



THE NCMC

# MARINE BULLETIN

Published By  
NATIONAL COALITION FOR MARINE CONSERVATION INC.  
5105 Paulsen Street, Suite 243, Savannah, Georgia 31405

Winter 1993

No. 63

## A LONG TIME COMING

### *Chances for Shark Plan Get Stronger, But Plan Gets Weaker*

Sharks have commanded our attention for as long as man has set foot in the sea. To this day, the shark remains one of the few creatures capable of rekindling our long-dormant fear of predators. But ever since 1987, when researchers and conservationists warned that too many sharks are falling prey to man, these inscrutable animals have demanded our attention in another, heretofore unthinkable, way - a campaign to save them.

Until fairly recently, the prevailing view of sharks was summed up by a 1945 report on "Fishery Resources of the United States": "Sharks have a long history of uselessness to man." Fishermen, outside of some sport anglers, considered sharks a nuisance at best. Small, localized fisheries existed for brief periods, spurred by demand for vitamin A-rich shark livers, but they would inevitably fail, because either the population would collapse or demand would dissipate.

But beginning in the 1980s, the seascape changed dramatically. Although sharks will occasionally eat a human being, it's not because they are man-eaters, notes Boyce Rensberger in his myth-shattering 1978 book *The Cult of the Wild*, but because they will eat practically anything. As our own taste in seafood has become less discriminating (some might say more cosmopolitan), we've become shark-eaters, consuming a fish we'd previously shunned.

Commercial shark fishing grew exponentially in the Atlantic during the last decade, primarily in the southeast and Gulf of Mexico. Annual catches rose more than fifty-fold from 1979-1989, to over 7,000 tons. Expanding coastal longline fisheries for tuna and swordfish began taking an unprecedented bycatch of sharks, too. Fortuitously - for the fishermen, not the sharks - limits on trade with China were eased during this time, opening up a huge market for the fins of longline-caught sharks that otherwise would be thrown back.

Suddenly, sharks were being killed like never before, prompting concern that some species would be wiped out. Scientists have identified 368 types of sharks, but fishing is taking the highest toll on large coastal species. These sharks, unlike other fish, grow slowly, taking over a dozen years to mature and then producing only a few young at a time. This unique physiology makes them more akin to marine mammals than fish and very vulnerable to overfishing.

#### **New Rules Bring Mixture of Relief, Apprehension**

On May 8, 1989, the National Coalition for Marine Conservation joined fishermen and scientists in urging the Secretary of Commerce to enact emergency measures to protect sharks from rapid overexploitation. Shortly thereafter, work on a Secretarial shark management plan was put on the "fast-track." The National Marine Fisheries Service (NMFS) suggested the plan could be finished and approved within six months. But it would take more than 3 1/2 years.

On December 11, 1992, NMFS chief Bill Fox signed off on a final Fishery Management Plan for Atlantic Sharks. Long-awaited conservation measures - the first-ever limits on catches by sport and commercial fishermen (other than a smattering of state rules) and an outright prohibition on finning - are expected to become law by February 1993, according to federal officials.

While NMFS labored over several drafts of the shark plan, three full fishing seasons passed. Three years with no limits on fishing for animals easily decimated by overfishing. For three years, the hideously wasteful practice of finning remained legal, despite the enormous public outcry against it. The government never even instituted a badly-needed data collection system, even though information on the true extent of shark kills is scant.

"The shark plan has been delayed over and over again, and while we've waited, serious damage may have been done to some populations of sharks," laments NCMC executive director Ken Hinman. "Because the plan has been such a long time coming, these sharks might be a long time gone. We're relieved that shark fishing will be under some controls beginning this year. But the plan now set to become law is far from all that's needed. More must be done."

#### **A First Step in the Right Direction**

The latest shark plan is a watered down version of the draft rules circulated last year and supported by the NCMC and most conservationists. The final plan raises the allowable catch for large coastal species, the grouping of sharks biologists consider severely overfished and in the most danger. The 22 species in this category include the white, tiger, lemon, dusky, hammerhead, blacktip, whale and bull sharks.

The 1993 commercial quota for large coastals is now set at 2,436 metric tons, about twice the level proposed in previous drafts. Likewise, the limit on anglers is increased from two to four fish per boat per trip, large coastal and pelagic species combined. (The mako, thresher and blue sharks are among the 10 species comprising the pelagic category.) But whereas commercial fishermen lobbied for higher quotas, most recreational fishermen support the lower bag limits.

NMFS says it raised the allowable catch of overfished large coastals because of new data received last summer from commercial fishermen in North Carolina, prompting an eleventh-hour re-assessment. The catch data had gone unreported since work on the plan began, but by submitting it just as restrictive shark rules were about to be implemented, the fishermen were rewarded with more fish.

It is difficult to comprehend how this data - obtained from "several fishermen and two dealers" - could overturn all previous assessments of the dire condition of large coastal sharks and justify doubling the allowable catch. The new data doesn't change the fact that, according to government scientists, these sharks are overfished and have been since at least 1986. Nor does it change the fact that these same scientists admit the available information on sharks is "meager and uncertain," that we don't know how badly off some species may be, or how much fishing mortality they are actually suffering.

The acknowledged susceptibility of sharks to overfishing, leading to sharp and sudden declines, demands a cautious approach to management. Mistakes, if we are going to make them, must be made on the side of conservation. Instead, the shark plan seems designed to give the benefit of the doubt to shark fishermen.

### **Bycatch Remains the Biggest Threat**

As the NCMC has been pointing out from the plan's inception, its chief flaw is that it doesn't adequately address the problem of discards. The vast majority of sharks killed by fishermen, including the large coastal species, aren't landed and sold, they're discarded at sea. From 1979-1988, according to NMFS, commercial landings averaged 6,000 tons a year. Yearly discards from pelagic longlining, gill netting and shrimp trawling averaged more than 16,000 tons.

There is good reason to believe that NMFS has both understated the bycatch threat and overestimated the effectiveness of the ban on finning and other measures in reducing it. For one thing, the plan assumes that most of the longline bycatch consists of sharks belonging to the "pelagic" group. But the NCMC has referred the agency to studies showing that many if not most of the sharks caught on longlines are large coastal.

In fact, the Report of the Atlantic Coastal Shark Fishery Analysis Review (September 1992) used by NMFS to revise the shark plan says swordfish longliners in the area south of the Virginia coast catch substantial amounts of large coastal sharks. In 1991, the report says, these swordfishermen may have killed and discarded as many large coastal sharks as were landed that year by all commercial shark fishermen combined (about 4,000 tons).

The government's projections that the finning ban, along with the shark quotas, will substantially lower bycatch mor-

tality are simply not supported by the facts. Swordfish and tuna longliners will continue to fish, sharks will continue to be hooked in large numbers, and most of these will be dead. NMFS admits we won't even know whether there is a significant reduction in bycatch until the new reporting system is in place and there are observers onboard to document catch and discard rates.

### **Risky Business**

The upshot of the revised plan is that the quotas will maintain a sizable commercial fishery for overfished large coastal sharks, a fishery that didn't even exist 10 years ago, while doing little to control the more prevalent killing of sharks as bycatch. The question of whether or not a large scale commercial fishery for sharks is sustainable has yet to be answered. Meanwhile, catches in the traditional recreational fishery are shrinking.

The National Marine Fisheries Service has a written policy of "risk-averse" management. "In the face of uncertainty and pressure from the fishing industry," the agency declared in 1991, "fishery managers have often tended to base their decisions on an optimistic view of the condition of fishery resources. These 'risk-prone' decisions eventually result in overfishing." To reduce the risk, NMFS vowed that, when faced with uncertainty in the future, it would make "decisions that err toward conservation, not overfishing."

If ever fish was custom-made for risk-averse management, it is sharks. We know comparatively little about shark numbers, the level of fishing mortality, or how they are responding to it. When uncertainty exists, managers should minimize risk by providing a margin of safety in the quotas they set to act as a buffer against overfishing.

The NCMC will continue to work for measures that bring shark mortality down to a level the fishery can sustain without risk. In the meantime, we support immediate implementation of the Fishery Management Plan for Atlantic Sharks. Provided there are no further delays, it will at least supply the minimum protection necessary to reduce overfishing, until more effective measures can be implemented.

## **"CONSERVING AMERICA'S FISHERIES"**

### *NCMC Conference Examines Fisheries Act*

The National Coalition for Marine Conservation will convene a three-day conference, "Conserving America's Fisheries: A National Symposium on the Magnuson Act," on March 8-10, 1993 in New Orleans, Louisiana. The purpose of the symposium is to review and evaluate the effectiveness of the Magnuson Fishery Conservation and Management Act, the federal law that governs fishing within the United States 200-mile coastal zone.

Congress enacted this landmark statute in 1976 to stop overfishing and promote the wise use and conservation of marine fish populations. At the time, some of our most valuable fisheries were being depleted by foreign fishing fleets operating unrestrained in our offshore waters. Seventeen years later, the foreigners are gone, but the problem of overfishing persists; in some fisheries, it's worse than ever.

The National Marine Fisheries Service, an agency of the U.S. Commerce Department, reports that 42% of the salt water fish populations studied recently by its scientists are overfished, some severely. The condition of many others is unknown due to lack of information. Overfishing is costing the country's commercial and sport fishing industries more than \$3 billion a year, according to Commerce Department officials. If we stopped overfishing and restored fish populations to a healthy state, they say, total catches could be 40% higher.

"As we embark on the enormous task of rebuilding our depleted fisheries while preventing others from joining that growing list," says NCMC president Chris Weld, "it is time to critically examine the effectiveness of the Magnuson Act and consider ways to make it a more potent tool for conserving America's marine fisheries. That's the purpose of this symposium." Joining the NCMC as co-sponsors are the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the International Game Fish Association.

### What's Worked, What Hasn't, and Why

"Conserving America's Fisheries" is timed to coincide with reauthorization of the Magnuson Act, scheduled for the 1993 session of Congress. The symposium will provide a national forum to discuss those aspects of the law likely to be scrutinized during the Congressional review. The NCMC has assembled a line-up of prominent policy makers, fishery managers, legal experts, representatives of commercial and recreational fishing, scientists and conservationists to deliver papers and participate in seven panels, each designed to address the fundamental questions: What has worked, what hasn't, and why? Are there flaws in the way the law is written, in how it is implemented, or both? Does the Act require minor adjustments or major changes? What are they?

The opening panel, "The Magnuson Act: Before and After," will compare trends in U.S. fisheries during the period leading up to passage of the Act with trends in the fisheries since 1976, including a report on the current status of fish populations in 1993. Speakers will revisit the intent of Congress in framing the law and examine how the original intent became obscured when theory was put into practice. A panel discussion will explore whether problems encountered stem from inherent flaws in the directions given to managers or their inability or unwillingness to carry them out.

This contrast of intent and execution will lead into the second panel, "The Evolution of Management Under the Act," a close look at management at work using specific fisheries to highlight major successes and failures. The purpose of each case study - Alaskan groundfish, reef fish in the Gulf of Mexico, northeast cod and flounder, king and Spanish mackerel, surf clam and Atlantic swordfish - will be to determine what the experience can teach us about management under the Act and how it might be improved.

One major drawback to developing timely and effective management plans is the quality of the science they are based on. Panel three, "The Best Scientific Information Available," examines how populations are assessed, the data and science required for accurate analyses, and how, given the uncertainties inherent in fisheries science, assessments can be made more reliable and more credible. The advantages and disad-

vantages of moving away from the traditional single-species approach to ecosystem-based models will also be discussed.

With the next session, "Tools for Rebuilding," the symposium shifts gears and looks at various innovative management concepts. These include: recent federal standards to guide managers in preventing overfishing; designing a recovery plan that sets out specific rebuilding goals and timetables for reaching those goals; a nationwide system for coordinating state and federal management initiatives; moving from open access to limited entry fisheries; and charging user fees to bolster research, monitoring and enforcement programs.

### Contentious Issues

Three of the most contentious issues during reauthorization of the Magnuson Act are certain to be reform of the Regional Fishery Management Council system, management of tuna, billfish and sharks (highly migratory species), and controlling bycatch. These are the subjects of panels five, six and seven, respectively.

When management fails, the Councils are usually held accountable; much of the criticism of the Magnuson Act is focused on their performance. "The Viability of the Council System: A Debate" will feature a panel of individuals with broad experience with the Councils, from within and outside the system. They will participate in a moderated discussion of what's right and wrong with the way the Councils operate and how they might be improved, through amendments to the Act, if necessary, or administrative changes the Councils themselves could and should make under existing law.

"Managing Highly Migratory Species" is currently shared, not so comfortably, by U.S. and international authorities. The bluefin tuna, swordfish, marlin and several species of shark are overfished. Members of the sixth panel will review the status of fishery management plans for these fish prepared under the Magnuson Act, assess the effectiveness of international agreements to date, and consider the difficulty of melding national and international laws that have differing and sometimes conflicting standards and objectives.

Panel seven is devoted to "Managing Bycatch," the problem of indiscriminate fishing gear, discards and waste that plagues virtually every fishery to some degree. Starting with a definition and overview of bycatch and the management problems it creates, speakers will address ways for industry to minimize bycatch and regulatory solutions requiring changes in the law.

In essence, the question before the participants in the National Symposium on the Magnuson Act is: Where should our fisheries be in 5-10 years? Can the Act, as presently constituted, get us there? If not, what specific amendments and/or policy changes are needed? In the final session of the symposium, the chairmen from each of the preceding panels will offer "Recommendations for Strengthening and Improving Fisheries Management." This will be a search for consensus on the national interest in fisheries conservation and what the nation's priorities should be.

\* \* \* \* \*

*The symposium is open to the public. All those with an interest and a stake in "Conserving America's Fisheries" are urged to come to New Orleans and participate. The registration fee of \$95 includes*

## IN THE SPOTLIGHT, ICCAT PUTS ON ITS BEST FACE

### *But Is Progress Mostly Cosmetic?*

The International Commission for the Conservation of Atlantic Tunas (ICCAT), meeting in Madrid, Spain November 9-13, 1992, approved a new system for monitoring bluefin tuna caught and sold by nations not taking part in its Atlantic-wide conservation program. This so-called "third-party catch" is estimated at somewhere between 200 and 700 tons a year (the annual ICCAT quota is 2,394 tons). Unregulated, this catch could impede efforts to restore severely overfished bluefin populations.

An ICCAT-sanctioned certificate of origin program will be used to track trade in bluefin. Beginning in September 1993, documentation will be required for overseas sales. But the program will cover frozen fish only; fresh tuna will be added later after procedural problems are ironed out, the Commission says. Another limitation of the trade-monitoring set-up is that it will be left to each country to decide whether or not to accept or reject undocumented imports. Japan, the world's largest tuna importer, promised to refuse fish not accompanied by the proper ICCAT papers.

Also on the bluefin front, the Commission instructed its scientific committee on research and statistics (the SCRS) to identify a rebuilding goal and set a timetable for reaching it. The NCMC asked for such a goal, expressed as either population size or fishing mortality rate, and a schedule for getting there, because the lack of a specific recovery plan has been and remains a serious impediment to measuring progress on conservation. ICCAT approved another change the NCMC requested, agreeing to hold the bluefin assessment earlier in 1993 to give each nation more time to review it before developing their respective positions.

### **Billfish News Discouraging, Swordfish Encouraging**

For the first time in its history, ICCAT expressed concern for the need to increase protection for blue and white marlin throughout the Atlantic. New assessments presented in Madrid confirm that both species of marlin are overfished, and that white marlin numbers are still in decline. Action by the Commission is not imminent, but it directed its scientists to study the possibility of reducing fishing mortality by recommending that all longline fleets release live billfish.

The primary focus of the 1992 ICCAT session was not tuna or billfish, however, but swordfish. Two years ago the Commission adopted a management program to ease fishing pressure on the North Atlantic population, whose breeding stock has been overfished to half the size it was in 1978. The U.S. and Spain, whose fishermen dominate the North Atlantic fishery, agreed in 1990 to cut effort by 15% from 1988 levels and adhere to a minimum size limit to protect one and two year old fish.

The 1992 scientific report on swordfish shows a dramatic decrease in fishing mortality, far below that called for by

ICCAT, and some slight improvement in the size of the population. Employing a different population modeling technique, the SCRS concluded that the total population size is now on the rise and, under current fishing pressure, should continue to improve steadily, possibly reaching maximum sustainable yield within five years.

In response to this encouraging news, the Commission decided that further catch reductions, which were to be considered at the meeting, are not necessary. But the Commissioners did vote to cap fishing effort in the South Atlantic at current levels. A cap was proposed to the U.S. delegation by the NCMC, but in the context of seeking an additional cutback in the North Atlantic catch to ensure that effort was not simply displaced to the south.

### **Lingering Doubts**

"The latest picture of the status of the [swordfish] stock was a sweet one to behold," wrote Commercial Fisheries News. "A vindication of the international approach to management," crowed National Fisherman.

No private organization has worked harder or longer to conserve the Atlantic broadbill than the NCMC. No one will celebrate the recovery of swordfish with more honest emotion than we will. And that's precisely why we choose not to get drunk with euphoria, but rather to raise a few sobering questions about the latest population assessment, its conclusions, and the decision to not do anything more to conserve swordfish.

The ICCAT stock assessment paints an optimistic picture - maybe too optimistic. There are still lingering doubts about the status of swordfish and the effectiveness of the current international management regime. The most significant of these are:

- Although catches in the North Atlantic dropped from 19,137 tons in 1988 to 13,212 tons in 1991 (a 31% decrease), only a portion of this reduced effort can be attributed to the ICCAT program (which requires only a 15% cutback). Because of the drastic decline in the number of big swordfish, many Spanish and American fishermen have re-located to the South Atlantic and the Pacific, an exodus that was already underway before the international regulations took effect.

- The 1992 SCRS used a production model analysis not used in previous assessments. The production model is considered by scientists to be less sophisticated than the age-structured virtual population analysis, or VPA. The advantage is that, because it uses only catch and effort data, it doesn't require as much information or as many assumptions as the VPA. The disadvantage is that it is easier for the analysis to be off in any single year, e.g., due to especially high catches or unusually good recruitment.

- The production model measures changes in total biomass, not specific age groups. The apparent increase in swordfish is limited to the youngest age classes. Because of overfishing, the swordfish population has changed from mostly adults to primarily juveniles.

- The greatest concern about swordfish has always been the condition of the severely reduced adult breeding population, which shows little sign of improvement. There is a sound evolutionary reason why swordfish are long-lived fish, with numerous age groups capable of reproducing. As

long as the number of older fish is in decline, there is a risk of recruitment failure should there be a few bad spawning years. That is why most fisheries are managed in order to maintain spawning stock biomass at safe levels.

- Some scientists believe the production model should only have been used to complement the VPA, not replace it. The VPA this year showed the current fishing mortality rate to be 2.5 times greater than the standard target rate used by most fishery scientists, including those in the U.S.

- ICCAT manages on the theory that there is a single North Atlantic stock. But all the evidence, from tag returns and genetic studies, strongly suggests that there are at least distinct west and east stocks, and maybe more. Lumping swordfish into one Atlantic-wide population makes the more depressed western Atlantic subgroup, the one available to American fishermen, appear to be in better shape than it really is.

- ICCAT scientists acknowledge that there is insufficient information to assess the level of discard mortality due to imposition of the minimum size limit. The SCRS warns: "Any discard mortality could dissipate [potential gains in long-term yield]. Discard mortality implies that there is mortality on young fish that is not accounted for in the analysis and when it is not accounted for will result in an overly optimistic view of the stock status." Longline fishermen have not demonstrated an ability to avoid hooking small fish. American fishermen are now using longer lines and have added more hooks to maintain catch rates. Because it takes additional time to retrieve the extra line and hooks, it is more likely that undersize fish will be dead when released.

### The Councils Are Vindicated

If the latest assessment is suspect, the hyperbole surrounding it is even moreso. Because of all the criticism ICCAT has received during the past year over its failure to protect bluefin tuna, the commission is under intense scrutiny and tremendous pressure to prove itself. Progress on swordfish would demonstrate to the world that international management can be effective, and that's now the line coming out of ICCAT.

Here at home, some are calling the swordfish turnaround a repudiation of the Fishery Management Councils' handling of swordfish. They would have us believe that, had the proposed U.S. Council plan been implemented instead of the international plan, it would have been a disaster for the swordfish industry.

This, however, is revisionist history. Quite the contrary, Amendment One to the Atlantic Swordfish Fishery Management Plan (the Council plan), in its final version ready for submission in the fall of 1990 (just prior to the ICCAT agreement), would have done more for the fish, while requiring virtually no more sacrifice from U.S. fishermen.

Amendment One called for a phased-in reduction of fishing effort from 1988 levels, beginning with a 30-40% cutback in 1991 (depending on the results of the 1990 stock assessment). According to ICCAT, total North Atlantic catches in 1991 were 31% lower than in 1988. In other words, there is little difference between what the Councils proposed and what actually happened.

Except there is one big difference. Without curtailing U.S.

fishing anymore than it has been, the Council plan would have actually put swordfish further along the road to recovery than it is now. Because of ICCAT's minimum size limit - not a part of the U.S. proposal - American longliners in 1991 discarded over 30% of the swordfish they caught. Discard rates aren't available for the Spanish and other fleets. Under the Council plan, this waste mortality would not be occurring.

The argument that ICCAT spread the conservation load among all participants in the North Atlantic fishery, instead of forcing it unilaterally on American fishermen, as the Council plan would have done, is also false. In reality, the ICCAT limits effected only U.S. fishermen; Spain's reductions in fishing were almost entirely the result of moving its boats to the South Atlantic, which they were already doing before ICCAT set any limits. Indeed, if Spain hadn't been transferring its fishing to the south, it's questionable whether that country would have accepted the 1990 agreement.

## 1992 LEGISLATIVE WRAP-UP

With a long list of important environmental laws up for renewal next year - among them the Magnuson Act, the Marine Mammal Protection Act, the Clean Water Act and the Endangered Species Act - the level of activity alone in 1993 promises to make 1992 look like a dull year.

The 102nd Congress labored over Clean Water reauthorization, but didn't get very far. Funding for the Endangered Species Act expired without the lawmakers touching the controversies raging around that law. Last year, remember, was an election year, a season during which symbolic actions are more important than substantive ones.

Several other key pieces of fisheries legislation stalled, for one reason or another, most notably bills to improve interjurisdictional fisheries management. Yet several notable bills pertaining to fisheries or the marine environment did become law. The following is a brief summary:

**Drift Net Enforcement.** This bill adds force to the U.N.'s international ban on large-scale drift netting on the high seas. The President is directed to impose trade sanctions, including a prohibition on importing fish and fish products, on countries still using the monster nets after the end of 1993.

**Wetlands.** The Clean Water Act, which contains the key wetlands protection provisions, stalled in Congress, but language affecting wetlands appeared in two appropriations bills. One provision directs the Army Corps of Engineers to use the 1987 field manual for delineating wetlands under the Act. It bars use of a 1989 revision of the manual, which developers claim is overly restrictive. A Bush Administration attempt to re-write the 1989 manual would have resulted in exposing millions of acres of critical wetlands to development. To resolve the issue, Congress directed the National Academy of Sciences to do a one-year study and make recommendations for defining wetlands.

**Clean Vessel Act.** This is a compromise version of a bill to give more money to states for construction of onshore facilities to treat sewage pumped out of recreational boats. The money (\$40 million over 5 years) will be taken out of the Sport Fish Restoration Fund (Wallop-Breaux), money raised through an excise tax on sport fishing equipment. States will assess the adequacy of existing facilities and draw up plans

for improving them in order to qualify for funds.

**Central Valley Reform Act.** This legislation is aimed at restoring historic runs of salmon, steelhead and striped bass to northern California's Central Valley. Destructive water policies have siphoned off water from the spawning and migratory routes of these anadromous species, with the result that their numbers have declined precipitously. The bill requires that federal authorities allocate a portion of water to support fish and wildlife and appropriates \$50 million a year for fish habitat restoration.

**Marine Sanctuaries.** This bill authorizes greater spending through 1996 to administer the National Marine Sanctuary Program and strengthens the National Oceanic & Atmospheric Administration's authority over federal activities that effect sanctuaries, areas designated for special protection. The bill also streamlines the process for designating new sanctuaries and gives stiffer penalties for those violating federal regulations protecting them.

**NMFS Appropriations.** The final budget approved by Congress and signed by the President dropped fisheries spending from \$226 million in 1992 to \$218 million in 1993. The National Marine Fisheries Service was the only fishery-related federal agency to get shorted, continuing a long tradition of neglect for marine fisheries needs. Key programs left out include highly migratory species management and increases for habitat conservation.

## LOOK WHO'S TALKING

### *Industry, Conservation and Recreation Work Together on Fishery Budget Needs*

Time was the commercial fishing industry, sport fishermen and the conservation community would rarely sit together to discuss issues of common concern, because there would be little to talk about. Instead, fingers would point and mud would fly, and the only thing anyone departed with would be bruised egos (if not bruised chins).

Thankfully, that no longer is always the case. These groups are recognizing that their interests overlap and they are beginning to work together to solve some of the complex issues of environmental protection and resource conservation. In recent years, for instance, several standing alliances have formed to fight habitat destruction. Now they are allying to bolster the nation's fisheries programs.

The National Coalition for Marine Conservation was invited to participate in a November conference aimed at developing east coast budget priorities for the National Marine Fisheries Service. Working on budgets is nothing new for the NCMC - we regularly submit recommendations to Congress. But this meeting was an opportunity to forge new partnerships to advance our goals.

The Atlantic States Marine Fisheries Commission convened the 1993 East Coast Fisheries Budget Conference in Washington, D.C. to bring groups with diverse backgrounds and interests together to discuss the NMFS budget. The meeting had two goals: 1) to decipher the budget process and how fisheries priorities are determined, and 2) to seek out the common concerns of the east coast commercial and recreational industries and the conservation community.

In fact, it took little time to find common ground where the NMFS budget is concerned. One commercial fisherman summed up the mood of the conference when he announced that, because of past differences with the NCMC (the only conservation group in attendance), he had expected to have strong objections to our budget recommendations, which had been distributed to the group in advance by the ASMFC. He was surprised, however, to find himself in strong agreement with us. In fact, during the entire meeting, there were only three controversial budget recommendations out of a total of 16 discussed by the group.

### The Budget Maze

John Oliver, budget director for NMFS, provided the group with some insight into the labyrinthine federal budget process. Funding proposals originate in the agencies to which the money will eventually go, in this case NMFS, and are based on current spending priorities and projected future needs. As such, they probably begin as a fair reflection of the needs of the agency. But because the process starts two years in advance of the actual budget, or fiscal, year, they tend to miss shifts in priorities that come later.

The budget proceeds from NMFS to the Commerce Department, its parent agency, then to the Office of Management and Budget and to the president. The president eventually submits the administration's budget proposal to Congress, usually in February. Congress has until September 30th to make its own proposals and send them back to the president for final signature. The new fiscal year begins October 31st.

The process seems fairly straightforward, but of course it's not. The budget is like any legislation; what comes out often doesn't look anything like what went in. The fisheries budget is especially susceptible to change. Because NMFS is located in the Commerce Department, a branch of government with little empathy for natural resources, fisheries spending needs are evaluated within the department alongside a host of non-resource programs with bigger budgets.

When the NMFS budget reaches OMB, it faces similar obstacles. All other natural resource budgets are reviewed by one division of OMB with strong background in resource issues. The NMFS budget, on the other hand, is scrutinized by individuals primarily responsible for unrelated agencies, with the comparatively small NMFS budget being the only resource-related item in the pile. Needless to say, fishery programs often lose out when priority items are recommended to the president.

### Redirected Priorities

There is another factor at work against adequate expenditures on fisheries programs. In the face of a mounting national debt, funding will become harder than ever to secure. President Bill Clinton has promised to reduce the deficit by half in his first term and will be hard pressed to meet that goal. Most agencies will likely be facing some cuts; any increases will have to be extremely well justified and demonstrate strong public support. A wild card may be Vice President Al Gore, whose strong credentials as an environmentalist should help natural resource issues get more attention, although fish have not been a part of Gore's agenda. In sum, the budget for fisheries is likely to be as uncertain as ever.

Participants in the East Coast Fisheries Budget Conference generally agreed that solutions lie not necessarily in increased funding but in redirected priorities. The ultimate purpose of the meeting was to come up with a list of priority programs that all the participating groups could support. A consensus among such diverse interests would give those items a big advantage when it comes time for Congress to make appropriations later this year.

The final list contained 16 items to which 15 were tentatively agreed. High priority concerns included: enhanced stock assessments and data collection, bycatch and gear research, enforcement, fishery management councils, habitat conservation, highly migratory species, interjurisdictional fisheries, observer programs, and recreational statistics.

NMFS program director Carl Paulsen was encouraged by the meeting. "I hope this marks the beginning of useful dialogue among the three general interest groups for the fishery resource," he said. "If we can agree on the critical needs of NMFS, our joint recommendations will be extremely helpful in providing the agency with the resources necessary to carry out its increasing responsibilities."

## BALANCING ACT

### *Council Membership Still Mostly Commercial*

The Magnuson Act, as amended in 1990, requires the Secretary of Commerce to report to Congress on progress made toward achieving a "fair and balanced" apportionment of commercial and recreational fishermen on the Regional Fishery Management Councils. Council membership has been a bone of contention among fishing interests since the Act was passed, usually manifested in claims that a particular Council, or the Councils in general, are weighted with too many representatives from one group or the other. Environmentalists have recently entered the fray, complaining that putting the focus on balancing user interests minimizes non-user participation.

A new report prepared by the National Marine Fisheries Service's Office of Conservation and Management concludes that the balance nationwide is essentially fair, although there's room for improvement on certain Councils. Congress did not instruct the Secretary on what constitutes "fair," other than to say the membership of each body should reflect the active participants of fisheries under its jurisdiction. Since that can be asking the impossible of bodies that range in size from four members (Caribbean) to 12 (Mid-Atlantic), NMFS defined the standard as representing fisheries that are in need of future management.

(The Secretary, it should be noted, does not have complete control over who is appointed, but is limited to selecting from lists of individuals submitted by the governors of each coastal state.)

### **Non-Aligned Membership On the Rise**

All told, of the 68 persons serving as members of the eight Regional Councils in 1992, half (34) are commercial fishermen or represent commercial fishing interests. One-third (23) are allied with the recreational fishing sector and the rest (11) are listed as "other," meaning consumers, environmentalists or academics.

The "other" category is the fastest growing of the three. This can be attributed in part to the mounting interest in fisheries from outside the fishing world, for example among environmental groups. But it's also the result of a concerted effort by the Secretary to use non-fishing members to ease commercial/recreational conflicts on some Councils, such as the Gulf of Mexico Council, where three members from the academic community were added in 1991 to replace one commercial and two recreational fishermen.

Despite repeated claims of under-representation, the commercial fishing industry has half-again as many of its people serving on the Councils as do recreational fishermen. Nonetheless, commercial fishermen tend to regard anyone not with them as against them. Witness this recent headline (from an otherwise fair and accurate report on the NMFS study): "Report Finds Competing Interests Equally Represented on Councils" (*National Fisherman*, January 1993). What is undeniably an overall solid plurality for commercial interests (34-23-11) becomes equal only by assuming that all non-commercial members represent "competing interests." That kind of thinking resides somewhere between reality and paranoia.

### **Each Council, According To Its Needs**

The report recommends adding one commercial member to the Mid-Atlantic, South Atlantic and Pacific Councils in the next round of appointments this summer. Without debating whether or not this is justified using the NMFS test for fairness - representing fishermen active in fisheries currently receiving management attention - it does underscore the constraints put on the appointment process by Congress.

The current formula for achieving balance is a good one, as far as it goes. It is highly preferable to a quota system as proposed by some, because it is flexible and tends to cater to the current needs of each Council and each region. However, the Secretary is still confined by law to choose fishermen active in the fisheries being managed, which creates conflict of interest problems - indeed, it all but guarantees them.

Placing the emphasis on balance only keeps the focus on members as representatives of interest groups - users or non-users alike - instead of where it belongs, on whether the person is competent to understand the workings of a variety of fisheries, population dynamics, stock assessments, ecology, and economics - all the elements that go into management decisions - and to use this knowledge as a steward of a public resource.

When the Magnuson Act is reauthorized this year, Congress would do well to amend the law to give the Secretary freedom to go by qualifications and stewardship ability, unhampered by the need to represent the fishermen being regulated. In fact, Congress should take it a step further and forbid fishermen from voting on matters affecting their own financial interest.

*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.*

## TWENTY YEARS ON

*"There was no sense of unity among conservation-minded fishermen. There was a vacuum to be filled."*

The National Coalition for Marine Conservation held its inaugural meeting in November 1973. Shortly afterward, founder and first-President Frank Carlton announced the organization's principles and intentions this way: "The Coalition is concerned with specific marine conservation problems and is firing at specific targets with projectiles made of credible data. (The Coalition) intends to shoot a single rifle shot...right down to the last fish!"

This statement was both revelatory and prescient in that it captured the single-minded, never-say-die spirit which has propelled us toward one goal over the past twenty years: the conservation of ocean fish and their environment. While other like-minded organizations have come and gone, we remain today, as we were then, unique in our dedication to that goal.

The evolution of marine fish conservation can be traced in the history of the NCMC. When we appeared on the scene, there was no management of marine fisheries beyond the 3-mile territorial limit. The Magnuson Act, which would claim control over fishing within 200 miles of the coastline in 1976, was not yet law. Responsibility for offshore fisheries was left to the community of nations. But as Carlton noted at the time, "(t)he outstanding characteristic of present international fisheries agreements is that they do not work."

Convincing Congress to pass the Magnuson Act was among the Coalition's earliest objectives, and our first enduring achievement. We have been largely preoccupied with the implementation of the Act from that time forward, actively participating in efforts to understand and conserve the coastal,

anadromous and pelagic species of fish that swim off our shores.

We did not give up on international cooperation, however. The plight of the Atlantic bluefin tuna, which the NCMC's founders recognized early on, energized the organization's first supporters. We led the way promoting international research and conservation for a number of wide-ranging species, such as bluefin, marlin and salmon.

As a natural extension of our efforts to save the striped bass, the NCMC became increasingly active in habitat preservation issues. We were among the first to make habitat protection an integral part of fish management, a campaign that had the extra benefit of building bridges to the commercial fishing industry and bringing overfishing and related issues to the attention of mainstream environmental organizations.

The earliest and strongest support for our goals came from sport fishermen. But the coalition in our title has always stood for an alliance of all Americans with a stake in fish conservation. Gradually, we've enlisted commercial fishermen and environmentalists, too. In fact, with each passing year, the marine conservation movement resembles more and more the broad and varied public interest we envisioned back in 1973.

The National Coalition for Marine Conservation's 20th anniversary is not in itself an occasion for celebrating, but for rededicating ourselves to the goal we set in 1973, making sure there will always be plenty of fish in the sea. Because the challenges we face now are very much what they were then. "The nation, and indeed the world, are both on the threshold of allowing things to happen that should not," warned Frank Carlton 20 years ago. "Conservation issues are focussing on the oceans and long term solutions are necessary." That focus has sharpened, the solutions are at hand, and what was once a vacuum has been filled with a growing constituency of ocean advocates. That's what we should celebrate.

**NATIONAL COALITION  
FOR MARINE CONSERVATION**  
5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
SAVANNAH, GA.  
PERMIT NO. 931



THE NCMC

# MARINE BULLETIN

Published By  
NATIONAL COALITION FOR MARINE CONSERVATION INC.  
5105 Paulsen Street, Suite 243, Savannah, Georgia 31405

Spring 1993

No. 64

## SPECIAL ISSUE:

### ROUGH GOING AT SEA

#### *Beleaguered Fisheries Seek Safe Harbor in New Magnuson Act*

*Praise be to minnows and Neptune*

*The Titanic sails at dawn*

*Everybody's shouting*

*Which side are you on? - Bob Dylan, "Desolation Row"*

The nation's fisheries law, the Magnuson Fishery Conservation and Management Act, is up for renewal by Congress this year. Like all federal environmental legislation, it must be reauthorized periodically. Otherwise, the funding needed to carry out the provisions of the statute will expire.

The reauthorizing process is also an opportunity for lawmakers and the public to review the performance of a particular law, to determine whether it is achieving its intended purpose and has been responsive to evolving circumstances. Typically, amendments are offered, sometimes proposing changes with far-reaching implications.

The issue at hand is not whether the Act will be renewed (it will be) but whether the Act is fulfilling the promise Congress made to the American people in 1976 - to manage fisheries under sound conservation principles - and if not, what changes are needed.

#### **Conflict and Controversy**

The 103rd Congress has a full docket of important environmental statutes to reauthorize this year, and each is a magnet for groups with conflicting agendas. These laws may be strengthened or weakened, depending on which agenda prevails. In addition to the Magnuson Act, Congress is reviewing: the Clean Water Act (wetlands protection vs. development); the Endangered Species Act (timber vs. the spotted owl, water policy vs. historic salmon runs); and the Marine Mammal Protection Act (commercial fishing vs. seals, porpoise, etc.).

The Magnuson Act, though less well known to both members of Congress and their constituents, is equally important to the nation's economic and environmental well-being... and just as contentious. Few are happy with the state of U.S. fisheries - the fish resources or the industries they support.

There is considerable difference of opinion, however, about what to do. One thing seems clear, though. If the numerous factions maneuvering for advantage in the coming battle don't agree to place conservation above all other considerations, they will end up fighting over deck chairs on the Titanic.

#### **Healthy Fisheries Benefit All Americans**

The opponents of conservation like to characterize these issues as "jobs vs. the environment." This is unfair, at best, and at worst, a deliberate obfuscation of the issues. The broad public interest in a healthy economy and a healthy environment are more than compatible, they are synonymous. And nowhere is this more true, and nowhere should it be more obvious, than in the management of marine fisheries.

The Magnuson Act is a very good law, but one that is not performing very well. Something has gone awry between purpose and practice. An appalling 45% of all fish stocks whose condition is known are overfished or depleted. U.S. fisheries are producing at only half their potential yield. Overfishing and overcrowding are costing the U.S. seafood industry around \$3 billion a year; losses to the sport fishing industry may be comparable.

But it's more than that. Rampant overfishing makes losers of all of us. We end up with a diminished supply of protein from the sea, fewer jobs, and hardship for fishermen and coastal communities. The enormous cost of rebuilding depleted fisheries strains an already depleted federal treasury. Last, but not least, as fish populations decline, so does the biological diversity and stability of the ocean environment.

#### **INSIDE:**

Key Issues for Reauthorization.....New Network Rallies to Put Conservation Back in FCMA.....Articles by Network Members....."The Marine Index".....Don't Forget the Habitat.....Managing Sharks in the Dark.....Let Congress Hear From YOU....."The NCMC Ocean View."

## THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT AND HOW IT WORKS

The Magnuson Act (Public Law 94-265) was enacted by the United States Congress in 1976. This landmark legislation established a 200-mile national conservation zone around the 90,000-mile U.S. coastline and gave American fishermen exclusive fishing rights within the 2 million-square-mile ocean zone.

The chief impetus for the 200-mile limit was to halt overfishing by foreign fleets and aid the development of the domestic fishing industry. But the law promised much more. It created a federal management system to regulate U.S. fishermen and set standards for the wise use and conservation of marine fish populations. Unfortunately, while the Act succeeded in "Americanizing" the fisheries within our zone, the problem of foreign overfishing has been replaced by even more serious overfishing by our own fishermen.

Congress assigned eight Regional Fishery Management Councils, with oversight by the National Marine Fisheries Service, as fishery caretakers. The Councils are composed of federal, state and private-sector individuals. The latter group, which includes fishermen and other "knowledgeable and experienced" persons, is appointed by the Secretary of Commerce from lists submitted by coastal state governors.

Each Council - representing the New England, Mid-Atlantic, South Atlantic, Caribbean, Gulf of Mexico, North Pacific, Pacific and Western Pacific regions - is responsible for preparing Fishery Management Plans for fisheries within its jurisdiction. Plans must conform to national standards defined in the Magnuson Act, with the overall aim of "achieving and maintaining, on a continuing basis, the optimum yield for each fishery." Optimum yield is loosely defined as the amount of fish that can be taken in a sustainable manner, but modified by relevant social and economic considerations (e.g., the impact of regulations on fishermen).

Management measures are based on "the best scientific information available"; data collected on catch and effort as well as the biology and behavior of the fish. The Councils, of course, do not manage fish, they manage people; e.g., limiting catches by species, number and/or size, regulating gear, and allocating quotas among competing groups of fishermen.

In addition to serving as Council members, fishermen also sit on advisory panels and give input at public hearings held during the drafting of management plans. When completed, plans are submitted to the Secretary, who must approve them before they are enforced by NMFS. Plans can be amended later as the need arises.

Despite some successes, the Magnuson Act has, for the most part, failed to prevent overfishing, because management measures are usually too little and come too late. As a result, the majority of fish populations under management are over-exploited or fully-exploited, while a number are severely depleted. There are too many fishermen chasing too few fish. Some of our most important commercial and sport fisheries are in dire need of drastic recovery programs.

The effectiveness of the Act has been scrutinized and the law amended several times, most recently in 1990. It is up for Congressional review again this year, and reauthorization bills will be introduced. Reauthorization provides an opportunity to strengthen fisheries management by correcting deficiencies in the law and/or its implementation.

Bills will be introduced in both the House and the Senate. The responsible committees/subcommittees are Merchant and Fisheries/Fisheries Management in the House, and Commerce/National Ocean Policy Study in the Senate. These panels will receive testimony from interested members of the public on how fishery management might be improved.

### FILL THE CRACKS IN THE SYSTEM

#### *By Giving Conservation Top Priority*

The failure to adequately protect marine fish from overfishing and other threats, and to restore depleted fish populations to healthy levels, is proof enough that there are serious problems with the way fisheries are being managed under the Magnuson Act. Congress must address these problems during the current reauthorization, by making conservation the number one priority of fisheries management - not just in intent, but in practice. Only by creating a management *and* conservation system can we restore fish populations, increase yields, and thus provide the greatest benefit to the American people.

Unquestionably, the biggest flaw in the system is that managers do not prevent overfishing and the enduring losses it causes, as they are supposed to do, but instead react to overfishing when it's too late. The reasons for this are several. Generally speaking, decision-makers bow to constituent pressures to err on the side of continued fishing. In some cases this problem is exacerbated by the presence on Fishery Management Councils of individuals who have or represent a financial interest in the fisheries.

Fish managers are instructed to set allowable catch levels based on social, economic and ecological factors. Often, the basic biological needs of the fish are allotted less consideration than the immediate needs of fishermen. As a result, overfishing is permitted. For the same reasons, there are few effective recovery plans for depleted fisheries, hence some severely overfished populations continue to be overfished.

In addition, the tools fishery managers are allotted to monitor and regulate the extensive, complex and highly sophisticated marine fisheries of the 1990s are woefully inadequate. Managers, for instance, are supposed to use the best scientific information available. But the status of one-third of U.S. fish stocks is unknown, accidents just waiting to happen (if they haven't happened already). Even where general population trends are understood, the data are often imprecise, and this uncertainty undermines the ability of managers to respond to overfishing and population declines in a timely and effective manner.

#### Key Issues

The National Coalition for Marine Conservation believes Congress must strengthen the Magnuson Act to restore the nation's fisheries. We support the following changes, most requiring amendments to the Act, as essential to solving the urgent problems confronting our marine fisheries:

## ▼ ELIMINATE OVERFISHING

Fishery managers must be compelled by statute to prevent overfishing and rebuild overfished populations on a priority basis, and be held accountable if they don't. Although there will be immediate social and economic impacts associated with restoring depleted fisheries to healthy levels, in the long run doing so will provide the greatest benefit to the nation, and America's fishermen will be the primary beneficiary.

Every fishery management plan should contain a quantifiable definition of overfishing. If overfishing should occur, Fishery Management Councils must be required to initiate a recovery program within a specified time period. The plan should feature a measurable rebuilding goal, steps to achieve that goal, and a timetable for getting there. If a Council fails to satisfy any of these requirements, the Secretary of Commerce should intervene and prepare a recovery plan.

## ▼ BE RISK-AVERSE, NOT RISK-PRONE

Two years ago NMFS endorsed a precautionary approach to managing fisheries, pointing out that "(i)n the face of uncertainty and pressure from the fishing industry, fishery managers have often tended to base their decisions on an optimistic view of the condition of fishery resources. These 'risk-prone' decisions eventually result in overfishing."

When the best science available contains some uncertainty, as it usually does, it must not be an excuse for inaction. The risk of overfishing should be reduced by giving the benefit of the doubt to conservation, not exploitation. Managers should do this by building in a margin of safety when setting allowable catch levels, to act as a buffer against overfishing.

## ▼ RESTORE CONFIDENCE IN THE COUNCILS

When Congress created the Fishery Management Council system, it wanted those persons active in the fisheries to be a part of the process so decisions would benefit from their knowledge and experience. This has turned out to be both a blessing and a curse. While management benefits substantially from the advice of fishermen, Council members who have a financial interest in the fisheries they manage represent a classic conflict of interest. Such conflicts may directly influence Council decisions, or merely diminish confidence in a Council's ability to serve as steward of a public resource.

The Councils should increase public outreach and user group participation through their advisory panels. If active fishermen are to serve as Council members, they should be prohibited from voting on matters affecting a fishery in which they have a direct or indirect financial stake. In addition, the Secretary should be directed to appoint more individuals to the Councils who are unaffiliated with any user group, thereby ensuring fair representation of the broad public interest in marine conservation.

## ▼ IMPROVE MANAGEMENT OF LARGE PELAGICS

Swordfish, tunas, marlin and oceanic sharks are overfished and have experienced continued declines despite national and international management programs. Until 1990, tuna fisheries, along with their substantial bycatch of other pelagics, were unregulated by the Magnuson Act. When Congress finally included tuna, it transferred responsibility for all the large pelagics in the Atlantic Ocean from the Councils to the

Secretary. But the Secretary, while retaining authority over fisheries not yet managed internationally (billfish and sharks), is prohibited from enacting measures for bluefin tuna and swordfish that are more conservative than those recommended by ICCAT, a notoriously ineffective international management body.

International cooperation to enhance the conservation of large pelagic fishes throughout their migratory range is essential. The U.S. must pursue its conservation objectives through ocean-wide commissions more aggressively. To this end, the Director of NMFS, as chief U.S. fisheries official, should lead the U.S. delegation to ICCAT, not a political appointee. Moreover, any and all constraints on U.S. authority to act unilaterally, when more conservative measures would be in the best interests of American fishermen and the resources they depend on, should be removed.

## ▼ MINIMIZE BYCATCH AND END WASTE

The use of non-selective fishing gear - essentially, any gear that catches significant amounts of unintended fish and other marine animals - causes unnecessary waste and serious conservation problems. Billions of pounds of sea life are discarded dead each year, yet the Magnuson Act is largely silent on the subject. The law should define undesirable bycatch and all Fishery Management Plans should be required to include provisions

to assess and reduce its harmful effects. A national research program should be initiated to gauge the extent of bycatch and its effect in every fishery.

## ▼ SAVE CRITICAL FISH HABITAT

The continuing loss and degradation of fish habitat - to pollution, development and other human activities in the coastal zone - threatens the foundation of all marine fisheries. Damage to estuaries, wetlands, and other critical habitats are leading factors in the decline of many shore-dependent and anadromous species. The National Marine Fisheries Service, after consultation with the appropriate Council(s), should have the authority to modify or restrict activities which alter, degrade or destroy essential habitats of fish managed under the Magnuson Act.

## ▼ MATCH FUNDING TO PROGRAM NEEDS

Fisheries programs are among the most chronically underfunded in the federal budget. Research, data collection/monitoring and enforcement in particular suffer from insufficient funding. Congress should consider new revenue sources, such as allowing fishery managers to assess user fees to recover the costs of management.

### NCMC MAGNUSON ACT ACTIVITIES 1993

- Co-founder of the Marine Fish Conservation Network and Network steering committee member.
- Organizer and sponsor of "Conserve America's Fisheries," a National Symposium on the Magnuson Act (March 8-10), proceedings to be published in late 1993.
- Participation in briefings and hearings before Congress.
- Preparation of issue papers.
- Presentation of recommendations at fisheries meetings, workshops and conferences.

## U.S. FISHING EFFORT GOES OVERBOARD

Written for the Network by Ken Hinman,  
National Coalition for Marine Conservation

Overfishing is, quite simply, the *raison d'être* of the Magnuson Act. In 1976, heavy fishing by foreign factory ships close to our shores, and the resulting decline of fish populations available to American fishermen, prompted Congress to enact what was popularly known as the 200 Mile Bill. It established a protective "fishery conservation zone" around the U.S. to halt foreign overfishing and thus aid in the development of the fledgling domestic fishing industry.

Seventeen years later, everything has changed — and nothing has changed. The Magnuson Act has been a resounding success in terms of virtually eliminating foreign fishing offshore and fostering the development of a large and highly sophisticated American fishing fleet. Alas, overfishing remains the number one threat to this country's marine fisheries. In fact, the threat is greater than ever. Although 33 federal management plans (FMPs) are currently in effect, 69 species or species groups are overfished, according to government studies. That's about half the fisheries whose condition is known.

In other words, the Magnuson Act didn't get rid of overfishing in our coastal waters, it merely Americanized the problem. But how can this be? The law doesn't just outlaw overfishing by foreigners and give *carte blanche* to our own fishermen. The first of the Act's seven national standards — the heart of the law — states very plainly that all FMPs "shall prevent overfishing" — period.

### Mandatory Recovery Targets and Timetables

With few exceptions, though, fishery managers do not prevent overfishing. In most cases, fishery managers allow overfishing because a) they don't recognize it when they see it, or b) they are disinclined to restrict fishermen, or both. Believe it or not, the Magnuson Act itself doesn't define overfishing, and until fairly recently, very few FMPs contained a definition either. As a result, the Fishery Management Councils had no standard against which to measure the health of fisheries under their jurisdiction. It's only been since 1989, when the National Marine Fisheries Service revised its guidelines for preparing FMPs, that every plan must include a definition of overfishing in order to gain approval by the Secretary of Commerce.

Even when overfishing is clearly identified, however, it is frequently permitted to continue because of pressure from the fishing industry. When the basic health of the resource is subordinated to the immediate financial needs of fishermen, the result is a long list of overfished species, a list that grows longer every year.

To achieve the Magnuson Act's stated goal of putting a stop to overfishing and rebuilding depleted fish populations, the law must be strengthened. The existing NMFS guidelines call for the Councils to define overfishing and, when it occurs, to implement measures to reverse it. But the guidelines don't

carry the force of law and they aren't enough, as Ellie Dorsey of the Conservation Law Foundation (CLF) pointed out at the NCMC's recent National Symposium on the Magnuson Act.

"New England Council members acknowledged the need for a rebuilding program (for groundfish) and took some steps toward developing one," she reported, "but nineteen months after admitting overfishing, the Council had not seriously begun to tackle the necessary effort reduction, and NMFS showed no signs of stepping in with a Secretarial plan." CLF ultimately sued the government to force action, but lawsuits shouldn't be necessary.

The Marine Fish Conservation Network believes Congress should amend the Magnuson Act, first, to require that all fishery management plans contain an objective and measurable definition of overfishing along with measures to prevent the fishery from reaching that condition. Secondly, the law should require that if overfishing does occur, a recovery program must be submitted, complete with a

specific rebuilding target (e.g., population size or fishing mortality rate) and a schedule for reaching it. If the Council should fail to comply, NMFS should be required to intervene and implement a suitable rebuilding program, also within a specified period of time.

## THE MARINE FISH CONSERVATION NETWORK

The Marine Fish Conservation Network is an unprecedented alliance of conservation and fishing organizations dedicated to reforming and strengthening management of marine fisheries in order to promote their long-term sustainability.

The Network was formed in October 1992 by the National Coalition for Marine Conservation, the National Audubon Society, the World Wildlife Fund, Greenpeace and the Center for Marine Conservation.

It's broad-based membership includes sport fishermen, commercial fishermen and environmentalists from all over the country. Organizations endorsing the Network's agenda as of press time are listed on the facing page.

## ENFORCEMENT BREAKDOWN

Written for the Network by Michael Sutton,  
World Wildlife Fund

Fishery management plans regulate the taking of marine fish through regulations such as limiting the size of fish taken, closure of spawning areas, and setting overall quotas. The National Marine Fisheries Service has primary responsibility for enforcing these regulations through dockside and at-sea inspection. NMFS officers and fishery observers are assisted by the Coast Guard and state fish and wildlife agents.

# MARINE FISH CONSERVATION NETWORK

Unfortunately, the sheer vastness of the oceans under U.S. jurisdiction makes traditional fisheries law enforcement extremely difficult. The inherent problems of ocean monitoring have been further exacerbated by inadequate funding. For example, when the Magnuson Act was enacted in 1976, the annual NMFS enforcement budget was approximately \$7 million. The 1993 appropriation of \$11 million for enforcement and monitoring illustrates that recent budget allocations have been inadequate to keep up with inflation and the additional enforcement burden resulting from 20 years of fishery management plan development.

With a cadre of only 111 special agents burdened with a mounting number of rules to enforce and fishermen to enforce them upon, NMFS clearly does not have the ability to comprehensively patrol and monitor the entire U.S. 200-mile zone. As a result, fisheries enforcement and monitoring has not been adequate to the task at hand.

## An Incentive to Violate Fishing Laws

Problems with ocean enforcement are aggravated by federal courts that are too frequently unwilling to levy stiff criminal penalties for fisheries offenses. To make matters worse, the civil penalty program administered by the NOAA General Counsel's office is wrought with lengthy delays and grossly inadequate penalties. Administrative law judges commonly remove any teeth from the penalty and forfeiture actions recommended by NMFS lawyers. As a result, repeated offenses are commonplace and penalties become merely a "cost of doing business."

This breakdown of the enforcement system creates strong incentives to violate fisheries laws. For instance, in the New England groundfish fishery, where many species are severely depleted, it is estimated that fishermen who violate fishery management regulations may earn up to \$5,000 per trip and as much as \$125,000 per year in illegal profits. The potential to reap such substantial illicit returns clearly illustrates the need to improve the capabilities and implementation of our fisheries enforcement regime.

The Marine Fish Conservation Network is working to incorporate a number of changes into the Magnuson Act that would improve the regime to monitor and enforce fishery management regulations. For example, funding for monitoring and enforcement activities must be increased. The Network believes the Act should be amended to allow Fishery Management Councils to implement a system of user fees and/or excise taxes on the landed value of fish to support research, management and enforcement in marine fisheries. The Network believes that an equitable fee system, similar to those established for the use of other public natural resources,

would provide a more adequate funding base for NMFS to fulfill its management duties.

The Magnuson Act should also require NMFS to establish a comprehensive at-sea observer program to monitor commercial fisheries and help provide unbiased and detailed information on fishing activities as they occur. To properly manage fisheries, the total catch must be accurately tabulated. But few fisheries in the U.S. are subject to onboard observer coverage; instead, catch data are supplied by the fishing vessels or processors, usually on a voluntary basis. Consequently, this information is generally inaccurate and incomplete. The presence of observers on fishing vessels is necessary for adequate enforcement of fisheries laws and regulations. Observer programs demonstrably generate far more

reliable information on total catch and bycatch than logbooks and other self-monitoring systems. A universal licensing scheme is also needed to give managers the information they need on who is fishing when, where and how, and what they are catching.

## BIG FISH CAUGHT IN MANAGEMENT ABYSS

*Written for the Network by  
Mercedes Lee and Carl Safina,  
National Audubon Society*

Decades of overfishing and mismanagement have left the large predatory fishes - tunas, sharks, swordfish and marlin - among the most depleted and at-risk species in our waters. As the current downward population trends for these creatures attest, we continue to mine them rather than manage them for their continued healthy existence. A brief survey re-

veals how the current situation came to be.

In the Atlantic, the breeding population of bluefin tuna, one of the largest fish that has ever lived, has declined 90% since the mid-1970s. Of the current bluefin dilemma, NMFS says "the objective of stemming the decline in adult population size will not be achieved under the management program now in effect. In order to stem further decline...it is necessary to reduce the allowable take 50% or more."

The breeding population of Atlantic swordfish has declined by more than half since the late 1970s, and the vast majority of fish caught by fishermen are now well below the age of sexual maturity. Swordfish are a long-lived species, so declines in the number of adult breeding-age fish, combined with a few bad spawning years, could precipitate an even steeper decline.

However, because of fishing-industry sponsored language added in 1990 to the Magnuson Act and the Atlantic Tunas Convention Act, the U.S. is prevented from implementing its own recommendations. Incredibly, the U.S. has legally pro-

### NETWORK MEMBERS

Alaska Marine Conservation  
Council  
Center for Marine Conservation  
City of St. Paul/Bering Sea  
Coalition  
Florida Conservation Assn.  
Florida League of Anglers  
Greenpeace  
International Game Fish Assn.  
Jersey Coast Anglers Assn.  
National Audubon Society  
National Coalition for Marine  
Conservation  
New York Sportfishing  
Federation  
North Pacific Longliners Assn.  
Project ReefKeeper  
Sierra Club  
Sport Fishing Institute  
World Wildlife Fund

# THE MARINE INDEX

**A Quarterly Report on the Status of Marine Fisheries and Conservation**

**A Catch By Any Other Name.** Bycatch, bykill, incidental catch - call it what you will, it is still a big problem for U.S. fisheries. Big enough that shrimpers lobbied Congress in 1990 for a special exemption from bycatch regulations. Big enough for the commercial fishing industry to devote an entire conference to the subject in 1992. But not big enough to have inspired a legislative solution...yet. Indiscriminate gear is the main problem, and the Magnuson Act should exert stricter control over the types of gear allowed. While large drift nets that take marine mammals have been banned, the more massive bycatch of finfish by other gear types has been largely ignored. In response to increasing public outrage, industry is beginning to acknowledge fish bycatch problems. When discarded, it is a waste of limited resources. When kept, it is an uncontrolled source of mortality. And there are economic impacts, too. In the words of Lee Alverson, an industry representative, "I recognize that committing the industry to this goal [bycatch reduction] may well lead to some economic costs - no pain, no gain. However, if we succeed we will not only establish ourselves as a more credible and responsible industry but we will also reap substantial economic gain through transforming bycatch losses into future harvesting opportunities." The pending Magnuson Act reauthorization provides a perfect opportunity to turn discourse into deed.

## THE GULF SHRIMP TRAWL FISHERY



Shrimp trawl bycatch leads the list in terms of sheer volume. In the Gulf of Mexico, the latest data show well over 40 billion fish are taken each year. Although shrimpers dispute this figure, few challenge that bycatch is a major problem. Yet existing language in the Magnuson Act prohibits regulation of bycatch until 1994, while more studies are done. Meanwhile, the killing continues and those fishermen affected by inaction on bycatch struggle to keep their fisheries alive.

## SOUTH ATLANTIC SHRIMPING



Bycatch of weakfish, a highly depleted species, is the big problem here. The main culprit is North Carolina's shrimp trawlers; their bycatch has been estimated at 64% of the state's total weakfish catch. North Carolina now requires the use of fish excluder devices in all shrimp nets in state waters. A step in the right direction, but the type of excluder used is of the shrimper's choosing, leaving too much room for abuse. While industry should be encouraged to develop solutions, government testing must ultimately dictate what is required.

## NEW ENGLAND SHRIMP TRAWLS



Northeast shrimpers catch and discard valuable fish from the troubled groundfish stocks. Perhaps because some are also groundfish fishermen, they have yielded to the required use of finfish excluder devices in their trawl nets at crucial times of the year, which seems to be working to everyone's satisfaction.

## THE NEW ENGLAND TRAWL FISHERY FOR GROUND FISH



As overfishing of cod, flounder and haddock continues, vacated niches are being filled by low value species such as skates and dogfish, which make up an increasing share of the trawl catch and are rarely kept. Also, undersized cod and flounder are trapped in the nets, despite mesh size limits. Because of poor enforcement at sea, fishermen find ways to close down the mesh once away from the dock.

## NORTH PACIFIC GROUND FISH TRAWLS



Bycatch in these nets includes high value halibut, salmon and king crab, which the fishermen would love to keep, but since that would create competition with the target fisheries, the trawlers operate under bycatch caps. When a cap is reached, the groundfish fishery closes. Because the stakes are so high, the industry has agreed to voluntarily police its fleets for vessels with especially high bycatch. Such cooperative, voluntary programs should be encouraged where they work.

## LONGLINING FOR SWORDFISH



Along with a vast number of sharks and some billfish, many juvenile swordfish are caught incidentally, too. Few survive the ordeal, yet size limits imposed by international agreement ensure that most are thrown overboard, uncounted, so total fishing mortality exceeds the allowable catch. The discard problem is beyond the scope of the Magnuson Act, requiring changes in the ICCAT measures. But a dead fish is a dead fish, and should be counted toward our quota.

## THE GULF OF MEXICO TUNA FISHERY



Tuna longlines take large quantities of shark, swordfish, billfish and other non-target fish, and there are no rules to make the gear more selective. Gulf billfish populations are depleted, yet the commercial bycatch remains high even though the Billfish Plan doesn't allow commercial fishing. NMFS, which has jurisdiction over billfish, continues to stall on measures to reduce the bycatch.

## NO HABITAT = NO FISH

*The following is excerpted from a paper delivered by Executive Director Ken Hinman to the 58th North American Wildlife & Natural Resources Conference, March 23, 1993*

I remember, at some point early in my education, being taught that what separates man from all the other animals is the ability to reason. But since then I've encountered enough exceptions to that rule, on both sides of the line, to convince me the defining difference lies elsewhere. My own theory is that what distinguishes us most from the other animals is the fact that they know instinctively how to relate to their environment, where as we, of all animals, have the peculiar problem of having to figure it out for ourselves. That's why we study ecology, and fish don't.

But in this study, our world view is essentially anthropocentric. We tend to think of ourselves as separate and apart from nature; controlling the world, not conforming to it. Not only do we defy our own symbiotic relationship with our environment, we choose to regard other animals in a similar way. Maybe that explains why we dissociate fish from their habitat in our fishery management policies, and place greater emphasis on managing fishermen than on protecting the environmental foundation of our fisheries.

Which is not to say we deny the interconnection between fish and habitat or our substantial impact on both. Ecologists have made tremendous progress in enhancing our understanding of man-fish-habitat interactions. We know the quality and quantity of fish directly depends on the quality and quantity of habitats available to them, though precisely how and to what degree remains a topic for further research. We know many of our activities in the coastal zone affect both fish and habitat adversely, even if we are not always clear as to cause and effect. That there is an immutable fish-habitat connection, however, is unquestioned. That we know enough to avoid much of the damage we do is indisputable.

### Separate and Unequal

Nonetheless, and however you want to explain it, a dichotomy exists in United States policy for managing marine fisheries. In our role as caretaker, or fishery manager, we've sworn to "conserve and manage the fishery resources found off the coasts of the United States." But in practice, conserving and managing marine fisheries consists primarily of regulating the number of fish we remove from their environment. Protecting the coastal environment so that it might sustain greater numbers of fish is, for all intents and purposes, treated as a separate, and by implication lesser, issue.

Efforts to manage and conserve fish must encompass measures to manage and conserve their entire coastal environment. And yet our laws and institutions, for the most part, are set up to manage fish in isolation from the ecosystems they inhabit. Federal fishery management plans written under the Magnuson Act pay lip service to habitat concerns, but little more. Plans feature the obligatory habitat provisions, describing the significance of habitat to the species under management and assessing how changes in habitat might effect the fishery, but they contain no measures to control those changes. Even if they did, the National Marine Fisheries Service, which implements all fishery management plans, has virtually no authority to enforce them.

The numerous federal environmental statutes promoting coastal habitat protection recognize the value of fish and wildlife, but they only authorize fishery managers to comment on potentially damaging activities and to recommend changes. Whether those changes are made is entirely at the discretion of other federal agencies, whose priorities may not and usually do not include fish conservation.

Separating habitat management from fishery management does harm to both objectives, with the result that the U.S. is not doing a very good job in either case. Populations of nearly all marine species of fish in the Atlantic, Gulf of Mexico and Pacific Coasts are the lowest they've ever been. Although overfishing remains the most immediate cause of declines in fish populations, the chronic loss of habitat - to pollution, unwise development and other human activities - is the single greatest long-term threat to marine fisheries, especially for those 75% of commercial and sport caught fish dependent on coastal estuaries for their survival.

### Give Fish Managers A Stronger Voice on Habitat

It doesn't make sense to give federal fishery managers stewardship responsibility for the nation's marine fish resources and then limit them to regulating fishing activities, with practically no authority over the numerous other human activities that can and do diminish fisheries production by ruining fish habitat.

Fishery management is destined to fail if not complemented by adequate protection of fish habitat. Likewise, efforts at habitat conservation and environmental protection require the aggressive advocacy of fishery managers and the fishing industry to better establish the link between fish on the one hand and productive habitat and clean water on the other, and to inspire public and political support. The only way this can be accomplished, in my view, is by establishing an explicit policy making coastal fish habitat conservation a national priority, integrating habitat needs with fishery management objectives, outlining specific goals for habitat protection, and providing fishery managers with the authority and the means to achieve them.

NMFS, and to a lesser extent the Fishery Management Councils, are the federal government's advocates for conserving the habitat of marine fish, but without the authority to command attention to their concerns, their voice is no more forceful than that of any other advocacy group whose demands on government policy compete directly with the needs of marine fisheries. NMFS should be given the authority to directly regulate projects that may cause significant damage to fish-supporting habitat. The agency should be authorized to modify, restrict or prohibit projects or activities which will alter, degrade or destroy essential fish habitats. Canada's Department of Oceans and Fisheries has this authority; so does the U.S. Environmental Protection Agency.

## MANAGING IN THE DARK

### *From Underutilized To Overutilized*

One of the twin goals of the Magnuson Act in 1976 was development of U.S. fisheries. It kicked foreign boats out of U.S. coastal waters and encouraged development of our own fleets. Fisheries were declining, and the foreign fleets were seen as the problem. These very declines were the impetus for

making conservation the other goal of the Act. And the architects of this legislation saw no difficulty with the two goals working hand in hand. Unfortunately, there was never any framework for coordinating them.

Without that framework, mistakes were bound to be made. During the late 1970s, for example, NMFS identified king mackerel as underutilized and encouraged development of a large-scale commercial net fishery. As a result, the Gulf of Mexico stock collapsed and the Councils had to scramble to develop a rescue plan.

A 1987 study attributed this fiasco to a serious lack of data and poor coordination of management objectives. In fact, information on the fishery was lacking from the start, which calls into question the push to further develop the fishery in the first place. To prevent future mistakes, the study recommended "closer cooperation between fisheries development activities and fisheries management to ensure that they are not acting at cross purposes."

The Gulf king mackerel has still not recovered, despite strict limits on catches since the mid-1980s. And it is not the only fishery to suffer from development and management working at cross purposes. A 1990 report on New England groundfish noted that tax incentives and vessel financing programs contributed to overuse in that fishery.

Experience is supposed to be the best teacher, and NMFS has obviously experienced problems with fisheries development. Wisdom would suggest a cautious approach, yet the recent shark fiasco shows that the agency didn't learn its lesson. In the early to mid-1980s, NMFS encouraged development of shark fishing. Federal, state and industry money built a fishery, and a steady market for sharks developed.

Of course, now the fishery is in serious trouble. Since sharks have an extremely limited ability to sustain fishing pressure, they declined within a few years. NMFS then had to restrict the fishery, drawing the ire of industry. While the fishermen recognize there is a problem with the resource, they also know that they have a problem. They went into debt to develop the fishery, and now fear going out of business in a few years.

At an April shark conference, fishermen sought out conservation groups for help. They feel the federal government owes them compensation for severely curtailing fishing after encouraging them to enter the fishery. And while compensation may not be warranted (industry pushed it, too), they do have a gripe. NMFS actively encouraged a shark fishery before knowing whether the resource could support it, so the government may bear some responsibility for displaced fishermen. Just how far that responsibility goes is another matter.

So what, if anything, have we learned? We've seen the consequences of shortsighted development of fisheries. No one wins. We cannot have one hand going to the whip for development while the other is pulling on the reins. At a minimum, development must only be encouraged when we know it can be sustained.

It is unlikely the government will fully refrain from developing underutilized species. Indeed, it's proposed as a solution for the depauperate groundfish fishery in New England. Hair of the dogfish, as the saying goes. But while NMFS and the Councils are disinclined to apply the precautionary principle to management of developed fisheries, let the record show that it is absolutely crucial when developing new ones.



## WRITE THE WRONG!

Make your voice heard during reauthorization of the Magnuson Act this year. Write your Congressman, as well as the Chairmen of the key Congressional Committees listed below, and urge them to support strong amendments to conserve America's fisheries.

The Honorable \_\_\_\_\_  
U.S. House of Representatives  
Washington, DC 20515

### Committee on Merchant Marine & Fisheries

Members of the Subcommittee on Fisheries Management are in **Bold** Typeface

\*Denotes Subcommittee Chairman

Chairman:  
Ranking Minority Member:

**Gerry E. Studds (MA)**  
**Don Young (AK)**

Thomas Andrews (ME)  
Herbert Bateman (VA)  
Michael N. Castle (DE)  
Randy Cunningham (CA)  
Anna G. Eshoo (CA)  
Tillie K. Fowler (FL)  
Wayne T. Gilchrest (MD)  
**Dan Hamburg (CA)**  
George Hockbrueckner (NY)  
Earl Hutto (FL)  
Peter T. King (NY)  
Blanche Lambert (AR)  
William O. Lipinski (IL)  
**Thomas J. Manton (NY)\***  
**Frank Pallone, Jr. (NJ)**  
**Arthur Ravenel (SC)**  
Jim Saxton (NJ)  
Bart Stupak (MI)  
**Gene Taylor (MS)**  
Curt Weldon (PA)

Thomas J. Barlow (KY)  
**Maria Cantwell (WA)**  
**Howard Coble (NC)**  
Lincoln Diaz-Balart (FL)  
**Jack Fields (TX)**  
Elizabeth Furse (OR)  
Gene Green (TX)  
Alcee Hastings (FL)  
**William J. Hughes (NJ)**  
James M. Inhofe (OK)  
**Jack Kingston (GA)**  
**Martin Lancaster (NC)**  
Greg Laughlin (TX)  
Solomon Ortiz (TX)  
Owen Pickett (VA)  
Jack Reed (RI)  
Lynn Schenk (CA)  
Billy Tauzin (LA)  
**Jolene Unsoeld (WA)**

The Honorable \_\_\_\_\_  
United States Senate  
Washington, DC 20510

### Committee on Commerce, Science and Transportation

Members of the National Ocean Policy Study Subcommittee are in **Bold** Typeface

\*Denotes Subcommittee Chairman

Chairman:  
Ranking Minority Member:

**Ernest Hollings (SC)\***  
**John Danforth (MO)**

**John Breaux (LA)**  
Conrad Burns (MT)  
James Exon (NE)  
**Slade Gorton (WA)**  
**Daniel Inouye (HI)**  
Robert Krueger (TX)  
John McCain (AZ)  
**Larry Pressler (SD)**  
Jay Rockefeller (WV)

Richard Bryan (NV)  
Byron Dorgan (ND)  
**Wendell Ford (KY)**  
**Judd Gregg (NH)**  
**John Kerry (MA)**  
**Trent Lott (MS)**  
**Bob Packwood (OR)**  
**Charles Robb (VA)**  
**Ted Stevens (AK)**

### UNFINISHED BUSINESS

*"(The Magnuson Act) is the best available answer to our present fisheries problems, the beginning of a rational solution to extremely difficult dilemmas that will be facing our nation for decades to come." - NCMC President Frank Carlton at a Congressional hearing, March 1975*

From its inception in 1973, the National Coalition for Marine Conservation ceaselessly urged the U.S. Congress to adopt a 200-mile limit to protect our coastal fisheries from the further ravages of overfishing. We presented testimony at numerous hearings and rallied conservation-minded fishermen all across the country in support of an unprecedented national program to manage marine fisheries off our shores. We even filed our own bill (H.R.8265, for the record) as the strongest way to express the Coalition's views. We emphasized conservation over exploitation and maximum public input into policy-making procedures.

The Magnuson Fishery Conservation and Management Act became law in 1976, and so began a new era in marine fisheries management. The Congress, with the country's fishermen solidly behind them, had created a comprehensive regime for managing fisheries which would otherwise continue to be irrationally exploited.

But the real work was yet to come. And for nearly two decades, the NCMC has worked with the Regional Councils, the National Marine Fisheries Service, ICCAT and other international bodies, in order to advance the conservation goals embodied in the Magnuson Act. Seventeen years later, those goals are as germane as when they were written. The harsh criticism of fisheries management contained in this issue of the Marine Bulletin, and our recommendations for improving it, are directed at the irresolute manner in which the Magnuson Act's goals have been pursued.

In focusing on the failures of management under the Act, we tend to overlook what's been achieved: the establishment of an organized approach to management and the Americanization of fisheries off our coastline; management plans that have stabilized some fisheries at productive levels, while helping a few to recover from years of overfishing.

Unfortunately, notable successes are the exception and not the rule. Probably the most notable failure is management of New England groundfish, because it is symbolic of the Magnuson Act's shortcomings. One of our oldest and most valued fisheries is now on the verge of collapse from overfishing. Ironically, overfishing of the cod fishery by foreigners was a primary impetus for passing the Act in the first place.

We believe there is cause for optimism, however, because so much of politics is timing. The time was right in 1976 for passage of the Magnuson Act. In 1993, increasing alarm over the threat to U.S. fisheries from overfishing has renewed our sense of urgency once again.

As in 1976, there is broad support for action to conserve ocean fish. In significant ways, the support is even broader and deeper today. For one, major conservation groups that took no notice of fisheries problems a few years ago are now actively involved, taking the message to an untapped segment of the American public.

As we were in 1976, and during three reauthorizations since, the NCMC is again at the forefront of the campaign to improve conservation under the Magnuson Act. We are excited about the opportunities for meaningful change this time around, as fishermen and conservationists work together as never before. Hopefully, we will be so successful that the next time Congress reauthorizes the Act, no changes will be necessary.

The NCMC Marine Bulletin is written and edited  
by Ken Hinman  
Carl Paulsen is "Index" editor and contributing writer

**NATIONAL COALITION  
FOR MARINE CONSERVATION**  
5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
SAVANNAH, GA.  
PERMIT NO. 931



THE NCMC

# MARINE BULLETIN

Published By  
NATIONAL COALITION FOR MARINE CONSERVATION INC.  
5105 Paulsen Street, Suite 243, Savannah, Georgia 31405

Summer/Fall 1993

No. 65

## BAY WATCH

### *Saving Florida Bay Is State's Top Environmental Priority*

A short drive from the burgeoning urban metropolis that is coastal south Florida lies a true wilderness, Florida Bay. This tropical estuary, most of whose 470,000 acres are preserved within the boundaries of Everglades National Park, the second largest park in the nation, is home to such exotic and rare species as the roseate spoonbill, the bald eagle and the crocodile. The bay supports an abundance of fish and shellfish, too, vital to Florida's sport and commercial fisheries, including tarpon, snook, redfish, bonefish, seatrout, spiny lobster and shrimp.

Unfortunately, Everglades National Park, established in 1947, provides sanctuary in theory only. Over the next three decades Florida Bay was nearly destroyed by the unchecked growth and development occurring beyond the park's borders. Thousands of acres of seagrass and mangroves, essential habitat for birds and fish, are dying off. The spread of algal blooms is suffocating a large portion of the bay, an area scientists unhappily refer to as the Dead Zone.

What's happened to Florida Bay "is a pathetic story of abuse," says George Barley, a member of the National Coalition for Marine Conservation's board of directors and a leader in the fight to save the bay. The future survival of this unique, shallow water estuary, not to mention the important fisheries it supports, is at risk, according to Barley and other activists, unless the state's fishermen and conservationists make restoring the bay their top environmental priority.

#### Water is the Problem

"Pahayokee, grassy waters, was the Indian name for what is now called the Everglades," writes Jack Cleveland in the preface to his book, *Mangrove Tarpon*, published recently by the NCMC. "That Indian name took into account the natural phenomenon of the slow-moving sheet of fresh water which covers much of the area a good part of the year... This flow had been unchecked for eons, but [man has] altered this natural process radically and left the fate of the Park in the hands of people largely influenced by money."

At the root of the threat to Florida Bay is water. For thousands of years life in the southern half of the Florida peninsula thrived on a mix of fresh water flowing down from upstate and salt water moving in from the sea. Water levels,

temperatures and salinities would fluctuate seasonally, but always as part of a delicate ecological balance. That balance has not only been upset, it's been turned upside down.

Once the entire state from Lake Okeechobee south was a rich, briny estuary. But the tidal wave of development that inundated the country's fastest growing state, and continues to this day, converted much of the low lying swampland not inside the park into developable real estate and, most significantly, diverted its natural water supply to other, higher priority uses, such as agriculture and flood control.

Rivers were channeled, creeks diked and reservoirs created to reduce the flow of fresh water into the Everglades and Florida Bay to less than one-tenth its historic level. As a result, the brackish estuary is changing to a salt water environment. Salinity levels have increased to extreme levels, killing off plant and animal life adapted to moderation.

#### A Long Way to Recovery

In recent years, state and federal agencies, including the U.S. Army Corps of Engineers and the National Park Service, have responded to mounting public pressure and made well-publicized commitments to restore Florida Bay. For the most part they've committed to studies, and they haven't always followed through. It is past time to move ahead with action.

A comprehensive state/federal program is needed, to monitor ecological changes in the bay, define the critical relationship between water flows and the health of the estuary, and set out a specific course of action and a timetable for reforming Florida's water management policies in order to restore the natural flow of fresh water into this invaluable ecosystem.

"Encouraging signs there are, but there is still a long way to recovery for the mangrove country of the Florida Everglades,"

#### INSIDE:

Building a Broader Constituency for Fish....ICCAT '93 Preview....The Tragedy of the Oceans....NCMC Studies Limited Entry....Public Input into Management....NCMC Bookshelf...."Marine Index"....."The NCMC Ocean View."

warns Jack Cleveland. "May the people in whose hands rest the decisions and planning necessary for all this to take place be unselfish, far-seeing, and dedicated."

[Ken Hinman]

## MANGROVE TARPON

The National Coalition for Marine Conservation announces publication of *Mangrove Tarpon* by Jack Cleveland, a personal memoir of forty years fishing for tarpon in Florida's Everglades. The book is filled with tales of good fishing with good friends and carries a strong conservation message. The story is also a bitter-sweet one, though, because the future of fishing in south Florida is in serious jeopardy. Thanks to the author's dedication to conservation, all proceeds from the sale of his book will benefit the NCMC's fish habitat conservation program, including efforts to bring national attention to the environmental problems facing the Everglades and Florida Bay. To order a copy, send \$10 for paperback or \$16 for hardback (shipping incl.) to NCMC, 5105 Paulsen St., #243, Savannah, GA 31405.

## FISHING FOR THE NON-FISHING PUBLIC

### *Workshop Explores Education & Outreach*

Two articles, same newspaper, same day, same author.

The first, a prominently placed feature recounting a visit to Florida's Sea World, celebrates marine mammals, the "ocean's gentle giants:" manatees, seals, whales and sea lions. The tone of the article is one of wonder and awe. It is replete with references to "conservation enlightenment," "education," "public awareness," "endangered species," and "habitat destruction."

The second article, buried in the back pages, is a report on a local Shark-a-thon. It describes hooking tiger and bull sharks, finishing them off with a baseball bat and a 30.06, and winning the weigh-in and cash prize with a breeding female carrying pups. Not a single word about conservation, or that the bull, tiger and other large coastal sharks are overfished, or that there is a growing release ethic among marine anglers. Same newspaper, same day, same author.

### **Broad Public Support for Conservation is Critical**

Why is there such a whale of a difference (pun intended) in popular attitudes toward different forms of sea life? Ocean fish are wild animals as magnificent and fascinating as any on earth. They are also an invaluable source of food and recreation, not to mention a major component of an ecosystem that occupies three-fourths of our planet. Many ocean fish are also in serious trouble, because of overfishing and loss of habitat. The populations of many of the most sought-after and most valuable species are at all-time lows. Some fisheries are so depleted they may take decades to recover.

When fish populations decline or collapse, everyone is the poorer. It decreases the supply of food available from the sea, causes substantial losses to the economy, brings hardship to fishermen, disrupts traditional ways of life, limits recreational

opportunities and diminishes the genetic and species diversity of the ocean world. And yet, activists working on marine fish issues are consistently frustrated by the lack of public attention and interest accorded the conservation of fish.

A recent issue of *Newsweek* magazine ranked the ten biggest environmental challenges facing the world. Fisheries was listed at number five, following greenhouse gases, species extinction, unsafe drinking water and overpopulation. Observed the editors, "Sometimes the environmental problems that get the most attention aren't the ones that threaten the planet and its passengers most urgently." But despite *Newsweek's* admonition - and the welcome attention they've given the subject - one wonders how the average reader of a popular newsweekly responds to news of declines in codfish and herring stocks, juxtaposed with holes in the ozone, destruction of rain forests and endangered species.

Public awareness and concern is key to the success of any conservation campaign. The greater the public support, the more likely decision-makers are going to take heed and respond in a positive way. Outside of the fishing community, however, the level of public awareness and support for marine fish conservation is not on a par with that for other marine life; for instance, whales, dolphins and sea turtles. And, as *Newsweek* suggests, it is certainly not commensurate with the magnitude of the threat to our environment.

### **Steering PR Efforts in the Right Direction**

On October 4th, the National Coalition for Marine Conservation hosted "A Workshop on Building a Broader Public Constituency for Marine Fish Conservation." Funding for the workshop was provided by the Curtis & Edith Munson Foundation. Participants included representatives of conservation organizations, marine aquaria, environmental educators, outdoor writers and others with experience in fisheries and other wildlife issues.

The purpose of the meeting was to explore reasons why interest in and support for marine fish conservation among the non-fishing public is under-developed, and to assist conservation organizations and educational institutions in developing successful outreach programs. Discussions covered:

- public attitudes toward fish as compared with other wildlife, and how differences in perceptions are affected by the way wildlife and environmental issues are presented;
- potential target audiences and their stake in fish conservation (consumers, aquarium visitors, students, etc.);
- matching marine fish-related issues, such as habitat protection and seafood safety, to potential supporters;
- identifying organizations and institutions with an interest in elevating concern for marine conservation and the role they might play in getting the message across to the public; and
- matching media, message and audience to best advantage.

"Our workshop was just a first step toward defining a problem that everyone involved in fisheries has a vital interest in confronting and overcoming," says NCMC President Chris Weld. "We are reviewing our findings and plan to share them with anyone interested in constituency building. Hopefully, it will help steer educational efforts in productive directions, encourage coordinated activities, and ultimately bring the interests of the fishing and non-fishing publics closer together for their mutual benefit."

[Ken Hinman]

# CONSERVATION HELD HOSTAGE

## Latest Bluefin Report Shows No Recovery

Mates working deep sea fishing charters commonly refer to big tunas as "buffalo." But for the giant bluefin, the resemblance is more than physical. Like the vast herds of buffalo that once roamed the Great Plains, the bluefin is being hunted relentlessly, without regard for its future.

The Atlantic bluefin tuna is in serious trouble. The international management program in effect since 1982 has failed to stop the overfishing that began depleting the bluefin population more than two decades ago. That overfishing continues today, driven by an overseas sushi trade that sometimes pays over \$20,000 for a single fish.

The U.S. Department of Commerce estimates that, if catches were temporarily reduced long enough to allow bluefin tuna populations to rebuild, the fishery in the western Atlantic could yield approximately four times the current catch. That would mean more fishing, more fishermen, more jobs, more recreation and more seafood for everyone. If....

Instead, the recovery of the bluefin tuna is being held hostage to the short-sighted management policies of the International Commission for the Conservation of Atlantic Tunas. Current ICCAT management is altogether inadequate to restore the bluefin to a healthy population size within the foreseeable future.

The National Coalition for Marine Conservation has once again joined with others in the conservation community and the American Fisheries Society in calling for the international tuna commission to take a reality check at its annual meeting November 8-12 in Madrid, Spain, and adopt a more vigorous plan for achieving recovery of the beleaguered bluefin.

### The Facts Speak for Themselves

ICCAT manages the bluefin tuna in the Atlantic on the assumption that there are two separate and distinct stocks of fish, western and eastern. The western stock is severely overfished and depleted, according to the commission's own scientific advisors. Fishing is restricted to an annual monitoring allocation of 2,394 metric tons, shared by fishermen of the U.S., Canada and Japan.

Fishing for bluefin in the eastern Atlantic and Mediterranean, where the stock is heavily exploited, is limited to "recent [1970s] levels" and subject to an Atlantic-wide minimum size limit of 6.4 kilograms. There is evidence these regulations are routinely violated, raising concerns that the eastern stock may become depleted, too, long before the western stock recovers.

Although fishing on our side of the Atlantic has been under reduced quotas for over a decade now, the stock is actually in worse shape than it was in 1982. Even so, some people claim the existing ICCAT measures are working, indeed that recovery is already here.

ICCAT has never set a rebuilding goal, much less a schedule for getting there, an omission that allows disputes over the success or failure of the current management program. The facts, though, speak for themselves. The breeding population of adult tunas, known as giants (age 8+ years and >300 pounds), has declined 90% since the early 1970s (when the

stock was already heavily exploited). Spawning bluefin have not produced a strong year class of young tunas in two decades. Fishing mortality rates on all age groups of bluefin are higher than they were when the ICCAT regulations were put in place. Mortality on breeding-age fish has climbed to historic highs - the west Atlantic bluefin harvest is almost entirely giants, which are the most valuable - the result of constant fishing pressure on a shrinking population.

The Bluefin Tuna Working Group of ICCAT's scientific committee convened in September to run through a new stock assessment for the western bluefin. (They reviewed the east last year.) Their report, released October 8th, was bleak. The team of international scientists concluded that "a catch of 1,200 tons in 1994

## ICCAT 1993

and beyond [approximately half the current catch] would result in about a 50% chance of no further reduction" in the size of the spawning population. Since the number of recruits, or young fish entering the population each year, depends on the number of adults capable of breeding, they suggested that poor recruitment will likely continue due to the depleted condition of the spawning group.

This means the failure to make bigger cuts in the harvest of large fish may mean smaller and smaller new year classes, slowing the flow of fish to the heavily fished medium and large fish components of the stock even further. The current ICCAT management program remains, at best, a high-risk strategy.

Asked by the commissioners to provide options for rebuilding the stock within a reasonable time, the Bluefin Working Group noted that even if the catch were reduced to zero, the population would not reach maximum sustainable yield (a fisheries' most productive size) by 2002. "Thus, more than ten years are needed to rebuild the stock," the group advised. Stopping short of recommending a desirable catch level, the only reasonable conclusion is that anything short of a 50% cut in catch is unlikely to reverse the bluefin's decline.

### NCMC AND BLUEFIN: 1973-1993

*"There is good reason to think that the Atlantic Bluefin Tuna now faces a survival crisis. This fact remains despite all arguments to the contrary. Discussions which allude to incomplete details and emphasize the fact that the total Bluefin picture is not understood only demonstrate that more data is needed; they do not change the essential truth that there is good reason to believe the species is in serious trouble." - National Coalition for Marine Conservation, February 1, 1974.*

The NCMC was instrumental in obtaining the first ICCAT limits on fishing for bluefin in 1975: an Atlantic-wide moratorium and a size limit to protect small tuna. We led successful efforts to reduce catches by half in the western Atlantic in 1982. We pressed for further cuts in 1991, resulting in another 10% reduction. We will continue to promote conservation policies, abroad and at home, until the majestic bluefin is restored to its former abundance.

## A Red Herring in the Bluefin Debate

Two years ago, ICCAT agreed to entertain further catch reductions at the upcoming 1993 session if the new assessment warranted such action. Clearly, it does. So with the prospect of additional cutbacks in order to accelerate the bluefin's stalled recovery, opponents of lower quotas are not only questioning the validity of the stock assessment for the western Atlantic, they are also challenging ICCAT's management of bluefin on a two-stock hypothesis.

The rationale behind this ploy is obvious. If bluefin are managed as one stock, then it's reasonable to argue that excessive fishing in the east is offsetting conservation efforts in the west; therefore, cuts should be made over there, not here.

Nevermind the incongruity of fishermen claiming on the one hand that the assessment is wrong because there is an "obvious abundance of fish" in the western Atlantic, and then accounting for the lack of recovery in the west by blaming excessive fishing in the east.

Why does ICCAT treat bluefin as two distinct east-west stocks for management purposes? Politics? No. The commission's Standing Committee on Research and Statistics (SCRS) concluded in 1981 that "...the existence of two temporally and spatially separate spawning areas is certain. Although the magnitude or frequency [sic] of interchange is not yet known, the present evidence (which is still somewhat weak) is towards the hypothesis of separate eastern and western stocks with a small and variable interchange." The SCRS Bluefin Working Group re-affirmed this position in its most recent report: "Studies continue to confirm the assumption that there are two stocks in the Atlantic, with the exchange of individuals considered too limited to affect the results of management on each side of the Atlantic."

Pooling the depleted western Atlantic group of fish with the vastly larger eastern group into one stock assessment would dilute the need for stricter regulation in the west. It would not, however, stem the decline. Instead, it would heighten the risk of further depleting the weaker of the two populations, the fish American and Canadian fishermen depend on.\*

Canada's statement supporting management as two stocks back in 1982 is a good summary of the conservation argument for ICCAT's working hypothesis. "It is the view of the Canadian delegation that, if the Commission is to err, it should err on the side of caution since the consequences of error in overestimating stock abundance, and hence overfishing the stock, could have a major detrimental impact upon the future of the bluefin tuna fishery in Canada and elsewhere. In this connection it should be noted that SCRS has confirmed the existence of two temporally and spatially separate spawning areas. This requires that we continue to manage the North Atlantic bluefin as two stocks rather than one."

### Recommended Action

The National Coalition for Marine Conservation has recommended to the U.S. Commissioners that ICCAT take the

\* The enormous difference in the outcome of the assessments performed for the western and eastern fisheries does not support the notion that they are all part of one freely mixing stock of fish.

following action in 1993 to conserve bluefin tuna on both sides of the Atlantic:

- Establish an objective and measurable rebuilding goal (e.g., MSY or a population level comparable to that which existed in 1970) and a strict timetable for achieving that goal within a reasonable period;

- Reduce the western Atlantic scientific monitoring quota to 1,200 metric tons beginning in 1994, and thereafter adjust quotas biannually to ensure that fishing mortality rates do not increase;

- Require that both landings and dead discards be reported to ICCAT and counted toward national monitoring quotas;
- Reduce fishing effort in the eastern Atlantic and Mediterranean Sea, and take all necessary steps (including trade sanctions) to enforce compliance among all ICCAT member nations;

- Establish a no-directed-fishing zone on each side of all stock boundary lines, including the 45 degree west longitude line dividing the bluefin fisheries; and,

- Prohibit the retention of adult fish caught on identified spawning grounds, i.e., Gulf of Mexico and Mediterranean.

The NCMC believes these measures are supported by the best science presented to ICCAT and are necessary to conserving and restoring the Atlantic bluefin tuna, which is in the best long-term interests of U.S. fishing interests, consumers and the general public. (For more on bluefin, see [Ocean View](#) on the back page.)

[Ken Hinman]

## ATLANTIC SWORDFISH

### *A Dead Issue Or A Dying Fishery?*

While bluefin tuna will dominate the agenda this year, that other beneficiary of ICCAT's special brand of conservation, the swordfish, could go virtually unremarked. A self-satisfied complacency has settled upon the commission since the 1992 assessment, which many interpreted to mean the North Atlantic swordfish is not as bad off as previously thought. Swordfish management is even being hailed as a victory by a commission anxious to prove itself in the face of mounting criticism over its mishandling of bluefin.

What's happening on the water, though, is looking more and more like defeat. By almost every measure the U.S. swordfish fishery is worse off than ever before. American fishermen were unable to catch their allotment last year, landing 16% below their allowable catch. Boats continue to leave the North Atlantic fishery for the greener waters of the South Atlantic and the Pacific.

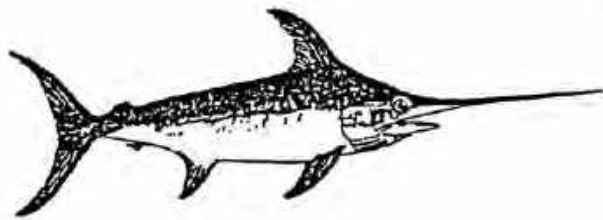
ICCAT's minimum size limit, meant to take pressure off baby broadbills, isn't working. In its report to ICCAT this year, the National Marine Fisheries Service estimates the number of undersize swordfish thrown back into the sea dead in 1992 was from 23,000 - 49,000 fish. Add to this the 12,000 fish legally landed under the 15% tolerance and the mortality on young fish was close to what it was before the size limit.

The adult fish that used to be the mainstay of the swordfish fishery are scarce and getting scarcer. The catch per unit of

effort for large fish has declined 80% since 1981. The decline would probably be even steeper if improvements in gear and fishing techniques were factored in. The fisheries that rely on big swordfish - harpoon and rod and reel - are history: NMFS doesn't bother tracking the sport catch anymore; the harpoon fishery landed 2 tons in 1992 and just one ton the year before.

To put this into perspective, consider that in 1959 the northeast harpoon fishery alone caught 7.2 million pounds of swordfish, more than the recent U.S. catch. In other words, fishermen using harpoons landed more fish than today's modern longline fleet. What's more, the harpooners' average size fish was over 200 pounds, compared with around 60 pounds today. They operated in a relatively small area for several months, while the longliners work year-round, from the Flemish Cap in the North Atlantic to the coast of Brazil. Does that sound like a healthy fishery?

[Ken Hinman]



## THE FALLEN GLADIATOR

### *Atlantic Swordfish (Xiphias gladius)*

**Range** - One of the most widely distributed of all fishes. Found throughout the temperate and tropical waters of the Atlantic Ocean, at varying depths. Migrates seasonally north/south along the Atlantic coast of North America. (The swordfish is also found throughout the Pacific Ocean.)

**Biology** - Highly migratory, pelagic fish which usually travels alone, not in schools. Feeds on squid, dolphin, mackerel, bluefish and other pelagic species. A slow-growing, long-lived fish, reaching sexual maturity at about five years. Bigger fish - those over 200 pounds - are almost always females.

**Fishing** - Caught commercially on longlines, some drift netting. Primary areas of fishing are the Grand Banks, Gulf of Mexico and Caribbean Sea. Commercial fishing pressure is extremely heavy. Once considered the ultimate in big game fishing, the U.S. recreational fishery is now practically non-existent.

**Status** - Overfished. Fishing mortality is excessive on all age groups. The percentage of older fish in the population has declined to about half what it was in 1980. Present level of recruitment (young fish entering the adult population) is uncertain. Continued high catches risk recruitment collapse.

**Management** - The National Marine Fisheries Service has authority over swordfish management, but present law restricts NMFS to implementing regulations set by the International Commission for the Conservation of Atlantic Tunas. These regulations are a 7.5 million pound annual quota and a minimum size limit of 41 pounds.

**Recommended Action** - To stop overfishing and rebuild populations to safe levels, ICCAT should repeal the minimum size limit, which does not decrease fishing mortality on young fish, as intended, but only forces fishermen to discard small fish dead. Replace with closures at times and in areas where catches of small fish are high. Reduce fishing pressure in the western Atlantic sufficiently to allow the stock to rebuild.

## THE TRAGEDY OF THE OCEANS

### *Overcapitalization and Waste in U.S. Fisheries*

*"They that go down to the sea in ships  
do business in great waters."*

As if being called by King David, we in the United States have been flocking to the sea to do great business. Between 1960 and 1980, both the number of boats and the number of fishermen in U.S. waters increased substantially. Now, our fisheries are collapsing under the pressure - the groundfish fisheries of Georges Banks, the bluewater fisheries for tuna, swordfish and sharks, etc. - and it may be time to re-evaluate that call.

Unlike on land, there is little to stop the flow of people doing business on the seas. On land, private property helps restrict access to natural resources. Boundaries are easy to establish, fences can be built, and individuals can hold exclusive rights. Property owners can decide how and by whom their land is used. In the oceans, there is no ownership of resources, and hence, less control over their use.

In 1968, Garret Hardin wrote a famous article describing the problem with the use of common or public resources. "The Tragedy of the Commons" describes how unrestricted access to resources leads to their depletion or destruction. "Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons."

Hardin's premise was that where common property is concerned, people have no incentive to conserve. A pasture that is open to all cattle owners fills to capacity and beyond as individuals try to improve their herds. Individuals face the dilemma that if they don't take advantage of the available resources, someone else will. The tragedy is that what is in the best interest of the individual is not always in the best interest of the resources or society. Eventually, unlimited access leads to too many people exploiting too few resources.

#### The Oceans as Commons

The commons problem was actually applied to fisheries in a 1954 article by Scott Gordon, long before Hardin's article was published. Gordon argued that "(c)ommon property resources are free goods to individuals and scarce goods to society." Under freedom of access, he warned, unregulated fishing effort increases until economic rents are dissipated and resources are overexploited.

For many years we thought the oceans held an unending supply of fish and other resources. And for many years, that was reality. Demand was too small to have any meaningful impact. True to Hardin's prediction, though, more and more fishermen took to the waters, and for the first time, the illusion of the limitless seas was being challenged. Some 25 or 30 years ago, scientists began predicting limits to marine resources, pegging the harvest at 200 to 400 million tons annually.

As those predictions were being made, world fish catches tripled from 21 million tons to 66 million tons. Then from 1970 to 1990, catches increased by only one quarter, to 80 million tons. Catches peaked even sooner than originally thought, and have even started to fall. A high of 100 million tons in 1989

Dropped to 98 million tons in 1991.

Despite warnings by Hardin and others, we have continued to view ocean resources as free for the taking. There are few controls on who and how many can fish, and there are no fees or rents charged for harvesting the fish. As Carl Safina of the National Audubon Society has remarked, this is like allowing anyone with a truck and a chainsaw to go onto public lands and cut whatever trees they like and sell the wood to make a living. To make such a suggestion would be laughable, yet that is almost what happens with fisheries.

As expected, U.S. fleets have expanded dramatically under open access. The number of boats and amount of effort in the Gulf of Mexico shrimp fishery nearly tripled between 1960 and the late 1980s, and now there are an estimated 15,000 active boats. Yet during the period of growth, catches decreased by 300 pounds per vessel ton. In the South Atlantic, shrimp effort has also risen dramatically. Around 1930, there were fewer than 650 boats catching 30 million pounds of shrimp. By 1989, the number of boats had grown to roughly 5,300, yet catches remained at or below 30 million pounds.

At the same time, the gear and methods used to catch fish have also improved. Since World War II there has been an explosion of new fishing technology, from the use of spotter planes and fish finding sonar to Loran navigation, hydraulic gear, more efficient nets and traps and on-board fish processing. All of which improve the ability and capacity of any one fisherman to find and catch fish.

### The Tragedy: Fishery Losses

Despite, or perhaps because of, these changes in fishing operations, declines in fish stocks have made fisheries far more wasteful. On an international scale, the U.N. Food and Agriculture Organization recently noted that roughly steady landings are being taken at a much higher cost. According to their statistics, the worldwide annual operating cost of fishing in 1989 was about \$22 billion greater than revenues. If true, then by all reasonable standards, fishing should not continue. Even in the U.S., more and more capital and resources are employed to catch the same amount of fish, including fuel, materials used and discarded or lost, and time spent fishing.

Fishery resources are wasted, too. Though South Atlantic catches of shrimp have remained roughly the same over some 60 years, the total amount of fishing time and the amount of gear in the water has increased dramatically. The extra gear continues to catch enormous quantities of finfish unintentionally, whether catching shrimp or not. In many cases, as fisheries become overcapitalized, bycatch grows at a much faster rate than landings. Most bycatch is shoveled overboard dead; as much as ten pounds of bycatch for each pound of intended catch in the shrimp fishery.

As for the target stocks themselves, they have been hit hard by the intense fishing pressure. The all too familiar statistics from the National Marine Fisheries Service tell a grim story; at least 28% of our fish populations are overutilized, and some 26% more are fished to capacity. Of the 34% whose status is unknown, many may well be overfished (blue and white marlin, sailfish and weakfish, whose status in 1992 was unknown, have all been recently determined to be overfished).

Governments often compound the overcapitalization problem by encouraging development or expansion of fisheries - often with disastrous results. Programs like loan guarantees,

promotion and research grants, vessel and gear damage compensation, maintenance of waterways and harbors, and others are in part responsible for the overcapitalization and overfishing we are now seeing in U.S. fisheries. These types of programs were used to expand the New England groundfish fishery, which is now severely overfished at a cost of \$350 million a year and 14,000 jobs.

During the 1970s, NMFS identified the Gulf king mackerel as an underutilized species and began promoting its development. That fishery quickly collapsed, and has only partially recovered over the last 10 years. Then, in the 1980s, NMFS did it again, encouraging the development of a fishery for sharks in the Atlantic. That fishery collapsed in fewer than 5 years.

Once overcapitalized, the economic outlook of the fishery begins to decline. Fishermen become marginalized, and their increasing efforts reap ever-diminishing rewards. When times get tough, fishermen usually call for regulatory relief or assistance in developing alternative fisheries.....which eventually leads to problems in the new fisheries.

The tragedy is that neither the fishermen nor the fish are better off. The nation is left with both depleted oceans and a troubled economy. And the ecological repercussions may be far-reaching. We need to find solutions to these endless cycles of development and collapse and development in another fishery. The alternative is inescapable. As long as we continue to view the oceans as free and open, we will seal a tragic fate.

[Carl Paulsen]

## NCMC STUDIES LIMITED ENTRY AS A CONSERVATION TOOL *Report Due This Fall*

Historic open access policies have led to overcrowding and overcapitalization in many U.S. ocean fisheries. This condition contributes to and/or exacerbates overfishing, bycatch, waste, user conflicts, high management costs and lost economic benefits to society. In response, limited entry as a control on fishing effort is being considered in a growing number of U.S. commercial fisheries. In some cases, this means not merely restricting, but substantially reducing the total number of participants in a given fishery.

By virtue of limiting entry into a fishery, the government bestows an exclusive right to harvest a share of a public resource, whether or not individual shares or vessel quotas are assigned. In theory, participants will thus have a greater incentive - a proprietary interest, if you will - to support and comply with measures to conserve fish populations for the long term. These concepts - limited entry and the rights-based fishing it confers - represent a radical departure from current practice.

Limited entry is not a panacea for fisheries management problems, but rather should be used to supplement more traditional regulatory measures. Nor are limited entry systems suitable for all fisheries. Whether or not they are a preferred option, and what type of system is appropriate, must be determined on a fishery-by-fishery basis, according to local needs and conditions.

Limited entry, if properly implemented, offers the potential

to alleviate a wide range of management problems, including overfishing. Likewise, there are potential pitfalls if all the ramifications of privatizing publicly-owned resources are not fully considered. *Above all, any limited entry program must contain, as a principal feature, a demonstrable conservation benefit.*

The National Coalition for Marine Conservation, with additional funding from the David and Lucile Packard Foundation, recently completed a study of the limited entry issue. Our report, entitled *The Crowded Sea: An Issue Paper on Limiting Entry to Marine Fisheries*, will be published this fall.

While urging a reasoned and deliberate pace in planning the application and implementation of limited entry schemes, the report suggests some basic principles to guide the use of limited entry as a management tool and enhance its potential for success. It concludes with recommendations for legal and policy changes at the federal level. These are as follows:

1. **Develop a National Policy.** The Clinton Administration should adopt a National Fisheries Policy addressing the issue of limited entry and privatization of marine resources, to guide implementation of limited entry programs in a thoughtful and careful manner. That policy must define property rights such that certain changes or use restrictions cannot be construed as a "takings." The ultimate rights of ownership of the resource must be retained by the public.
2. **Institute a Moratorium.** Congress should impose a temporary moratorium on the implementation of limited entry programs that privatize public resources by conferring property rights, until the Administration develops a national policy and appropriate amendments are added to the Magnuson Act.
3. **Economic Rent.** Congress should amend the Magnuson Fishery Conservation and Management Act to allow the federal government to charge economic rent to pay for the research, data collection, management and enforcement programs necessary to implement limited entry fisheries management.
4. **End Subsidies.** Government subsidies to fisheries development which contribute to overcapitalization should be eliminated as they conflict with the goals of limited entry programs.
5. **Reduce Conflict of Interest.** The Magnuson Act should be amended to proscribe citizens with a vested economic interest in a fishery from serving on the Fishery Management Council regulating that fishery.

## PEOPLE'S COURT

### *Councils are Public's Pipeline to Managers*

By creating the Regional Fishery Management Councils in 1976, Congress embarked the nation on a unique experiment in democracy, at least so far as managing natural resources is concerned. Instead of assigning the preparation of fishery management plans under the Magnuson Act to a federal agency, the council system decentralizes this authority, giving a fair portion of the power to the states (through seats on each council) and, most significantly, to the fishermen who are most affected by management decisions.

Given the condition of many U.S. fisheries, it is tempting to

label this experiment a failure and to blame the ills of the system on the fact that fishermen are in charge of their own fisheries. Unquestionably, the presence of fishermen and/or industry representatives on the councils has contributed to bad decisions and has diminished public confidence in the ability of the councils to act as stewards of a public resource. (See this issue's [Marine Index](#))

But that's a situation that can be cleaned up without throwing the baby out with the bathwater. Citizens with an economic interest in a fishery that might conflict with the public interest have no business determining public policy, and appropriate changes to the Magnuson Act should be made. But that is by no means the answer to all the problems that plague fisheries management. There are flaws in the rules and guidance given the councils; problems with the quality and consistency of oversight by the Secretary of Commerce; with Congressional interference on behalf of aggrieved constituents; not to mention decisions that suffer from inadequate information and/or poor enforcement. These problems transcend the councils.

### **Public Access, Openness Are Council Strengths**

The councils, because they are the public's point of access to management, are understandably a lightning rod for what's wrong with fisheries management. However, proposals for reform must recognize and protect the obvious strengths of the council system. Chief among these are the sunshine rules that ensure management decisions are made in an open forum and not behind the closed doors of a regulatory agency, and the opportunity for extensive public input and involvement at every phase.

Councils are the people's pipeline into management. Regional councils allow regional differences to be expressed and accounted for in management decisions. Meetings are held regularly, all open to the public. At these meetings, the public can witness the issues being debated and see how and why a decision is reached. All those involved - council members, staff, the scientists doing the stock assessments, legal counsel, enforcement agents, etc. - are present and accountable. These are the system's strengths, and they should be emphasized and improved upon.

Managers need the advice of fishermen active in the fisheries under management. In addition, fishermen must feel they've had ample opportunity for involvement in the process if management actions are to have any chance of gaining their support, or at least their understanding. The Magnuson Act authorizes each council to assemble advisory panels to obtain input into the development of fishery management plans. Some councils employ these panels effectively; others don't. The councils should make better use of their advisors, by ensuring that each panel includes a cross-section of industry, consumer, environmental and other interests, and convening them on a regular basis.

Congress should give the councils more money for information and education programs. They can do a better job of identifying constituencies, getting the public to attend meetings, and informing fishermen of changes in regulations. When the public's views are actively sought and receive serious consideration, we can still gripe when things don't go our way, but we can't say we didn't get a fair hearing.

[Ken Hinman]

## NMFS RELEASES NEW HMS MANAGEMENT POLICY

The large pelagic fisheries of the Atlantic are the only ones for which the Councils do not prepare Fishery Management Plans. Congress transferred authority to the National Marine Fisheries Service in 1990, ostensibly to streamline a cumbersome five-council process. Lost in the bargain was public participation in management decisions.

On September 24th, NMFS unveiled its "Process for the Management of Highly Migratory Species," setting forth the administrative procedures for preparing management plans for tunas, billfish and sharks. The agency produced its first draft in August of 1991, more than 2 years ago.

Considering that NMFS has taken so much heat for the lack of public access to its management decisions, most notably on the development of the Atlantic shark plan, the final document is surprisingly weak in this area. There is ample provision for public hearings to air proposed regulations, but there is no provision for regular meetings with constituents (along the line of regular council meetings) where they can actually see how and by what reasoning decisions are made.

The agency dropped the idea of obligatory meetings with the general public during several phases of the plan development process in favor of meetings on request from fishery interests "as agency resources and time allow." As defined, "fishery interests" are representatives of interest groups, not John Q. Public. NMFS admits this was a "trade-off" made in order to streamline the process.

The biggest drawback is the lack of an open forum where the public can see the managers deliberate on the issues, know what information is available to them and how they weigh it in their decisions. Giving the public the maximum opportunity to react to decisions made behind closed doors is not the same thing.

### NMFS Says Magnuson Takes Precedence Over ICCAT

In fairness to NMFS, a big part of their problem is that Congress gave them a nearly impossible task, in that the agency is directed to manage large pelagics under both the Magnuson Act and the Atlantic Tunas Convention Act. There are ambiguities in the relationship between the two laws, namely which takes precedence when the two conflict. In fisheries where policy is made at ICCAT (bluefin tuna and swordfish), the American public has almost no say in what the catches will be, only in allocating them among our fishermen.

"In most cases of conflict," says the new policy, "NMFS considers the Magnuson Act to be the more complete and precise expression of Congressional intent." That's a welcome opinion, as far as it goes. But both statutes state that an international quota cannot be lowered by a domestic plan. What, then, happens when a plan is prepared for bluefin tuna, and in compliance with Magnuson's National Standards, it contains a definition of overfishing? If it contains only the ICCAT regulations, which are insufficient to prevent overfishing, the Secretary of Commerce would presumably have no choice but to reject it and demand a tougher plan. Who prevails? Before NMFS goes through this exercise, Congress must clarify the issue, preferably by repealing the restrictive language in Magnuson and the ATCA.

[Ken Hinman]



## MARINE FISHERIES BOOKSHELF

The National Coalition for Marine Conservation publishes a hardbound series of books on contemporary marine fisheries conservation and management topics. Each book contains the complete proceedings of a national conference organized by the NCMC with various co-sponsors, most notably the National Marine Fisheries Service and U.S. Fish & Wildlife Service. A limited number of each volume are available. Prices are as indicated. A special half-price discount is offered to Coalition members.

**STEMMING THE TIDE OF COASTAL FISH HABITAT LOSS.** Edited by Richard H. Stroud. 258 pages. NCMC 1992. \$20.

"Stemming the Tide" is the complete proceedings of the acclaimed 1991 symposium to promote habitat conservation, identify weaknesses in regulations, and provide recommendations to improve habitat protection laws. Papers and discussions cover the importance and status of critical habitat areas, major environmental threats, critiques of federal law and an agenda for strengthening the national habitat conservation program.

**PLANNING THE FUTURE OF BILLFISHES.** Parts 1 & 2. Ed. R.H. Stroud. 700 pp. NCMC 1989/90. \$30 each.

Part 1 is an overview of trends in the world fisheries for billfish (marlins, swordfish, sailfish and spearfishes); the status of the Atlantic and Pacific stocks; scientific and economic data needs; and current and proposed management strategies, featuring a debate on approaches to managing highly migratory species. Part 2 is a collection of scientific papers representing the state of the art in billfish studies around the world.

**MULTI-JURISDICTIONAL MANAGEMENT OF MARINE FISHERIES.** Ed. R.H. Stroud. 234 pp. NCMC 1986. \$15.

A thorough study of the problems of managing fisheries which transcend political jurisdictions. Papers examine the challenge of cooperative management from various perspectives and recommend solutions. Topics discussed include the legal issues, federal vs. state responsibilities, federal pre-emption, and the Magnuson Act/Council system. Also, case studies of fisheries for tarpon, snook, striped bass, snapper-grouper, king mackerel, tuna and billfish.

\*\*\*\*\*

To order, send a check for the price of the book(s) plus 5% of the total to cover shipping costs. Make checks payable to the National Coalition for Marine Conservation. Other books are available. Ask for a complete listing.

# THE MARINE INDEX

*A Quarterly Report on the Status of Marine Fisheries and Conservation*

**The Fox in The Hen House.** "There's never been a situation where you put billions of dollars in front of the industry and ask them to police themselves," laments an economist in a 1992 Seattle Times article. But we do just that with the Regional Fishery Management Councils. A fisheries professor adds, "We wouldn't stand still for a minute with a city council run by contractors making decisions on city contracts." Stern words from someone who helped draft the law. While the councils aren't all bad (see "People's Court" in this issue), their management role is compromised by conflicts of interest. Congress put fishermen on the councils in order to incorporate their knowledge and experience into the management process. But that was akin to opening the door of the hen house and pushing the fox in. Currently, the only policy on conflicts of interest is financial disclosure. Abstention from voting is voluntary. Right. Unfortunately, conflict on the councils is not unique; in fact, the problem runs through fisheries management at every level. Back in 1988, the NCMC issued a warning: "...recent events are igniting renewed debate over the conflict of interest issue, suggesting that it is time for Congress to once again re-examine what it has wrought." That warning is all the more relevant five years later. There are places for fishermen in the management process; advisory panels, for one, can be very effective. But fishermen should not be the final arbiters when they stand to win or lose so much.

[Carl Paulsen]

## THE COUNCILS

### ANTI-MANAGEMENT MANAGERS



The New England Council has long been hamstrung by fishermen who stand to gain or lose through the decisions they help make. Someone in the fishery always resists any management proposed, regardless of how sound. Hence the total inability to reverse the obvious decline of groundfish and to come up with a reasonable rebuilding plan.

### STATE VS NATIONAL INTERESTS



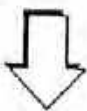
State fisheries directors are often beholden to the political and constituent interests of their home states. They are also members of each council (the Mid-Atlantic Council has 6 state officials, or 30% of its voting members). The obvious question is, will these members vote based on conservation - the Magnuson Act mandate - or based on their states' interests?

### FISHERMEN AND NO-FISHING ZONES



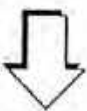
Users, whether commercial or recreational, often balk at the notion of complete protection for fish, even in limited areas. Despite its strong conservation record, the South Atlantic Council recently voted to drop the pursuit of reserves, or no-fishing zones, to protect spawning reef fish.

### LOOKING OUT FOR #1 AND #2



In the Gulf of Mexico, shrimping interests have successfully fought off measures to reduce finfish bycatch, which kills 40 million red snapper annually. Meanwhile, a close vote on an emergency measure to re-open the impoverished red snapper fishery passed with the help of two council members involved in the fishery and some shrimpers perhaps making amends for their industry's catches of red snapper.

### PADDING POCKETS



The North Pacific Council has a good conservation reputation, but it is stacked with fishermen from one user group or another who make allocation decisions worth millions to themselves or their associates. The recent onshore/offshore allocation battle prompted heated debate and a Congressional hearing. The Seattle Times warned, "Allowing fishermen to manage their own fisheries, with virtually no voice for taxpayers, is a blueprint for disaster."

## DEPARTMENT OF COMMERCE



A recent Commerce allocation decision on Pacific whiting sparked charges that factory trawlers used their White House connections to influence policy. The Commerce action reversed the Pacific Council recommendation, giving much of the quota to the factory trawlers at the expense of smaller inshore trawlers.

## INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS



ICCAT is composed of commissioners from the signatory countries and their delegations. The Commission manages bluefin tuna, swordfish, billfish and sharks, and most delegations contain only industry representatives. Need we say more?

## U.S. CONGRESS



What better lobbyist for your cause than a U.S. Congressman? Louisiana representatives changed the Magnuson Act in order to prevent any regulation of shrimp trawl bycatch for three years, despite the harm done to red snapper and snapper fishermen (and many others).

# THE NCMC OCEAN VIEW

## WHY ARE WE HERE?

Members of the United States Delegation to ICCAT, before going to Madrid this November for the annual negotiations, must first ask themselves that most fundamental of all life's questions: Why do we exist?

At the October 14th pre-ICCAT meeting in Washington, the U.S. Commissioners and their Advisory Committee (of which I am a member) were presented with a scientific report that says, in no uncertain terms, there must be a further reduction in fishing in the western Atlantic if the bluefin tuna fishery is to have an even chance of recovering. At current fishing levels, the severely depleted spawning stock will continue to decline, warned ICCAT's scientific committee. How bad is it? No catch at all for the next 10 years would likely not be enough to restore the population to a healthy size.

We next heard from New England tuna fishermen, who told us, in even less uncertain terms, that the fishery has already recovered. If anything, their allotment should be increased, they said, but no way could they accept an additional cut. A parade of about 50 angry fishermen went to the microphone to make their case, which they bolstered with spotter plane photos of large schools of giants.

We can believe that both the scientists and the fishermen are right in what they see, but they cannot both be correct in their conclusions. Their views of the condition of the bluefin fishery are so far apart there is no way to reconcile them. We would have to find more than a glitch in the assessment to close such a wide gap.

One is right, the other is wrong. In choosing whom to believe, we will be right, or we will be wrong. Do we err on the side of conservation, a principle we so often espouse, or do we give the benefit of the doubt to the fishermen? What are the immediate and long-term consequences of being wrong,

for both the fishermen and the resource? These are the difficult questions confronting those forging the U.S. position.

Actually, it would be easy to rationalize deciding either way, just as it will be hard to live with either decision. It would be easy to go with the best available science, science coming from ICCAT itself. But this is also difficult, because it means going against your own fishermen whose livelihoods, they say, will be devastated. So for that reason, siding with the fishermen would be the path of least resistance.

The consequences of doing that, though, make it the toughest choice of all. Because if we choose to discount the science and trust the fishermen, why do we need an advisory committee? Why do we need Commissioners? Why do we need ICCAT? Why, in other words, are we here at all?

Think of it this way. If the U.S., faced with compelling scientific evidence demanding stronger conservation measures, takes the position before the 23 member nations of ICCAT that we do not accept the science because our fishermen tell us it is wrong, will science mean anything at ICCAT ever again? What will be our standing when other nations do the same; when the Europeans tell us management in the eastern Atlantic isn't needed because their fishermen say there's no problem, even though the science does?

We will have no standing. It will be the end of management as we know it. Some fishermen might applaud that outcome. But what do we replace it with? Do we even bother?

[Ken Hinman]

### NATIONAL COALITION FOR MARINE CONSERVATION

President:	Christopher M. Weld
Vice President:	Charles H. Johnson
Secretary:	John W. Heyer
Treasurer:	Sandra T. Kaupe
Executive Director:	Kenneth A. Hinman
Program Director:	Carl H. Paulsen

**NATIONAL COALITION  
FOR MARINE CONSERVATION**  
5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
SAVANNAH, GA.  
PERMIT NO. 931

# CURRENTS

JANUARY 1993

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
SAVANNAH, GA  
PERMIT NO. 931

## 20th Anniversary 1973-1993

**National Coalition for Marine Conservation**  
5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405 (912) 354-0441

### NCMC CELEBRATES 20 YEARS:

#### WE WERE FOR FISH WHEN FISH WEREN'T COOL

Founded in 1973, the National Coalition for Marine Conservation cut its teeth lobbying for the Magnuson Fishery Conservation and Management Act of 1976, the landmark legislation to conserve ocean fish. Also early on, we were instrumental in persuading the U.S. to join the International Commission for the Conservation of Atlantic Tunas to work for ocean-wide protection of bluefin tuna. So it's entirely appropriate, maybe even poetic, that major campaigns to improve the Magnuson Act and to give added protection to bluefin and other highly migratory species will be a major focus of our work during this, our 20th anniversary year.

Executive Director Ken Hinman: "For two decades now, the NCMC has helped set the national agenda for marine conservation. We've led the way for early action to stop overfishing, reduce wasteful and unnecessary bykill, and preserve fish habitat. We were unique when we started, and we are unique today - conserving ocean fish is the one thing we do. I can think of no better way to celebrate 20 years in marine conservation than to make 1993 our most successful year ever. We're dedicated to that goal - for the fish, for everyone who's supported us all these years, and above all, so that the next generation will have an ocean full of fish to enjoy and, yes, to protect." □

#### SYMPOSIUM WILL CRITIQUE MAGNUSON

March 8-10, 1993, New Orleans - A 3-day conference on "Conserving America's Fisheries" will review and evaluate the Magnuson Act. For the most part, the Act has failed to prevent overfishing and serious fish declines, because management measures usually are too little and come too late. The purpose of the symposium is to discover what's gone wrong and recommend ways to turn things around. The registration fee of \$95 includes a copy of the printed proceedings. To register, contact the NCMC, 5105 Paulsen St., #243, Savannah, GA 31405 (912) 354-0441/FAX (912) 354-0234. □

#### LAME DUCK STUMBLES ON WETLANDS PROTECTION

In an 11th-hour move to complete its curious version of a no-net-loss of wetlands program, the Bush Administration proposed exempting 1.7 million acres of Alaskan wetlands from the mitigation sequencing provisions of the Clean Water Act. Mitigation sequencing means developers must first avoid filling wetlands, then minimize unavoidable impacts, and finally com-

pensate for damage that occurs. Without it there can be no no-net-loss. The exemption would mean rapid destruction for a vast area of wetlands in a state already lenient on development (only 3% of wetlands permits have been denied during the past 30 years.) The NCMC wrote the EPA opposing the rule, pointing out that the effected wetlands - 345,000 acres are coastal marshes - help support the state's \$1.2 billion a year fishing industry. □

#### NCMC PRODS NMFS ON SHARKS/ THE SHARK PLAN IS FINAL -- FINALLY

NCMC director Ken Hinman met with NMFS chief Bill Fox at a November 16th meeting called by conservationists alarmed at yet another delay in federal measures to protect sharks from overfishing. The latest draft plan for Atlantic sharks, released last July and slated to take effect in November, was held up at the last minute in order to review new data. Fox assured the group that no one wanted a shark plan more than he and promised to move things along as quickly as possible. Three weeks later, on December 11th, he signed a final plan, which he says will become law in early 1993.

We are relieved that NMFS responded to our pleas to get some kind of controls on shark fishing in 1993. The plan prohibits the inhumane and wasteful practice of finning and institutes a mandatory reporting system to gather badly needed data. In our January 12 comments on the plan, we urged NMFS to implement the measures without further delay; any limits on catches are better than the unregulated fishery we have now. But we expressed extreme disappointment that the revised plan doubles the allowable catch for large coastal sharks, the most overfished species (great white, whale, hammerhead, blacktip, tiger, dusky, et al), that are the object of directed fishing as well as a bykill in longline and gillnet fisheries. The plan contains no direct controls on bycatch. □

#### THE MARINE FISH CONSERVATION NETWORK

The NCMC participated in two meetings of the Marine Fish Conservation Network, November 17th and December 18th. The new network was formed to bring together national, regional and local organizations to reform and strengthen the management of marine fisheries. The most immediate objective is to improve the Magnuson Act when the law is reauthorized by Congress this year. NCMC president Chris Weld and executive director Ken Hinman are members of the network steering committee, as are representatives of National Audubon

Society, Center for Marine Conservation, World Wildlife Fund and Greenpeace. The network will be reaching out to conservation, sport fishing and commercial industry groups supporting common goals: eliminate overfishing and rebuild depleted fish populations; adopt a precautionary, risk-averse approach to management; reduce conflicts of interest on the fishery management councils; improve conservation of large pelagic fishes; minimize bycatch problems; protect marine habitats; enhance monitoring and enforcement; and provide adequate funding for critical fisheries programs. □

### **NORCROSS DONATES HARDWARE AND SOFTWARE**

The NCMC outgrew its computer equipment in 1992, and the Norcross Wildlife Foundation of New York came to the rescue, awarding us a grant of \$8,200 to expand and enhance our office computer system. With the money, we purchased new equipment for our expanded staff, upgraded our software, and improved our office networking capabilities. In other words, we can now do more work, more efficiently. □

### **NCMC-PACIFIC REGION MERGES WITH UNITED ANGLERS OF CALIFORNIA**

The National Coalition for Marine Conservation's Pacific Region affiliate has announced a merger with United Anglers of California, a move that will strengthen the voice of conservation-minded fishermen on the west coast. A current objective of the UAC is to halt an experimental fishery for shortbelly rock fish, recently approved by the Pacific Council, until an environmental study is done. The shortbelly rock fish is a critical component of the food chain for winter-run Chinook salmon, northern sea lion and common murre (a seabird). The salmon and sea lion are listed as Threatened and Endangered Species. Before an allowable catch of rock fish is set, says the UAC, the effect on the ecosystem must be ascertained. (Pacific Fishery Management Council, Metro Center #420, 2000 SW First Avenue, Portland, OR 97201.) □

### **MIGRATORY POISONS**

No rest for the weary. Fresh on the heels of the long-awaited and hard fought end to ocean dumping of sewage sludge in the New York Bight area, a new threat has reared its ugly head. Clean Ocean Action, a New Jersey-based alliance of environmental and fishing organizations to which the NCMC has belonged since 1984, is marshalling opposition to a federal government proposal to dump dioxin-contaminated dredge spoil 6 miles off Sandy Hook, NJ at a dumpsite known as the Mud Buoy, also a popular fishing hole.

The spoil not only contains sediments laced with dioxin, one of the most toxic substances around, but also large numbers of small bottom-feeding animals that are prey to the bluefish, seabass, mackerel, striped bass and tuna that feed at the Mud Buoy. Incredibly, one Corps of Engineers official advised that if fishermen are worried about poisoned fish, they shouldn't fish there. Not only is this attitude callous, it's ignorant. Many of the fish that would be feeding on dioxin are migratory species that will carry the poisons with them up and down the coast. (Gov. Jim Florio can veto the proposal under NJ's Coastal Zone Management Act. You can reach his office at 609-292-6000.) □

### **NCMC PARTICIPATES IN BUDGET SUMMIT**

Program Director Carl Paulsen represented the NCMC at a November 21-22 East Coast Fisheries Budget Conference in Arlington, Virginia. The meeting was sponsored by the Atlantic States Marine Fisheries Commission to bring together commercial and sport fishing interests and conservationists to discuss federal budgetary priorities. The NCMC was the only conservation group in attendance. The purpose of the conference was

to better understand how fisheries budget priorities are determined and to begin to articulate what the priorities for the National Marine Fisheries Service should be in Fiscal Year 1994. Although money is by no means the answer to all the problems that plague fisheries on the east coast, or anywhere else, funding for critical programs is an essential starting point for government and constituency groups to work in partnership to guarantee the effective conservation and management of valuable marine fisheries. □

### **NCMC DEMANDS BILLFISH FOLLOW-UP**

The NCMC is calling on NMFS to dust off the Atlantic billfish plan and consider additional measures to conserve blue and white marlin. The plan was enacted in 1988, with the caveat that the problem of longline bycatch must be resolved with additional regulation. "We are extremely concerned that nothing has been done since then, despite the clear intention of follow-up in the original plan," the NCMC told NMFS in a January 6th letter. "Recent (studies) showing a severe decline for white marlin should be seen as an indicator of the magnitude of the bycatch problem." We've called on NMFS to provide longline observers, conduct research on bycatch-reduction methods, and to re-open billfish management to the kind of public involvement provided under the regional council system. □

### **NCMC OPPOSES FISHERIES TRANSFER**

The Clinton-Gore Transition Team is being bombarded with suggestions for changes the new president might make during his First Hundred Days. One of the more mischievous, as far as we're concerned, is to transfer commercial fisheries matters from NOAA/NMFS and the State Department's Office of Environmental and Scientific Affairs to either the U.S. Trade Representative's Office or State's Economic Bureau. In a December 18th letter to the transition team chairman, the NCMC, the Natural Resources Defense Council, Greenpeace and the Center for Marine Conservation rejected the proposal, pointing out that many commercial fisheries are in or approaching a state of crisis and that the emphasis for the '90s and beyond must be conservation. If the transfer is made, we argued, the pressure would be strong to sacrifice conservation for enhanced trade status. □

### **OUTSIDE A SMALL CIRCLE OF FRIENDS**

The Curtis & Edith Munson Foundation and the Henry Foundation have awarded the NCMC grants to support an education and outreach program to increase public support for fish conservation. Public awareness can often be the key to the success of conservation campaigns. The level of awareness and support for fish conservation, however, is not on a par with that for other marine life, e.g., whales and dolphins, the so-called "charismatic megafauna." The NCMC project will involve producing an action plan for building a broader constituency for marine fish. □

### **ICCAT UPDATE**

The NCMC's recommendations formed the basis for positions taken by the ICCAT WATCH group of environmental organizations that accompanied the U.S. delegation to Madrid, Spain November 9-12. Some of these were adopted by the int'l commission: conduct the next bluefin stock assessment earlier to give each country more time to study it before the November 1993 meeting; establish a system for tracking bluefin trade worldwide; set specific rebuilding goals and timetables for both bluefin and swordfish; and cap the catch of swordfish in the South Atlantic at current levels. No changes were made in catch levels for overfished bluefin or swordfish. However, new concern was expressed about declining marlin populations. The Winter 1993 Marine Bulletin will feature a full examination of the 1992 ICCAT meeting. □

# CURRENTS

MARCH 1993

## 20th Anniversary 1973-1993

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
SAVANNAH, GA  
PERMIT NO. 931

### NATIONAL COALITION FOR MARINE CONSERVATION

5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405 (912) 354-0441

### NCMC SYMPOSIUM LAUNCHES MAGNUSON ACT REVIEW

More than 170 persons attended a National Symposium on the Magnuson Act in New Orleans March 8-10th. The conference, organized by the National Coalition for Marine Conservation (NCMC) under the theme "Conserving America's Fisheries," served as the kick-off for what is anticipated to be an all-out review of the Magnuson Fishery Conservation and Management Act this year, as the nation's ocean fisheries law goes back to Congress for reauthorization. Over three days, 39 invited speakers discussed, with an audience of commercial and recreational fishing representatives, environmentalists, state and federal officials, scientists and key Congressional aides, every major issue likely to be scrutinized by the lawmakers this year.

Bill Fox, acting head of the National Marine Fisheries Service, offered a challenge in his keynote address. "This important symposium has as its very specific intent improving marine fisheries management in the United States," he said. "We have witnessed serious declines in many of our most valuable stocks, with corresponding losses of both economic benefits and recreational opportunities, and perhaps more important, we may be profoundly jeopardizing options for the future. We can - and must - do better."

The symposium was co-sponsored by the NCMC, NMFS, the U.S. Fish & Wildlife Service and the Int'l Game Fish Association. Abstracts of papers presented at the symposium are available from the NCMC. A summary of recommendations made at the symposium will be produced later this spring. The complete proceedings will be published in book form at the end of the year. □

### 1992 REPORT CARD IS OUT

One of the most enduring accomplishments of the Fox administration at NMFS is "Our Living Oceans," an annual report card on the status of U.S. living marine resources initiated in 1991. The report is a comprehensive, up-to-date assessment of U.S. fisheries, species by species

and region by region, featuring current status, problems and management issues for each. The agency recently unveiled its report for 1992. Noteworthy are the addition of two more species to last year's already crowded overfished list - now totalling 67, or 43% of fish stocks assessed - and a special "spotlight" report on bycatch problems. (NMFS Office of Fishery Conservation and Management, 1335 East-West Highway, Silver Spring, MD 20910) □

### NCMC BRIEFS CONGRESS ON FISHERIES ISSUES

NCMC executive director Ken Hinman, at the invitation of the Coast Alliance, attended a February 24th briefing on critical coastal, Great Lakes and ocean issues for members and staff of the 103rd Congress. He participated in a panel on fisheries and marine mammals and spoke on key issues for consideration during reauthorization of the Magnuson Act. The NCMC's written statement was included in a briefing book distributed to 100 attendees and another 250 Congressional offices. Copies of the NCMC testimony are available on request. □

### SOUTHEAST COUNCIL HOLDS OFF ON MARINE RESERVES

Members of the South Atlantic Fishery Management Council voted in January not to pursue marine fishery reserves as an option for protecting overfished snapper and grouper. During a year of hearings, fishermen overwhelmingly objected to the reserve concept, where designated areas in federal waters would be closed to fishing in order to protect and restore depleted spawning populations. The Council decided to temporarily shelve the idea in favor of more studies, according to program director Carl Paulsen, who represented the NCMC at the January 25-29 meeting in Indialantic, Florida. In comments last year, the NCMC suggested a carefully measured approach, advising that it would be "a long road from theory to practice, but (we'd) like to see this avenue explored." Given the reflexive opposition of fishermen to closing areas of the ocean to fishing, better definition of the potential benefits of marine reserves is required. □

members of the House Fisheries Management Subcommittee that, "if fish populations are allowed to continue to decline, it could bring on a crash in the fishing industry from which it will be unable to recover. The effects of a crash in multiple fish stocks would have a catastrophic effect on the marine environment. We need to make conservation a top priority in the way we manage our fisheries." (Network Coordinator, 1725 DeSales St., NW, Washington, DC 20036) □

### **NCMC PARTICIPATES IN PACIFIC MARLIN SEMINAR**

Ken Hinman represented the NCMC at a 3-day April workshop sponsored by the Western Pacific Fishery Management Council. The Hawaii-based Council invited a small group of fishery experts from the U.S. mainland, Australia and Mexico to sit down with local fishermen, managers and researchers and work out options for managing blue marlin. Pacific marlin are overfished, but in the absence of any ocean-wide conservation agreement, the Council is searching for the most effective way to protect the portion of the fishery around the islands. □

### **REAL SPORTSMEN DON'T SELL THEIR CATCH**

NMFS recently supplied the eight Fishery Management Councils with a preferred definition of "marine recreational fisherman": any person who harvests fish in marine waters and does not sell or barter all or part of their catch. Allowing recreational fishermen to sell their catch, says the agency, can create inequities in allocations and friction between fishermen who depend on a fishery for their livelihood and those whose primary reason for fishing is recreation. For instance, catches sold by anglers may be counted against the commercial quota for that species, resulting in early closure of the commercial season. The NCMC concurs with this definition. Our view is that any fisherman who wishes to derive economic benefit from their catch should qualify and pay for the requisite commercial licenses and adhere to all reporting requirements. □

### **EAST COAST ALLIES AGAINST DIOXIN**

In an April 14 letter to Cong. Gerry Studds, Chairman of the House Merchant Marine and Fisheries Committee, 11 members of the Coast Alliance, the NCMC among them, requested a Congressional oversight hearing on a pending federal permit to dump dioxin-laced dredge materials off the Atlantic coast. The Port of New York/New Jersey has asked to dump 500,000 cubic yards of contaminated mud at a dumpsite 6 miles at sea. The Environmental Protection Agency approved the dumping permit on March 30. NMFS is the last federal agency evaluating the proposal, but the fisheries agency is reportedly limiting its review to the project's potential for harming endangered whales in the immediate area. Fishermen and environmentalists are alarmed because the dumping could harm or endanger a variety of coastal fish and wildlife. The proposed dumpsite is a heavily used fishing ground, and many of the fish found there migrate along the eastern seaboard, making the possibility of contaminating the food chain a national issue. (Coast Alliance, 235 Pennsylvania Ave., SE, Washington, DC 20003) □

### **RADICAL BUREAUCRATS**

It sounds like an oxymoron to us. But anyone who fears the federal government is more industry-oriented than conserva-

tion-minded when it comes to marine fisheries should take comfort from the following item in the East Coast Tuna Association's April newsletter. (ECTA represents catchers and sellers of giant bluefin tuna.) "East Coast has prevented the *National Marine Fisheries Service* and other radical organizations from achieving their goal of eliminating U.S. commercial participation in the Atlantic wide bluefin fishery." Right. □

### **OVERFISHING HITS ENVIRONMENTAL CHARTS AT NO. 5**

A special JUST FOR KIDS section in the March 29 issue of *Newsweek* magazine, entitled "You and Your Environment," ranked the biggest challenges facing our world. "Sometimes the environmental problems that get the most attention aren't the ones that threaten the planet and its passengers most urgently," write the editors in introducing what they view as the top ten environmental challenges. Listed at number five, following greenhouse gases, species extinction, unsafe drinking water and overpopulation, is fisheries. "Overfishing threatens Atlantic cod, haddock, herring and other important species," the magazine warns. □

### **CORPS TO STUDY EVERGLADES FIX**

The U.S. Army Corps of Engineers, the federal construction agency responsible for draining Florida's Everglades and numerous other environmental fiascos, announced in April it will immediately begin a priority study on how to restore the water-based ecology of the nation's second largest National Park. The move, applauded by environmentalists, suggests a turnaround at the Corps, which is seeking to exchange its black hat for a green one by putting its engineering skills to use fixing environmental problems, not creating them. That there is an enormous amount of work, and potential federal funding, in this area isn't lost on the agency, either. □

### **SOUTH ATLANTIC COUNCIL TO CONSIDER EXPERIMENTAL FISHING RESERVE**

At the April meeting of the South Atlantic Fishery Management Council, attended by program director Carl Paulsen, members voted to begin public hearings for an experimental closed area for the snowy grouper and tilefish fishery. The concept is loosely built around the marine fishery reserve model, where specific reefs are protected from fishing in order to preserve a breeding stock. After voting to abandon their exploration of reserves at the January meeting (*Currents*, March 1993), the Council has offered the experimental closure in its place. An effective project will require studies to determine if it has any positive impact on the fishery. But because the Council cannot do that research, it will have to be done by NMFS or a private research organization. □

### **BIG FISH, LITTLE RESEARCH**

The NCMC attended an Atlantic Large Pelagics Research Meeting April 2 in Miami, where views were solicited on research needs to support management of fisheries for tuna, billfish and sharks. Setting priorities is the critical need, since there is so little research money available. As it now stands, those priorities are to a great extent being driven by the actions and recommendations of the International Commission for the Conservation of Atlantic Tunas and the demands it puts on NMFS scientists. □

## MARLIN ABUNDANCE HITS ALL-TIME LOW

The population of Atlantic blue and white marlin has reached a record low, according to the government's best estimate of billfish abundance. The NMFS Recreational Billfishing Survey, conducted by the agency's Panama City, Florida research lab every year since 1971, is a critical measure of relative abundance. Based on interviews with fishermen dockside from Texas to Florida, the survey measures fish hooked (boated or released) per hour of trolling. The index is called HPUE, or hooks per unit of effort.

The HPUE for blue marlin in 1991 equaled the historic low rate established in 1978, at the height of foreign tuna longlining in the Gulf. Hook rates for white marlin also dropped to the lowest point ever in the 21-year survey, continuing a general downward slide begun in 1983. Sailfish catch success has declined steadily over the same period, too, but not as drastically, although the rate for 1991 showed a slight improvement over the year before.

Overall, the combined index for all billfishing in the Gulf was the lowest ever since the survey began. With few exceptions, hook rates for all species have declined each year since 1980. Because the percentage of fish released alive by anglers has increased, to an average of 69%, NMFS puts the blame on "factors other than recreational fishing mortality," an unstated but unmistakable reference to heavy commercial fishing and bycatch pressure both within U.S. waters and on the high seas. □

## FISHERMEN HONORED FOR CONSERVATION ETHIC

Captain Luis Suarez and angler Jim Edmiston tagged and released 92 and 24 blue marlin, respectively, in 1992, earning NCMC conservation trophies awarded at ceremonies held January 15th in Palm Beach, Florida. The two fishermen were part of the AFTCO TAG/FLAG Tournament, a year-long competition wherein honors go to those who tag and release the most fish of seven designated species of tuna and billfish. Awards sponsored by fishing/conservation groups are given to the top captain and angler in each category. In all, over 4,000 fish were tagged last year, providing proof now that the conservation ethic is spreading, and information later that will be important to conserving ocean fish populations for the future. □

## COUNTDOWN CONTINUES FOR SHARK PLAN

NMFS chief Bill Fox wrote the NCMC on March 11th to advise of his intent to implement the federal Atlantic Shark Fishery Management Plan "within the next 30 days." Some 70 comments were received on the final plan, Fox noted, and the agency is required by law to consider each before it takes effect. The NCMC's comments were limited to urging that the regulations be implemented as early in 1993 as feasible to avert any further depletion of overfished large coastal sharks. "I expect that the regulations will soon become effective,"

Fox replied. "We will close the fishery upon implementation...if the quota has been reached." □

## CONSERVATION NETWORK GROWS, MOVES AHEAD

NCMC officers attended January and February meetings of the Marine Fish Conservation Network, a coalition of national and regional organizations working to strengthen marine fisheries management. The list of conservation and fishing organizations joining the Network continues to grow, enhancing its communications and activist functions, initially aimed at improving the Magnuson Act. On March 3rd, the brand new House Subcommittee on Fisheries Management held its first hearing on reauthorization of the Act. A statement was submitted on behalf of the Network steering committee to introduce members of the Subcommittee to the Network and its common objective of elevating conservation to a priority in all fishery management decisions. For a copy of the Network's statement of principles and goals and other information, contact the Network Coordinator, 1725 DeSales Street, N.W., Washington, DC 20036. □

## AMERICAN WETLANDS MONTH

Although public awareness of the value and productivity of wetlands is on the rise, wetland losses continue. So for the third year in a row, public and private groups all over the country will join together during May, American Wetlands Month, to encourage people to become more involved in efforts to protect wetlands: for fish and wildlife habitat, fishing and boating, erosion control, and the role they play in keeping the nation's coastal waters clean and healthy. As one of 12 national environmental groups co-sponsoring the annual wetlands event, the NCMC asks its members to encourage their local newspaper and radio/TV stations to do stories on the importance of wetlands during the month of May, and to urge political leaders to support local, state and federal programs to protect them. (For information, call the Wetlands Hotline 1-800-832-7828.) □

## NCMC INVITED TO PACIFIC SEMINAR

The Western Pacific Fishery Management Council is currently developing a management strategy for overfished Pacific blue marlin. The Council will hold a workshop January 20-22 to examine suitable management options. The NCMC's Ken Hinman was invited to participate and discuss problems of blue marlin conservation and possible actions to resolve these problems. □

## COUNCIL STALWART DIES

Edwin Joseph served as the South Carolina representative to the South Atlantic Fishery Management Council since 1976. He died in December 1992. During his time on the Council, he was a motivating force behind the development of fishery management plans to conserve billfish, swordfish, mackerel, red drum, reef fish and shrimp. All of us who had the privilege and pleasure of working with Ed will miss him, not only as one who exemplified the role of steward of a public resource, but as a friend. □

# CURRENTS

APRIL 1993

## 20th Anniversary 1973-1993

### NATIONAL COALITION FOR MARINE CONSERVATION

5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405  
(912) 354-0441/FAX 354-0234

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
SAVANNAH, GA  
PERMIT NO. 931

### SHARK CONSERVATION PLAN BECOMES LAW

The long-awaited announcement came from Dick Schaefer, Director of the National Marine Fisheries Service's Office of Conservation and Management, at a recent shark conference in Sarasota, Florida. On April 26, the federal government finally took the first steps toward conserving the dwindling shark populations of the Atlantic Ocean, setting in motion a plan and regulations that started to take shape four years ago. "The original goal of the plan was to prevent overfishing before mounting fishing pressure took its toll," notes the NCMC's Carl Paulsen, who attended the Mote Marine Lab conference. "But delays led to the depletion of several species." Semi-annual commercial quotas and recreational bag limits are now in effect for large coastal and pelagic species. The fishery for the overfished large coastal group (basking, hammerhead, white, blacktip, et al) will close May 15, when NMFS projects the limit will be reached; the fishery will re-open July 1. As of May 26, killing any shark for its fins will be prohibited. □

### JOINT BUDGET RECOMMENDATIONS

The NCMC and a host of east coast fishery interests, brought together by the Atlantic States Marine Fisheries Commission, delivered a joint budget recommendation to Congress at a hearing April 28, setting out a list of priority budget items for the National Marine Fisheries Service (NMFS). The lawmakers are currently putting together the federal spending plan for fiscal year 1994 (which begins October 1993), and because the budget axe hangs heavy overhead, it is critical to identify high priority programs. Among those cited by the 1993 East Coast Fisheries Budget Conference: information collection and analysis (stock assessments, bycatch research, observers); conservation and management (the councils, highly migratory species); protected species; the coastal and estuarine habitat program; enforcement activities; and interjurisdictional fisheries. □

### THE FISH/HABITAT DICHOTOMY

"Fish, like every other living thing on this planet, are inseparable from their environment," Ken Hinman said at the 58th North American Wildlife and Natural Resources Conference. "But conserving and managing marine fisheries consists prima-

rily of regulating the number of fish we remove from their environment," with not enough emphasis on protecting that environment. The NCMC executive director was invited to speak on National Policy to Conserve Fish Habitat at the March 19-24 conference in Washington. He discussed the shortcomings of current law, giving federal fishery managers stewardship responsibility for the nation's marine fisheries, but limiting them to regulating fishing activities, with no direct authority over the numerous human activities that diminish fisheries production by damaging habitat. He called for providing NMFS with authority to modify, restrict or prohibit habitat-damaging projects or activities. □

### DEADLINE LOOMS FOR NORTHEAST GROUNDFISH RESCUE PLAN

A new round of hearings is scheduled for May to give New England fishermen another chance to speak out on plans to curtail fishing for overfished cod, flounder and haddock stocks. Just before the first hearing, NMFS informed the New England Fishery Management Council (NEFMC) it was setting a new plan deadline, as required by an agreement with the Conservation Law Foundation, the plaintiff in a 1991 lawsuit to expedite implementation of badly-needed regulations for the collapsing fishery. Among the measures proposed in Amendment 5 to the Multi-Species Plan are: no new entrants during the rebuilding period; an effort reduction scheme, based on limited days-at-sea for each vessel; and area closures to protect juvenile fish. If the plan is not submitted by the new deadline, likely no later than September 1, NMFS will take over regulating the fishery. (NEFMC, 5 Broadway, Saugus, MA 01906) □

### NETWORK URGES CONGRESS TO MAKE CONSERVATION TOP PRIORITY

The Marine Fish Conservation Network was invited to testify at an April 21 hearing on H.R. 780, a bill to renew the Magnuson Fishery Conservation and Management Act. The Network, formed by the NCMC with four other national organizations - World Wildlife Fund, National Audubon Society, Greenpeace and the Center for Marine Conservation - now includes nearly two dozen conservation, sport and commercial fishing groups endorsing its goals for reauthorization. In their testimony, Greenpeace's Gerry Leape and CMC's Suzanne Iudicello warned

# CURRENTS

MAY-JUNE 1993

## 20th Anniversary 1973-1993

### NATIONAL COALITION FOR MARINE CONSERVATION

5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405  
(912) 354-0441/FAX 354-0234

#### NCMC ADDRESSES FISHERIES FORUM

The National Coalition for Marine Conservation took part in a Fishery Management Issues Forum during National Fishing Week in Washington. The June 8th event, sponsored by United Sport Fishermen, featured panels on International Fisheries Management, Habitat Protection, Interjurisdictional Fisheries and the Council System. After opening statements, the positions staked out by panelists from the recreational, commercial and conservation communities were probed by Congressional staffers involved in reauthorizing the Magnuson Fishery Conservation and Management Act.

Sitting on the international fisheries panel, NCMC Executive Director Ken Hinman stressed the importance of ocean-wide cooperation in managing tunas, marlin and swordfish. "But," he said, "we must be realistic. International management has been notoriously ineffectual. Unilateral action by the U.S. can be effective, certainly in the absence of ocean-wide action, but also to supplement international agreements insufficient to protect the interests of U.S. fishermen and the stocks they fish." He made several recommendations: Make the NMFS Director head of the U.S. delegation to strengthen the U.S. posture in ICCAT negotiations; remove the legal constraints on our ability to be more conservative than ICCAT; return domestic management of Atlantic pelagic fisheries to the Councils; and increase funding for research and management, including at-sea observers, through fees levied on the fishing industry. □

#### FISH NEED CLEAN WATER, WETLANDS

Strengthening the Clean Water Act (CWA) is vitally important to ocean fishing. The federal law is responsible for making significant headway in improving coastal water quality. But polluted runoff, loss of wetlands and degradation of rivers, toxic pollution and contamination remain threats to healthy and productive fisheries. The CWA should be amended to control these problems in order to maintain and restore marine fish populations. The NCMC, as a member of the national Clean Water Network, urges all fishermen and conservationists to write their legislators to let them know how important a stronger Clean Water Act is to good fishing and a healthy marine environment. (For more information: Clean Water Network, 202-624-9357) □

#### JOHN RYBOVICH

John Rybovich, a founder and charter member of the NCMC's Board of Directors, died June 19th in Palm Beach, FL. He was 80. A lifelong conservationist, John's dogged commitment to protecting ocean fish was an inspiration to all who knew and worked with him. But he will be remembered most as a pioneer in sportfishing and boat building. "When it came to the history of sportfishing, boat building, owners and crews, John was a walking encyclopedia," NCMC President Chris Weld reminisced. "His tales of earlier times leavened by that wonderful, wry sense of humor were always a high point to any visit to the Rybovich Yard. The standards of excellence set by the Yard were never equaled by any of his competitors, and it is likely that they never will be, as his product, like his company, was simply the best in the world." □

#### MANGROVE TARPON: NEW BOOK AIDS NCMC HABITAT PROGRAM

"The suspense of the hunt, the challenge of making the right cast and handling a big fish on light tackle, the satisfaction of releasing such game fighters, all in beautiful, wild surroundings come together to provide the ultimate in sport fishing." So writes NCMC advisor Jack Cleveland in his new book, *Mangrove Tarpon*, a personal memoir of 40 years fishing for the silver king in Florida's Everglades. Filled with stories of good fishing with good friends, Cleveland's book is also bitter-sweet. "In recent years, those special times are just as spectacular; the sun setting over the mangroves is just as picturesque as it sends forth streaks of color among the clouds; the surface of the river still is broken by swirling currents, and it reflects the pink and lavender from the sky. All that is missing are the fish and the guide boats which sought them. The place is quieter and more still, the stillness of a dying river."

Human tampering with the water supply is killing off the seagrasses and mangroves of Everglades National Park and the adjacent Florida Bay, destroying prime habitat for numerous species of fish and other wildlife. At the request of the author, the proceeds from sales of *Mangrove Tarpon* will go to support the NCMC's habitat program, including efforts to help reverse the decline of the Everglades. TO ORDER, send \$10 for paperback, \$16 for hardcover (shipping incl.) payable to the NCMC. □

## A BILL TO IMPROVE COOPERATION IN MANAGING EAST COAST FISH

The House Fisheries Management Subcommittee received testimony May 19th on the Atlantic Coastal Fisheries Cooperative Management Act (H.R. 2134), a bill to improve conservation of fish that migrate through state waters along the Atlantic seaboard (excluding the Gulf coast). The legislation is prompted by the condition of weakfish and summer flounder, which may be in as bad a shape as the striped bass was in 1984, when Congress intervened to enforce coastwide compliance with interstate conservation measures. H.R. 2134 would require the Atlantic States Marine Fisheries Commission to put a sharper edge on its interstate management programs and empower the Secretary of Commerce (in consultation with the Interior Secretary) to restrict fishing in states that do not cooperate. There is broad support for the concept of the draft bill, which is modeled after the Striped Bass Act, but there are still some questions to be resolved regarding the blending of state and federal authorities. (Chmn. Thomas Manton, Fisheries Management Subcommittee, H2-517, House of Representatives, Washington, DC 20515) □

## FINDING NEW FRIENDS FOR FISH

Carl Paulsen, NCMC Program Director, was an invited speaker at a "citizen workshop" held in St. Petersburg, FL June 4-6th. Organized by the Center for Marine Conservation, it was the first in a series designed to introduce environmental activists to fisheries issues. Paulsen discussed management of the ocean's apex predators - billfish, sharks and tuna - and participated in working groups on several other topics. The Center recently published a helpful beginner's guide to fisheries management. (Center for Marine Conservation, 1725 DeSales St. NW, Washington, DC 20036) □

## ICCAT ADVISORS DISCUSS U.S. POSITIONS FOR '93 MEETING

The Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT) held a 3-day workshop in Baltimore May 21-23. The purpose was to convene Species Working Groups for swordfish, bluefin tuna, billfish and yellowfin, bigeye and other tunas. Each group considered the status of the stocks, the effectiveness of international regulations, research needs and other issues relevant to developing the U.S. position for the November ICCAT meeting. The NCMC's Ken Hinman, an ICCAT advisor, was appointed to the Bluefin Working Group. The severely overfished bluefin's recovery, or lack thereof, will be the focus of attention at this fall's session. The advisory group cited a number of research needs, but must await a new bluefin stock assessment (due in early October) before considering changes in the management program. The group did recommend, however, that the U.S. formally express concern to ICCAT about non-member catches and illegal landings of under-size tuna in the eastern Atlantic. □

## PANEL ASKS FISHERIES COMMITTEE TO JUSTIFY ITS EXISTENCE

The idea of Congress forming a new committee to study why there are so many committees sounds like a parody of our bloated federal bureaucracy, but it's no joke to marine fisheries interests. A Joint Committee on the

Organization of Congress is taking aim at the committee system. One of the committees in the cross hairs is House Merchant Marine and Fisheries; there are proposals to break it up and parcel out its responsibilities to other committees. Chmn. Gerry Studds thinks his committee is under attack because of its outdated name, which does not reflect its modern day responsibilities. Today it has less to do with maritime matters and everything to do with coastal and marine environmental issues, including fish conservation and management. The NCMC has urged the Joint Committee to rename the fisheries committee if they wish, but maintain its current structure as a needed forum for the wide range of inter-related marine resource issues. (Hamilton Committee, H2-175C Ford HOB, Washington, DC 20515) □

## NETWORK NEWS

The Marine Fish Conservation Network met in Washington May 25-26 and June 24-25. Membership in the Network, which is committed to strengthening the Magnuson Act during the 1993-94 reauthorization, grew in May and June so that it now includes 28 conservation and fishing organizations (both sport and commercial). The Network presented its Agenda for Protecting, Restoring and Conserving Marine Fisheries during testimony at a June 30th Magnuson Act hearing held by the Senate Commerce Committee. The Network also completed drafting of suggested amendments to present to Congress in July. The NCMC's Spring '93 Marine Bulletin, a special edition on Magnuson Act reauthorization, featured a section on the Network with articles contributed by Network members. Extra copies are available on request. □

## COALITION ASKS FOR DIOXIN BAN

The NCMC was among 135 organizations from 40 states signing a letter to the Environmental Protection Agency calling for a moratorium on issuing permits for ocean dumping dredge materials contaminated with dioxin. A proposal to do just that near fishing grounds off the New Jersey coast is pending. The May 27th letter to EPA also featured brief statements of concern from the groups represented. The NCMC warned: "Many of the fish that would feed on dioxin-contaminated materials dumped at sea are migratory species that would carry the poisons throughout the food chain." □

## LET THE SUNSHINE IN

Ken Hinman met with Dick Stone, chief of the NMFS Highly Migratory Species Division, in Silver Spring, MD June 25th. He aired NCMC concerns about the lack of public access to the decision-making process for managing highly migratory species, and how this might be improved through better lines of communication, face-to-face meetings with managers and scientists, and regional meetings held on a regular basis. Stone confided that NMFS is establishing a mechanism for reaching out and involving fishermen and other members of the public, and will release a draft plan this summer. The NCMC will review the draft when it is available. □

*Because of overfishing, "the annual operating costs of the global marine fishing fleet in 1989 were on the order of \$22 billion greater than total revenues." - Food & Agriculture Organization of the United Nations, 1992*

## 20th Anniversary 1973-1993

### NATIONAL COALITION FOR MARINE CONSERVATION

5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405  
(912) 354-0441/FAX 354-0234

### N.E. COUNCIL ADOPTS GROUNDFISH REBUILDING PROGRAM

Landings of northeast groundfish last year were the lowest on record, and in an attempt to restore the severely depressed fishery, the New England Council on June 30th added Amendment 5 to its Northeast Multispecies Fishery Management Plan. The amended plan features a potpourri of measures, including a moratorium on entry into the overcrowded fishery and limits on days at sea for participating vessels, all designed to cut catches of overfished cod, haddock, flounder and other groundfish species by half over the next 5-7 years.

"This plan is only the long-awaited first step in controlling this grossly overcapitalized fishery and reversing the groundfish decline," observed President Chris Weld from the NCMC's Boston, MA office. "While Amendment 5 may benefit the stocks, it remains to be seen whether it will be sufficient to restore the most depleted species. The Council will likely have to adopt additional measures to downsize the fleet and bring fishing capacity into line with the ability of the resource to support it on a sustainable basis." □

### FISH HABITAT SPOILED BY DREDGING

The NCMC was invited to Sandy Hook, NJ July 26th to participate in a Coast Alliance-sponsored workshop to highlight the human and environmental health threats posed by dumping contaminated sediments in our oceans and estuaries. Sandy Hook is near the offshore dump site where dioxin-contaminated dredge spoils from Newark Bay were deposited this summer, over the protests of fishermen and environmentalists. The dumpsite is a popular fishing area because numerous coastal migratory species are attracted by organisms living in the bottom sediments. Fish accumulate toxins from contaminated sediments and transport them throughout the food chain.

In a last ditch effort to head off the dioxin dumping, concerned groups had asked the EPA to withhold permits until the federal agency reassesses the environmental risks of the contaminant. That didn't happen, but in her response to the NCMC, Administrator Carol Browner agreed to meet at "a mutually satisfactory time" to discuss our concerns.

NCMC Program Director Carl Paulsen, asked to speak to the Coast Alliance group about controlling the problem of contaminated sediments via federal fishery law, told those attending the

workshop that, despite the importance of the issue to the nation's fisheries and those who eat fish, present law constrains the ability of fishery managers to do much about it. The NCMC, he said, is proposing amendments to the Magnuson Act granting NMFS greater authority to control activities that will harm critical fish habitat. □

### HINMAN JOINS SHARK PANEL

John Dean, Chairman of the ICCAT Advisory Committee, recently asked NCMC Executive Director Ken Hinman to serve as one of two representatives on the Shark Operations Team. The OT will monitor the Atlantic shark fishery and recommend changes to the new federal shark management plan, as needed, to conserve the overfished predators. ICCAT, the international body that adopts ocean-wide regulations for tunas and billfish, does not currently regulate shark fishing, but member nations may soon begin pooling data on the high seas shark fisheries with the possibility of management in the future. □

### FISH NETWORK DRAFTS MAGNUSON AMENDMENTS

The Marine Fish Conservation Network, an alliance of 34 organizations working to strengthen the Magnuson Act, submitted a package of proposed amendments to Congress this summer. NCMC staff participated in the Network's Legislative Task Force, helping draft provisions on overfishing standards, council reform, bycatch reduction, large pelagics management and habitat protection. The Coalition's Ken Hinman joined Carl Safina of Audubon and Suzanne Iudicello of CMC for a Network-sponsored Congressional briefing on the amendments July 30th. The NCMC also attended Network planning meetings July 29-30 in Washington, DC and August 27th in Portland, OR. At the Portland meeting, held in conjunction with the American Fisheries Society Annual Conference, representatives of salmon conservation groups discussed northwest issues, with emphasis on habitat protection, to be addressed during Magnuson Act reauthorization. □

### PARLEY ON PELAGICS

Dick Stone, chief of the NMFS Highly Migratory Species Division, met with the NCMC in Savannah August 16th. Discussed were the agency's plans to revise U.S. rules for the giant bluefin tuna fishery in the Gulf of Mexico, the effectiveness of the recently implemented shark management plan, and billfish

mortality in the pelagic longline fisheries. NMFS will hold scoping meetings on tuna, swordfish and sharks in September and NCMC will be submitting comments. At our request, NMFS will hold similar hearings on billfish in early 1994. □

## CALIFORNIA EXPERIMENT

The California Senate recently passed legislation directing the Department of Fish and Game to conduct a pilot fishery management plan project, the first step in a needed re-vamping of the state's fisheries management system, where management decisions are now made in the politically-charged legislature. Governor Pete Wilson is expected to sign the bill, the culmination of a campaign begun in 1991, supported by both commercial and recreational fishermen and spearheaded by the NCMC-Pacific Region and United Anglers of California.

"While we initially hoped for much broader legislation, that was not possible given the state's fiscal condition," said Dick Glenn, NCMC-PR President. "This is an important first step and provides an opportunity to begin scientific management of our marine resources." The legislation calls for the completion of a plan for white seabass by July 1995, the final plan to be adopted by Fish & Game following public hearings. It is significant in that it begins the shift away from strictly reactive management, says Glenn, hopefully evolving into a comprehensive system with forward looking management plans prepared for all the state's marine resources. □

## SWORDFISH: ANOTHER SIGN OF DECLINE

American fishermen lobbied for a higher allowable swordfish catch in 1992, and then were unable to match their 1991 landings. While it's premature to draw any conclusions from last year's disappointing catch, the likely explanation is the depressed condition of the Atlantic stock of fish. U.S. swordfish landings for the 1992 season totaled 5.8 million pounds, only 76% of the 7.5 million pounds allowed by international treaty (ICCAT). The population of adult fish, according to ICCAT, has been reduced by overfishing to about half the 1978 number. Juvenile fish make up a substantial portion of the catch, and many of these small fish are under ICCAT's minimum size. NMFS estimated in 1991 that 30% of the U.S. catch was undersize fish which were discarded, most dead or dying. (Similar estimates for the Spanish and Japanese fleets are not available.)

The U.S. delegation unsuccessfully sought an additional reduction in the North Atlantic quota at last year's ICCAT session. Swordfish is not on the agenda for the upcoming meeting in November, but the NCMC, through its membership on the U.S. Advisory Committee, will urge our Commissioners to raise the issue again for possible action in 1994. The NCMC has been urging ICCAT since 1991 to adopt a lower catch quota and to repeal the wasteful size limit in favor of time/area closures. □

## NCMC RAISES BILLFISH CONCERNS

When the NCMC's Ken Hinman was re-appointed Chairman of the South Atlantic Council's Billfish Advisory Panel, a position he held during drafting of the 1988 Atlantic Billfish Plan, he took the opportunity to get billfish onto the agenda of the Council's August 24th meeting in Charleston, SC. Since NMFS took over management of billfish in 1990, Hinman said, billfish has become "the forgotten fishery" and fishermen are denied a forum to express their concerns that more conservation measures are needed. The Council agreed to convene the billfish advisors this winter to assist the Council in recommending to NMFS ways to improve conservation, with emphasis on reducing the bycatch in the commercial longline fisheries. □

## NCMC ADDRESSES YOUNG AUDIENCE ABOUT FISH CONSERVATION

The Coalition's Carl Paulsen traveled to Charleston, SC to speak about fish conservation with more than 100 high school students. The July 8th event, sponsored by Greenpeace, was geared toward drawing attention to the problems facing ocean fisheries. In his talk, Paulsen explained the pressing need for broader public support of marine fish conservation. "Conservation groups cannot solve these problems alone," he told the large audience. "We need your help, expressing your concerns about the deplorable state of resources that belong to all of us." □

## NEW BLUEFISH PLAN NEEDED

The 1989 Bluefish Fishery Management Plan was one of the few plans implemented to prevent overfishing before it occurred. But recent evidence suggests the east coast population is being overfished anyway. Why? For one thing, although the plan was a joint effort of the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission, it was never implemented in every state. Moreover, the plan put no limit on total catch, just a 10 fish/day bag limit for anglers and a commercial catch ceiling of 20% of total landings. The sport catch has declined substantially in recent years, while the commercial catch has remained stable. The Sport Fishing Institute points out that the current plan cannot reduce fishing pressure, but only maintain the relative allocation of an apparently declining population. The NCMC agrees with SFI that the Council/Commission should enact regulations to bring sport and commercial fishing mortality rates down to a level that will allow the stock to rebuild. At the same time, Congress should enact legislation to require all coastal states to implement interstate plans such as those for bluefish, weakfish and fluke. (Mid-Atlantic Council, Federal Bldg. #2115, 300 S. New St., Dover, DE 19901) □

## MIDWEST FLOOD MAY HELP CLEANSE FEDERAL INSURANCE PROGRAM

The flooding in the midwest this summer has unleashed a tidal wave of claims against the National Flood Insurance Program - a program already bankrupt from winter storms and recent hurricanes; and hurricane season isn't over yet. Still, some good may come out of the devastating flood - it may finally push Congress to reform the NFIP, reform that is long overdue. NCMC continues to call for changes to the program that would improve management of coastal erosion hazard areas, prohibit taxpayer-subsidized insurance for new construction in such areas, provide incentives for communities to protect hazardous areas, and save lives. In a recent letter to each member of the Senate in support of the National Flood Insurance Reform Act of 1993 (S.1405), we supported "efforts to return the program to its original mandate to guide new development away from the fragile and hazardous water's edge." (The Honorable —, U.S. Senate, Washington, DC 20510) □

## RECRUIT A FRIEND FOR THE NCMC!

The best weapon in the fight to conserve ocean fish is an interested, informed and involved public. To increase public awareness, the NCMC is introducing a new brochure, entitled "What's An Ocean Without Fish?", printed with funding from the Norcross Wildlife Foundation. We need you, our members, to help get more people involved by giving the attached brochure to a friend and urging them to join the NCMC. If each member does this, we will double our membership. Limited supplies of the brochure are also available for distribution at group or club meetings, tournaments and conferences. Contact Membership Coordinator Claire McMillan c/o NCMC.

## 20th Anniversary 1973-1993

### NATIONAL COALITION FOR MARINE CONSERVATION

5105 Paulsen Street, Suite 243  
Savannah, Georgia 31405  
(912) 354-0441/FAX 354-0234

### ICCAT VOTES TO PHASE-IN MORE BLUEFIN PROTECTIONS

The International Commission for the Conservation of Atlantic Tunas agreed on November 12th to cut the catch of severely depleted bluefin tuna in half by 1995. ICCAT, representing 22 countries fishing for tunas and other large pelagic fishes in the Atlantic Ocean, said the stricter measures were needed in order to stop further decline and begin rebuilding the western Atlantic population to a sustainable level. The reductions will be phased in over a two-year period, according to the agreement. Beginning in 1994, the quota for west Atlantic bluefin, shared by fishermen from the U.S. and Canada as well as the far seas fleet of Japan, will be reduced by 15%, from 2,394 metric tons to 1,995 tons. The 1995 quota, barring new scientific evidence to the contrary, will be 1,200 tons, or approximately a 50% reduction from the current fishing level.

ICCAT acted in response to the dismal stock assessment presented to Commission members at their annual meeting in Madrid, Spain. The report, prepared by an international committee of scientists, advised that the allowable catch in the west Atlantic should be no more than 1,200 tons if the fishery is to have a fair chance of recovering. "Faced with compelling scientific evidence that the management program in place since 1982 isn't working, ICCAT did the right thing," said Ken Hinman, Executive Director of the National Coalition for Marine Conservation and a member of the Advisory Committee to the U.S. Delegation to ICCAT. "Given that ICCAT has a history of ignoring the science in favor of immediate economic concerns, the credit for progress on bluefin at this year's meeting must go to the United States Delegation, for taking a strong stand based on the best science, and to the conservation community, for shining the light of public attention on ICCAT and the plight of the bluefin."

American fishermen will be allowed to catch virtually the same amount of fish next year as they did in 1993, because Japan agreed to cede over half its share of the west Atlantic quota to U.S. and Canadian fishermen. Japan also agreed to roll back its recent increases in fishing effort in the center of the Atlantic, near the line ICCAT uses to separate eastern and western stocks for management purposes. In 1995 the U.S. catch will drop substantially, from 1,243 tons to 735 tons. Phasing in the cutbacks, although it may slow the recovery, will give U.S. fishermen a year to prepare. It will also give the National Marine Fisheries Service more time to review how the smaller quota will

be allocated among competing fishermen, taking into account fairness, economic need and the best way to monitor the fishery. In addition, the U.S. informed ICCAT that it will conduct an independent scientific peer review of the bluefin stock assessment. The next issue of the NCMC Marine Bulletin will examine the scientific basis for managing bluefin tuna, the proposed review process, and its possible ramifications for future ICCAT action. □

### NMFS GETS NEW LEADERSHIP

On October 5th, Rolland A. Schmitt assumed the reins at the National Marine Fisheries Service, where he will oversee management of marine fisheries, marine mammals and other protected species, and coastal fish habitat. The new Assistant Administrator for Fisheries is the former Director of the NMFS Northwest Region, a position he held for eight years. Prior to joining the federal agency, Schmitt served as Director of the Washington State Department of Fisheries. NCMC executive director Ken Hinman met with Schmitt in Savannah on November 9th to discuss the new director's plans for the agency. Among his immediate priorities are improving communications with the agency's constituents and improving relations with Congress; de-polarizing the fisheries management environment; and gaining greater political support for the agency's policies and budgetary needs. □

### STRIPER RECOVERY ON TRACK

Years of sacrifice by sport and commercial fishermen are paying off. Striped bass reproduction in Chesapeake Bay, the striper's primary east coast spawning ground, reached a record high in 1993, according to the annual survey of juvenile fish conducted by the Maryland Department of Natural Resources. The strong young-of-the-year index shows that reports that a striped bass recovery is underway are not premature. Crucial to a full recovery of the once threatened fish, though, will be maintaining a conservative management program until recent generations of young fish reach breeding age. □

### CONGRESS PASSES ATLANTIC COAST FISHERIES BILL

Congress has finally passed an interjurisdictional fisheries bill with the potential to improve the coordination of Atlantic coastal fisheries management. Based on the successful approach of the Striped Bass Act, the Atlantic Coastal Fisheries

Cooperative Management Act of 1993 requires individual states to comply with Atlantic States Marine Fisheries Commission plans or face the possibility of a federally imposed statewide moratorium on the fishery. Plans are required to have conservation as their main objective, and there is funding available to help implement them. "We are pleased to see an interjurisdictional management program with teeth. Under the new Act there is an impetus for states to sit down together and work out the problems with coastal fisheries," says Chris Weld, NCMC President. "If the striped bass is a harbinger of things to come, we can look forward to a long list of improved fisheries." □

The NCMC supports the NMFS preferred option of allowing no retention and no possession of haddock. □

## NCMC PARTICIPATES IN MAGNUSON ACT FORUM

Ken Hinman took part in a panel discussion on the reauthorization of the Magnuson Fisheries Conservation and Management Act October 28th in San Diego, California, at the invitation of the San Diego Oceans Foundation. Other panelists were Richard Schaefer, who heads the NMFS Fisheries Conservation and Management Division; Robert Fletcher, President of the Sportfishing Association of California; and Zeke Grader of the Pacific Coast Federation of Fishermen's Associations. Hinman and the other panelists opened the two-hour discussion with their own assessments of the Act and possible revisions, followed by a lively "Donohue-style" question and answer session with the audience. □

## CALIFORNIA ANGLERS UNITED AGAINST LONGLINING

The United Anglers of California (UAC) are concerned that increased longlining for swordfish and tuna off the California coast may threaten the region's offshore fisheries. Citing the damage the indiscriminate fishing gear has done to the Atlantic fisheries for swordfish, tunas, marlin and sharks, UAC is actively opposing expanded longline fishing out of California. "We don't want it here," declares Bill Shedd. "We don't want to see this cancer grow and cause problems on the west coast as it did on the east coast and in Hawaii." The half-dozen boats now landing fish in Ventura, and the dozens more that have inquired about dock space in L.A., are emigrants from the overcrowded fishery in Hawaii. Ken Hinman was invited to the UAC's Southern Council board meeting October 27th to share the NCMC's experiences with managing pelagic fisheries, as well as to talk about Magnuson Act reauthorization and how it affects west coast fishermen. □

## SHRIMP TRAWL BYCATCH EXEMPTION DRAGS ON

Shrimpers have succeeded in extending their exemption from bycatch regulations for an additional three months with an obscure amendment tacked onto an unrelated bill. The original exemption, set to expire on January 1, 1994, prevented regulation of shrimp trawl bycatch until further study of the problem could be done. But when the research plan for the study became public, it was apparent that the research would last well beyond the 1994 deadline. In the Spring of 1992 the NCMC warned, "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." Industry made that case this year even though there is no pending regulation.

The National Coalition for Marine Conservation announces publication of "The Crowded Sea," written by Ken Hinman and Carl Paulsen. The 20-page issue paper, prepared with a grant from the David and Lucile Packard Foundation, considers the need for limiting entry to marine fisheries, discusses those management problems limited entry might address, and defines and assesses its potential as a means for advancing the nation's fishery conservation and management goals. The authors urge a careful approach in planning the application of limited entry schemes, suggest some basic principles to guide their use and enhance the potential for success, and conclude with recommendations for legal and policy changes at the federal level. The paper is available at no cost from the NCMC. □

An update of the bycatch study from the Gulf and South Atlantic Fisheries Development Foundation hints at even more delays. "As you can infer from this letter...we are not to the point initially expected by Congress when they mandated this research back in 1990...We will be able to provide some solid answers by the mandate's January 1994 deadline; however, as with almost any large field program additional information will be required as well." NCMC Program Director Carl Paulsen notes "The industry will likely press for another extension in March. Meanwhile, billions of juvenile finfish are being thrown overboard dead every year. It is clear there is a problem, but no one is willing to take the steps necessary to correct it." □

## HADDOCK FISHERY FACES COMMERCIAL EXTINCTION

The NCMC wrote the New England Fishery Management Council on December 7th supporting the Council's request for emergency action to conserve haddock. But we agreed with NMFS that the measures recommended by the Council are probably not tough enough to protect the remnant haddock population from depletion, much less restore the fishery in a reasonable period of time.

The Georges Bank haddock population is in dire straits, according to the most recent information compiled by NMFS. Once the most valuable of the northeast groundfish fisheries, the species is almost commercially extinct. Haddock now makes up only 2% of the total landings of groundfish and 3% of the total value. "Because of the precarious condition of the haddock population," the NCMC wrote, "we support the implementation of measures which will reduce fishing mortality...to as near zero as possible." The Council proposes a possession limit of 4,000 pounds; lower trip limits have been suggested.

## FLOOD INSURANCE REFORM CREEPS CLOSER

Last year's flood insurance defeat was a disappointment, falling on the heels of the spectacular House vote of 1991 when reform passed 388 to 18. New House and Senate bills (H.R. 3191 and S. 1405) that retain the basic provisions for reform are moving slowly through Congress. H.R. 3191 has cleared its committee and will go to a floor vote when Congress reconvenes. Both bills will bring the National Flood Insurance Program closer to its original mandate to discourage development in the fragile and hazardous flood and erosion zones.

"Reform of the NFIP is important for all fisheries, but vital for coastal sport fish," notes NCMC Program Director Carl Paulsen. He adds, "the government should not be in the business of subsidizing development that is costly, unsafe and destroys the coastal environment and the fish that depend on it." Recent disasters which have put the NFIP some \$70 million in the red have underscored the extent to which the NFIP has failed its mission. Environmentally and fiscally sound reform stands a good chance of passing during 1994, at long last. □