



THE NCMC

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NO PLACE LEFT TO HIDE

Managers Consider No-Fishing Reserves To Rebuild Depleted Fisheries

Once there were areas of the ocean off limits to fishing, *de facto* refuges where the fish were too deep or too far from shore to be accessible to fishermen. But no more. Today's highly mobile fishing vessels, more of them than ever before and equipped with the latest in sophisticated fish-finding and fish-catching gear, are capable of exerting heavy pressure on fish wherever they can be found; feeding, spawning, or just passing through on seasonal migrations.

As a consequence, we've fished the populations of many species down to critically low levels. Of greatest concern is the decimation of breeding-age fish, the larger adults who carry the seed for the generations that must one day replace them if the fisheries are to remain viable. From red snapper to swordfish, average fish size is shrinking because of overfishing, and as it does, say biologists, reproductive capacity diminishes, too.

Because existing management systems have failed to halt this trend, fishery managers and scientists are looking at new concepts. Some say the answer is to control access to fishery resources by strictly limiting the total number of fishermen as well as what they may catch. But others are coming at the problem from the opposite direction, suggesting instead that we reduce the amount of ocean open to fishing.

An Insurance Policy. The idea of setting aside large areas of coastal waters so a portion of the fish population can live and grow unmolested by fishing is currently getting serious attention. In February, the National Coalition for Marine Conservation participated in a public scoping meeting held by the South Atlantic Fishery Management Council. The Council, responsible for conserving offshore fisheries from North Carolina to the Florida Keys, is considering the possibility of establishing what it calls "marine fishery reserves" to help rebuild overfished snapper and grouper.

The adults of these species are long-lived, egg-laying machines, an evolutionary device to make sure they reproduce enough to replace themselves. The older the fish get, the more eggs they carry. One 28-pound red snapper, for example, will produce as many eggs as 200 fish weighing 2-3 pounds. That's because the younger fish are still putting most of their energy into growing.

Studies show the size of reef fish caught by fishermen is steadily decreasing, which means the population is weighted

toward immature fish. "Fishing tends to selectively deplete large and older fish," says biologist Jim Bohnsack of the National Marine Fisheries Service's Southeast Fisheries Science Center, a leading proponent of the reserve concept. "Large fish are not only targeted by size-selective fishing gear, but are often more vulnerable to fishing gear because of their aggressive behavior," i.e., the bigger fish are more likely to attack a baited hook.

Marine fishery reserves, Bohnsack contends, would give spawning-age fish the protection conventional regulations - quotas, bag limits, size limits, temporary closures - cannot. Because adult reef fish are fairly sedentary, he says, setting aside, say, 20% of their habitat as a no-fishing zone would protect a substantial portion of the spawning population from overfishing. The increased supply of young fish would be dispersed into surrounding areas where fishing is permitted. A sizable and stable breeding population would be an insurance policy against stock collapse, a real danger under present conditions.

Lines in the Water. To the extent that creating reserves is in accord with the established management goal of harvesting surplus production - that is, spending the interest without touching the capital - it's not a radical notion. Actually, no-harvest zones are already being used in Bermuda, South Africa and New Zealand, where fishermen reportedly have embraced them. State and federal managers in California are also talking about reserves to conserve rockfish and abalone.

The southeast reef fishery seems a natural testing ground for reserves. Nonetheless, the South Atlantic Council is wisely taking a slow-track, knowing full well there are plenty of legitimate questions to be answered and a whole lot of public skepticism to be overcome before the first line is drawn in the water.

How will areas be selected, and using what criteria? Would the reserves be closed to all fishing, or just fishing for snapper/grouper? Will it ease regulation outside the zones, or make it more difficult? When will the benefits be realized - 5 years, 10 years, longer?

To serve their purpose, the reserves would have to be fairly large chunks of ocean, rather than a collection of small areas. At its February meeting the South Atlantic Council presented a hypothetical map with 20% of the continental

shelf blocked off into five separate zones, one near each southeastern state. The public reaction to these sample reserves illustrates the biggest obstacle to the concept. The majority of fishermen in attendance were hostile to the idea from the outset, but even those who said they thought it made sense did not want a reserve near where they fished. To work, of course, reserves must include areas of historic high fishing pressure, so the not-in-my-back-yard syndrome will be a significant factor, if not in site selection then at least in getting sites approved.

The NCMC believes a wait-and-see approach is the right one at this time. But the idea makes sense, and we are encouraging fishery managers to actively explore the potential of marine reserves for fisheries, such as snapper/grouper, where they might be appropriate. Questions will have to be answered before we can move from theory to practice in U.S. waters. We will be asking those questions, and monitoring the process closely.

GETTING THE GROUND FISH RECOVERY OFF THE GROUND

The Northeast Multi-Species (Groundfish) Fishery Management Plan, regulating fishing for Atlantic cod, haddock, redfish, pollock, hake and several species of flounder, has gone through a number of changes since 1982, but none of them has made much of a difference. These staple fisheries of Georges Bank and the Gulf of Maine are at historic lows, in particular cod, haddock and yellowtail flounder, having declined steadily under increasing fishing pressure and ineffectual management.

The New England fishing industry is on the rocks, and for those responsible, it's become a matter of change or be changed. Because it's been shooting blanks for so long, the New England Fishery Management Council finds itself under the gun to produce a recovery plan by this fall, or forfeit control of the fishery to the federal National Marine Fisheries Service.

Shortly before March 1, the Council voted to approve a draft Amendment #5 to the groundfish plan - it will introduce the proposed measures to anxious fishermen at public hearings this spring - in order to meet the first in a series of court-ordered deadlines. Under an agreement between the U.S. Commerce Department and conservationists who'd sued the government to stop overfishing, the fishery managers must produce an uncompromising plan that will rebuild the depleted fishery within 5 to 10 years, and submit that plan to the Secretary of Commerce by September 1, 1992.

An Unhappy Task. The Council has come up with a long list of options for possible inclusion in the final plan, including limits on the number of boats in the fishery and strictly controlled access to the fishing grounds. Many of the region's fishermen are not going to like it, but the days of compromise are over. In the past, Council members, most of whom represent commercial fishing interests, elected to take their cues from the industry. As a result, no limits were put on fishing effort or catch. Today, despite effort at near-peak levels, catches are the lowest they've ever been. The cliché "too many fishermen, not enough fish" has never been more apt.

In order to restore the fishery, the present Council membership has the unhappy task of making drastic and probably

irrevocable changes to the traditional northeast fisheries. Among the measures in the draft recovery plan are:

- a moratorium on entry into the fishery, applying to all commercial vessels, including party and charterboats;
- a reduction in days-at-sea, 10% a year over the next 5 years, enforced with an electronic tracking system;
- a limit on the number of gillnets and tighter rules for tending nets;
- a trip limit for haddock, effectively making it a bycatch-only fishery; and
- adjustments in trawl mesh-size, size limits and area closures to protect small fish.

Will this be enough to turn the stocks around (or satisfy NMFS)? Indirect controls (mesh sizes, minimum sizes and area closures) that have proven ineffective for managing this mixed-species fishery are still an integral part of the Council's thinking. Missing are direct controls on mortality, such as quotas and vessel allocations (other than for haddock). Is this, as some critics claim, just a variation on past efforts to save jobs in the short run while allowing continued depletion?

New Thinking Needed. The alarming condition of the resource, and the failure of *status quo* management, screams out for a fresh approach. New thinking is desperately needed, to first find a way to restore groundfish numbers and then manage the fishery on a sustainable basis.

The U.S. Commerce Department recently estimated the current yield from the New England groundfish fishery to be only 44% of its potential. With the value of the commercial and recreational fisheries put at just under \$400 million, the ongoing losses to the region's recession-plagued economy are monumental. An earlier study concluded that restoring the fishery would add \$190 million in revenues and 8,000 jobs to the Massachusetts economy alone.

To return the fishery to its productive potential, and keep it there, the number of vessels allowed in the fishery will have to be substantially reduced. If managers don't do it in an organized manner, it will happen anyway, by attrition. A well-planned limited entry scheme, complete with economic incentives to cushion the fall-out, should be a top priority.

Already, fishermen are trying to develop new markets for dogfish and skates to replace lost codfish landings. That's because these less desirable species (they don't provide the tasty white filets consumers value) are taking the place of once-dominant groundfish in the ecosystem. Overfishing has turned the ecosystem on its head.

The long-term environmental consequences of this change are unpredictable, but the implications for the future recovery of the groundfish fishery are disturbing, particularly if overfishing were to continue for the next few years. Biologists should take a close look at ecosystem management as an alternative to the ineffective species-by-species approach, which is rendered virtually impossible by the widespread use of indiscriminate fishing gear.

Some 24 species are caught in non-selective otter trawls, the predominant gear in the New England fishery, and the discard rate for under-size (juvenile) cod and flounder is extremely high, as much as 90% in some hauls. Mesh-size adjustments aren't likely to sort this out. Trawls may have to be phased out, by offering incentives to fishermen who employ more selective and more manageable fishing methods.

CROWDING AT THE BOTTOM

Too Many Endangered Species Points To Problem With Conservation Laws, Not ESA

The Endangered Species Act of 1973 requires all federal agencies to undertake programs to conserve "threatened" and "endangered" species of plants and animals, including invertebrates. This includes restrictions on the taking of animals and preservation of their critical habitat. Habitat loss is the number one cause of species loss.

Polls show two-thirds of Americans want a strong Endangered Species Act. Even so, it'll be the object of fiery debate in Congress during re-authorization this year. Lawmakers are not only re-examining the Act's effectiveness in preventing extinction, but also its effect on the economic lives of Americans.

A coalition of environmental groups is supporting H.R. 4045, "The Endangered Species Act Amendments of 1992," sponsored by Rep. Gerry Studds (MA) and 30 others. The bill would strengthen key aspects of the law. On the other side, an alliance of industry organizations is seeking to inject what it terms "balance" into the equation, by which they mean amending the law so that a species cannot be listed if the economic impact of protecting it is too great.

Several marine species are at the center of this debate. The Snake River run of sockeye salmon was declared endangered last fall, and other Pacific salmonids are likely to follow. Five species of sea turtles are protected from drowning in nets pulled by shrimpers. And a petition to declare the Atlantic bluefin tuna a threatened species, first filed in 1975, has re-emerged in light of that fish's unchecked decline. The National Fisheries Institute, representing the commercial seafood industry, and National Fisherman magazine recently joined the campaign to weaken the Endangered Species Act.

The common theme of those waging war on the Act is that, as presently written, it puts the interests of animals ahead of people and jobs. This ignores the fact that, although a species is added to the endangered list based solely on biological criteria, the law requires that social and economic factors be weighed in determining what will be done to save that species.

"A Terrible Way to Manage a Resource." Congress will do us all a disservice if it gets mired down in this jobs vs. animals debate. What's common to all the species listed or proposed for listing is that they have come to this end in spite of a variety of laws in place to conserve them. Congress would do better to examine why the wildlife management system it's created hasn't worked for these animals.

Endangered species designation is the court of last resort. It represents an utter failure of conservation practices meant to keep fish and wildlife in a healthy state. It's controversial because listing usually leads to severe federal actions that would not be necessary had other laws been applied properly in the first place.

A case in point is salmon of the Pacific northwest, where dams have destroyed the spawning habitat of five species proposed for the endangered list. Legislation passed in 1980 (creating the Northwest Power Planning Council) was supposed to ensure the fish could co-exist with hydropower, by establishing adequate upstream runs for spawners and

downriver flows for young salmon heading out to sea. Bill Bakke, director of Oregon Trout, a statewide angling organization, told Audubon magazine they went the endangered species route only when all else failed. "ESA petitions are desperate acts," he says. "They're a terrible way to manage a resource," but there's no alternative when we let a species almost disappear before acting to protect it.

More Pro-Active Laws. That species are still lining up as candidates for listing is causing intense conflicts - economic, social and regulatory - and turning the law itself into a political hot potato. But the problem is not with the Endangered Species Act. We resort to that law for one reason only - because there's nowhere else to turn. The larger and more serious problem Congress needs to address is the nation's failure to conserve wildlife and its critical habitat under existing laws designed specifically for that purpose.

Clearly, the most effective way to avoid the negative effects of listing an animal is to prevent it from becoming a candidate in the first place. Congress, in its review of endangered species legislation this year, should emphasize the need to achieve more pro-active management and conservation of wildlife and their habitat. Instead, of engaging in an endless debate about the impact of recovery plans on jobs and industry, the lawmakers would do better to give the Act a straightforward renewal, for perhaps two years, and convene oversight hearings to plug the holes in our wildlife conservation laws that are the direct cause of overcrowding on the endangered list.

One of those laws, the Magnuson Fishery Conservation and Management Act, comes up for re-authorization itself in 1993. A steady wave of fish species is being depleted, to unprecedented levels. The law isn't working as it was intended. One reason it's not is that Congress hasn't stood behind it. Rather than face divisive debates in the future about whether a non-anadromous, ocean-going fish can be driven to extinction (commercially or biologically), or whether we can afford to prevent it, Congress should seize the opportunity now to strengthen the law and prevent that from ever happening.

LATEST SHARK PLAN STILL LACKS BITE

But Let's Get On With It

The NCMC has called on the National Marine Fisheries Service to implement its proposed regulations for the Atlantic shark fishery no later than July 1, 1992, the start of the next fishing calendar. At the same time, we've asked the agency to begin laying the ground work for amendments and regulatory adjustments at once, to address lingering concerns about the plan's effectiveness.

The proposed measures include quotas for large coastal and pelagic sharks, a prohibition against killing sharks just for their fins, and a new system for monitoring who's catching what. "Although the latest (plan) still has serious shortcomings," the NCMC advised NMFS, "increasing fishing pressure on oceanic sharks coupled with their unique vulnerability to rapid depletion makes it imperative that these minimum protections be enacted before further, lasting damage is done."

NMFS took over shark management from the Councils in 1989 to give a fast-track response to a resource emergency sparked by rapidly escalating catches in the shark fishery,

mounting bycatch and discards in non-shark fisheries, and widespread finning for export. But administrative delays have held up any controls on the fishery, and it remains entirely unregulated.

The main problem with the plan is that it can't stop overfishing without controlling the number of sharks killed and discarded in other fisheries. It regulates only the directed fishery and limits landings, not mortality. Dead discards, however, are the greatest source of shark mortality.

The large coastal species (hammerhead, big nose, dusky, silky, night, etc.) are the most severely overfished, according to NMFS, and the biggest threat to this group of sharks comes from the pelagic longline fisheries for tuna and swordfish. Studies have shown these are the species that make up the bulk of the bycatch. The measures in the NMFS plan will not reduce the incidence of sharks hooked on longlines. More large coastal sharks are likely to be discarded dead by longliners than are landed under the 1,450 ton quota.

The NCMC has recommended that NMFS give top priority to gathering comprehensive data on longline bycatch and discards, by species, with at-sea observers. After the first year of the plan, discards should be deducted from the allowable quota for the next year. If discard levels are high, this would entail either reducing bycatch or closing the directed fisheries. Anticipating this, NMFS should undertake research to explore modifications to longline gear - where, when and how it is used - to make it more selective for target species, or work with industry to promote more selective alternatives.

WANTED: PROBLEM SOLVERS

"Technological progress has merely provided us with more efficient means for going backwards," a curmudgeonly Aldous Huxley once wrote. Such rampant generalities usually aren't very useful, but if he were talking about modern fishing, we'd have to agree. As fishing techniques have become more proficient at taking mass quantities of fish, fishermen have become less efficient in their use of marine resources. It's time we put technology to work solving fishery problems, not creating them.

Many types of fishing gear are not selective and unintentionally catch under-size juvenile fish or non-target species. The bycatch discarded in U.S. fisheries yearly is estimated in the billions of pounds. With nearly all fisheries stressed to the limit or beyond, this unnecessary waste squanders precious resources and forces managers, unable to control bycatch, to put even tighter limits on the fishermen they can control.

Heretofore, the problem solvers in the U.S. fishing industry and government-assistance programs dedicated their brains and sweat to maximizing catch rates or finding ways to exploit under-utilized fish. That same know-how should now be directed toward technological improvements in fishing gear that will reduce bycatch. Applied research is needed in two parallel areas: modifying existing gear types and developing new ones.

The limited research done under the NMFS Conservation Engineering Program should be expanded into a major national effort to re-tool the fishing industry for the cleaner fisheries of the future. NOAA's Sea Grant College Program, with research grants to over 200 facilities around the country and its history of close cooperation with the fishing industry, is perfectly situated to be a major contributor to this effort, too.

Gear research at the level needed will cost money, but it's there. NMFS is cutting its budget for industry assistance, and this savings could be applied to bycatch reduction. Industry could chip in its share through an *ad valorem* tax on landings. The investment will be worth it, paying big dividends in lower-cost management and enforcement and more cost-efficient methods of fishing. It's a job creator, too, for marine scientists and technicians, and for the fishermen who will be needed to field test the new gear.

The "Marine Bulletin" is written by Ken Hinman and published by the National Coalition for Marine Conservation, an independent, non-profit organization dedicated to the conservation of ocean fish and their environment. Articles may be reprinted without permission provided credit is given to the source.

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THE SECOND SEASON

Gulf Snapper Decision Deep-Sixes New 'Risk-Averse' Policy

There was supposed to be only one commercial fishing season for red snapper in the Gulf of Mexico this year, the one that ended February 22nd when fishermen reached the 2 million pound limit set for 1992. The restricted catch is part of a federal conservation program to rebuild the "severely overfished" reef fish. Sportsmen fish under a 7 fish daily creel limit.

But there was a second season. On April 3rd, federal managers, bowing to pressure from commercial fishermen, took "emergency" action to re-open the snapper fishery and allowed fishing to resume on a limited basis (1,000 lbs./boat/trip). Six weeks later, on May 14th, the commercial fishery was shut down again, this time for the remainder of the year. The final tally for the commercial catch was expected to exceed 3 million pounds, half again what the Reef Fish Fishery Management Plan permits.

The decision to let fishermen overfish red snapper this year, though made at the request of the Gulf Fishery Management Council and approved by the National Marine Fisheries Service, was an unusual and extremely controversial one. The ceiling for 1992 was lifted solely to appease hundreds of fishermen angry because the quota'd been filled much sooner than expected. Notwithstanding fishermen's claims that red snapper are plentiful, no new scientific information was presented to either the Gulf Council or NMFS to indicate a change in the status of the depleted resource.

Shoot First, Ask Questions Later

That the action was taken without scientific basis is clear from the motion passed by the Council (on a slim 9-8 vote) March 11th; it called for re-opening the fishery first and *then* studying what effect the increased catch might have on the resource. This is in utter contradiction to national fishery policy, which states that in the face of uncertainty and pressure from the fishing industry, fishery managers are to make decisions that err toward conservation, not overfishing (NMFS Strategic Plan, June 10, 1991).

NMFS adopted this new "risk-averse" policy to resolve precisely the kind of conflict that arose in the snapper fishery. It acknowledges the dual - and often dueling - objectives set out for fishery managers in the Magnuson Act: to promote the interests of U.S. fishermen while conserving a healthy

resource for the future. This can be a tough balancing act, given that fishermen with a vested interest in management decisions are voting members of the Councils. But when conflict arises, particularly over the use of a resource the best science tells us is in serious decline, NMFS policy states in no uncertain terms that the resource comes first.

A new stock assessment for Gulf red snapper should be completed by August. Until then, the "best scientific information available" - what managers are bound by law to act on - says the spawning stock stands at only 1% that of an unfished population. The goal of the Reef Fish Plan is to return the population of spawners to 20% by 2007.

The snapper fishermen who pressured the Gulf Council for more fish this year think the government scientists are wrong; they say the large catches that triggered the early closure prove there are more fish out there than the experts think. But biologists say the large number of fish available this year, many of them juveniles entering the fishery from the strong 1989 and 1990 year classes, were anticipated. The point of holding back on fishing effort, they point out, is to allow more young fish to grow to spawning age. The Council's scientific advisory committee recommended against re-opening the fishery.

What was not foreseen, and probably should have been, was the free-for-all that began New Year's Day. Following a 4 month hiatus in fishing at the end of 1991, effort at the beginning of the year was akin to a gold rush, quickly flooding the market with red snapper and depressing the price. A spokesman for the Gulf Council says it will be looking at ways to stretch the catch out over a longer period in 1993, probably with trip limits for each vessel.

Aftershocks

The quickness with which federal managers responded with an "emergency re-opening" to allow overfishing of red snapper stands in stark contrast with how tentatively they act to *stop* overfishing. The total allowable catch, or TAC, for red snapper is already much higher than it should be, and to accommodate the current level of fishing managers had to push the original recovery target date back from 2000 to 2007. The number one killer of snapper, the shrimp trawl fishery, was granted an exemption from regulation until at least 1994.

The drama of what to do about the shrimp bycatch problem is being played out on another stage (see "Wanted: A Better Way to Catch Shrimp" in this issue).

Overfishing this year may or may not have done lasting harm to the snapper recovery, but it may have damaged the management system in several ways. First of all, a dangerous precedent has been set. "Every fishery where a TAC has been established could, when the TAC has been met or exceeded, request an additional quota and a re-opening of the fishery as is being done in this instance," worries John Green, NCMC board member and a dissenting vote on the Gulf Council. "Action such as this is not fishery management, it is political reaction."

This kind of reactive management calls into question the ability of the Councils, as presently constituted, to act as trustees of a public resource. Congress will hold hearings on the Magnuson Fishery Conservation and Management Act in 1993, and, according to key staffers on the Hill, the Council system will be getting a lot of scrutiny. Every Council, at one time or another, has been criticized for ignoring scientific advice and catering too much to special interests. There is a growing conviction that as long as fisheries decisions are made by those who have a financial interest in the outcome, it will continue to happen.

Ultimately, though, the buck stops with NMFS. The agency is supposed to hold the Councils to national standards and guidelines designed to prevent overfishing and restore depleted stocks. The question we must ask is: Just how committed is the agency to its much-vaunted "risk-averse" approach to management - to managing conservatively when faced with uncertainty? It was touted as a "fundamental departure from past approaches," but, in this case at least, it looks like the same old song and dance.

A NEW DIRECTION FOR WETLANDS

The Wetlands Reform Act of 1992

For more than a year Congress has been locked in heated debate over appropriate protection of wetlands. The issue has become the primary focus of the Clean Water Act reauthorization. But because of the polarity of the issue, legislation has moved at a snail's pace. Proposed solutions have ranged from minor improvements in protection to thinly veiled attempts to gut even the minimal protections now available. Meanwhile, the country continues to lose these vital fish and wildlife habitats at a rate of about 300,000 acres a year.

"The lines have been drawn hard and fast, and Congress has been afraid to move forward with any plan," notes Carl Paulsen, NCMC Program Director. "But with the introduction of a bill by Rep. Don Edwards of California, there may be hope for some real progress in wetlands protection."

The Wetlands Reform Act of 1992 (H.R. 4255) balances concerns over the loss of wetlands with those of development and agriculture interests. "The formula is simple," says Paulsen. "Where previous bills have addressed only one side of the table, the Edwards bill hopes to reel in all concerned parties. It combines strong conservation measures with improvements in the Section 404 permitting process and moves to settle the dispute over the definition of wetlands."

The Edwards bill clearly addresses several of the recommendations which arose out of the NCMC's 1991 National Symposium on Coastal Fish Habitat Conservation. It establishes a national policy to preserve the quantity and quality of wetlands and to restore degraded habitats. It expands coverage of the current program to previously unregulated activities, such as draining, excavating and flooding. The bill also strengthens the roles of the Environmental Protection Agency, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in permit review.

The Corps of Engineers would no longer be able to approve so-called General Permits without EPA approval, and would be required to track their cumulative impacts. In the past, vast amounts of wetlands were lost to General Permits, which provide blanket approval for certain categories of activities. Similarly, the Corps would have to provide a written explanation for rejecting recommendations made by either NMFS or FWS, giving more teeth to roles heretofore largely ceremonial.

H.R. 4255 contains funding and programmatic changes to streamline the permit process. Small-scale projects would follow a "fast-track" procedure which ensures processing within 60 days. The General Accounting Office will determine the needs of the severely understaffed and underfunded agencies in order to speed up assessing and processing of all other permits. The bill also provides funds for a training and certification program for private sector wetlands assessors and for expediting the completion of the FWS's National Wetlands Inventory. Both should substantially reduce the burden on federal regulators and expedite decisions on permits.

The Edwards bill also strives to resolve the controversy over the definition of wetlands, by commissioning a study of standards for wetlands identification and delineation by the National Academy of Sciences and delaying implementation of the Administration's proposed changes to the 1989 Federal Wetlands Manual (see *Marine Bulletin* No. 56) until the study is completed. EPA would be the lead agency for developing a new manual based on the NAS findings.

In deference to strong pressure from agriculture interests, H.R. 4255 concedes exemptions for certain farming practices. The bill reaffirms the current exemptions for normal ongoing farming, ranching and forestry activities; clarifies exemptions for artificially created wetlands; and requires the Corps and EPA to issue rules to determine when "prior converted" wetlands should be exempt from Section 404 regulations. Clarification of the regulations affecting agriculture should help stem the loss of some wetlands, but the exemptions remain extensive. Considering that more than half of all wetland losses occur as a result of agriculture, something will need to be done in the future to resolve this dilemma.

Still, the Edwards bill is the strongest wetlands protection measure introduced in Congress thus far, and deserves broad support from conservationists and fishermen. It was filed on February 19th with 20 cosponsors and now boasts 69; far less, however, than the 174 signed on to the unacceptable industry-backed bill, H.R. 1330. The National Coalition for Marine Conservation supports H.R. 4255 as an important step toward protecting wetlands and the numerous irreplaceable functions and values they provide for fish and other wildlife.

TUNA TALKS ARE ALL TALK ICCAT Strikes Out on Bluefin

Representatives of the United States, Canada and Japan, the three countries whose excessive harvest of bluefin tuna endangers the future of one of the biggest and most spectacular fish in the sea, met in Tokyo May 24-26 to consider further limits on fishing in the western Atlantic. Unfortunately, as with other recent meetings on the fate of the bluefin, it was all talk and no action.

The trilateral meeting was sanctioned by the 23-nation International Commission for the Conservation of Atlantic Tunas (ICCAT) to entertain a standing U.S. proposal to cut current bluefin landings by half. The 50% reduction was discussed, then dismissed. In fact, the parties didn't agree to *any* cutbacks, just a promise to re-visit the issue in November 1993, the next time bluefin comes up on the ICCAT agenda.

Meanwhile, fishing for bluefin—primarily aimed at the adult fish, or giants, valued at up to \$30,000 apiece—continues under the dangerously liberal

ICCAT program. Since 1983, the U.S., Canada and Japan have shared an annual catch of 2,660 metric tons, and in the process reduced the population of spawning-age fish to less than a tenth what it was in 1975. Last November, ICCAT lowered the catch for the 1992-93 fishing seasons, but only by 10%, an ultimately meaningless act, since it keeps fishing pressure at a level most experts say the decimated bluefin population can't sustain for very much longer.

"As a vehicle for bluefin conservation, ICCAT has now demonstrated beyond any reasonable doubt that it isn't even on the road," says NCMC Executive Director Ken Hinman. "The best science on the condition of the resource and the best interests of the majority of fishermen are stubbornly and consistently ignored. It's totally unacceptable to do nothing for another two years. There might not be that much time."

No Recovery in Sight

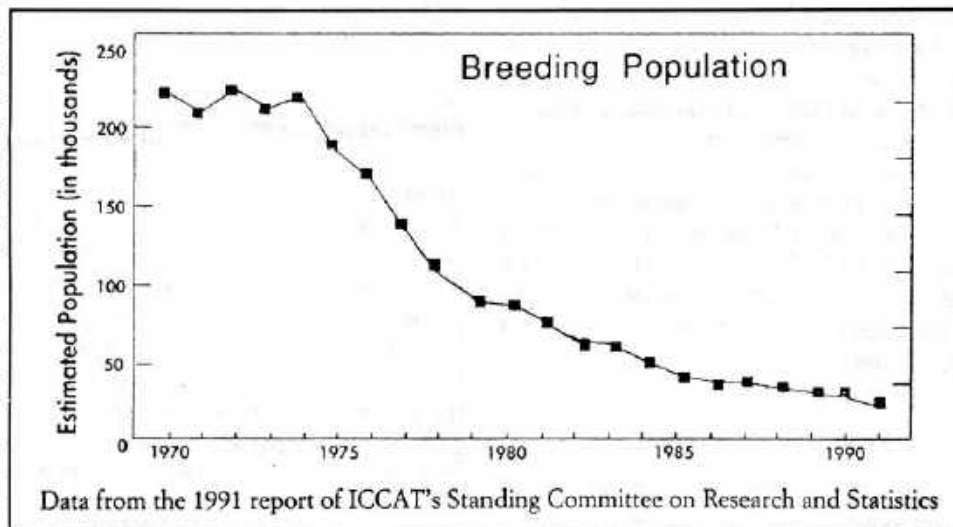
The devastating effects of overfishing are indisputable, as is the direction the bluefin population is headed (see graph). The American Fisheries Society, a highly-respected organization of professional fishery scientists, recently made a disinterested assessment of the bluefin situation. They concluded: "The western Atlantic stock of bluefin is severely overfished and is showing little sign of recovery after 10 years of (ICCAT) management. *The present management regime will not allow the stock to recover.*"

AFS scientists express "great concern" about the shrinking adult population, which has not produced a good crop of

young fish in 20 years. "Since the adult population continues to decline, the probability of a strong year class likewise declines while the possibility of recruitment failure increases. [Recruitment is the addition of new generations of fish.] Should recruitment decline further, recovery becomes even less likely, even with more restrictive quotas." Biologists with the National Marine Fisheries Service project that an immediate 50% reduction in catch is needed to get at least even odds of halting the decline of adult fish within the next 4-5 years.

The dismal condition of bluefin and the seeming paralysis afflicting the Atlantic Tuna Commission is what prompted conservationists to go outside ICCAT earlier this year and seek protection under the Convention on International Trade

in Endangered Species. The 95 nations at the biennial CITES meeting in March heard a Swedish proposal to suspend all international trade in western Atlantic bluefin, an action that would take the profit out of catching giant bluefin for export to Japan's lucrative sushi market, where most of the big fish end up. But the bluefin



fishing nations joined forces to lobby against the proposal, finally persuading the Swedes to withdraw it in exchange for assurances they would seek substantial cuts through the "appropriate" channels, i.e., ICCAT. The head of the U.S. delegation, John Turner, advised the Administration in writing that a public commitment had been made at CITES to reduce the ICCAT quota.

Promises, Promises

After squelching the debate at CITES, the big three then proceeded to welch on that promise. The U.S. position going into May's trilateral meeting was still to reduce catch by 50%, "if not immediately then by 1994," according to Carmen Blondin, chief U.S. commissioner to ICCAT. Though Canada steadfastly opposed any stricter limits than those already in place, Japanese officials intimated they would support a 50% cut. But when the parties sat down to negotiate, Japan's support turned out to have strings attached, while the resolve of the U.S. Commissioners to aggressively pursue their country's position turned out to be soft.

Japan linked acceptance of a lower quota to first controlling the catch of Atlantic bluefin by fishermen not fishing under ICCAT. Based on their own import figures, Japan estimates over 2,000 tons a year are caught by non-treaty nations. Unfortunately, efforts to get ICCAT to endorse trade controls proposed by Japan failed, due to opposition from the European Community. Instead, non-ICCAT nations will be asked to cooperate in supplying catch statistics.

If the clandestine catch is as high as Japan thinks it is, the total harvest of western Atlantic bluefin may be as high as 5,000 tons, an amount equal to the harvest when the current management regime went into effect in 1982. If ICCAT doesn't find a way to control this catch, much less the catch of its own members, the case for CITES action in 1994 to suspend all trade in Atlantic bluefin will be insurmountable.

The U.S. Can Do A Lot More - Before '94

Once again, ICCAT has failed to do what's necessary to halt the 20-year decline of the Atlantic bluefin tuna. Worse, it has deferred any possibility of action until its November 1993 Annual Meeting, following the next scheduled bluefin stock assessment. (The 1992 assessment will be limited to the less threatened eastern Atlantic population.) But that doesn't mean we have to stand around doing nothing. The National Coalition for Marine Conservation is calling on the Bush Administration, Congress and NMFS to take immediate action to improve bluefin tuna conservation.

There are six steps the U.S. can take, only one of which requires ICCAT approval, and they all keep us in compliance with our treaty obligations. They fall into two areas: stricter interpretation of existing ICCAT recommendations; and stronger U.S. preparations for the next international meeting on bluefin. The latter changes will strengthen our chances for success at the 1993 ICCAT meeting, while the former will offer greater protection to bluefin in the interim.

Close the Cracks in U.S. Regulations

To our discredit, U.S. officials elect to interpret ICCAT recommendations in the loosest possible manner, in order to maximize the domestic catch. Measures are crafted to ensure every last fish allotted by ICCAT is actually landed, and that fish killed but discarded are not subtracted from our total allotment. In this way, we've sanctioned an annual overkill of bluefin and seriously undermined the intent of the ICCAT management program.

The international rules for bluefin allow a limited "scientific monitoring allocation" in order to monitor the status of the stock during recovery. That the U.S. treats it as a quota - as quotas are normally understood - is a decision made by our officials, not ICCAT. The excuse that we are only following ICCAT rules is self-serving and disingenuous. So is the current single-minded focus on reducing the catch of young tuna by anglers. The critical problem is the overfishing of adults. The number of small and medium size fish has increased since 1982, only to be cropped off when they reach adulthood. Meanwhile, the spawning stock dwindles away.

• **Put Spawning Grounds Off Limits.** One objective of the 10-year-old ICCAT management program is to halt the catch of bluefin in the Gulf of Mexico, its only known spawning ground in the western Atlantic. But U.S. rules permit an "incidental" fishery in the Gulf, not just to accommodate the heavy tuna longline activity there, but to allow it to continue with as little interference as possible. Gulf longlining kills thousands of giant spawning bluefin each year as bycatch, and many must be discarded dead when boats reach their trip limits, if they aren't sold illegally. Recent rule changes are merely cosmetic, meant to make sure the Gulf fishery doesn't appear to be targeting bluefin, yet doing little to actually

reduce the carnage. The U.S. should close the Gulf of Mexico to fishing with longlines, or any other gear that takes a bycatch of bluefin, during spawning season.

• **Count Fish Killed, Not Just Fish Landed.** By definition, a catch for scientific monitoring purposes - and ICCAT has not once strayed from characterizing the allowable catch in those terms - is to maintain or improve the data necessary to index the abundance of bluefin tuna. The U.S. understands this, in that the total number of fish reported killed by American fishermen - including dead discards - is counted as fishing mortality in every scientific stock assessment. But we ignore this when we add up our scientific allocation, counting only fish that are landed. Discards should be estimated through a combination of mandatory reporting and at-sea observers, and the total deducted from the following year's catch.

• **Reduce Allocation for Netters.** In 1982 NMFS stated: "The purse seine fishery is not identified by stock assessment scientists as one providing primary monitoring capability. Effort information on purse seine fishing is not suited for indexing the fishing mortality rate.... This U.S. purse seine fishery is no exception." Yet five New England-based boats get over 25% of the allowable U.S. catch, and take exclusively high-value giants. The political clout that got a few fishermen a big piece of the pie also works to keep the pie as big as possible. This is both grossly inequitable and counter to ICCAT's catch for scientific purposes. The purse seine allotment should be cut in half, with the difference re-allocated to the general commercial and angling categories, less efficient gear that will provide more usable data on catch and effort and take pressure off the remnant spawning population.

Re-Vamp U.S. Participation in ICCAT

• **New Leadership.** The track record of the current U.S. leadership at ICCAT does not offer much encouragement for future success. We need representatives who can be held accountable to the public interest. The head of the U.S. delegation should be the Director of NMFS, or his designee. The other two commissioners should not be appointees from the commercial and recreational industries, respectively, but rather individuals chosen for their knowledge of highly migratory species. Also, the U.S. Advisory Committee, heavily dominated by industry, acts as an anchor to keep the U.S. from moving too far from the financial interests of its members. It should include a fair balance of commercial, recreational, environmental and other public interests.

• **Provide More Timely Stock Assessments.** ICCAT's scientific committee usually prepares its stock assessments immediately prior to the Annual Meeting each November. This new information is often used by our Commissioners to retreat from established positions. Beginning in 1993, these assessments should be completed by October 1st, to allow ample time for U.S. officials and their advisors to study the results and incorporate them into our national position before they leave for ICCAT.

• **Expand U.S. Authority Over Tuna Fishing.** The law preventing U.S. managers from enacting measures stricter than those made by international agreement should be repealed by Congress in 1993. We've had ample time to disprove the mistaken notion that only ICCAT can effectively conserve tuna and other highly migratory species.

WANTED: A BETTER WAY TO CATCH SHRIMP

Trawlers Must Clean Up Their Act

NOAA Deputy Assistant Administrator for Fisheries Michael Tillman, keynote speaker at the recent International Conference on Bycatch in the Shrimp Industry, calls it the "non-point pollution of fisheries management," an inspired way to describe this widespread and chronic form of over-fishing.

Because the billions of finfish killed and discarded every year by shrimpers is dispersed throughout the largest commercial fleet in the United States, many individual fishermen dragging their small corner of the ocean don't appreciate the magnitude of their impact on other fisheries or the coastal ecosystem. It's not only the indiscriminate nature of small-mesh trawls, but the size of the fleet - some 6,500 boats trawling offshore, another 11,000 working inshore waters - that makes shrimp bycatch such a massive problem.

Standard otter trawls net on average 200,000 non-target fish and crustaceans per ton of shrimp put on deck. Virtually all of these animals are discarded dead. The National Marine Fisheries Service estimates the Gulf of Mexico shrimp fleet alone killed over 10 billion finfish in 1989.

Yet with many shrimpers still not convinced their bycatch is a problem, it's to the credit of the Southeastern Fisheries Association, the industry group that sponsored the May 25-27 conference, that fishermen, fishery scientists and managers, gear specialists and environmentalists were brought together, not to debate the bycatch issue, but to search for a solution. "It won't go away," warned Tillman, the country's second-ranking fisheries official. "It must be solved."

No Clear Guidelines

Shrimpers were still wrestling with federal rules to prevent endangered sea turtles from drowning in their nets when the fish bycatch issue rushed to the fore in 1990. Biologists reported that over 12 million red snapper, a severely depleted Gulf reef fish that spends its first two years on shrimping grounds, die in trawls yearly and that trawling is the single greatest obstacle to that species' recovery. Measures proposed to reduce the bycatch rate by half prompted the beleaguered shrimp industry to seek and get a temporary reprieve from Congress, postponing any action until 1994.

Beyond that, federal fisheries law doesn't say much about bycatch, particularly what managers should do about it. There are no guidelines, save for a broad directive to minimize waste of immature fish, so managers have a lot of discretion. As attorney Eldon Greenberg told the conference, this ensures that the solution will be a political one, driven by constituent and public pressure, with little guidance from Congress - which isn't to say there won't continue to be Congressional interference.

But one thing is clear. Although the bycatch debate has centered on red snapper, the solution will have to address the problem on a generic basis. As a fishery manager from South Carolina remarked, "The South Atlantic doesn't have a problem with red snapper, but we still have a bycatch problem." Mackerel, spot, croaker and weakfish are killed in great numbers, with an unknown but certainly adverse impact.

A Worldwide Concern

A parade of speakers from around the world helped put shrimp bycatch into perspective as an international issue. One estimate puts the global bycatch as high as 42 billion pounds. As the conferees discovered, a number of countries are ahead of us in terms of assessing the extent of the problem and experimenting with modified trawls as well as alternatives to trawling.

China, for instance, prohibited trawls in the Pohai Sea, one of its largest fisheries, replacing them with small drift nets that reportedly have no bycatch. Australia, because of limited entry and compulsory logbooks - measures only being talked about here - was able to pinpoint times and areas where bycatch of "problem" species was high and instituted strict closures to protect them. Many Canadian trawlers are using the Nordmore grate, a fish excluder developed in Norway in 1989, and rules requiring its use are expected there soon. Northern European shrimpers use a beam trawl, which forces the shrimp to jump up into the net, instead of otter trawls, which herd everything in their path into the mouth of the net.

Each of these remedies has been adapted to the specific conditions and needs of the fisheries in those countries, and therefore are not necessarily applicable here. Moreover, radical changes in fishing methods will probably not be accepted by U.S. fishermen, thus the emphasis here on modifying standard trawls. The most revolutionary alternative of all, of course, is farming shrimp instead of harvesting them from the wild, which is how the world now gets 28% of its supply. The U.S., in fact, is one of the world's largest consumers of farmed shrimp, although it's all imported. Aquaculture is still in its infancy here, and its long-range prospects are uncertain.

Improving on the TED

There are basically four ways to reduce fish bycatch in shrimping operations:

- *Gear modification*, using some type of excluder device fitted into the net, or visual and/or physical stimuli to separate the fish from the shrimp;
- *A change in fishing tactics*, e.g., shorter tow times, "fish-friendly" sorting devices to keep fish alive until released;
- *Time/area closures*, prohibiting shrimp trawling when and where bycatch rates are highest;
- *The use of alternative gear* that has minimal or no bycatch.

Much of the research being done in the U.S. is focused on the first option, namely developing a suitable bycatch reduction device, or BRD, that can be integrated into the shrimp net without disrupting the working of the net. One reason for this is federal rules requiring TEDs to protect turtles. The turtle excluder device has become the prototype for the BRD; in part, because some models have a demonstrated capacity to exclude fish, but also because the development of any gear to reduce bycatch must begin with a proven effectiveness in excluding turtles in order to comply with the Endangered Species Act.

Another reason is, the more expensive and complicated the alteration to standard shrimp nets, the less likely it is to be accepted by traditional fishermen. Needless to say, requiring a second device in addition to the TED is out of the question. As one shrimper said, "Simplicity is the key." Likewise,

most managers want nothing to do with industry proposals to tailor bycatch rules to local conditions because of the obvious enforcement nightmare.

Aside from problems associated with operating new gear, the biggest objection to BRDs, as with TEDs, is the potential loss of shrimp catch. But this may be more of a perceived problem than a real one, as several speakers pointed out. The use of a device that successfully keeps fish out of the net could mean shrimpers make more money, not less, for three reasons: the quality of the shrimp will be higher because it isn't crushed beneath the weight of unwanted fish; sorting time will be reduced, enabling the shrimper to get his nets back in the water sooner; and it will eliminate the necessity to move and fish elsewhere to avoid concentrations of fish. Together, these advantages would vastly outweigh the small amount of shrimp that might escape with the bycatch.

The Clock is Ticking

When Congress exempted shrimpers from bycatch regulations for three years, it in effect gave the industry time to work with managers to find an acceptable solution. The 1990 amendments called on NMFS to establish an Incidental Harvest Research Program to identify species adversely impacted by shrimping activities and develop the best available technology to reduce trawl bycatch. The agency in turn entered into a cooperative agreement with the Gulf and South Atlantic Fisheries Development Foundation, an industry group, funding the preparation of the research plan.

Congress wanted the planning done and research underway by mid-1991, but it's already a year behind. Congress mandated a 3-year research effort, with the obvious intent of completing the study by the time the moratorium on bycatch regulations expires. The plan, however, outlines a 4-year study that won't be completed until mid-1996 at the earliest.

The Foundation's plan, introduced at the International Bycatch Conference in May, is comprehensive, to say the least. The primary element of the plan is a voluntary observer program to document the extent of bycatch of federally managed species. Also, resource surveys will be conducted to

assess the condition of these species and their vulnerability to trawling. Modified and newly developed gear will be studied and field tested in close cooperation with the industry. Non-gear management options, such as time/area closures, will be evaluated, too. Finally, the social and economic impact of bycatch management on shrimp fishermen will be examined, and an outreach program initiated to transfer information to fishermen and develop methods for resolving conflicts.

When Push Comes to Shove

The first conflict that will undoubtedly arise is the discrepancy between the lifting of the moratorium in 1994 and a research plan that won't be finished until at least two years later. If the Gulf or South Atlantic Councils move to propose bycatch measures, we can expect a case will be made for postponing action until completion of the study.

If the drawn out and bloody battle over regulations to save turtles taught us anything, it's that we need a fully cooperative effort in the development of solutions to the bycatch problem. No one entity can solve it alone; not government, industry or conservation groups. The fact that laws to conserve fish are not as strong as those to protect endangered species makes this doubly true.

On the other hand, the effort to save turtles did begin in a cooperative spirit, but broke down when the effort switched from voluntary experiments with excluder devices to mandatory requirements. That point will come with fish bycatch, too. When it does, whether or not we repeat the turtle fiasco will depend on how well all of us involved cooperate in the meantime; not just in helping managers find a solution, but also in agreeing to comply with the solution they propose.

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THE COUNCIL, THE COURTS AND THE CONGRESS

The Search for New Solutions for the Northeast's Ailing Fisheries

Catches of cod, haddock and flounder from the world famous Georges Bank and Gulf of Maine fishing grounds have sustained New Englanders for centuries. But these days, the once mighty northeast fishing industry is on its knees. Overfishing has reduced the populations of most important groundfish species - the "money fish" - to all-time lows. The decline, which began in the early 1980s, is depriving the region's fishing-based economy of \$350 million and 14,000 jobs annually, according to a study done in 1990.

Groundfish stocks are "heavily fished and severely depressed," says the New England Fishery Management Council. Yet until very recently the Council's only response had been a fatally flawed system of indirect controls on fishing - mesh sizes for trawls and gill nets, minimum fish sizes and closed areas. During the past decade, fishing effort steadily increased with the addition of new boats and improved gear and technology, while landings dropped off sharply. The fishing mortality rate for the principal groundfish species has been measured at more than 50%, meaning over half the fish alive during a given year are caught by fishermen. To allow more fish to grow and re-populate the fishery, say marine biologists, fishing pressure must be cut in half.

Fishermen Oppose New Measures

All failure can be summed up in two words - too late. Council officials were late in responding to the groundfish crisis because they took their cues from the fishing industry, not biologists. But that all changed last year, when the Conservation Law Foundation (CLF) sued the government for failing to halt overfishing. A court-sanctioned agreement between CLF and the National Marine Fisheries Service (NMFS) gives the New England Council until September 1st to submit to NMFS a conservation program that will reduce fishing effort and rebuild the stocks within five years.

That program is contained in Amendment 5 to the Northeast Multispecies Fishery Management Plan, known as the Groundfish Plan. It would allow no new entry into the fishery and, if properly implemented and enforced, reduce fishing effort on groundfish stocks by 10% per year over the next five years. Effort would be controlled not through catch quotas, but via limits on the number of days each vessel is permitted to fish.

To no one's surprise, the court-ordered plan brought furious fishermen out in force at public hearings this spring. The fishermen were told that something must be done, and soon, to decrease the amount of fishing. Most agreed. But under the plan being proposed, they retorted, the fish might come back, but few fishermen would still be in business to catch them. They would not support Amendment 5.

Searching for some middle ground, Cong. Gerry Studds (MA), chairman of the House Fisheries Subcommittee, joined the fray with a legislative solution. The Groundfish Restoration Act of 1992, co-sponsored by Sen. John Kerry (MA), would give the Council more time to develop a plan, extend the target date for rebuilding from 5 to 7 years for cod and flounder and 10 years for haddock, and provide economic relief for fishermen hit hardest by the restrictions.

No Easy Way Out

Fishermen strongly object to a moratorium on allowing new boats into the fishery and to the days-at-sea quota, the backbone of the Council's plan to lower fishing effort. They particularly dislike the "big brother" aspect of putting transponders, or little black boxes, aboard their boats to monitor their fishing activities, the only way to enforce the complex days-on/days-off fishing schedule. But above all else, they claim the plan will destroy their way of life, because the little guy - the owner-operator - won't survive the recovery period, only the bigger, company-owned vessels will.

The concerns voiced by New England fishermen about their future are real and legitimate, but at this point there is no easy way out. It's difficult to conceive of a genuine rebuilding plan that doesn't severely curtail fishing and alter the character of the fishery for all time. Blaming the Council, NMFS, the courts, CLF, or even the Congress for the hard times to come is as unproductive as blaming the industry for not supporting more reasonable controls years ago, when they might have prevented the present predicament.

The National Coalition for Marine Conservation (NCMC) generally supports Groundfish Amendment 5, but only as a short-term response to the current crisis. Without new ideas and fresh approaches to managing this complex and much abused fishery, the long-range prospects for a healthy groundfish resource will remain uncertain.

Creating a Sustainable Fishery

"Managers have been unwilling to come to grips with the problem partly because of their allegiance to old, failed approaches and their reluctance to disrupt the fishing industry," notes Coalition President Chris Weld. "But it's also because of the lack of precedent for successfully dealing with mixed-species fisheries. Addressing the groundfish crisis requires that new and more effective management solutions be found, and that they be developed and presented in a way that will make them acceptable to fishermen and the politicians intervening on their behalf."

The NCMC, in cooperation with several regional groups, has initiated a program to investigate the short- and long-term reforms necessary to manage groundfish on a sustainable basis. Key elements of the program include:

- Down-sizing the fleet. A moratorium on new entrants isn't enough. Any scheme likely to make possible a recovery of the groundfish stocks within a reasonable period of time must involve a major reduction in the size of the fishing fleet.

- Bringing fishing capacity and fishing methods into sync with the ecology of Georges Bank. Overfishing of cod and cod-like fishes has wrought far-reaching changes in the marine ecosystem, with dogfish and skates filling the niche vacated by the disappearing groundfish. A study of ecological principals is necessary to devise management concepts that will restore the integrity of the Georges Bank community.

- Developing alternatives to bottom trawling. Non-selective gear is inappropriate to managing a mixed-species fishery, since it effectively negates measures directed at individual species (such as severely depleted haddock). Minimum mesh sizes in trawl nets, a recurring feature of groundfish management, have not been effective in protecting young fish into sexual maturity.

- Examining ways to mitigate the social and economic impacts of rebuilding and restructuring the fishery. The government has a responsibility to provide economic incentives and disincentives to control fishing effort. Less clear is the extent of its obligation to provide a safety net for those fishermen forced out of the fishery. Options for assisting fishermen and small coastal communities in dealing with these changes should be explored.

THE FORGOTTEN FISHERY

Changes Leave Billfish Management Out in the Cold

When fishery managers outlawed the sale of Atlantic marlin and sailfish in 1988, they closed the book on billfish management and haven't re-opened it since. In spite of evidence that commercial overfishing continues, little is being done to monitor the effectiveness of the no-sale regulations or to determine whether additional measures are needed.

The Fishery Management Plan for the Atlantic Billfishes made it illegal for fishermen to sell blue marlin, white marlin, sailfish or longbill spearfish caught in the Atlantic, Gulf of Mexico or Caribbean. This was done to thwart a developing commercial market for marlin, caught regularly by fishermen using longlines to catch tuna, swordfish and sharks. The management plan removes the incentive for commercial longliners to direct fishing effort at billfish and requires the release of fish caught incidentally. It doesn't, however, stop

marlin and sailfish from taking the baited longline hooks and dying before the lines, which exceed 20 miles in length, are hauled back.

When the Councils completed the Billfish Plan they promised to "review and monitor (it) on a continuing basis to assess the effectiveness of the management measures in attaining the objectives of (the) plan." Those objectives are to conserve marlin and sailfish in abundance for recreational fishermen, who release most of their catch alive. Because the managers knew an unknown amount of killing - and waste - would continue, they specifically cited the need to closely monitor the longline bycatch while experimenting with ways to reduce it.

Four years later, though concern about billfish bycatch persists and new assessments indicate marlin abundance is down, virtually nothing has been done to accurately determine the extent of the problem, much less to resolve it. This neglect can be attributed to three factors: a change in the federal law governing billfish management; a pre-occupation with other, more seriously-depleted species; and a regulatory process that keeps the public at arms length from the decision-makers.

The Plan Goes to Washington

The Billfish Plan was a joint project of the five Atlantic Region Councils, who for years wrestled with the problem of protecting billfish from foreign and domestic tuna longliners without restricting the catch of tuna. Until 1990, U.S. law exempted tuna fishing and thus prevented direct controls on most longlining. So the Councils took indirect action - the only thing they could do at the time - and closed the commercial market for incidentally-caught billfish.

In doing so, they acknowledged that thousands of fish would still be hooked on longlines and a substantial number of these - approximately half - would be dead when cut loose. They made research to solve the bycatch problem a top priority. Unfortunately, the Councils never got the chance to follow through.

When Congress finally amended the Magnuson Fishery Conservation and Management Act to include tunas two years ago, authority over all Atlantic highly migratory species - defined as tunas, billfish, swordfish and sharks - was transferred from the Councils to the National Marine Fisheries Service in Washington. Those in Congress who backed this change did so under the mistaken belief that the federal agency would manage these wide-ranging fisheries more efficiently than five Councils. But NMFS, underfunded and understaffed for the tasks already at hand, was unequipped for the additional workload. Its employees are unpracticed at developing and amending fishery management plans and therefore have had to undergo a time-consuming learning process. Consequently, NMFS has devoted no time to reviewing billfish management, which in turn has diminished any sense of urgency to conduct billfish research in support of management.

No Research Follow-Up

The immediate question the Councils wanted answered was how many billfish are killed in the U.S. longline fisheries. Unfortunately, we're no closer to finding out. The U.S. hosted an international billfish workshop July 22-29 in Miami, at

which information was collected toward assessing the Atlantic stocks. (The most recent assessment is 10 years old.) Although the workshop had access to more data on fishing fleets catching billfish than ever before, no new information on the U.S. longline bycatch was presented. The only source is logbooks turned in by swordfishermen, an incomplete and unreliable measure of overall domestic bycatch. The tuna fishery has no reporting requirements and is largely unobserved. The agency admits at-sea observers are needed to get a more accurate reading, but plans to expand coverage are only now getting underway and remain extremely limited.

Investigating ways of reducing the number of billfish hooked on deep-water longlines - e.g., through time/area closures or changes in fishing gear - was another top research priority cited by the Councils in 1988. Although this objective also pops up in the March 1992 NMFS review of research needs for the pelagic fisheries, the agency says no work on making tuna fishing more selective is anticipated this year - or in the near future, for that matter.

On a more positive note, NMFS recently received funding for a Highly Migratory Species Division and is busy staffing it now. However, the new division is not expected to be operating at full strength until 1993, and even then, billfish management resides at the end of a long list of issues clamoring for attention.

A Matter of Management Priorities

Management, like research, is as much a matter of setting priorities as it is funding and manpower. So far, the whole of the NMFS highly migratory species management program has been devoted to domestic implementation of international regulations for bluefin tuna and swordfish, and a 3-year struggle to implement an "emergency" Shark Plan that has yet to become law.

The agonizingly slow pace of progress on shark conservation could be a portent of what we might expect for other NMFS-generated plans. But even more troubling is the 1990 amendment linking domestic management to the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Quotas and allocations for bluefin and swordfish may not be any stricter than those agreed upon by the international body. This has put U.S. managers in a totally reactive mode; we don't call the shots, ICCAT does.

The first priority for the new NMFS Highly Migratory Species Division will reportedly be developing a five-species tuna management plan (bluefin, yellowfin, bigeye, albacore and skipjack). The plan will focus on bluefin, and unless the Magnuson Act is amended to allow the U.S. to be more conservative than ICCAT, its main function will be divvying up the international quota among American fishermen.

Behind Closed Doors

NMFS currently has no plans to re-visit billfish, even if it could find the time. "It's fair to say this neglect couldn't occur if the Councils were still in charge," says Ken Hinman, NCMC executive director. Hinman was Chairman of the South Atlantic Council's billfish advisory panel during the writing of the Billfish Plan. "The Billfish Plan states that '(p)ublic hearings may be conducted, as necessary, to receive public opinion on the effectiveness of the (plan) and to determine the

need for revisions.' Council meetings are held bi-monthly and are open to the public. Time is usually given to anyone who wants to address the Council. Advisory panels made up of individuals involved in each fishery monitor the plans and raise issues for Council consideration. The NCMC was regularly attending Council meetings to keep the bycatch issue on the front burner, right up until Congress centralized management in Washington."

Since then, the sunshine of the Council process has been eclipsed by management behind closed doors. NMFS recently released a proposed process for preparing, amending and implementing management plans for billfish and other highly migratory species, including a process for getting public input. It's premature to judge how well this will work, but because no regular open meetings are held, it will likely leave the public in the disadvantaged position of reacting to NMFS initiatives, while special interests in the Capitol lobby away. The ultimate irony is, to develop an acceptable and workable system giving the public access to fisheries management, NMFS would have to re-create the Councils.

FLOOD INSURANCE REFORM

What It Means for Coastal Fisheries

In May of 1991 the U.S. House of Representatives passed legislation to reform the National Flood Insurance Program by an overwhelming 388 to 18 vote. The bill was supported by a broad spectrum of interests, including environmentalists, fishermen and groups monitoring how the federal government spends the taxpayer's money. Unfortunately, the momentum that seemed certain to carry a companion bill through the Senate this year stalled in June, under intense election-year pressure from a small but powerful group of realtors and coastal developers.

John Kerry (MA), the author of the Senate bill, was forced to withdraw it, but along with Senator Alan Cranston (CA) quickly crafted a compromise. That bill, the National Flood Insurance Reform Act of 1992, is not as strong as the earlier version. Still, it would make significant improvements to the program by putting it back on its intended track, which was to offer subsidized insurance in return for directing development away from areas at high risk of flooding, such as flood plains and coastal areas. The program was meant to relieve the taxpayer burden for disaster aid from flood damages.

"Instead, the National Flood Insurance Program has turned into a large subsidy for coastal development," says Carl Paulsen, NCMC Program Director. "Private insurance in these areas would be prohibitively expensive because of the risks involved. [One insurance company estimates that a federal insurance policy costing \$950 a year would cost \$7,500 on the private market.] The current federal program not only allows but actually encourages building to occur where it would otherwise be too dangerous and too costly."

The program was originally intended to provide a self-sustaining fund for losses while discouraging future development in hazardous and environmentally sensitive areas. However, development has continued unabated and taxpayers have already put up over \$1 billion to prop up the fund. Currently, the program represents \$210 billion in potential claims with a reserve of only about \$300 million.

Clearly, the NFIP has failed to meet its original mandate. Taxpayers end up supporting a program which encourages development and adds to the burden of disaster relief. But there are other problems.

"Coastal development threatens important fish and wild-life habitat, and to the extent that the federal government subsidizes this development, it is helping to destroy valuable fisheries," Paulsen points out. About 75% of commercial and sport fish landings rely on estuaries and wetlands during some part of their lifecycle. Development harms these habitats both directly and indirectly, through loss of wetlands and degraded water quality (pollution, reduced freshwater inflows, septic leaks, etc.). These impacts are magnified many times over when that development occurs in areas imminently threatened by erosion.

Population growth along the coastline has outpaced the rest of the nation 4 to 1 and shows no sign of slowing. Development pressures in coastal areas will continue to mount for the foreseeable future. Flood insurance reform has the potential to direct that pressure away from hazardous areas and thereby protect lives and the environment, reduce taxpayer burden and preserve fisheries and the multi-billion dollar economies built around them.

The Kerry-Cranston bill, S. 2907, will help foster better coastal management by leveraging the power of the NFIP subsidy. The bill provides reduced premiums for states, communities and individuals who take measures to reduce flood losses and manage erosion-prone coastal areas. It also prohibits federal flood insurance for new construction or major reconstruction within erosion hazard areas. Finally, the cost of policies on structures already within these areas will increase 20% when claims for flood damage are made.

The bill uses the existing subsidy as both a carrot and a stick to encourage wiser use of coasts and floodplains. The result can only be improved fish habitat. Given the enormous pressures on our fisheries, habitat protection must have a high priority on the conservation agenda. The NCMC supports S. 2907 as a good tool for sound management of coastal areas and for protecting both the public and the environment.

RELIEF FOR MIGRATING SALMON

Canadian Action Boosts U.S. Restoration Efforts

The government of Canada is closing Newfoundland's commercial salmon fishery for five years and offering incentives to Labrador's fishermen to get them to quit fishing, too. It's all part of a program to increase the number of Atlantic salmon that survive their growth years out on the high seas and are able to return to their natal rivers to spawn.

When salmon venture out into the open ocean they run a gantlet of net fisheries. The conservation group Restoration of Atlantic Salmon in America (RASA) says that netters off Newfoundland and Labrador have been taking up to 70% annually of United States origin salmon on their way home to rivers in New England. The Canadian action, which will bring an end to commercial salmon fishing in virtually all the Maritime Provinces, will substantially cut down on the number of fish intercepted on the high seas and give a big boost to efforts to restore salmon to New England's rivers.

Another benefit, RASA points out, is that it removes longstanding differences between the two countries over the interception of U.S. fish by Canadian fishermen. With this issue resolved, together they can concentrate on the West Greenland fisheries, which intercept salmon originating in both the U.S. and Canada. The goal of the U.S. at NASCO, the North Atlantic Salmon Treaty Organization, is to end ocean harvests of salmon and limit fishing to home rivers only.

WEAKFISH PLAN STRONGARMS NORTH CAROLINA INTO CUTTING BYCATCH

The shrimp industry may have muscled its way to a temporary reprieve from finfish bycatch regulations in federal waters, but it's fallen prey to the weakfish in the coastal waters of North Carolina. As a result, U.S. fishermen will soon have a taste of regulations requiring bycatch reduction devices in nets used to trawl for shrimp.

This summer the N.C. Division of Marine Fisheries announced that all shrimp trawlers in state waters must use a certified bycatch reduction device (called a BRD, but also known as a FED, for fish excluder device) beginning October 2nd. The state will thus become a proving ground for gear-based bycatch measures and will set the stage for broader federal rules that will eventually require some kind of finfish exclusion measures for shrimp operations in offshore waters from North Carolina to Texas.

The new requirements are the result of mounting pressure from the Atlantic States Marine Fisheries Commission (ASMFC), which oversees a multi-state weakfish conservation plan. Commercial landings have dropped some 60% since 1980 and the recreational catch has fallen off by nearly 95%. The ASMFC first developed an interstate plan in 1985, but has been unable to halt the sharp decline in weakfish populations. Without severe cuts in fishing mortality, including the number killed as bycatch, the fishery could be headed for collapse.

Bycatch Causes Overfishing

Bycatch in the southeastern shrimp fishery is identified as one of the primary causes of overfishing. In North Carolina alone, over 1.5 million pounds of incidentally-caught weakfish are caught and discarded each year. These discards are mostly young fish, so the number of individuals killed in this manner is extremely high.

Under North Carolina's plan, all shrimp trawlers will have to reduce the number of fish trapped in their nets. State fishery agents have been working with BRDs for several years, and their success with certain devices in field tests convinced some shrimpers to begin using them even before the new regulations were announced. In addition to the new devices, skimmer trawls have become popular as a more efficient and less wasteful alternative to the traditional otter trawls, which funnel everything in their path into the cod-end of the net. Skimmers, semi-rigid nets pushed, not dragged, through the water, are capable of lowering bycatch by 40-45% or more without reducing shrimp harvest (in some cases, shrimp harvest actually increases). Because they are hauled back and emptied more frequently (2 to 3 times as often), mortality of bycatch species is decreased, less fuel is used, and

less time is spent culling the unwanted catch. Some of the BRD designs share these same advantages (skimmer nets are not yet certified as BRDs, but a decision will be made before October 2nd), and members of the shrimp industry are beginning to realize there are competitive advantages to modifying standard shrimp trawls.

Jim Murray of North Carolina Sea Grant has been working with industry designing and testing BRDs for a number of years. He is supportive of the new regulations, but feels they should be implemented with as few restrictions on "acceptable" gear as possible. Resistance to the measure will be high, he warns, unless individual shrimpers have the freedom to try different designs or to use their current BRD gear, including skimmers. The new gear requirements pose an additional burden on shrimpers already at odds with turtle excluder (TED) laws. Skimmer trawls and two other gear-types already in use serve double duty as TEDs and BRDs, and will probably be the gear of choice if allowed by state and federal officials.

The NCMC recently expressed a similar concern that turtle and finfish bycatch rules be coordinated to avoid overwhelming fishermen with gear regulations. In a July 22 letter to NMFS supporting newly-proposed TED requirements (that turtle excluders must be used in all waters at all times), we pointed out that, by requiring the use of an excluder device throughout the shrimp fishery, it would help ease an otherwise difficult transition for shrimpers when finfish regulations become law. But to make this transition as smooth as possible, we urged the agency to take into account finfish exclusion capabilities when establishing standards for certification of TEDs.

It's conceivable that BRD requirements may be easier to implement than TED requirements, since the fish bycatch problem is far more tangible to shrimpers than the threat to turtles, which are a rare catch in most areas. In part, success will depend on design flexibility during the early stages and the level of coordination with existing TED rules. On the other hand, it could be that resistance to BRDs will mount once they become mandatory, as happened with TEDs. NMFS and the states must coordinate TED and BRD requirements to avoid redundancy. Moreover, fishermen will need to work closely with fishery managers every step of the way. Shrimpers know full well the extent of the bycatch problems in their fishery. Had they worked to alleviate bycatch from the start, the entire transition to a cleaner shrimp fishery would have been much smoother for everyone.

NO LONGLINES FOR SHORT FIN MAKOS *But Gear Now Aimed at Other Species*

A group of concerned fishermen rallied this spring to stop an experimental longline fishery for sharks off the southern California coast. The United Anglers of California (UAC), convinced that the short fin mako could not sustain the added pressure of a commercial longline fishery and warning state officials of an impending stock collapse similar to that suffered by the thresher shark several years ago, successfully persuaded the Department of Fish and Game (DFG) and the Fish and Game Commission to end longlining for makos and other species of shark.

The longline fishery started as an experiment in 1988, when effort shifted from overfished thresher sharks to makos. The catch peaked that year, at 269,000 pounds, but fell off steadily, down to 110,000 pounds last year. (Makos are also caught commercially in drift gillnets.) In making its case that longlines failed the test, the UAC cited declines in recreational catch rates from 1987-1991. Both average size and catch-per-unit-of-effort dropped significantly, according to figures compiled by the angling group and presented to the DFG.

Like other top-of-the-food-chain predators, mako sharks reproduce in small numbers, only a few pups every other year, making them easy prey to overfishing. The California fishery for makos takes primarily juvenile sharks on their nursing grounds. No shark fishery can sustain an intensive commercial fishery for very long. Conservationists want to make sure the mako doesn't follow in the wake of the thresher, soup fin and angel sharks, all rare in California waters because of overfishing.

Although longlining for sharks is now prohibited, California's fisheries are not out of the woods yet. There is currently a proposal before the DFG to allow an experimental longline fishery for tuna and swordfish. The drift net industry has apparently read the writing on the wall, which says there is a dim future for their type of gear, chiefly because of marine mammal entanglements and public sentiment against indiscriminate netting, as exhibited by voter approval of Proposition 132 in 1990, phasing out nearshore gill nets.

Fish and game officials reportedly share the concern of anglers that a tuna/swordfish longline fishery would have a major bycatch of striped marlin, a concern based in part on the high bycatch figures from the Japanese fishery in nearby Mexican waters. (In 1991, Mexico banned longlines in the Sea of Cortez and prohibited them within 50 miles of shore everywhere else.) At the request of United Anglers, the NCMC is supplying information on longline bycatch in the Atlantic in support of heading off an expanded longline fishery off the Pacific coast. California is expected to make a decision on the gear this October.

NET LOSSES MEAN RESOURCE GAINS *Florida Campaign Targets Net Abuses*

A coalition of conservationists and sport fishermen are seeking to rid Florida's waters of most fishing nets. It's a radical solution to the state's nagging fisheries problems that has commercial netters crying foul. But backers of the net ban say the drastic step is made necessary by the failure of state management programs to adequately protect Florida's marine resources from the abuses caused by commercial netting.

The campaign is called *Ban the Nets! Save Our Sealife*, and the coalition behind it, led by the Florida Conservation Association, includes the Florida Wildlife Federation, Florida League of Anglers and the Florida Coalition of Fishing Clubs. Their main goals are to eliminate virtually all drift nets, gill nets and other entanglement nets from inshore and nearshore waters and restrict shrimp trawling to offshore waters only (beyond 1 mile on the Atlantic-side, 3 miles in the Gulf of Mexico). Mullet netting and live bait shrimping would be allowed, except in bays, rivers and creeks. Purse seining for

baitfish (sardines, herring) would be limited to offshore waters. To ease the impact on displaced net fishermen, the sponsors propose a phase-out program with financial compensation and assistance in converting to other gear.

Opponents of the net restrictions, among them the Organized Fishermen of Florida and the Southeastern Fisheries Association, say the initiative is nothing more than a ruse to put commercial fishermen out of business and they are fighting it as if the future of commercial fishing in Florida were at stake. The initiative's proponents counter that they are not anti-commercial fishing but pro-resource. They want to see most nets replaced by hook and line and other less damaging types of commercial gear. (In fact, most of the fish sold fresh in Florida are caught by hook and line or come from fish farms.) They say the future of *all* fishing in Florida waters is at risk if the overfishing and waste caused by widespread netting isn't controlled.

Managers Always One Step Behind

The main complaint with Florida's management of net fisheries, says the Florida Conservation Association (FCA), is that the state always ends up trying to repair the damage, meanwhile unlimited netting shifts to other species. A case in point are the key prey species, mullet and sardine. Each has been subjected to intense fishing pressure and their populations depleted. Along with herring and menhaden, these baitfish are not only forage for larger fish - tarpon, snook, redfish and seatrout - but also feed ospreys, herons, pelicans and other shorebirds. The FCA points to a 75% decline in brown pelicans nesting in Tampa Bay and southwest Florida, which the group attributes to heavy netting.

Shrimping bycatch waste and destruction of inshore habitat are also serious threats that are not being dealt with. For every pound of shrimp they send to market, shrimpers send 10-20 pounds of "trash" fish to Davy Jones' locker. The

proposal to limit shrimping to offshore waters would actually help the shrimp industry. Other states do it, to allow shrimp to grow to a larger, and more valuable, size before moving to deeper water where they can be harvested. The entanglement of sea turtles and dolphins in nearshore gill nets is another problem. In some instances, the role of nets is documented; in others, the evidence is circumstantial, with marine mammal deaths coinciding with increased netting activity.

The response of fishery managers to these threats has been slow and inadequate, say those behind the *Ban the Nets!* campaign. The commercial fishing industry has in most cases tried to block regulations aimed at controlling netting. "Current management efforts have not and cannot control commercial nets and shrimp trawls," declares the FCA. "It is time for a totally new approach to fisheries management."

One goal of the campaign is to prod the state's Marine Fisheries Commission into a major overhaul of the way fishing gear is managed. The Commission is currently drafting reforms, but too slowly and piecemeal to satisfy net opponents. In June, state officials rejected a proposal to ban gill nets in Florida waters, instead opting for a potpourri of regulations limiting the length of entanglement nets and banning their use on weekends and holidays. Legislation based on the net ban failed in the state assembly earlier this year. As a final option, there are plans to put the issue before the voting public in November 1994. (For information, write: *Save Our Sealife*, P.O. Box 10609, Tallahassee, FL 32302)

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REFORMING THE SYSTEM

Congress Kicks Off Another Review of the Magnuson Act

The main vehicle for conserving marine fisheries, the Magnuson Fishery Conservation and Management Act, is back in Congress with the hood up. The law will undergo re-authorization next year, technically to renew funding, which expires September 30, 1993. But re-authorization is also an opportunity for Congress to re-write the Act and, hopefully, correct its weaknesses.

Most everyone who's been on the bumpy ride through fisheries management since the Magnuson Act was enacted in 1976 would agree that, despite progress in some areas, it is not taking us where we want to go. One need only count the number of over-exploited fisheries that are running on empty, no longer able to sustain viable fishing industries.

But before the lawmakers roll up their sleeves and go to work repairing the federal management system, they need to sort through the numerous complaints they're hearing from their constituents and answer some basic questions: Which parts are working and which aren't? Why? Is the problem in the design or the operation? Does the system need a major overhaul, or can it be fixed with just minor adjustments?

Hardly anyone is happy with the job Congress did last time the Act was up for renewal. That was made clear at a National Ocean Policy Study (NOPS) hearing held September 9th in Washington, D.C. NOPS is the Senate's fisheries panel, the group that wrote the Fishery Conservation Amendments of 1990. Since then, the trend toward depletion of fish populations and destruction of marine habitat has continued unchecked. While no one expected things to turn around overnight, neither did they expect the situation to get even worse. Certainly, Congress did not anticipate returning to the same issues and hearing the same complaints, only louder, just two years later.

A Preview of Key Issues

The Senate hearing was the official kick-off for Magnuson Act re-authorization, but that process will not begin in earnest until January, when the new 103rd Congress convenes. Nevertheless, the September 9th hearing, attended by representatives of a large cross-section of fishing and conservation interests - more groups than have ever been involved before - offered a revealing preview of what we might expect next year.

The presence of Maine's George Mitchell, Senate majority leader, signaled the high level of political interest in marine fisheries right now. Two of the most important fisheries in Mitchell's corner of the country, groundfish and bluefin tuna, are going down the tubes and threaten to take the northeast fishing industry with them. Mitchell was joined by colleagues John Breaux (LA), Slade Gorton (WA), John Kerry (MA), Bob Packwood (OR) and Ted Stevens (AK), each Senator also representing a state with an enormous stake in the future of fisheries management.

In his opening statement, Mitchell zeroed in on two fundamental issues that are bound to permeate every aspect of the upcoming reauthorization: Who should manage the fisheries, and how should economic concerns be balanced with the interests of conservation?

Both questions speak to the widespread feeling that the Regional Fishery Management Councils are not doing their job and that changes are needed. Responsible for drafting fishery management plans, the Councils are, fairly or unfairly, the focal point of public dissatisfaction with the way our fisheries are being mismanaged. There are eight Councils, and what's true of one is not necessarily true of another. The entire system, however, is the target of reform-minded critics because of the widespread perception that the Councils are the problem.

Conflicts of Interest

If the Councils are the problem, it won't be easy for Congress to find a solution, given that not everyone agrees on what that problem is. Depending on who's complaining, the managers are not doing enough to control fishing, or they're regulating fishermen to death; there aren't enough professional fishermen involved in the decision-making process, or there are too many.

NCMC To Hold 3-Day Symposium to Review Magnuson.

As the latest in its series of conferences on important fisheries issues, the NCMC will sponsor a symposium to evaluate the effectiveness of the Magnuson Act on March 8-10, 1993 in New Orleans. Details on the program and speakers will be featured in the next "Marine Bulletin."

The Councils, as quasi-regulatory bodies, are unique within the federal government in that many of the people deciding who catches how many fish are fishermen themselves, people whose livelihoods are directly effected by Council actions. The intention of Congress in setting up the Councils was to allow decisions to be made locally, by those with the most knowledge and experience with the fisheries being managed. In 1990 Congress went even further, requiring that the Secretary of Commerce, in appointing new members, "ensure a fair and balanced apportionment of the *active participants (or their representatives)* in the commercial and recreational fisheries under the jurisdiction of the Council." (Emphasis added)

Without question, the input of active fishermen is important, not only to coming up with workable management plans but also to gaining acceptance for those plans among the fishermen being regulated. In practice, however, a system that relies on professional fishermen putting the public trust ahead of their vested interest in fishing will never work. Few fishermen will vote to catch less fish and make less money.

Unfortunately, this conflict of interest is accepted by some as a given. Senator Stevens of Alaska, where the North Pacific Council is made up wholly of fishermen from competing segments of the industry, said as much at the hearing, suggesting that the answer lies in just finding the right balance of interests. But there is no magic formula for achieving "balance," whatever that may be. One group of fishermen or another is always going to feel the loser in the tug of war over Council seats. Moreover, balance implies weighing a definable set of interest groups, usually commercial and recreational. But each of these groups consists of subsets with distinct, even disparate, interests. Meanwhile, several environmental groups testified they will seek to amend the law to set aside at least one seat on each Council for a bona fide environmentalist. The number of interests vying for the limited number of appointments is only going to increase.

If Congress should change anything about the way Council members are selected, it should begin by dispensing altogether with the notion of user representation. Fishery managers should represent the broad public interest and as such, the number one objective should be to appoint the most qualified and capable people available. Recognizing that this should not exclude professional fishermen, the Act should be amended to prohibit members from voting on any matter relating to a fishery in which they have a direct or indirect financial interest. This would put an end to people getting on the Councils solely to advance their own special interests.

Highly Migratory Species

Some at the hearing suggested making the Secretary of Commerce (in other words the National Marine Fisheries Service) the principal decision-maker, using the Councils as purely advisory bodies. In fact, that's just what Congress did in 1990 for highly migratory species, turning over to NMFS responsibility for managing tuna, swordfish, billfish and sharks in the Atlantic.

By any measure, this change has been a failure. At best, it only re-directed criticism from the Councils to NMFS. At worst, it forsook a regional system of regular meetings that allows public scrutiny and open debate over management

issues, in favor of a centralized, largely inaccessible bureaucracy. If anything, moving things to Washington only makes it easier for special interests to influence decisions.

What matters most is that management of highly migratory species has not benefited at all. In fact, it would be fair to say nothing has been done for these fish *under the Magnuson Act* since NMFS took over. The shark plan is now undergoing its third revision since 1990, with no implementation date in sight. There has been no follow up work on the billfish plan (see *Marine Bulletin* No. 61). As for bluefin tuna and swordfish, the only action we've seen to date has been the implementation of international agreements entirely inadequate to the severely overfished condition of these resources.

An alternative proposal aired at the hearing by industry groups was to have the U.S. Commissioners to the International Commission for the Conservation of Atlantic Tunas (ICCAT) take over the lead role in developing regulations for the domestic fisheries for tuna, swordfish, billfish and sharks. But this is not designed to improve U.S. management so much as to remove these fish from the purview of the Magnuson Act and limit management authority to ICCAT.

Better yet, Congress should return management authority in the Atlantic to the Councils, where it is in the Pacific and is working quite well. To address legitimate concerns about coordination among five separate Atlantic Councils, the Act should be amended so that rules under multi-Council plans are approved by all members of the involved Councils voting as a single body with majority rule. In that way, all regions will be represented in the decision, but no slim majority on one Council can thwart the will of the coastwide majority.

Hearing, But Will They Listen?

Council reform and management of highly migratory species are only two of the many issues that will be debated during reauthorization. Other prominent issues raised at the Senate hearing were reducing bycatch, protecting habitat, charging access fees and managing interjurisdictional fisheries. (The *Marine Bulletin* will address each of these in depth, and others as they arise, in future issues.)

There is great pressure on Congress to restore public confidence in federal fisheries management. Rampant overfishing and widespread stock declines point up the critical need to place more emphasis on conservation as a national priority. Supporting short-term sacrifices for long-term gains always carries some political risk, but it's a stand our leaders must be willing to take if the Magnuson Act is ever to work.

Many of the changes made in 1990 - those mentioned above and others, e.g., exempting shrimpers from bycatch rules - have done more harm than good because they were made for the wrong reasons. Some powerful constituents griped loud enough and Congress over-reacted. This time, too, user groups will exploit reauthorization to get relief from unwanted, but badly needed, regulation. Members of the 103rd Congress - many of them will be new to Washington, much less to fisheries - will be tempted to give them what they want. They must resist. There should be a litmus test for every proposed change to the Magnuson Act. Will it promote a new management ethic, based on conservation and sustainable use, to replace the one that's failed us so far? If it doesn't, we shouldn't do it.

DISASTERS, NATURAL AND MAN-MADE

Two Kinds of Fish Kills in the Gulf

When Hurricane Andrew lit into the central Louisiana coastline August 25th, fresh from a devastatingly lethal trip through southern Florida, it left hundreds of millions of dead fish littering the state's beaches, bays and inland waterways.

The biggest toll was taken in Louisiana's freshwater fisheries. Biologists with the Department of Wildlife and Fisheries estimate 182 million fish killed in the Atchafalaya Basin, including 4.95 million large mouth bass and 23.2 million bream valued at \$160 million to the sport and commercial fishing industries. Another 9.4 million salt water fish died of suffocation as a result of the storm, primarily menhaden but also croaker, red drum, black drum, mullet and sea catfish. Add on the damage to oyster grounds and the value of the marine fisheries destroyed was estimated at more than \$10 million as of August 31st, and was expected to rise even higher.

The state's fishing industry, the commercial sector in particular, will suffer the aftereffects of Andrew for months to come. While there is nothing the government can do to make up for lost harvests this fall, it did give some relief to the Gulf's shrimp fishermen. Shrimpers complained that the large amount of debris left in the water by the hurricane was jamming their turtle excluder devices (TEDs), allowing shrimp to escape in large numbers. Offshore shrimp boats 25 feet and longer are required to have TEDs in their nets year-round to protect endangered sea turtles.

In response to these complaints, the Bush Administration approved a 30-day suspension of the TED rule off Louisiana, allowing shrimpers to register with the National Marine Fisheries Service for permission to retrieve and empty their nets every 55 minutes instead.

Like A Thousand Hurricanes

Even though they were spared a hurricane this year, Texas shrimpers have had a bad year, with production and prices lower than anticipated. And as usual, some are blaming their losses on TEDs, which they say let shrimp slip out along with the turtles. On the other hand, an internal U.S. Fish and Wildlife Service memorandum written this summer underscores the fact that unmodified shrimp trawls do far more damage to fish populations than even the most destructive storms.

The inshore waters of the Gulf of Mexico were opened to shrimping on July 6th. Under federal law, vessels trawling inshore are not required to pull a TED, but instead must pull their nets every 75 minutes to check for trapped turtles. There are no rules regulating the capture and discard of unwanted fish.

According to the manager of the Matagorda Island National Wildlife Refuge in Texas, who during shrimping season patrols the island's beaches for sea turtle strandings, 148 shrimp boats were working within sight of the island during the first week of the season. Because they were very close to shore, a lot of the bycatch dumped overboard ended up on the beach. The refuge manager and other fishery officers discovered astonishing numbers of dead fish littering the beach the entire length of the island.

Fish and Wildlife Service biologists estimated the number of fish washed ashore. "For 38 miles of Gulf beach on Matagorda Island," they reported, "we derived a snapshot stranding estimate of over 4 million fish. Or approximately 1/2 million pounds of fish," including juvenile pinfish, menhaden, spot, sea catfish, whiting, seatrouts, blacktip and hammerhead sharks, red drum and gray triggerfish. In addition, they found ten dead sea turtles in a 3-day period.

There were reports of a high volume of bycatch stranded on Matagorda Peninsula as well. "Our estimates reflect only what was stranded on the Gulf beach of Matagorda Island on any given day during the first week of the shrimp season," the memo continues. "Only part of the bycatch dumped over by the boats had a chance to wash up as the fish and other marine organisms were at the mercy of currents and scavengers."

Gulf-wide, government officials estimate the bycatch of fish in shrimp trawls to be approximately 9.6 billion fish a year (compared to 9.4 million fish killed by Andrew). This chronic fish kill, in other words, is causing more damage to fish populations than a thousand Andrew-strength hurricanes. This devastating waste occurs because shrimpers are not required by law to use new devices, now available, that separate unwanted fish from the shrimp catch and allow them to survive.

NCMC REBUTS ECTA

Setting the Record Straight on Bluefin Conservation

"There is an old saying that when a war begins, truth is the first victim." So begins a letter from Chris Weld published in the October edition of "Commercial Fisheries News." The NCMC president was responding to assertions made by the East Coast Tuna Association (ECTA) about bluefin tuna management; namely, that the Atlantic population is recovering, and that the effort to reduce the catch of bluefin is being waged by "wealthy, elite recreationalists" out to take fish away from professional fishermen.

That the latest stock assessment shows a recovery, says Weld, is the ECTA's own novel interpretation. Dr. Brad Brown of NMFS, who is responsible for U.S. bluefin research, says, "I fail to see how any rational person could read the (1991 ICCAT) report and conclude that the population is increasing. Certainly there is nothing in there that says 'recovery.'" The American Fisheries Society, the world's oldest and largest body dedicated to the advancement of fisheries science, concludes, "The present management regime will not allow the stock to recover, poses an unacceptable risk of there not being enough adult fish to spawn new generations of tuna, and is counter to the long-term interest of both fishery producers and consumers."

In fact, an unbiased reading of the stock assessment reveals evidence that the decline in some of the younger age groups of bluefin has been arrested, but that the number of large fish continues to shrink and will continue to do so for the foreseeable future. Stabilization is unlikely to spread into the adult spawning stock under the current fishing pressure - NMFS says the fishing mortality rate on medium and giant bluefin (the money fish) is at "near record high levels" - because the fish are being cropped off when they reach marketable size. A true recovery - a turnaround so that all age

groups in the population are increasing - requires an amount of faith in ICCAT management undeserved by its past performance.

The NCMC's support for a substantial catch reduction is motivated by the need to save the fishery, and is supported by the recommendations of both NMFS and AFS scientists. Each is on record advising a 50% cutback from 1991 levels as necessary to halt the 20-year decline of giant bluefin.

The Pollyanna-ish ECTA position, on the other hand, reflects the interests of its members, tuna exporters who can get up to \$30,000 for a single fish sold to Japan. The organization is apparently opposed to reducing their catch by even one fish because of the huge profits at stake. As Weld points out, according to the Regulatory Impact Statement prepared in connection with the 1992 tuna regulations, five purse seine boats share 25% of the total U.S. catch valued at about \$7 million (37% of total revenues) taken in about 40 fishing days. Based on last year's prices, the owner's profit is estimated at about \$12,500 per boat per day. Also among the ECTA leadership are the dealers for the fish landed by the seiners, as well as for a large share of the \$12 million-plus value of fish landed by other participants in the giant tuna fishery. "It could be said that tunas have created a new group of very wealthy elitists," observes Weld, who are taking fish away from everyone else.

CONGRESS NIXES MONEY FOR HABITAT *NMFS Gets No Increase For FY93*

"The NCMC does not make recommendations for higher funding levels arbitrarily," we wrote members of the Senate Appropriations Committee in August. "We understand the difficulty of allocating funds during these times of tight budgets. But we also realize the value of fisheries in maintaining a strong economy for the future. Currently U.S. fisheries are in a deplorable state, and overfishing is costing our economy billions of dollars annually. Fully 75% of our fisheries depend on coastal wetlands, and all need sound habitat for survival. A small investment in the future of our marine resources will ensure the survival of the multi-billion dollar fisheries industries and the vast commercial and recreational opportunities they offer."

The NCMC urged Congressional budget writers to support higher funding for the National Marine Fisheries Service habitat program in fiscal year 1993, which begins this Oct. 31st. Habitat conservation was recently elevated in importance within NMFS when it established the high level Office of Habitat Protection effective Oct. 4th. The new office will provide executive leadership and policy direction for the agency's National Habitat Protection Program. That program, however, is woefully underfunded.

President Bush recommended a \$7.6 million increase for habitat programs - \$5.6 million for permit review, research and regulatory activities and \$2.1 million for restoration. The National Fish and Wildlife Foundation proposed an additional \$12 million in funding needs, a level the NCMC endorsed. But when the House and Senate Appropriations Committee Conferees were finished with the budget on Sept. 25th, they allowed no increase for habitat protection, leaving the NMFS program at the inadequate FY92 levels.

SWORDFISH:

TRAILING IN THE BLUEFIN'S WAKE?

Since 1991, the International Commission for the Conservation of Atlantic Tunas (ICCAT) has been entirely preoccupied with the western Atlantic bluefin, going around in circles on a standing U.S. proposal to reduce catches by half, while at the same time trying to stave off efforts to list the disappearing giant tunas as an endangered species.

But ICCAT has responsibility for another troubled fishery. The first-ever limits on fishing for Atlantic swordfish were approved in 1990 and went into effect last year. Fishing in the North Atlantic was cut by 15% from 1988 levels and restrictions put on the landing of immature fish. The NCMC is concerned that these measures are not sufficient to protect the fishery and will seek stronger measures at this November's ICCAT session. We are committed to ensuring that swordfish does not follow the same path as bluefin, a declining resource weighed down by a weak international management program.

The commercial catch of swordfish increased steadily during the 1980s, but signs of decline were evident by mid-decade. As the average size of fish caught decreased, the principal harvesters of swordfish in the North Atlantic, the U.S. and Spain, moved their fishing operations further and further offshore, until they met in the center of the ocean. The catch peaked in 1987 at 19,959 metric tons (MT). By 1991 it had fallen to 13,212 MT. This 34% drop was only partly attributable to the ICCAT program, since the Spanish fleet had before then voluntarily shifted much of its effort to the less heavily exploited South Atlantic.

Presumably, fishermen do not move their activities from coastal to far distant waters just for a change of scenery. In fact, they had to in order to maintain catches of large swordfish, which were becoming increasingly scarce. The number of adult fish, according to the 1992 ICCAT stock assessment report, has "declined continuously to approximately half of what it was in 1978."

A key feature of the ICCAT conservation program is a minimum size limit to increase survival of juvenile swordfish so they can eventually replenish the adult stock. However, there is no accurate accounting of how many small fish are killed on non-selective longlines and then discarded at sea. If this number is high, the assessment group warns, it could negate any potential long-term gains to the resource.

ICCAT scientists also project the likelihood of stock rebuilding under various scenarios. Under the status quo, they predict, there is only a one-in-ten chance of turning things around within the next five years. The allowable catch would have to be reduced by another 31% in order to provide a better than 50/50 chance of stopping the decline.

The NCMC has consistently opposed a minimum size limit as wasteful and advocated lower overall catches in the swordfish fishery. We will be asking the U.S. delegation to this year's ICCAT meeting to: 1) re-evaluate the effectiveness of the size limit, specifically the amount and impact of discard mortality; 2) seek a larger reduction in the total allowable catch for the North Atlantic; and 3) set a specific rebuilding target and timetable against which the effectiveness of management can be measured.

CURRENTS

Interjurisdictional Fisheries Bills Fall Short

At the invitation of Congressional staffers, the NCMC met with fishing group representatives and state officials August 6th to discuss 11th-hour legislative options for improving interstate programs to conserve migratory fish. A comprehensive approach to coordinating management of all migratory species along the Atlantic coast, the Carper Bill, failed to draw sufficient backing from the states and was subsequently pulled out of the hopper. With the 1992 session winding down, it was replaced with a bill amending the Atlantic Striped Bass Conservation Act to force full compliance with the interstate plan for weakfish. Although the NCMC warns against getting locked into a pattern of providing relief only for fish when they get into serious trouble, we acknowledged the benefits of temporary action for the beleaguered weakfish - a fish whose condition may be worse than that of the striper at its lowest point - and endorsed the initiative as a short-term measure. The bill passed the House and then the Senate Commerce Committee, but opposition from Sen. Jesse Helms (NC) kept it from going to a vote by the full Senate. A renewed push for interjurisdictional fisheries legislation will begin early in 1993. □

Hinman Named Advisor to ICCAT

Executive director Ken Hinman was appointed Sept. 17th to serve on the Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas. ICCAT is responsible for recommending ocean-wide management programs for bluefin and other tunas, swordfish, marlin and sailfish. Since current U.S. law requires domestic regulations to conform to ICCAT agreements, the Commission's influence on management of American fisheries is substantial. The Advisory Committee works with the U.S. Commissioners preparing the nation's negotiating position at international meetings. The Committee meets Oct. 19-20 to prepare for the annual ICCAT session Nov. 9-13 in Madrid, Spain. □

California Says No to Longlining

The California Fish and Game Commission ruled Oct. 2nd that commercial fishermen may not land pelagic fish caught by longline (typically a 25- to 50-mile long mainline with baited hooks suspended from branch lines). The Dept. of Fish and Game had asked the Commission to deny the permits because "the use of longline gear, as proposed, could impact the recreational (striped) marlin fishery off California, result in a significant bycatch of sharks which would negatively impact shark resources and/or result in a significant wastage problem and also impact the swordfish resources, given that the resource is already being harvested by drift gill net fleets off California and Mexico, and landings have declined over the past five years." The NCMC was asked to supply information on longline bycatch in the Atlantic and Gulf of Mexico by United Anglers of California, which worked with state officials to obtain the ban. □

On Sept. 23rd, the NCMC launched a series of meetings to help formulate national policy on key marine fisheries issues. The topic of the first meeting, held in Annapolis, MD, was controlling access to overcrowded, overexploited fisheries. It is an issue that is fast rising to the top of the national agenda, yet it is, to many in the fisheries community and the wider public, a radical departure from the status quo and a complex issue few really understand. The purpose of the NCMC Forum, supported by a grant from the David and Lucile Packard Foundation, was to define the potential of limited access systems as a tool for advancing the nation's fishery conservation goals. Participants were Dayton L. Alverson, Natural Resources Consultants; Lee Anderson, University of Delaware; Spencer Appollonio, The Island Institute; Dennis King, University of Maryland; Guy Thornburgh, Pacific States Marine Fisheries Commission; and Mike Weber, National Marine Fisheries Service. An NCMC policy paper will be released shortly. □

Driftnet Roulette

Over NCMC objections, the National Marine Fisheries Service announced new quotas for the swordfish fishery on August 4th, making a mid-season increase in the allowable U.S. catch from 6.9 million pounds to 7.56 million pounds. While most of the catch goes to longlines, just under 100,000 pounds is allotted to the pelagic driftnet fleet. A preliminary report on the driftnet catch indicates marine life is taking a nasty beating for that small amount of net-caught fish. NMFS surveyed 41 hauls during the spring of 1992. A total of 1,497 fish were caught, among them 184 swordfish and 241 tuna; 90% of the tunas were discarded dead. The vast majority of the catch, 1,058 or 70%, was sharks; 880 were reported as "kept," but this includes ones from which only the fins were retained. Finning is still legal, since the Atlantic Shark Plan has never been implemented. In addition, 103 marine mammals were entangled in the drift nets, all species of dolphin except for 7 pilot whales. Of these, 94 were dead when released. □

Fisheries Conservation Network

The NCMC and World Wildlife Fund called together fishery and environmental organizations to coordinate activities surrounding the upcoming Magnuson Act re-authorization. Representatives of 15 national groups met in Washington for a scoping meeting on Sept. 10th, the day after the first Congressional hearing on the Act. The group identified objectives, putting highly migratory species management, bycatch reduction, Council reform and habitat protection at the top of the list. □

Fiscal Troubles Stall Abundant Ocean Plan

The NCMC-Pacific Region says California's \$1 billion budget crisis precludes chances of the Abundant Ocean Plan (A.B. 51) being adopted this year. The plan, which has bipartisan support, moves fisheries authority from the legislature to a new Marine Fisheries Council. Lawmakers are unwilling to establish a new state board when they are being forced to abolish others to save money. NCMC-PR will work with the plan's sponsors on alternatives for 1993. □

THE TIES THAT BIND

The following editorial by NCMC executive director Ken Hinman appeared as "Why Sport and Commercial Fishermen Should Work Together" in the *Conservation Digest* (Vol. 4 #4)

All fishermen are bound to the sea, and through the sea, to each other. In the most elemental way, the fortune of every fisherman is linked directly to the fish he pursues. As the fish go, so goes the fishing.

Unfortunately, the fish are going. Over 65 species important to this country's sport and commercial fishermen are overfished and in decline, victims of poor management. The condition of another 79 species is unknown because of poor research. Added to this is the more insidious threat posed by habitat destruction, which erodes the very foundation of our coastal resources.

In spite of their well-publicized feuds, commercial and recreational fishing interests have more in common than not. Both provide jobs and income for millions of people. Each is woven into the social and economic fabric of coastal America. Whether they fish for sport or for a living, the men and women on the water are there because there's nowhere else they'd rather be. But the most important tie that binds is that a ruined fishery plays no favorites - it leaves boats tied up at the dock and fishermen of all stripes searching for something else to do.

With so much at stake, there is an urgent need for commercial and recreational fishermen to take up the cudgel for conservation - not separately, but together. What's needed is a new emphasis on conservation programs that bring together sport and commercial interests, and environmentalists, too, in a cooperative effort to save our marine fisheries.

All fishermen have a common interest in healthy fish populations. Likewise, they have an obligation to use this

valuable resource in a responsible manner - to preserve the benefits and opportunities they derive from the sea today for the fishermen of tomorrow. But unless they are fighting against overfishing and environmental damage instead of against each other, they will remain a house divided that surely will fall.

Commercial and sport fishermen joined forces to stop ocean dumping, and they won. As of this year, toxic sewage sludge will no longer foul the fishing grounds of the northeast. Similar alliances are being formed to address other habitat issues, such as saving wetlands.

Seeking common ground on habitat protection is, for most fishermen, a no-brainer. What's needed to combat overfishing and rebuild depleted stocks should be just as obvious. As the crisis facing our marine fisheries deepens, fishermen can no longer afford to be split into special interest groups, each with its own agenda. When fishermen fight over who gets the fish, the underlying conservation issues get obscured.

If sport and commercial fishermen come together, on the other hand, the fisheries concerns they share - better research and data collection, solving bycatch problems, rebuilding overfished stocks - will be elevated in the public eye and in the political mind and improve the chances of getting the increased funding and other support for fishery conservation so desperately needed.

The "Marine Bulletin" is edited by Ken Hinman and published by the National Coalition for Marine Conservation, an independent, non-profit organization dedicated to the conservation of ocean fish and their environment. Articles may be reprinted without permission provided credit is given to the source.

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A Bi-monthly Summary of Coalition News & Activities

January 1992

NCMC HABITAT BOOK AVAILABLE. "Stemming the Tide of Coastal Fish Habitat Loss," the complete proceedings of the NCMC's habitat symposium, will be published in March. The 258-page, hardbound volume contains papers presented at the 1991 symposium, covering critical habitat areas, major threats, critiques of federal environmental law and an agenda for strengthening our national habitat conservation program. The book is \$20 plus \$1 shipping. (Checks only, payable to National Coalition for Marine Conservation.) □

TRAP BAN IS CHALLENGED. The Organized Fishermen of Florida are suing the National Marine Fisheries Service over a federal ban on fish traps in the southeast reef fisheries. The ban was recommended by the South Atlantic Fishery Management Council, and supported by the NCMC, because traps catch non-target fish and when lost continue to capture and kill fish indefinitely. Efforts to regulate their use have failed. NMFS approved the ban and, as of January 1st, trapping is illegal. The plaintiffs, representing Florida's fish trappers, charge that, among other things, NMFS unlawfully conspired to put commercial trappers out of business. The NCMC has been asked to join as a "friend of the court" on the side of the government action. Other "friends" include the State of Florida, which banned traps in state waters 12 years ago. □

TAGGING HONORS ANNOUNCED. As the conservation ethic spreads, a growing number of fishermen are catching and releasing fish in a way that helps gather information on the fish's behavior and migrations. For the third year in a row, the number of fish tagged in the AFTCO Tag/Flag Tournament increased significantly. The tournament promotes tagging of albacore, bluefin tuna, yellowfin and bigeye, blue marlin, white marlin, sailfish, amberjack and cobia, by honoring the fishermen who tag and release the most fish in each category. The NCMC is an original sponsor of the program and awards trophies to the angler and boat captain who tag the most blue marlin (each species has a different sponsor). The winners of the 1991 NCMC awards are Billy Borer and Jim Edmiston, both of the U.S. Virgin Islands. Capt. Borer tagged and released 95 blues last year, and Mr. Edmiston marked 69 for conservation. We congratulate all the winners and participants for their important contribution to conservation. (To participate, write: AFTCO, 17351 Murphy Ave., Irvine, CA 92714) □

JAWS III. The third draft of the Fishery Management Plan for Atlantic Sharks (the first draft was completed in 1989) has been released for public comment. Large coastal sharks (22 species, including hammerhead, white, tiger, dusky, and black tip) are overfished and will likely suffer a population collapse

and the demise of the fishery if rising catches aren't curbed. The plan proposes a cap of 1,450 tons a year on the commercial catch of large coastals, roughly half the current landings. The annual quota for pelagic species (blue, mako, thresher, et al) will be 1,600 tons. Sport fishermen will be permitted no more than two large coastal or pelagic sharks per boat per trip. A 66-inch size limit applies to makos. The plan also features a prohibition on killing sharks for their fins and discarding the carcass. The NCMC supports the plan, though it could do more to protect sharks from overfishing, particularly in the area of reducing bycatch (discards are nearly triple landings). The plan is being opposed by the same longline fishermen who over-exploited swordfish and tuna and now say rules on sharks are premature. (Send comments to: Richard Schaefer, NMFS Office of Fisheries Conservation and Management, 1335 East-West Highway, Silver Spring, MD 20910.) □

NEEDED: A NON-POLITICAL WETLANDS STUDY. The most hotly contested issue in the current debate over wetlands protection is how wetlands are defined in the Federal Wetlands Delineation Manual. The Bush Administration proposed changes in the manual last year to appease angry developers and property owners, but conservationists complain the re-write removes millions of acres of prime wetland habitat from protection under the Clean Water Act. To resolve the dispute, Rep. George Brown (CA) has introduced a bill, H.R. 3578, that would postpone any changes in the wetlands manual until the independent National Academy of Sciences completes a study of the scientific criteria for determining what qualifies as a wetland. The NCMC is backing this initiative because it will allow for what are scientific questions to be sorted out away from the political arena. (Letters to Congress in support of H.R. 3578 are encouraged.) □

THE SAVING OF BLUEFIN 1,2,3. Fishing for bluefin tuna in the Gulf of Mexico is against the law, but it's common knowledge that fishermen target the giant fish on their spawning grounds because they are worth many times the value of a yellowfin tuna, the fish most longliners are supposedly fishing for. Recent observer reports confirm that some fishermen wait for bluefin to enter the gulf before leaving the dock; some trade bluefin in excess of the 2 fish/trip bycatch allowance to other boats at sea; and some sell fish caught after the season closes. New rules to curtail these abuses were recently enacted. Until the U.S. bycatch quota is reached, vessels may land just one per trip, provided they land and sell at least 2,500 pounds of other species. The NCMC initiated the call for stricter bycatch controls in the gulf, and we support the intent of the new regulations. However, we are challenging the 2,500 pound threshold needed

to qualify the bluefin as bycatch. NMFS says the amount is based on the average longline catch in the gulf yellowfin fishery. We say that figure is low precisely because so many boats are fishing for the extremely valuable bluefin as well as yellowfin, and the threshold must be higher to discourage that practice. We are also urging more research on gear modification and area/season closures to reduce the incidental hooking of giant bluefin in the gulf.

Meanwhile, a scheduled February 4th meeting between the U.S., Japan and Canada to consider lowering the international bluefin quota was postponed. Nonetheless, the official U.S. position remains a 50% reduction in the 2,660 ton quota, because that's considered the minimum cut needed to rebuild the fishery. The NCMC is working to counter lobbyists for the purse seine fishery, five boats that catch 385 tons of giants for sale to Japan, who are pressuring the Administration to forsake any further cuts in order to save jobs, an argument that won't be ignored in an election-year recession. But the message we are sending to the President is that these opponents of bluefin conservation represent only a few fishermen making millions off the remnants of the embattled bluefin, while the great majority of tuna fishermen, accounting for thousands of jobs and many millions more dollars in economic activity from Maine to North Carolina, support reducing the catch because conservation means jobs. If restored to its potential, the fishery would yield more jobs. (Letters with this message should be sent to President George Bush, The White House, Washington, DC 20500.)

On still another front, the NCMC worked with the World Wildlife Fund, National Audubon Society, Center for Marine Conservation, and Council on Ocean Law to prepare a brochure and video to support listing of the Atlantic bluefin tuna under Appendix I of the Convention on International Trade in Endangered Species. CITES meets March 2-12. A listing would outlaw export of bluefin to the Tokyo sushi market, where most end up, and take substantial fishing pressure off the stocks. □

MAJOR PROGRAMS IN '92. The officers and directors of the National Coalition for Marine Conservation met in Palm Beach, Florida on January 12th to review 1991 activities and approve the organization's agenda for 1992. Major program areas include: restoration of New England groundfish, highly migratory species management, interjurisdictional fisheries legislation, funding for critical federal fisheries programs, bycatch research, and preparations for Magnuson Act re-authorization

in 1993. The board will hold its next mid-year meeting March 23rd in Washington, in conjunction with a United Sport Fishermen meeting. □

NATIONAL FISHERY POLICY. The David and Lucile Packard Foundation has given the NCMC a grant to convene the first in a series of meetings to foster the development of policy initiatives on key marine fisheries issues. The ad hoc policy board will consist of experts from various disciplines. The first subject for review will be how controlling access to over-crowded, open-access marine fisheries can enhance conservation goals. □

RIGHT HAND, CALL YOUR LEFT. The NCMC has expressed disbelief at plans to raise the U.S. swordfish catch in 1992 by as much as one million pounds. Fishing effort in the north Atlantic was reduced by 15% in 1990 by ICCAT agreement. The U.S. had originally sought a much larger cutback in effort. After the most recent stock assessment, U.S. experts expressed concern about continued high fishing mortality, a concern heightened by a decline in the number of young fish entering the fishery. Though it's too early to judge the effects of current effort reduction, NMFS said it was unlikely to achieve the goals we've set for rebuilding the overfished stock. So why is NMFS proposing to raise the allowable catch this year? The agency says the higher catch is permissible under the existing ICCAT regulations. Maybe. But the 1990 regulations were considered only a first step, with additional reductions to be sought at the November 1992 session. We can only guess at how ICCAT will receive a U.S. proposal for an additional cut in effort after we've just raised the quota for our own fishermen. □

NCMC TO ADD STAFF. The NCMC's main office in Savannah, Georgia is seeking a qualified individual to join its full-time staff and expand the organization's conservation programs. Duties will include research, preparing newsletters and educational materials, increasing membership, and liaison with other organizations. This program expansion is made possible by a challenge grant from the National Fish and Wildlife Foundation. Qualified persons interested in this entry level position should send a resume to: National Coalition for Marine Conservation, P.O. Box 23298, Savannah, GA 31403. □

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NCMC SYMPOSIUM WILL REVIEW MAGNUSON ACT. "Fisheries in Crisis" is how the U.S. government characterizes the state of our marine fisheries, despite 15 years of management under the Magnuson Fishery Conservation and Management Act. At least 65 species or stocks are overfished, some severely. The condition of many others is unknown due to lack of basic information. As we embark on the daunting task of restoring our depleted resources to their productive potential, we think it's time to review the effectiveness of the Magnuson Act and consider how to make it more effective. We need to ask the fundamental questions - what's worked, what hasn't, and why? The NCMC will sponsor a symposium on the Magnuson Act in the spring of 1993. This follow-up to our successful 1991 conference on habitat conservation will coincide with re-authorization of the nation's fisheries law in Congress next year. Watch future newsletters for more information. □

COASTAL INSURANCE. On March 26th 12 national conservation groups, the NCMC among them, jointly urged members of the Senate Banking Committee to support legislation to reform the dangerously imbalanced National Flood Insurance Program. This federal program was originally intended to make flood insurance available in exchange for communities planning new development away from the water's edge, but that's not happening. Of the \$210 billion in federally-insured policies written, 82% support development on the marine coasts and Great Lakes. This reckless policy encourages development of coastal habitat and the loss of human lives in floods and storms. The NCMC supports Senate passage of the National Flood Insurance, Mitigation and Erosion Management Act (S. 1650), already approved by the House. This bill would withhold insurance to subsidize new development in flood prone coastal areas and along eroding shorelines. (The Honorable _____, U.S. Senate, Washington, DC 20510.) □

SNAPPERSNAFU. The commercial fishery for red snapper in the Gulf of Mexico was closed on February 22nd, when netters landed the 2.04 million pounds they'd been allotted for the year. Less than 3 weeks later, on March 11th, the Gulf Fishery Management Council voted to ask the Sec. of Commerce to re-open the 1992 commercial season and let fishermen continue to take 1,000 pounds per boat per trip. The decision to abandon the 1992 quota (the recreational 7-fish bag limit is unchanged) was triggered not by a new stock assessment, but by the loud complaints of fishermen whose season ended much sooner than they'd anticipated. The fishermen's protests were backed by political

pressure exerted on the Council by Gulf Coast Congressmen. The controversial vote to resume fishing was close, 9-8, and went against the advice of the Council's own Reef Fish Committee. The Council will review the issue at its May 11-14 meeting. The big question is, how much will the increased catch this year set back the red snapper recovery schedule? For an explanation of the Council's action, write: Gulf Council, 5401 W. Kennedy Blvd., #331, Tampa, FL 33609. □

FISHERMEN UNITE ON FUNDING NEEDS. NCMC officers and staff attended the March 24th meeting of United Sport Fishermen in Washington, D.C. An important item on the agenda was the Fiscal Year 1993 NMFS budget. The group agreed to seek increased spending for recreational fishing statistics, expanded at-sea observer coverage, bycatch and gear modification research, NMFS highly migratory species management plan development, law enforcement, and support for the Regional Fishery Management Councils. □

"OUR LIVING OCEANS": ALIVE, BUT NOT WELL. The First Annual Report on the Status of U.S. Living Marine Resources, entitled "Our Living Oceans," gives a sobering assessment of the health of the nation's fisheries. Highlights (or should we say lowlights) from the report: "Of the 153 species or species groups for which status has been assessed, 65 or 42% are overutilized.....Many resources are severely depleted as a result of excess fishing. As a result, the Nation is wasting large economic benefits and many recreational opportunities.....The status of utilization is unknown for 34% of the fish species" reviewed, and when status is unknown, "it is necessary to use them conservatively to guard against accidental depletion." The report is available from NMFS, 1335 East West Highway, Silver Spring, MD 20910. □

SURVEY SAYS: GULF BILLFISH DOWN. 1990 was the 20th year of the NMFS Big Game Fishing Survey in the Northern Gulf of Mexico. The agency uses the ratio of fish hooked-per-hour-of-trolling in the sport fishery as an index of relative abundance for billfishes. During 1990, the success rate for blue marlin declined for the third year in a row to match the all-time low achieved in 1978, the peak of Japanese longlining in the gulf. The blue marlin fishery, NMFS researchers advise, "should be closely observed over the next several seasons for additional signs of a possibly depressed fishery." White marlin and sailfish reached their lowest point the year before (1989). In 1990, the sailfish index remained at its record low, 80% below the 20-year

average. White marlin, on the other hand, improved after declining for 7 straight seasons. Altogether, the 3 species of billfish registered only slightly above the historical low reached in 1989. For the third year in row, gulf anglers released more fish than they landed. In fact, they set a new survey record in 1990, with 66% or 2 of every 3 billfish hooked let go alive. "Since the percentage of releases of the catches has been increasing in the recreational fishery along the northern gulf for the last several years," the researchers suggest "factors other than recreational fishing mortality may be adversely affecting these resources." The leading suspect is large-scale commercial longline fishing throughout the Gulf of Mexico, the Caribbean and the western Atlantic. □

NCMC ASKS SHRIMP MANAGERS TO PLAN AHEAD.

The Draft Shrimp Fishery Management Plan prepared by the South Atlantic Fishery Management Council has as one of its objectives "To reduce the bycatch of non-target finfish." Most of the fish bycatch, estimated in the billions of pounds, is discarded dead. This waste, the Council warns, may significantly reduce the yield in other commercial and recreational fisheries. Because of the sheer number of species involved, bycatch reduction goals are best addressed through the shrimp plan. However, the Council is prevented from regulating trawl bycatch until January 1994. The NCMC has asked the South Atlantic Council's Shrimp Management Committee, its advisory panel of industry representatives, and staff to prepare a list of options for amending the plan as soon as bycatch rules are permitted two years from now. □

JETTY DECISION PENDING. Earlier this year Secretary of the Interior Manuel Lujan was asked by the State of North Carolina to reconsider his department's longstanding opposition to building jetties at Oregon Inlet, North Carolina. Interior's approval is essential to getting a go-ahead for the costly inlet stabilization project, because the proposed mile-long jetties would be built on adjacent National Park and Wildlife Refuge lands. The NCMC urged Lujan on March 13th to reaffirm his opposition, pointing out that no new information has been produced to allay concerns that armoring the inlet will cause severe erosion on adjacent barrier islands. In addition, fishery experts have warned the jetties could interrupt inshore/offshore movement of juvenile fish important to commercial and recreational fishermen. On March 17th, the Secretary announced that, although he personally leans toward okaying the jetties, further study of their environmental impact is needed before a final decision can be made. Senior department officials reportedly remain staunchly against jetty construction. Lujan also asked federal fishery officials to review the potential for increased commercial catches offshore, a disputed part of the Corps of Engineer's most recent cost/benefit analysis. (The Honorable Manuel Lujan, Secretary of the Interior, 18 & C Sts., N.W., Washington, DC 20240.) □

BLUEFIN DEAL AT CITES. At the March 2-14 meeting of the Convention on International Trade in Endangered Species, or CITES, the U.S., Canada and Japan persuaded Sweden to withdraw its proposal to ban trade in the threatened Atlantic bluefin tuna. In exchange, the three major harvesters of bluefin promised to press for stronger conservation measures through the International Commission for the Conservation of Atlantic Tunas this year. Because of ICCAT's failure to date, the NCMC was a chief supporter of listing the overfished bluefin under CITES and helped prepare materials to educate the international community at the Kyoto, Japan meeting. In his post-meeting report to the Administration, the Head of the U.S. CITES delegation, John Turner of the Fish and Wildlife Service, said our government made a public commitment to reduce the

ICCAT quota. An ICCAT-sanctioned meeting is tentatively scheduled for late May to discuss that possibility, along with ways to better monitor and control overseas trade in bluefin. □

GROUP ASKS NO SALE OF IMMATURE TUNA.

Meanwhile, the NCMC joined a coalition of conservation groups, sport fishermen, commercial charter boatmen, and scientists in urging U.S. officials to curtail the sale of bluefin tuna other than "giants" by prohibiting fish dealers from possessing bluefin in the small and medium categories (tuna less than 310 lbs.) We are backing this measure in order to reduce the incentive for killing excessive quantities of sexually immature fish, a key part of rebuilding the troubled fishery. Recreational interests supporting this initiative include the Rhode Island Party and Charter Boat Assn., the Montauk (NY) Captains and Boatmen's Assn., and the Maryland Saltwater Sportfishermen's Assn., as well as the editors of Salt Water Sportsman and Field and Stream magazines. □

SALMON MEAN JOBS TO THE NORTHWEST. The controversy over whether or not to log the old growth forests of the Pacific Northwest is short-sightedly pitting spotted owls against jobs in the lumber industry. Overlooked is the enormous value of salmon, steelhead and trout populations dependent on many of the same wooded watersheds at the center of the dispute. These fish, according to a new report, support over \$1 billion annually in personal income and sustain over 60,000 jobs in the region. The Oregon Rivers Council has identified key areas that must be protected to provide permanent jobs in fisheries and recreation. For a copy of its report, write: Oregon Rivers Council, Box 309, Eugene, OR 97440. □

INDUSTRY TO HOST BYCATCH CONFERENCE. The NCMC will be represented at an International Conference on Bycatch in the Shrimp Industry to be held in Lake Buena Vista, Florida May 24-27. The purpose of the conference, sponsored by the Southeastern Fisheries Association, is to summarize current bycatch information, examine alternative shrimping methods used in other countries, and obtain input on future management strategies. For information, contact International Bycatch Conference, 312 E. Georgia St., Tallahassee, FL 32301. □

BIG FISH RESEARCH. The NCMC was invited to take part in the 1992 Atlantic Large Pelagics Constituency Meeting on March 25th in Silver Spring, Maryland. This was the annual sit-down between NMFS scientists and representatives of groups interested in federal research programs for billfish, swordfish and tuna. Issues discussed were improved monitoring of the southern longline fleet, better data collection in the rod and reel fisheries, and keeping tabs on the number of undersize swordfish hooked and discarded dead. The NCMC stressed that observer coverage must be expanded from only 5% of the fleet, the level proposed for 1992, to 20% in order to provide a comprehensive picture of the pelagic fisheries instead of a snapshot of just one segment. □

ORDER YOUR HABITAT BOOK TODAY. For the first time under one cover you can find papers outlining the importance of key coastal habitat areas to marine fisheries, current and future threats to these critical areas, and expert critiques of the laws meant to protect them. Stemming the Tide of Coastal Fish Habitat Loss is the complete proceedings of the NCMC's 1991 national conference to promote habitat conservation. This 258-page hardcover book, featuring numerous recommendations for strengthening the nation's environmental laws, is a must for anyone active in fisheries management. To order, send \$21.00 (includes shipping) payable to NCMC, 5105 Paulsen St., #243, Savannah, GA 31405. □

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NMFS CREATES HIGH LEVEL HABITAT OFFICE

In 1981 NMFS habitat programs were merged with protected resources (mammals and endangered species) and the staff available to review development projects potentially damaging to fisheries was substantially reduced. A key recommendation of the NCMC's 1991 National Symposium on Coastal Fish Habitat was that "habitat conservation should be elevated in stature to provide effective program leadership, by establishing within the National Marine Fisheries Service an Office of Habitat Conservation." Recently, the agency responded to growing support for greater attention to habitat issues by creating a new Office of Habitat Protection in its Washington headquarters, to give "executive-level leadership and policy guidance" to its national habitat conservation programs. The NCMC, citing the strong consensus reached at the habitat symposium, has endorsed a National Fish and Wildlife Foundation recommendation for a \$12 million increase in the NMFS budget for fiscal year 1993 to enhance its habitat programs. □

BILL TO MANAGE INTERSTATE FISHERIES

Legislation to encourage coordinated interstate action to conserve fish that migrate or are widely distributed along the east coast was introduced by Cong. Thomas Carper (DE) in early May and assigned to the House Fisheries Subcommittee. "The Atlantic States Coastal Fishery Management Improvement Act" would coordinate management of bluefish, striped bass, summer flounder, redfish and other coastal migratory species. The NCMC came out strongly last year in favor of similar legislation and drafted a model program to push the issue along. We are currently studying the Carper bill and have urged the subcommittee to hold hearings. The chief elements of the proposed law are: the Atlantic States Marine Fisheries Commission will develop interstate plans and notify the Secretaries of Commerce and Interior of states not in compliance; the Secretaries will suspend federal fisheries funding to states that don't implement interstate plans and, as with the successful Striped Bass Act, impose a moratorium on fishing for the species in question. (Cong. Gerry Studds, Chairman, House Fisheries Subcommittee, Room H2-543, Annex 2, Washington, DC 20515.) □

TUNA TALKS UNDERWAY IN TOKYO

Representatives of the United States, Canada and Japan meet again in Tokyo May 19-26 to discuss additional measures to reverse the dangerous decline of the Atlantic bluefin tuna. (They were just there in March, heading off action on a CITES proposal to list bluefin as an endangered species by promising

tougher management measures.) Two proposals will be on the table: a 50% reduction in catch and trade controls to halt the sale of fish not caught under the international (ICCAT) quota. Both the U.S. and Japan have already endorsed these proposals; Canada, the third major player, has not. On April 28th, NCMC president Chris Weld, executive director Ken Hinman, and four board members attended a meeting of the U.S. ICCAT Advisory Committee to discuss preparations for the special Tokyo meeting. The NCMC urged the U.S. Tuna Commissioners to pursue the 50% cutback as aggressively as possible. Said Chris Weld: "The U.S. position is solidly backed by the best science, is plainly in the best interests of American fishermen, and is supported by the vast majority of fishing and conservation groups in this country. It is definitely achievable at this time - if those sent to Japan to further U.S. interests in bluefin conservation are fully prepared and committed to achieving this goal." □

U.S. SCIENTISTS ISSUE WARNING ON BLUEFIN

Before the U.S. delegation left for Tokyo, the American Fisheries Society, representing 8,200 professional fishery scientists, released a position statement on bluefin. The big tuna is "severely overfished and is showing little sign of recovering after 10 years of management," the experts concluded. "The present (ICCAT) management regime will not allow the stock to recover, poses an unacceptable risk of recruitment failure, and is counter to the long term interests of both fisheries producers and consumers." The statement goes on to offer recommendations to resurrect the troubled fishery: 1) immediately lower fishing mortality to a level that will rebuild the depleted spawning population within 8 years; 2) ban any gear with a bycatch of bluefin from the Gulf of Mexico spawning grounds; and 3) shut down the U.S. fishery if appropriate international action isn't taken soon. For a copy of the opinion, write: AFS, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814. □

NCMC ADDS PROGRAM DIRECTOR

The NCMC is pleased to announce that Carl Paulsen has joined our staff as Program Director. Carl holds a Biology Degree from Middlebury College and a Masters in Environmental Management from Duke University, specializing in resource economics and public policy. He did his internship with the National Wildlife Federation, assisting with their wetlands and clean water programs. Carl will assist in developing policy on fisheries management and habitat issues, coordinating activities with other conservation organizations, and expanding the NCMC's education programs. □

BRASHEARS HONORED FOR CATCH AND RELEASE

Charles Brashears, a long time NCMC board member from Winnetka, Illinois, received the prestigious Beinecke Blue Marlin Trophy from the West Palm Beach Fishing Club. Brashears was recognized for his outstanding contribution to conservation. He caught and released a total of 29 blue marlin during the 1991 fishing season. □

NCMC BACKS WATER POLICY REFORM

On May 8th, Cong. George Miller (CA) re-introduced legislation (H.R. 5909) to reform California's giant federal water project and give fish and wildlife equal status with irrigation and hydroelectric power. The Central Valley Project (CVP) drains water away from critical salmon habitat in the Central Valley and Klamath River watersheds in the north of the state. "Wherever the heavy hand of the CVP has touched the California landscape," says Bill Kier of the Advisory Committee on Salmon and Steelhead Trout, "fish and wildlife and the habitat upon which they depend have been savaged." Historic spawning runs of salmon, shad and striped bass have been wiped out, with salmon catches dropping 80%. Overfishing is the cause of the decline, but the Pacific Council is being forced to curtail sport and commercial fishing even more. It all comes back to the water. Salmon biologists are pessimistic about a rebound unless the habitat is restored. The NCMC supports the Miller bill, and recommends a long-term goal of restoring fresh water entering the San Francisco estuary to at least 70% of its natural flow. □

TAKING STOCK OF BYCATCH

A dead fish is a dead fish, whether it's brought to the dock or left at sea. But under most fisheries regulations, only those fish landed count toward the total allowable catch (TAC). In the northeast trawl fishery for groundfish, three times as many fish are discarded as kept. The ratio in shrimp trawling is 10 to 1. Hundreds of giant spawning bluefin are killed after annual quotas are met, but because they're returned to the water they aren't even counted against the following year's TAC. Neither are juvenile swordfish, hooked on longlines but cut loose when the vessel's small fish allowance is met. Proposed shark regulations don't address bycatch waste, even though the majority of sharks killed are discarded. The list goes on and on. With a grant from the Curtis and Edith Munson Foundation, the NCMC is compiling a report on bycatch waste in the major marine fisheries around the country, along with assessments of what's being done, or needs to be done, to control it. □

FOOLS RUSH IN

The limits on red snapper are intended to rebuild the seriously overfished population, but they aren't being taken very seriously. Over the protests of the NCMC and others, NMFS approved a Gulf Council request to re-open the commercial fishery for red snapper. The commercial quota for 1992 was filled in February, but to appease fishermen upset about the early closure, the Council and NMFS agreed to allow them to take an extra 1,000 pounds per vessel per trip from April 3 through May 14. It's estimated the extra five weeks of fishing put the commercial fishery over its 1992 allocation by 50%. The NCMC objected that this license to overfish went against the advice of the Council's biologists, undermines the goals of the Gulf Reef Fish Plan, and sets a dangerous precedent for all fisheries. □

CONFERENCE TAKES NEW LOOK AT SHRIMPING

Director Ken Hinman attended the shrimp industry-sponsored International Bycatch Conference May 25-27 in Lake Buena Vista, Florida. The busy agenda included presentations on how the rest of the world is handling the fish bycatch problem and alternatives to trawling. A full report on the meeting will be featured in the next Marine Bulletin. The con-

ference coincided with release of a Congressionally-mandated bycatch research plan by the Gulf and South Atlantic Fisheries Development Foundation. The plan recommends specific research projects needed to characterize bycatch, assess the status of impacted finfish, develop and evaluate gear and non-gear solutions, and measure the social and economic as well as biological impacts of various management options. The NCMC will be reviewing and preparing comments on the plan. □

57 WAYS TO KILL A MARLIN

In the 1980s the Japanese began supplementing the marlin brought home by their own tuna fishermen with imports from other countries with high seas fishing fleets. A paper on trends in commercial billfishing in the book, Planning the Future of Billfishes (NCMC 1989), revealed that Japanese frozen imports of marlin rose 16-fold between 1981 and 1985, and in 1987 marlin moved onto the top ten list of fresh fish imports. Some observers say this rising demand reflects that country's strong economy. Indeed, one measure of a peoples' prosperity might be what they feed their pets. HEINZ, the multi-national food giant, recently bragged to its stockholders about the success of a new product offered by HEINZ-Japan - catfood containing marlin. Because "marlin is a proven favorite with cats," said the company, the 9-Lives brand now features marlin and chicken breast, marlin and sea bream, and marlin and vegetables. When asked about the use of marlin, the Pennsylvania office responded that the catfood in fact contains tuna and not marlin, and that the statement to shareholders was the result of a mistaken translation from Japanese to English. □

NCMC TO ADDRESS RESOURCE CONFERENCE

Ken Hinman has been invited to speak on "National Policy to Protect Coastal Fish Habitats" at the 58th Annual North American and Natural Resources Conference next March. He will take part in a panel on "Watershed Land Use and Marine Fish Populations." □

INDUSTRY PROPOSES GOOD WORKS

BECAUSE SIZE LIMIT DOESN'T

The NCMC has criticized a proposal to allow juvenile swordfish taken in excess of the ICCAT quota to be landed if the fish are donated to charity. "On the surface, giving fish that would otherwise be discarded to an organization that feeds the needy is highly commendable," we told NMFS on April 24th. However, "By proposing this action, NMFS is admitting that the minimum size limit is a failure." Because the longline gear used hooks all sizes of swordfish, the NCMC had predicted the size limit would only lead to discarding small fish, not protecting them. "What you are trying to do is find a way of disposing of the excess kill of small fish rather than a way to minimize it," we pointed out. "A better course of action would be for the U.S. to propose the elimination of the minimum size limit at this fall's ICCAT session" in favor of a lower overall quota. □

THE CASE AGAINST TERM LIMITS

This August, NCMC board members John Green and Jim McHugh will become the first casualties of a 1990 amendment to the Magnuson Act limiting Regional Council members to three consecutive terms. It's the nation's loss. During their tenures on the Gulf of Mexico and Mid-Atlantic Councils, respectively, Green and McHugh have been tireless advocates of conservation and are without peer in their knowledge of the workings of the Magnuson Act. Their years with the Councils were often frustrating, sometimes rewarding, but they always managed to hold the system to a higher standard. All conservation-minded fishermen owe them a debt of gratitude. Fortunately, the NCMC will continue to benefit from their expertise for years to come. □

CURRENTS

JUNE - JULY 1992

National Coalition for Marine Conservation

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WETLANDS DEFINITION MAY BE CLARIFIED

The U.S. House of Representatives is considering a measure to finally resolve the debate over defining "wetland." Reps. Chester Atkins (MA) and Bob Traxler (MI) attached a provision to the 1993 Environmental Protection Agency appropriations bill that would commission a study by the National Academy of Sciences to define and delineate wetlands. The NAS is an independent panel of scientists widely sought as an objective authority on such issues. The controversy over what is and isn't a wetland started when the Bush Administration, under guidance from the Council on Competitiveness (led by Vice President Quayle), revised the 1989 *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, eliminating millions of acres from federal protection. Under the Atkins-Traxler provision, the Administration would be barred from implementing its proposed revisions until the NAS study is completed. The NCMC supports the independent study as a critical step in clarifying wetlands regulations and moving toward sound, scientifically-based protection for wetlands. □

PROMISES, PROMISES: STILL WAITING FOR THE SHARK PLAN

On June 8 NMFS re-published proposed rules for the Atlantic shark fishery. If quickly approved, we could see badly needed limits on shark fishing sometime this fall. But that's a big if. The management plan, which was meant to curb overfishing, has languished in bureaucratic limbo since 1989. The plan governs 39 species of North Atlantic sharks and establishes: a rebuilding quota for overfished large coastal and pelagic sharks for the 1992-93 season; a prohibition on "finning," recreational bag limits; and a data collection program including mandatory catch reporting and unrestricted access for observers. The various quotas would be set for the fishing year that begins July 1, 1992. Based on 1991 catch figures, the large coastal shark fishery should reach its quota by October. Will the plan be law by then? Another worry is that, while the stated purpose of the plan is to prevent overfishing, it does not address the bycatch of shark in the tuna/swordfish longline and shrimp trawl fisheries, the largest sources of shark mortality. This bycatch totals 16,000 metric tons a year, as opposed to annual landings of 6,000 metric tons (these are averages for the period 1979-1988). Clearly, the shark plan cannot meet its goal of rebuilding the fishery until it addresses the bycatch problem. Nonetheless, it is past time for a shark conservation program, however incomplete, and the NCMC strongly supports the current plan as a first step toward sound management. □

FISHERIES SYMPOSIUM PLANS FIRING UP

The NCMC-sponsored National Symposium on the Magnuson Fishery Conservation and Management Act will be held March 8-10, 1993 at the Clarion Hotel in New Orleans, Louisiana. The three-day conference will review trends in marine fisheries under federal management since 1976, use specific fisheries to examine successes and failures under the Act, and scrutinize critical aspects of the law and its application. The purpose of the symposium is to provide a framework for improving fisheries management during Congressional re-authorization next year. Dr. William W. Fox, Jr., Assistant Administrator for Fisheries of the National Marine Fisheries Service, will deliver the keynote address. □

THE TAKING OF BLUEFIN 1, 2, 3

Despite repeated warnings about the deplorable state of the bluefin tuna fishery, the international tuna commission, ICCAT, has yet to get serious about conserving the Atlantic population. At a special meeting in May, the major fishing nations failed to produce any cutbacks in harvest levels, agreeing only to discuss the matter again in November 1993. Meanwhile, commercial fishing for bluefin - primarily aimed at a breeding population already devastated by overfishing - continues at levels the fishery cannot sustain. As a result of ICCAT's inaction, the NCMC is calling on the U.S. to implement its own strong measures to avert a potential disaster. As Executive Director Ken Hinman says, "It's totally unacceptable to do nothing for another two years. The bluefin might not have that much time left." Several measures taken by U.S. officials would substantially reduce mortality on the remaining "giants," the sexually-mature fish weighing over 300 pounds that can sell for more than \$25 a pound. These include: closing the Gulf of Mexico spawning grounds to fishing gear that takes a bycatch of bluefin; counting all incidentally-caught and discarded tuna toward the U.S. allocation; and enacting tougher dockside enforcement to end illegal sale and trade.

Current ICCAT and U.S. regulations are weighted toward protecting smaller fish while maximizing the harvest of bluefin when they reach marketable size, a commercially-driven approach that has inhibited any recovery. On June 21, the National Marine Fisheries Service published new rules for the 1992-93 bluefin fishing seasons. The rules re-allocate the ICCAT quota among four categories of U.S. fishermen: commercial hand-gear (47%), nets (24%), recreational rod-and-reel (18%) and incidental/longline (9%). The NCMC submitted comments on the proposals in May. Ordinarily, we are reluctant to weigh in on allocation issues. However, the NMFS

regulations have implications far beyond the mere distribution of fish among fishermen. They further shift effort away from small fish onto the larger, more threatened spawners and pre-spawners, the fish which just happen to be the most commercially valuable. In 1992-93, 80% (998 metric tons) of the U.S. quota will be allotted to commercial fishermen targeting giant bluefin. A NMFS proposal to prohibit the sale of bluefin under giant-size, meant to protect fish until they join the spawning population, was changed at the request of commercial fishermen to allow the sale of so-called "large mediums," fish over 235 pounds. The angling catch of small and school tuna, on the other hand, is tightly controlled by minimum size and bag limits.

"Calling all giant bluefin tuna fishermen!" The East Coast Tuna Association, the group of wealthy businessmen who export giant tuna to Japan's sushi market and the chief opponent of efforts to conserve bluefin, is sponsoring a bluefin fishing tournament - "five days of fun (and profit)" - August 5-10 in Newburyport, MA. Open only to commercial fishermen using handline, harpoon and rod and reel, the tournament - the first in an annual series - is a transparent gambit by the ECTA to get a piece of the action on as many commercially-caught bluefin as possible. Is it just us, or is there something a little obscene - though not at all surprising - about the ECTA turning their hunt for the last giant bluefin into an annual tournament, complete with prizes? □

THE END OF AN ERA

This summer the last barge-load of municipal sewage sludge was dumped in the last remaining ocean dump site in the U.S. As of July 1, New York City will no longer dump its sewage waste on the ocean floor, meeting a deadline set by the Ocean Dumping Ban Act of 1988. New Jersey called it quits last year. And so ends an era of recklessly disposing of some of our most noxious wastes at sea - "out of sight and out of mind." Congress enacted the ocean dumping ban thanks to an alliance of commercial and recreational fishermen, environmentalists and business interests. Armed with information showing huge declines in shellfish populations and an alarming increase in finrot and other diseases associated with sewage, the Coalition to Cease Ocean Dumping, organized by the late Les Smith, an NCMC board member from New England, and the New Jersey-based Clean Ocean Action successfully pressed Congress to put an end to offshore dumping once and for all. It's a great victory, but we mustn't let down our guard. One request has already been made to obtain an exemption from the law to explore injecting sludge into the deep ocean floor, and we can expect future attempts to resume disposing of harmful wastes at sea. The NCMC will continue to monitor and respond to any such developments. □

NCMC OPPOSES RAISING SWORDFISH CATCH

The NCMC has strongly objected to a proposed 10% increase in the U.S. swordfish catch, from the 1991 level of 6.9 million pounds (only 6.2 million were landed) to 7.56 million pounds in 1992. In a statement submitted to NMFS June 22, we referred to the agency's own assessment that the increase "does not indicate an improvement in the status of the overfished swordfish resource." In fact, the swordfish fishery remains in critical condition, with fishing mortality high and recruitment from new generations low. We oppose the increase on the grounds that it will amplify pressure on an already severely overfished resource and will undermine any possibility of persuading other countries to adopt more stringent international controls at this November's ICCAT meeting. □

HAWAIIAN LONGLINE COMPROMISE

The Western Pacific Fishery Management Council has finalized its management program to handle the rapid influx of pelagic longliners in waters around the Main Hawaiian Islands.

The arrival of over 150 boats from the U.S. east coast in 1989 and 1990 caused problems with local commercial fishermen and concern among sportsmen for the fate of the overfished Pacific blue marlin. Under the permanent plan, the total number of longline vessels will be limited and a system of area closures will reduce conflicts with the islands' traditional small boat fishermen. In addition, all U.S. longliners must be equipped with a vessel tracking system by September 1, 1993, provide for scientific observers at the discretion of federal managers, and report catch and effort for all pelagic fish. Sport fishermen were unable to persuade the Council to put limits on marlin bycatch. Nevertheless, the closures should minimize impacts on marlin stocks and the Council is scheduling a workshop to explore additional measures, including bycatch limits and mandatory release of marlin by all fishermen. □

NEW TED REGULATIONS

The NCMC wrote Nancy Foster, Director of Protected Resources for the National Marine Fisheries Service, in support of the agency's move to require southern shrimpers to use turtle excluder devices, or TEDs, in all waters at all times of the year. Beyond the need to give greater protection to endangered sea turtles, we view wider use of TEDs as a very important component of the overall effort to eliminate bycatch in marine fisheries. The shrimp trawl fishery has an excessive bycatch of finfish that must be reduced. We urged that NMFS, in establishing specific standards to define what is and is not a legal TED, encourage the use of devices which may be modified to exclude fish at acceptable rates. We want to avoid a situation later on where shrimpers get accustomed to a device that must be replaced with another. This would add an additional burden to shrimpers and increase resistance to regulating fish bycatch. □

SUPPORT FOR FLOOD INSURANCE REFORM EBBS

The original intent of the National Flood Insurance Program was to encourage communities to better manage their shorelines and other flood-prone areas in exchange for discounted flood insurance. Instead, the program has evolved into a federal subsidy for development in high risk areas. Indiscriminate building on the fragile coast degrades coastal ecosystems and puts additional stress on already taxed fishery resources. S. 1650, the National Flood Insurance, Mitigation and Erosion Management Act, passed overwhelmingly by Congress last year, was to have been the vehicle for reform of the flood insurance program. Unfortunately, key provisions were attacked by realtors and developers and the bill was abandoned shortly before it was to have been voted on in the Senate. In its place, Sen. John Kerry (MA) introduced S. 2907, which does many of the same things as S. 1650 but with some of the most controversial provisions deleted. While perhaps not as strong as the House bill, it nevertheless should improve the program and encourage wiser management of coastal and floodplain areas. The NCMC backs S. 2907 as a solid move toward restructuring the flood insurance program, away from using federal dollars to subsidize new development in ecologically sensitive areas that other federal programs are trying to protect. (The Honorable ———, U.S. Senate, Washington, D.C. 20510.) □

ELWOOD HARRY IS GONE

It's our sad duty to report the death of a good friend, Elwood K. Harry, President of the International Game Fish Association since 1975. Elwood devoted his life to advancing the sport of angling. We had the pleasure of knowing and working with him throughout his tenure with IGFA, as co-sponsors of the Marine Recreational Fisheries Symposium series and in pursuing our mutual goal of conserving salt water fish for the fishermen of tomorrow. He'll be missed. □

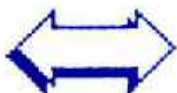
The NCMC **MARINE INDEX**

Compiled Quarterly by the National Coalition for Marine Conservation

Winter 1992

What did we know, and when did we know it? A new report card on the health of the nation's fisheries reviews 232 species or stocks of fish. The Commerce Department rates 65 fisheries as failing, nearly half those for which marks are given. There isn't enough information to assess the condition of over a third of the species reviewed, and unless managed conservatively, the report warns, these fisheries are accidents waiting to happen. Of course, knowing a fish's status isn't the same as knowing how to manage it effectively. In some cases, managers are unmoved by the facts. In others, limited catch data and a poor understanding of species interactions inhibit conservation. In all cases, improved science and risk-averse policies are needed.

AMBERJACK



Status unknown. About 100 types of reef fish are caught by fishermen in the South Atlantic and Gulf of Mexico and they're hard to tell apart, so catch totals for most species aren't available. Reef resources as a whole, however, are thought to be stressed and subject to "serial overfishing," i.e., as traditional snapper and grouper fisheries decline, new effort shifts to other species, such as amberjack. Managers are exploring the use of no-fishing reserves to take pressure off the stocks.

ATLANTIC SHARKS



We know something must be done soon to protect highly vulnerable shark populations from heavy fishing, but a lack of data makes it hard to say precisely what. A federal conservation plan that's been 3 years in the making sets quotas, but without data on individual species, limits are set for aggregates - e.g., one overall quota for the 22 sharks in the "large coastal" group. The number of sharks killed and discarded in other fisheries is uncertain and unregulated, but total discards are figured to be at least several times total landings.

DOLPHIN



The popular game fish, not the mammal. Condition unknown, but thought to be in reasonably good shape because, unlike sharks, dolphins mature quickly and are extremely fecund. The commercial market has been limited, but that's changing. Menus offer mahi mahi (its South Pacific name) to avoid confusion with Flipper. If commercial fishing should expand, ignorance of dolphin abundance will be a handicap. The challenge for managers is to do population studies and prepare a conservation strategy before that happens.

ATLANTIC MACKEREL



American fishermen harvest 99% of the fish taken within our 200-mile zone. Foreign fishermen caught just 9,200 tons off our shores in 1990, nearly all of it Atlantic mackerel, considered under-utilized by U.S. authorities. Nonetheless, an expanded domestic harvest wouldn't be without its problems. Mackerel are big in the diet of seabirds and marine mammals and large net fisheries would have a bycatch of these protected animals. Mackerel are also important prey for other fish, among them cod and pollock, both seriously depleted and the object of restoration efforts.

MULLET



Mullet, too, are a key food source for more sought-after fish, such as king mackerel, tarpon, and seatrout, so what befalls this small grazer is of keen interest to millions of fishermen. Demand for mullet roe in Japan took off a few years ago, and there's a mini-gold rush on to

satisfy it. Fishermen net mullet for their eggs as they pass along Florida's Gulf Coast on the way to their winter breeding grounds. Studies show numbers are dropping quickly and efforts are underway to halt netting during the spawning season.

PACIFIC SARDINE



The abrupt and total collapse of the west coast sardine fishery, once the country's largest, caught everyone by surprise. The forage fish that fed the nation during the Great Depression was virtually gone by the 1950s, and though many fishermen expected it to bounce right back, it stayed gone. But ever so slowly, the sardine is recovering, limited catches are now permitted, and the fishery is expected to thrive once again.

SAILFISH



New information prompts re-evaluation of last fall's up-arrow. An international survey of billfish catches in the Caribbean reveals a disturbing trend. The commercial fleets of a number of countries in that billfishing hot spot target sailfish, taking "significant numbers." Grenada, for one, recently bought a small fleet of modern longliners to catch sails. Off Costa Rica, the newest sailfishing mecca, the prized game fish are caught in nets set for tuna.

SWORDFISH



For years the condition of swordfish stocks was assessed and re-assessed *ad nauseum*, and the diagnosis was always the same - critical. In this case, we knew exactly what to do and when to do it, but didn't. Instead, the U.S. relinquished swordfish conservation to a toothless international commission with a long history of ignoring its own scientific advisors. Experts say the Atlantic-wide rules now in place won't stop continued losses to the fishery.

TARPON



A sharp decline in Texas tarpon prompted that state to outlaw landings. Florida has a similar law. The loss of estuarine habitat, reduced freshwater inflows, and pollution are blamed. At the same time, other areas of the Gulf of Mexico report that the "silver king" is as plentiful as ever. Catch trends are hard to measure since tarpon are usually released alive and therefore not reported. Tagging studies are needed to determine if tarpon live in distinct local stocks or a single coastal migratory group.

BLUEFIN TUNA



Some international managers are interpreting a slowdown in the bluefin's long and steep decline as a sign of recovery. But whether or not the number of young bluefin has stabilized isn't the issue. Using it as an excuse to allow the continued slaughter of the still dwindling and endangered breeding population is.

WHITE MARLIN



There is a general lack of knowledge about billfish numbers and biology, but the least is known about white marlin. What we do know, however, has fishermen concerned. Anglers' catches have been relatively poor since the mid-'80s, when fishing was good throughout the white's range. Now there are only pockets of good fishing from year to year, if that. Longtime observers suspect the western Atlantic population is shrinking. Since most sport-caught marlin are released alive, the most likely cause is the large bycatch of billfish in the tuna and swordfish longline fisheries.

For More Information on Efforts to Conserve Ocean Fish Contact the
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The NCMC **MARINE INDEX**

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Deficit Fishing. Political decisions are made to benefit constituents, and jobs are foremost on every politician's mind this year. Jobs versus the environment? It's more important than ever to dispel the erroneous notion that jobs and conservation are in conflict. The truth is, sound fisheries management is good business. Reckless exploitation and poor management have led to the collapse of numerous fisheries and the loss of many thousands of jobs. Overfishing, according to the Commerce Dept., is already costing the U.S. fishing industry more than \$1 billion a year. Losses due to pollution and habitat destruction are harder to pin down but substantial. By depleting fish populations, we are saddling our children with a massive fisheries deficit, robbing them of future fishing opportunities and the many benefits we've long taken for granted. "We estimate that if we could restore our fisheries to their maximum sustainable yield," Undersecretary of Commerce John Knauss told the World Fisheries Congress in May, "we could increase our catch by about forty percent." Bottom line: Conserving fisheries and maintaining them at sustainable levels means more jobs, a stronger economy and a better life for all Americans. Politicians, take note.

ATLANTIC COD, HADDOCK AND FLOUNDER



If restored, badly overfished groundfish stocks could add another \$350 million and 14,000 jobs to the struggling New England economy, not even counting the boost it would give the region's recreational fisheries, valued at over \$200 million. Plans to curtail fishing to replenish the depleted population of cod-fish will cause hardship in the short-term and require radical re-alignment of the fishing industry for the long-term. But the alternative is further decline and the demise of one of the country's oldest fisheries.

AMERICAN LOBSTER



Trapping lobsters is a \$154 million-a-year industry, but it could be worth much more. Not with more traps - there are way too many now - but with smarter management. Small juvenile lobsters make up the lion's share of the catch. A larger size limit would increase the size and age of lobsters caught, maximizing the weight (value) of the catch while letting more individuals mature and reproduce. A recent rise in lobster production provides a window of opportunity to up the legal size without hurting trappers. Managers must respond to such opportunities.

MACKEREL



Severe overfishing means years of rigid regulation and fishing opportunities foregone. Three of four stocks of king and Spanish mackerel are depressed, producing only half their potential yield. King mackerel in the Gulf of Mexico are in the worst shape, but have the greatest potential for once again supporting strong commercial and sport fisheries, if returned to a healthy state.

BLUEFISH



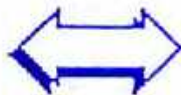
Anglers spend \$345 million a year pursuing this razor-toothed game fish. The commercial catch, about one-sixth the sport catch, was worth \$3.2 million dockside in 1990. Recent declines in catches and other abundance indices suggest the fishery is maxed out. Any expanded harvest for the seafood market would come at the expense of current users and quite probably diminish the value of the fishery by over-stressing the resource. A farsighted 12-state conservation plan has put a ceiling on landings and should ensure the bluefish fishery doesn't follow the typical cycle of boom and bust.

BLUEFIN TUNA



Selling out tomorrow for big profits today. The U.S. tuna industry boasts its export of adult bluefin to Japan nets the economy \$32 million a year. The charter boat fleet that serves thousands of east coast anglers claims to provide 10,000 jobs and \$300 million a year in goods and services. The latter group wants conservation, the former wants to take the money and run. Both are fishing on a dangerously small population. The current catch is less than one-fourth what a healthy resource would support, yet bluefin continue to disappear under intense fishing pressure, mainly because a greedy industry, blinded by the pursuit of giant tuna worth as much as \$20,000 apiece and more, lobbies against any and all efforts at conservation.

BILLFISH



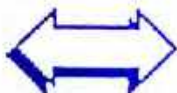
The high commercial value of species like bluefin creates irresistible pressure to keep fishing despite clear signs the resource can't sustain it. On the other hand, the equally impressive recreational value of some fish exerts the opposite effect. In 1990 U.S. tournament anglers spent \$164 million to catch 50,000 Atlantic billfish, releasing 90% alive. That's over \$3,000 per fish hooked or nearly \$30,000 per landed (dead) billfish. Managers have reserved the catch for sportsmen as the most valuable use of the resource. Unfortunately, marlin and sailfish still die by the thousands on hooks set for commercial species.

ATLANTIC SALMON



Most vivid example of what happens when we destroy a fish's habitat. The number of salmon, once in the millions, is down to fewer than 10,000. The bulk of the U.S. catch is limited to a sport fishery of some 400-500 fish in Maine rivers; the commercial fishery is history. The country is investing heavily in long-range efforts to restore wild salmon to New England's rivers. Surveys show Americans are willing to pay for the right to enjoy the benefits of salmon restoration. This reflects strong support for wildlife conservation in general, since a majority believe they would benefit from the salmon's return even if they never saw or caught one of these spectacular fish.

SHRIMP



No wetlands, no shrimp. Wetlands protection equals shrimp management. Gulf of Mexico shrimping, valued at over \$400 million (1990), is supported by roughly 5.1 million acres of wetlands. Estimates of the value of wetlands for all commercial and sport fisheries run from \$2,200 to \$10,000 an acre. (Add to this the intangible wildlife and ecological contributions.) The Gulf loses an alarming 25,000 to 30,000 acres of these invaluable lands annually. Because of the proven link between habitat quantity and shrimp production, it makes good economic sense to stem the loss of coastal marshlands and restore acreage already lost.

STRIPED BASS



From one of America's most important recreational and commercial fishes in the 1960s to devastating decline in the 70s, leading to a complete moratorium on fishing in the 80s. The investment in research and management during the long recovery period has been immense but is finally starting to payoff. Recently, the first signs of improvement led managers to allow some fishing to resume. But fishermen have been on the sidelines for so long they're champing at the bit, and managers too eager to give them something risk giving too much too soon and torpedoing the recovery.

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Hands Across the Water. Fish refuse to play by our rules, defying the political lines we draw on the water. For many migratory species, that means swimming through a patchwork of fishing regulations - some quite strict, others non-existent. Although interstate commissions recommend measures to conserve coastal nomads in the Atlantic, Pacific and Gulf of Mexico, there is currently no mechanism to enforce cooperation among all states or between state and federal jurisdictions. Parochial interests often win out, and when that happens, the fish are the losers. Striped bass almost disappeared before Congress stepped in and forced east coast states to either follow a coastwide conservation plan or quit fishing. The NCMC is promoting legislation to take a similar approach for other migratory fish; not a federal mandate on how interjurisdictional fisheries should be managed, but a means to compel states to act together before it's too late. Unfortunately, politics is already narrowing the focus in Congress. A bill introduced earlier this year dealt only with Atlantic fisheries. More recently, even this effort was abandoned in favor of just adding weakfish to the bill that oversees striped bass management. While this would help the severely overfished weakfish, it would also perpetuate the failed policy of managing crises one-by-one rather than trying to prevent problems before they arise. (Note: The arrows used in this Index indicate the status of management from the interjurisdictional perspective, not necessarily the condition of the resource.)

WEAKFISH

Weakfish may already be in worse shape than striped bass at its nadir. Overfishing and young taken as a bycatch of shrimping are the culprits. Protecting the stocks requires at least a 50% cut in fishing mortality, through size limits and the use of bycatch reduction devices (BRDs) in shrimp trawls. Despite the deplorable state of the fishery, most states have conflicting regulations and some have no size limits at all. North Carolina now requires BRDs, which should greatly improve the outlook. But the prospects would be much brighter if the plan's measures were adopted uniformly. Congress may ultimately force the hands of the states on this one.

AMERICAN SHAD

Annual harvests of 30-50 million pounds in the early 1900s have dwindled to only a few million, the result of dams blocking spawning runs, pollution in rivers and overfishing, especially for shad roe. Problems vary from river to river, so uniform regulations aren't likely to work. Instead, the interstate plan sets broad conservation targets and states are left to set specific rules. These include a mix of gear restrictions, time and area closures, quotas, and even fishing bans in some states.

NORTHERN SHRIMP

The object of the longest running cooperative agreement for managing marine fisheries in the U.S. The fishery has fluctuated considerably during its history, including a collapse in the mid-70s. Concern about the health of the resource prompted Maine, New Hampshire and Massachusetts to agree to manage the fishery cooperatively through an interstate plan. The shrimp population is bouncing back, but fishing pressure remains high due to the collapse of the New England groundfish industry and increased shrimp prices. While the cold water shrimp fishery is not out of hot water yet, the future looks good if voluntary cooperation continues.

SUMMER FLOUNDER

Poorly coordinated management during the 1980s failed to head off a collapse. Landings dropped from 42 million pounds in 1979 to 12 million in 1990. The spawning stock biomass is now only 2% of what it should be to sustain the fishery. A 1992 amendment to the

joint state/federal plan contains tough new measures, including a limit on participants in the fishery. The amended plan is the result of a clear recognition of the importance of swift and decisive measures to save the breeding population. Yet full implementation requires state-by-state approval, a time consuming process with no guarantee the plan's measures will ever be adopted in all state waters.

BLUEFISH



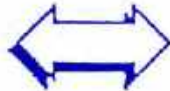
Two years ago federal and state authorities approved a plan to conserve bluefish, but New Jersey, a key state in the fishery, still refuses to sign on. While most agree the fishery is in reasonably good shape, recent surveys show fewer younger fish in the water, suggesting there may be trouble ahead. The prospects for maintaining a strong fishery remain good, but the fate of bluefish still lies in the hands of states acting in their own narrow interests.

STRIPED BASS



Drastic conservation measures were, by and large, successful in reversing the devastating declines of the 1970s. But it took an act of Congress in 1984, carrying the threat of a federally-imposed moratorium, to get the states to act. In 1989, after the first signs of improvement, the interstate recovery plan was revised to allow re-opening of the commercial fishery. This proved premature, since the fishery has declined again in the years since. The federal law requiring states to implement the interstate plan is still in effect, but if the plan itself has no teeth, then the states are merely cooperating in mismanaging the striped fishery.

SPANISH MACKEREL



A fish that stays close to shore but leaves the country, creating a particular challenge for managers. So few Spanish mackerel are caught in offshore waters that U.S. authorities are ready to remove them from the federal mackerel plan and leave management solely in the hands of the states. Overfished since the 1970s, the stocks are recovering under ever tighter fishing limits. What success has occurred is probably due to the fairly high level of implementation of regulations by the five Gulf states. There is, however, some concern that overfishing in Mexican waters is putting added pressure on the resource. If that's the case, full management necessitates not just state and federal but also international cooperation.

DUNGEONESS CRAB



Dungeness crabs are found throughout the west coast, and though they are not migratory, they are managed under interjurisdictional arrangements. It is the fishermen and the economic impacts which cross state boundaries. A committee of industry members recommends policy for the states to implement. The stocks are in good shape, and management is aimed at equitable distribution of the harvest. So far, management has been successful merely on the force of cooperative agreements, which may be due to the fact that managers are not allocating a shrinking resource. How well the voluntary arrangement would hold up in the face of declining stocks is questionable.

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Fall 1992

New World Dis-Order. Highly migratory species - the tunas, billfish and sharks that are favorites of commercial and recreational fishermen alike - are well known for putting up a strong fight. Sadly, they lack the political muscle to get the kind of serious management they need and deserve. The new world order for the Atlantic Ocean means leaving it up to an international commission (ICCAT) to establish management measures. International agreements might make sense for widely ranging species, but they typically result in weak measures, and under current law the U.S. is powerless to do anything more. In the Pacific, the new world order is no order, no international authority governing highly migratory species. Oddly enough, Pacific stocks are generally in better shape than their Atlantic counterparts, though problems do exist. In 1993, Congress will begin looking at the question of where management authority over highly migratory species should rest: with ICCAT or the Magnuson Act; with the Regional Fishery Management Councils or the National Marine Fisheries Service? Perhaps Congress will, at the same time, provide an adequate budget for highly migratory species, rather than leaving NMFS holding another empty bag. (Note: Arrows refer to the status of management.)

ATLANTIC TUNAS

Having good data doesn't always lead to effective management when dealing with a high-value species. ICCAT says American fishermen can catch 1,248 metric tons of bluefin a year, and U.S. law says they must catch their quota even if it doesn't make sense given the poor outlook. So NMFS deals mostly with who gets what share of the ICCAT pie. And while all this attention is focused on bluefin, what about other tunas? Landings of yellowfin in the Gulf of Mexico have dropped by more than 50% from 1988 to 1991. While some of the decline may be the result of longliners leaving the Gulf, might the longliners be leaving because of poor fishing?

PACIFIC TUNAS

In this case, data are poor but the outlook so far is good. The fisheries (including yellowfin, skipjack, and north Pacific albacore) take place primarily on the high seas. Very little occurs within the U.S. 200-mile limit, so there is little management by the U.S. The only international regulation governing tuna fishing is the recent agreement ending the use of large drift gillnets. But since the nets reportedly take close to half of the albacore landings, the ban should help replenish stocks of that depleted species. Still, data are scarce, and the small NMFS budget for research and monitoring will not permit pro-active steps to avoid future problems.

ATLANTIC BILLFISH

The no-sale provision of the federal plan is positive but doesn't do enough. Thousands of billfish are killed each year on longlines, and the plan stressed the need for solutions. But NMFS has sat on the plan since it received management authority in 1990, and bycatch continues to deplete the stocks. White marlin catch rates have steadily declined despite the commercial ban. The latest Atlantic-wide stock assessment showing these declines may force ICCAT to begin managing billfish, and while that may be good for fish in waters outside the U.S., it might mean the re-opening of commercial fishing within our EEZ, since our rules must conform to ICCAT's.

PACIFIC BILLFISH



There is essentially no federal management of billfish in the Pacific Ocean, but then there is only a small fishery within U.S. waters. West coast waters are too cold, so the fish (striped marlin in this case) rarely go north of San Francisco. In waters off Hawaii and the U.S. territories, a plan was developed to restrict non-selective gear used for tuna which also catch billfish. Meanwhile, high seas longliners continue to target billfish because of their high value, and blue marlin have been overfished. Despite current domestic management, some form of international agreement will be needed to protect against overfishing.

ATLANTIC SHARKS



After 3 1/2 years and several versions, NMFS has announced its final shark plan. The plan contains commercial quotas, a prohibition on finning, data and monitoring programs, and recreational trip and bag limits. NMFS should have implemented the non-quota measures long ago and added the quotas later by amendment, instead of allowing three fishing seasons to come and go without a ban on finning or even a badly needed data collection program. But politics and bureaucratic foot dragging kept it on hold, despite signs that some species may be seriously overfished.

PACIFIC SHARKS



The directed fishery off the Pacific coast is small and targets primarily thresher and mako. California has banned the sale of longlined mako, putting strong controls on that fishery. Another small fishery targets the angel shark, the only species recognized as overfished. Because sharks are extremely sensitive to harvest pressure, the impact of even a small fishery can be significant. Unfortunately, information is badly lacking, and nothing is known about the status of most species. The potential for problems looms large, and the U.S. should take preventative action. In fact, shark management is just surfacing on the Pacific Council agenda.

ATLANTIC SWORDFISH



Using new analyses, the most recent stock assessment shows some improvements, which has led to an optimistic outlook...and a hold on further management measures. But that may be premature. Despite strong evidence to the contrary, the assessment assumes one stock for the entire North Atlantic. This makes the status for the western North Atlantic look better than it would otherwise. And there is the size problem. ICCAT regulates based on minimum size limits to control mortality of small fish, and NMFS follows suit. Trouble is, minimum sizes don't work. Small fish have little chance of surviving longlines, and that makes the total mortality much higher than the quota.

PACIFIC SWORDFISH



Swordfish are caught off of southern California and in the waters of the western Pacific. The season is short off California and the fishery in Hawaii is young, so catches in U.S. waters are low. While not much is known about the stocks and data are outdated, swordfish appear to be in reasonable shape. There is strong evidence for several stocks, and U.S. management so far remains with the states and Councils. California prohibits the sale of longlined swordfish regardless of where they are caught, and the Hawaiian fishery is currently under an entry moratorium. A strong international program, coupled with current U.S. management, would provide a hedge against overfishing.

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T H E N C M C
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AN INVESTMENT IN THE FUTURE OF U.S. FISHERIES

Too many of our fisheries are in a state of decline, a fact made painfully clear by the first-ever national status report released by the U.S. Department of Commerce at the end of last year. We've cited the report before - several times - but it bears repeating. No less than 65 species of fish important to the commercial and recreational fishing industries are over-fished. That's almost one out of every two fish whose status can be measured with any confidence. The actual number of troubled fisheries is unquestionably higher, since the condition of another 79 species is unknown. A lack of basic knowledge about the fish and the amount of fishing pressure they're subjected to has managers groping in the dark.

The upshot of all this is that the coastal waters of the U.S. are producing far below their biological potential; each year, the country is losing out on billions of dollars in jobs and revenue; and the American people are being deprived of the abundance of fishing opportunities and seafood products a healthy ocean has to offer.

The urgent task of reversing this alarming decline and recouping these losses ranks as a national priority. Committing the resources needed to meet this challenge is nothing less than an investment in the future of fishing in America. In 1992, the country stands at a crossroads. We can make that investment, or we can continue to squander away our common ocean heritage.

Fisheries Programs "Crippled" by Underfunding

At the center of this reckoning is the National Marine Fisheries Service, a part of the Commerce Department and the agency responsible for fisheries research, management and enforcement, as well as preserving coastal habitat and protecting marine mammals. NMFS provides the scientific information used to develop management programs and implements them within our 200-mile offshore fisheries zone.

It's an overwhelming task for one of the most chronically underfunded agencies in the U.S. government, one whose responsibilities have substantially outgrown its ability to carry them out. While fish populations have never been lower and fishing power never more awesome, NMFS is operating with much the same size staff and budget it had a decade ago.

The unrelenting decline of our fisheries illustrates "the crippling effects of inadequate funding," says the National

Fish and Wildlife Foundation in its recent assessment of federal natural resource agencies. Two things are needed at NMFS, it says: strong leadership and adequate resources to identify and solve fishery problems. "(NMFS) has a strong leader in Dr. William Fox, but sufficient funding to allow the agency to begin to fulfill its many obligations is still lacking."

In Washington, new money is about as easy to get hold of as a slippery fish. Budgets aren't tight, they're downright stingy. But the fiscal reality forced upon Congress by the federal deficit doesn't alter the fact that there are critical programs in desperate need of adequate funding.

More to the point, by *not* investing in the minimum needs of science and management, the nation is paying a heavy price. NMFS estimates that overfishing is costing the U.S. fishing industry more than \$1 billion a year. The demise of New England's traditional cod, haddock and flounder fisheries, to take just one example, is costing that region roughly 14,000 jobs and \$350 million annually, according to one study. The annual loss to the economy from poor groundfish management is about twice what the country invested in fisheries programs each year during the crucial decade of the 1980s.

We shouldn't overlook untapped sources of funding, either. At present, managers have no authority to charge user fees for the privilege of exploiting fisheries. Almost no other industry has free access to a public resource. Based on recent figures, a modest penny-per-pound excise tax on commercial fish landings would generate about \$125 million a year. The conservative budget increases outlined below add up to about one-fourth that amount. But regardless of how, it's incumbent upon the Congress to provide NMFS with the funding and staffing it needs to do its job.

A '90s Budget for '90s Problems

The National Coalition for Marine Conservation has identified a number of programs requiring additional funding to correct fundamental deficiencies. We've focused on two NMFS program areas: Information Collection and Analyses, and Conservation and Management Operations. We make no recommendations for the third program area, Industry Assistance. In our view, the most cost-effective way to help fishermen is to rebuild and maintain abundant populations of fish.



The NCMC is a private, non-profit organization founded in 1973 to conserve ocean resources and protect the marine environment. *Ocean View* is published periodically to foster public awareness and understanding of important marine conservation issues.

The Coalition's recommendations (including specific dollar amounts) were presented to the Congressional Appropriations Committees preparing the Fiscal Year 1993 federal budget. A brief overview follows:

Fisheries Research. The number one research priority in support of management is improving stock assessments. NMFS doesn't have enough information to assess a third of exploited fish populations; others would benefit enormously from more precise information. Rebuilding already depleted stocks and preventing overfishing of others demands an ability to forecast population trends under a variety of harvesting and regulatory scenarios. A substantial increase in funding is needed to expand the collection and analysis of a broad range of biological data and statistics on catch and fishing effort.

At-Sea Monitoring. Observers are needed in certain fisheries to obtain more accurate estimates of the total mortality caused by fishing; specifically, fisheries where undersize, unwanted or protected species are netted or hooked but then discarded, out of sight and out of mind. The need for onboard observers is most acute in the high seas longline fisheries, where it's hard to track landings for the highly-mobile fleet of 500+ vessels and most of what we know comes from unreliable self-reporting systems. Managers need to know the longline catch of tuna, swordfish, billfish and shark, including the number and size of fish discarded dead or alive. At present, only a tiny fraction of U.S. longliners (no more than 1-2%) have observers aboard to gather this information. Coverage must be sufficient to provide an accurate sampling of the fleet; NMFS puts this minimum level at 20%.

Bycatch Reduction. The longline fishery is just one of many where the incidental capture and discard of non-target species, or bycatch, is a big problem. In some, most notably trawling, discards exceed landings. Many of the species lost as discards are in decline and/or the object of strict quotas. Bycatch not only squanders limited resources but forces managers, unable to directly control it, to put even tighter reins on fishermen legitimately targeting the impacted species. The bycatch problem is the direct result of non-selective fishing methods. A comprehensive research program is needed to: 1) assess the extent of bycatch and its impact on fish stocks; and 2) develop and field test new technology and modifications to existing gear to make large-scale fisheries more selective. An increase in funding for the NMFS Conservation Engineering Program is urgently needed.

Law Enforcement. While the number of laws and regulations governing fishing has increased significantly in recent years, funding for enforcement has actually declined by one-fifth over the last decade. The inability to properly enforce compliance with fishing regulations continues to be a major flaw in management. With resources in decline and the harvesting capacity of fishermen on the rise, it's essential that the NMFS Law Enforcement Division have the manpower and resources to: maintain a sufficient presence on the water, at the dock or at the fish houses to enforce compliance; and, perhaps more important, to work closely with managers to fashion rules that can be enforced in the most effective and cost-efficient manner.

Highly Migratory Species Conservation. In 1990, Congress gave NMFS added responsibilities for managing Atlantic

highly migratory species. But the agency remains unequipped to handle this new workload, i.e., to prepare plans for these fisheries in a timely fashion. Implementing international agreements on bluefin tuna and swordfish exhausts all available resources. The shark plan has been in the draft stage for over 3 years; the billfish plan hasn't been reviewed in nearly 4; a badly needed plan for yellowfin tuna languishes at the end of the line. The new Highly Migratory Species Management Division must have sufficient staff and funding to speed up work on management plans for all species, and to assemble plan development teams in the regional offices.

Habitat Protection. Deterioration and loss of coastal habitat threatens the long-term viability of marine resources. Without sound habitat protection, fisheries management is ultimately doomed to failure. Preserving habitat is actually the cheapest investment the nation can make to sustain productive fisheries. NMFS has taken a major step toward elevating habitat concerns within the Administration, by creating the Office of Habitat Protection, a recommendation made at the NCMC-sponsored National Symposium on Coastal Fish Habitat Conservation last year. It's now up to Congress to ensure the new high level office has the wherewithall to act as an effective advocate for habitat conservation, by increasing funding for environmental research, including the critical areas of wetland functions and contaminant effects; to review and evaluate projects that impact habitat; and provide close coordination with other federal and state agencies.

Recreational Fisheries. For a number of species, sport fishing predominates in terms of total catch and economic value. More accurate information on the recreational catch - the number, species and size of fish caught by the 14 million salt water anglers nationwide - is essential, both in terms of assessing its impact on fish populations and equitably allocating the fish among competing users. Unfortunately, the quality and reliability of statistics on recreational fishing is suspect. By and large, NMFS estimates of catch are based on extremely small and possibly flawed samplings of fishing effort extrapolated over fisheries that include many thousands of participants in numerous states. As a result, management decisions based on this information cannot be trusted. Improved recreational fisheries data will enhance stock assessments, allocation schemes, estimates of the economic value of marine fisheries, and make management decisions fairer and more effective for all involved. Increased funding is needed to improve the quality of recreational survey methods, to expand the data base through the number of surveys conducted, and to make the information available to managers on a more timely basis.

The Management Councils. Except for highly migratory species in the Atlantic, the eight Regional Fishery Management Councils develop management plans for major fisheries beyond state waters. The budgets of most Councils need to be improved to enable them to handle their growing regulatory responsibilities. For instance, they must be able to meet more frequently, to increase intra-council debate and receive more public input on management questions. Inadequate Council budgets tend to be reflected in a lowering of the quality of plans submitted to NMFS for review and an inability to effectively monitor and amend plans after they become law.