endorsed.

¶ Les Smith, NCMC board member from Natick, MA, serves as president of the Coalition to Cease Ocean Dumping (Box 541, Narragansett, RI 02882), a new alliance of sport and commercial fishermen working to stop the dumping of sewage and industrial waste at sea.

¶ "Planning the Future of Billfish: Research and Management in the 90s and Beyond," the International Billfish Symposium organized by the NCMC, was held August 1-5 in Kona, HI. NCMC president Chris Weld delivered a paper on the status of billfish management in the Atlantic Ocean. The symposium proceedings will be published by the NCMC in 2 vols. in 1989.

¶ Ken Hinman will represent the NCMC on an American Fisheries Society Habitat Steering Committee forming a coalition of fishing interests to champion the conservation of fish habitat. The committee will meet Oct. 10 in Washington, DC.

¶ On July 25 the NCMC submitted comments in support of the Atlantic Billfish Plan. The Secretary of Commerce announced approval of the plan Sept. 1.

¶ The NCMC was awarded the 1988 Dudley Lewis Conservation Award by the Hawaiian Int'l Billfish Assn. Aug. 7 in Kona. The honor, for outstanding contributions to sportfishing, was accepted by Chris Weld on behalf of the Coalition.

¶ NCMC director Greg McIntosh, of Ft. Lauderdale, FL, was re-appointed to the So. Atlantic Fishery Management Council.

¶ Chris Weld, a TBF trustee, attended The Billfish Foundation's July meeting in Miami, FL. The TBF renewed financial support for the ICCAT billfish research program, and increased its contribution to publication of the proceedings of the Billfish Symposium.

¶ "Bluefin Tuna: Politics Over Biology," a report on the status of bluefin conservation prepared by Ken Hinman, was featured in the 10th anniversary issue of NEXUS, the Atlantic Center for the Environment's quarterly magazine.

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CURRENTS

National Coalition For Marine Conservation, Inc.

A Bi-monthly Summary of Coalition News & Activities

November 1988

¶ Staff and officers of the NCMC participated in the Sept. 16-18 meeting of the United Sport Fishermen (USF) in Everglades, FL. Topics discussed were tuna policy, reauthorization of the Magnuson Act, and the Administration's proposed national fishing license.

¶ Tim Choate of Coral Gables, FL has been elected to the NCMC Board of Directors.

¶ The first edition of the NCMC's Ocean View featured a position paper on the US policy toward tuna management, kicking off a 1989 campaign to bring tunas under the Magnuson Act.

¶ Executive Director Ken Hinman attended the inaugural meeting of FishWatch in Washington, DC on October 10. Hinman will represent the NCMC on the steering committee of the new coalition to conserve fish habitat.

¶ An alliance of conservation groups, including the NCMC, successfully lobbied Congress to defeat an eleventh hour effort by proponents of the Oregon Inlet jetties to transfer national park land from the Interior Dept. to the Corps of Engineers.

¶ President Chris Weld and Vice Chairman Frank Carlton participated in the ICCAT advisory committee meeting October 26 in Washington, and urged the US delegation to support a moratorium on bluefin tuna at the November ICCAT session.

¶ NCMC advised the National Marine Fisheries Service and key members of Congress of its support for regulations to protect offshore reefs from bottom trawls used to catch snapper-grouper, and urged they be implemented before the start of the next fishing season.

¶ The Billfish Foundation named Ken Hinman "Scientist of the Year" for organizing the International Billfish Symposium. The 1988 Conservation Award was presented in ceremonies Nov. 4 in Ft. Lauderdale, FL.

¶ The Coalition testified at public hearings in support of new amendments to the Mackerel Plan which would conserve the stocks and protect the traditional fisheries by prohibiting driftnets, run-around gillnets and purse seines.

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TIME FOR A CHANGE IN U.S. POLICY ON HIGHLY MIGRATORY SPECIES

by Ken Hinman, Executive Director

When Congress extended United States jurisdiction over coastal fisheries to 200 miles offshore in 1976, political and economic interests conspired to leave a gigantic loophole in the law. Under the Magnuson Fishery Conservation and Management Act, the US regulates fishing for all species of marine fish found within the so-called 200-mile limit, with the singular exception of tuna. For the purposes of management, according to the Magnuson Act, tuna are considered "highly migratory species," and therefore subject to international agreement rather than unilateral action on the part of individual coastal nations.

The US has now had more than a decade of experience with ocean management under the Magnuson Act, and it is clear that the tuna exclusion has done more harm than good to US fisheries interests. The US tuna policy has severely inhibited efforts by the appointed Regional Fishery Management Councils to effectively conserve other pelagic fish, namely swordfish and marlin, as required by law. It has allowed exploitation of tuna fisheries off our shores by foreign and domestic fishermen to go unchecked. And ironically, the policy has brought the US into conflict with foreign nations over access to the world's tuna stocks, conflicts it was supposed to help alleviate.

Our present position on tuna is neither consistent with other US fisheries law nor with accepted international practice. The Magnuson Act should be amended to extend management jursidiction to include the regulation of tuna fishing activities. Congress should close the tuna loophole to treat all fishermen operating in US waters equitably and to manage all fisheries off our shores in accordance with the conservation and management objectives established by the Act. This would in turn enhance the ability of the US to promote these objectives in the international arena.

The NCMC is a private, non-profit organization which promotes the conservation of ocean resources and protection of the marine environment. *Ocean View* is published periodically to foster public awareness and understanding of important marine conservation issues.

Background

The US position on tuna management has its roots in the years following World War II, when there began a worldwide trend toward extending national jurisdiction over coastal resources. As Latin American nations made territorial claims to coastal waters of the eastern Pacific, they periodically seized American-flag vessels fishing off their shores for tuna and shrimp. But the US refused to recognize their claims, insisting instead that fish found beyond the universally-accepted territorial boundary (3 and later 12 miles to seaward) belonged to whoever caught them.

Today, virtually all of the world's coastal nations have adopted what are now known as 200-mile extended economic zones (EEZs), including the United States. The impetus for US action was the rapid over-exploitation of fisheries off our own coastline during the 1960s by large foreign-based fishing fleets, and the inability of governing international treaties to control such overfishing. A well-founded concern for the future of the American coastal fishing industry prompted Congress to enact the Magnuson Act, then popularly known as the 200 Mile Bill.

The Magnuson Act was adopted over the objections of the Departments of State and Defense, who viewed expanded territorial claims on the ocean as a potential threat to freedom of navigation. There was, however, an even more powerful foe of extended jurisdiction - the US distant-water tuna fleet based in southern California - which Congress ultimately felt compelled to appease if the Act was to become law.

The politically and economically powerful California tuna industry argued that if the US excluded or restricted foreign fishermen from operating in its coastal waters, then other countries would feel justified in restricting or shutting out American fishermen. (Never mind that many of them already did.) Whether or not the tuna industry could have successfully blocked the legislation was a risk supporters opted not to take, especially since the industry had the strong backing of the Administration.

Stopping foreign overfishing of coastal fish stocks was the paramount issue; the interests of the distant-water tuna fleet seemed somehow separate - at the time - since the number of American fishermen catching tuna in home waters was then miniscule. A compromise was struck whereby Congress agreed to exclude all species of tuna from the provisions of the new law.

An Inconsistent Policy

Section 102 of the Magnuson Act reads in full: "The sovereign rights and exclusive fishery management authority asserted by the United States under section 101 over fish do not include, and may not be construed to extend to, highly migratory species of fish."

The original agreement in Congress was to exclude from the legislation <u>all</u> highly migratory species, which as defined by the United Nations Law of the Sea Treaty includes marlin, swordfish

and sharks in addition to tuna. However, since the exclusion was specifically designed to placate the tuna industry, the definition of highly migratory species to be included in the Act was revised to mean only tuna. (Section 3(14): "The term 'highly migratory species' means species of tuna which, in the course of their life cycle, spawn and migrate over great distances in waters of the ocean.")

From the outset, this peculiar definition and the lone exemption of tuna made US fishery policy both inconsistent and hypocritical. According to Sec. 3(14), tuna are excluded from extended jurisdiction for ostensibly biological reasons, i.e., their migratory nature. But this rationale is belied by the fact that other, equally wide-ranging species such as blue and white marlin, broadbill swordfish, oceanic sharks and salmon are included under the Act. Interestingly, the government's contention that highly migratory species can only be managed by international agreement does not extend to these fish.

Why not? Because the sole purpose of the exclusion is to protect the economic interests of US fishing fleets pursuing tuna off the coasts of other nations in the Pacific. In fact, the State Department has admitted as much, even as it continues to promote the fiction that it is the fish that are different, not the industry; that the exclusion protects the tuna, not simply the fishermen who catch them. Other nations know it, too. They see our tuna policy as not only inconsistent with the rest of US fisheries law, but self-serving and out of step with international law as well. Nations off whose shores American tuna purse seiners fish view this country as wanting to have its cake and eat it too; that is, protect fisheries at home for our own fishermen but allow Americans free access abroad, regardless of the laws of other sovereign nations.

An Obstacle to Domestic Management

Six of the eight Regional Fishery Management Councils established by the Magnuson Act in 1976 are responsible for managing and conserving large ocean pelagics (the five Atlantic Councils plus the Western Pacific Council). The Councils began the process of developing separate fishery management plans (FMPs) for billfish (blue and white marlin, sailfish and spearfish) and broadbill swordfish in 1977. That process has continually come into conflict with US tuna policy.

Our ability to conserve declining populations of billfish and swordfish has been and remains to this day severely limited by the tuna exclusion. The problem lies in the fact that, though the law draws an artificial distinction between the fisheries for marlin, swordfish and sharks on the one hand and tunas on the other, these fisheries are inextricably linked by virtue of the type of gear used to capture tuna commercially in the US EEZ.

That gear is the longline, and two facts about the longline fishery demonstrate the problem. First of all, longlines are non-selective; in other words, the hooks do not differentiate between a bluefin tuna and a blue marlin. Secondly, billfish, swordfish, and several species of sharks, as well as dolphin and wahoo, inhabit the same offshore environment and ocean depths as

the tuna sought by longliners. The result is a constant and virtually unavoidable by-catch of these non-target fish.

The by-catch can be substantial. At the height of the Japanese tuna longline fishery in the Gulf of Mexico in the late 1970s, the incidental catch of marlins reportedly totalled 5,300 fish a year, probably a conservative estimate. A Preliminary Management Plan (PMP) developed by the National Marine Fisheries Service (NMFS) prohibits foreign longliners from retaining any billfish, swordfish and sharks caught in US waters, but at least two-thirds are dead upon release, and of the rest, many are presumed to die shortly thereafter.

Because fishing for tuna is off-limits to regulation (apart from the largely cosmetic conservation measures in the PMP), the Regional Councils are unable to effectively limit longline activity, even when it impacts species for which they have the responsibility to protect. FMPs containing provisions to do so have been repeatedly rejected by NMFS officials in Washington as unlawful impediments to the rights of foreign fishermen to fish for tuna. Further compounding the problem is the fairness issue. An FMP without restrictions on foreign longliners is not acceptable to American fishermen. The Councils would be (and have been) put in the awkward position of asking US fishermen to make sacrifices we don't ask of foreigners with whom they are competing.

The official State Department enunciation of the tuna policy is that the US must 1) provide a reasonable opportunity for foreign vessels to fish for tuna in the EEZ, and 2) impose the least burden on such vessels while also achieving conservation and management of the species covered by a Council FMP. The Councils have yet to find a way to reduce the killing of billfish on tuna longlines while satisfying these criteria.

The most recent victim of US policy was the 1986-87 version of an FMP to conserve Atlantic swordfish, a species which has been severely overexploited. The five Atlantic Councils approved a plan to suspend swordfishing during certain periods of the year, and to limit all tuna longlining to daylight hours during these closures to reduce their by-catch of night-feeding swordfish. Before dates for the closures could be approved in Washington, however, the Japan Tuna Association filed suit against the government, claiming the measure violated US law by unreasonably restricting their opportunity to fish for tuna. So NMFS, which had initially supported the closures, lost its nerve and rejected the plan.

As a result, fishing for swordfish continues without restraint, making a collapse in the fishery more and more likely. Populations of blue and white marlin, for which management has also been hindered, are believed to be at least fully-exploited and probably overfished due to uncontrolled longlining. Several species of sharks are the target of rapidly expanding fisheries, and, because of their slow reproductive rate, they are highly vulnerable to overfishing.

It is no wonder, then, that the Regional Councils have strongly urged amending the Magnuson Act to include management of

tuna. On February 2, 1988, the New England Council reiterated its position (and in doing so no doubt spoke for all eight Councils), declaring that "unless there is a modification [of the Act] to allow the Councils to regulate the tuna fishery in the EEZ, we will never be able to fulfill our mandate under the law. Inclusion of all fishery resources in our EEZ is long overdue."

The number of foreign longline vessels operating in US waters has declined in recent years, but the tuna/longline problem has not diminished. The decline in the swordfish fishery during the 1980s has sent many American longline fishermen after tuna, principally yellowfin and bigeye. The tremendous increase in US tuna fishing has brought a corresponding rise in the by-catch of marlin, sailfish and other pelagics. The Councils, of course, have no more authority to limit the amount of tuna longlining by Americans than they do by foreigners.

A Void in Tuna Management

Historically, a substantial portion of the fishing effort for tuna in the western Atlantic has been concentrated within the US fisheries zone, either off the Atlantic coast or in the Gulf of Mexico. This is true today more than ever, as the American tuna fishery grows by leaps and bounds. Apart from the obstacles to managing non-tuna species caught incidental to the tuna fisheries, our hands-off policy on tuna fishing leaves responsibility for conserving tuna stocks solely in the hands of international organizations, where action is typically very slow and uncertain.

Where the management of highly migratory species is concerned, the Magnuson Act is clearly self-contradictory. In its preamble (Sec. 2(a)(4)), the Act gives as a principal reason for extended jurisdiction the ineffectiveness of international fishery agreements in conserving ocean fisheries. Yet later on, it declares that only international agreements can effectively manage tunas.

Tuna quotas in the Atlantic are set by ICCAT, the International Commission for the Conservation of Atlantic Tunas. The record of ICCAT as a management body is mixed, to say the least. The fact that international organizations can only encourage voluntary participation and compliance tends to ensure that recommended conservation measures will reflect only what is acceptable to all nations active in the fishery, including those with a minimal interest in conserving the stocks for the long-term benefit of other member nations.

ICCAT was unable, or unwilling, to act to reverse the dramatic decline in Atlantic bluefin tuna populations before they bottomed out at perilously low levels in the mid-1970s. The timid measures adopted since have failed to put this endangered species on the road to recovery. In 1987, ICCAT scientists reported that the spawning stock of bluefin is still shrinking, while the number of young fish, on which the recovery depends, remains dangerously low. US fishery experts believe a complete moratorium on fishing for bluefin in the western Atlantic will be necessary to the species' survival.

Indeed, the ICCAT failure with bluefin has been the primary motivation behind numerous efforts in Congress to take over the management of tuna fishing activities in the US EEZ. Significantly, these campaigns to repeal the tuna exemption, though heretofore unsuccessful, have played a major role in prompting what little success there has been in controlling tuna fishing, both in ICCAT and through bilateral agreements between the US and the Japanese.

The bluefin experience makes it painfully obvious that ICCAT (or any other international body, for that matter) alone cannot be relied upon to act in a timely and effective manner to conserve highly migratory species (ICCAT has jurisdiction over billfish on the high seas, too.) Moreover, it demonstrates that the threat of US management of tuna in its EEZ is taken seriously by foreign nations fishing in our waters.

Despite the assertion by some that tuna fishermen would respond to US regulation by fishing just as hard somewhere else, the reality of the tuna fisheries says otherwise. For if, as is argued, management of tuna within coastal waters cannot be effective - because foreign fleets can simply fish outside the EEZ and avoid regulation - why is it that the US fleet, or the Japanese fleet, is willing to go through so much aggravation to get access to coastal fishing grounds? If these other countries are giving them trouble (as they are), why don't they just fish for tunas elsewhere?

Strained Relations Abroad

If the US tuna exemption serves as an obstacle to the management of both tuna and non-tuna species alike, then what of the policy's real objective, that of enhancing fishing opportunities abroad for the American distant water tuna industry? Not surprisingly, this convoluted policy has failed in that respect as well.

The State Department contends that by excluding tuna the US gains better leverage with other nations in negotiating for access to tuna fishing grounds off foreign shores. But the truth is that the US has not been bargaining so much as bullying, which explains why it has taken the Department 15 years of what it describes as "delicate negotiations" to reach a substantive tuna fishing agreement in the Pacific.

The US position on tuna gives the skippers of American tuna boats an incentive to behave like pirates, which they have a long record of doing. When a small country such as Costa Rica or Papua New Guinea is bold enough to seize one of our vessels and its catch for violating their fishing laws, the US government comes to the rescue, bailing out the vessel's owners with taxpayers' money (under the Fishermen's Protective Act) and threatening that country with a trade embargo (under the Magnuson Act).

The recently ratified fishing treaty with 16 island nations in the western Pacific - collectively represented by the Fisheries Forum Agency - is the exception that proves the rule. These nations don't care what our tuna policy is, or whether or

not it changes. They already claim tuna as their own because it is the single most valuable natural resource they possess. Unequipped to fully harvest that resource themselves, they want to be compensated for the privilege of fishing in their waters by those who are.

The US government and the tuna industry finally agreed to jointly pay the Pacific nations $120 million over a five year period. Interestingly, the leverage in these negotiations was provided not by our tuna policy at home, but by the Soviets, who were exploiting the bad feeling American fishermen were provoking in the region by pursuing economic alliances with many of the same Pacific islands. The State Department, of course, could not tolerate this situation, and therefore the US agreed to pay a fishing fee in line with what the islanders requested.

Incredibly, the State Department is now touting the agreement as evidence of the value of US tuna policy in securing favorable treatment for our fishermen, declaring that such deals would not be possible otherwise. But the opposite is true. It is likely that particular agreement would have been reached sooner and under more favorable terms, if the US tuna industry had been negotiating for fishing rights on an amicable and equitable basis from the beginning.

As the US Western Pacific Fishery Management Council was quick to point out in June 1987, the US had, at least in this instance, effectively abandoned the premises on which our tuna policy is based. "By agreeing to abide to national laws while operating in the EEZs of foreign countries," the Council said, "the U.S. has apparently recognized the claims of foreign countries to regulate fishing for tuna in their waters. Agreeing to pay Pacific island nations some $12 million per year [US government share] over five years for tuna fishing privileges is a clear indication that the U.S. no longer considers tuna to be 'fugitive resources' free for the taking."

There will be negotiated fishing agreements with other nations, for example Latin American countries in the eastern Pacific, in the near future. A change in the US position on tuna is necessary to foster an atmosphere of respect and cooperation among the parties involved, in place of the present air of confrontation.

Time for a New Policy

Every other nation in the world with tuna within its waters has declared the right to regulate the harvest of that resource. It is time for the US Congress to amend the Magnuson Fishery Conservation and Management Act of 1976 by removing language exempting tuna from US management authority. This can be accomplished by deleting Section 102 of the Act, and broadening the definition of highly migratory species in Section 3(14) by deleting the words "of tuna."

By doing this, Congress would bring US fisheries law into line with the rest of the world; untie the hands of managers trying to prevent swordfish and billfish stocks from going the way of the bluefin tuna and other threatened species; provide a

mechanism for regulating fishing for tuna and controlling the by-catch of non-target fish; and restore good will to this country's dealings with other nations on fisheries issues.

Extending jurisdiction over tuna should in no way replace or preclude international cooperation in the conservation of tuna, or any other highly migratory species. Coastal state management of salmon has not hindered multi-lateral agreements through the North Atlantic Salmon Conservation Organization, nor did it prevent a Pacific salmon treaty between the US and Canada.

The United States has a vital interest in international efforts to collect and analyze scientific and statistical data on ocean fisheries. And we have a vital interest in the benefits that can be derived from global cooperation in the management of highly migratory species. The US should therefore complement domestic management with strong leadership in international conservation efforts. But to do that, we first must have a more rational and resolute policy here at home.

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