



THE NCMC

MARINE BULLETIN

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HANDS ACROSS THE WATER

New Legislation Coordinates Management Among Atlantic States

Congress passed the Atlantic Coastal Fisheries Management Cooperative Act on November 23, 1993. East coast fishermen are hopeful it will do for weakfish, fluke and other troubled nearshore fish populations what a similar law has done for the once-threatened striped bass.

The purpose of the new legislation is to improve the management and conservation of fisheries that transcend state boundaries along the Atlantic coastline. It's modeled after the Atlantic Striped Bass Conservation Act of 1984, responsible for turning a mish-mash of ineffective state regulations into a cohesive coastwide conservation program and largely credited with saving the striper fishery from imminent demise.

"We are encouraged to see Congress apply the striped bass model on a wider basis; it's something we've advocated for years," says National Coalition for Marine Conservation president Chris Weld. Jurisdictional differences and parochial interests inhibit coordinated efforts to manage bluefish, weakfish, redfish and summer flounder, Weld points out, and as a consequence, conservation of these fisheries has suffered. "Federal intervention in multi-state management, in particular to force states to comply with interstate agreements," he says, "is a necessary and welcome weapon in the arsenal of fishery management."

The Atlantic Coast Fisheries Management Act of 1993 features a negotiated balance between state prerogative to manage nearshore fisheries and federal oversight to protect fisheries that migrate across state lines and into federal waters offshore. The Secretaries of Commerce and the Interior are directed to develop and implement a program to support the management initiatives of the Atlantic States Marine Fisheries Commission (ASMFC). The program will include elements to support and enhance state cooperation in the collection and analysis of fisheries data; law enforcement; habitat conservation; research; and management planning.

The ASMFC is a twelve-state compact which prepares management plans for coastal fishing but lacks the authority to enforce them. Under the law, states will have up to 15 months to comply with an interstate plan. If, at the conclusion of this grace period, the Commission determines that a state is not implementing agreed upon objectives, it will report the

offender to the Commerce Secretary. If the Secretary agrees the state is in violation, he/she is authorized to suspend all fishing for the species in question until the state comes into compliance. This enforcement provision is the backbone of the new legislation, and was considered key to the success of the Striped Bass Act.

Last year's survey of striped bass spawning production in Chesapeake Bay was the highest on record. Counts of juvenile fish are high in other key spawning rivers, too, namely the Hudson and the Roanoke. Coincidentally, catch rates along the east coast have been rising. Together, these events offer strong evidence that the fishery is on the rebound.

These tangible signs of improvement follow years of strict conservation from Maine to North Carolina and demonstrate the benefits of the cooperative interstate approach when backed by federal enforcement. The striper success should not lead to complacency, however. ASMFC regulations for striped bass fishing were relaxed beginning in 1990, after the first above-average spawn in Chesapeake Bay in two decades. "After the latest spawning survey, there will be even more pressure to open the fishery up further," Weld warns. "We urge state managers to respond with restraint. The fishery may be recovering, but it has not recovered yet."

Meanwhile, east coast fishermen can take encouragement from the fact that, not only is striped bass management working, but we are now using what we've learned from the striper example to protect other fisheries facing similar problems. We are not simply passing emergency legislation to protect each species as it nears collapse, but now have a comprehensive bill, one that will cover such severely depleted species as weakfish, as well as bluefish, recently showing signs of stress. The success of coastwide management of these fisheries will be crucial to their survival in the 1990s.

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"SECOND OPINION"

Before Cutting Its Catch, U.S. Will Review

Bluefin Science One More Time

At its annual meeting last fall, the International Commission for the Conservation of Atlantic Tunas responded to the concerns of scientists and conservationists and agreed to cut the catch of western Atlantic bluefin tuna in half beginning in 1995. The cut was made at the recommendation of the United States delegation, and was agreed to by Japan and Canada, the two countries whose fishermen share the ICCAT quota with U.S. fishermen.

The National Coalition for Marine Conservation hailed the action as a victory for management based on science (Currents Dec '93). ICCAT has a long history of ignoring the advice of its scientists in favor of the immediate economic interests of its members' fishing industries. The NCMC strongly urged the U.S. to push for a deep cutback in catch of at least 50% which, according to the most recent stock assessment report, is the minimum necessary to arrest the drastic decline in the number of giant bluefin swimming the west Atlantic. More severe reductions will likely be needed later on to rebuild the overfished resource.

Oddly enough, the tuna industry, which vigorously opposed any reduction in their catch of bluefin, declared the ICCAT action a victory, too. Why? The industry contends that the bluefin stock assessment is completely off the mark, for which they blame U.S. scientists. They'd asked government officials to, at the very least, postpone any cutbacks long enough to review the scientific basis for them. The Administration, under tremendous political pressure from New England Congressmen, acceded to their request.

Although every bluefin stock assessment presented to ICCAT since 1987 has argued for tougher limits on fishing, the 1993 assessment was by far the bleakest ever. "As a responsible regulatory agency, (we) must follow the best science available," explained Jim Baker, NOAA Under Secretary for Oceans and Atmosphere. However, aware that the bluefin controversy is centered on the validity of the science, "NOAA made a commitment to U.S. fishermen to conduct an independent peer review of the ICCAT science report on bluefin -- a 'second opinion.' Assuming the peer review confirms the science report, the western quota will move in 1995 [from 2,394] to 1,200 tons, with U.S. fishermen getting 735 tons of that quota [down from 1,243 in 1993]."

NOAA has formally asked the National Research Council of the National Academy of Sciences to conduct the independent review and report its findings by June 30. The NRC has been enlisted to settle other environmental controversies between government scientists and industry, including the role of shrimp trawls in killing endangered turtles and the definition of federally-protected wetlands.

"The bluefin is already one of the most exhaustively studied marine animals," notes the NCMC's Ken Hinman, an ICCAT advisor and member of the U.S. Bluefin Working Group. "Every ICCAT stock assessment is carefully scrutinized by scientists from numerous countries, not just our own. The U.S. conducted an independent test of the methodologies used in bluefin work as recently as 1991. The new review

panel would have to discover a gigantic flaw in the assessment - one that everyone else has overlooked for years - for it to significantly alter the conclusion. In my opinion, that's not likely to happen."

On the other hand, the reviewers, because their assignment is to look for problems, will highlight every uncertainty in the assessment. They will raise questions, ones that have already been asked, about the quality of the data and current assumptions about stock structure. If they are able to answer some of these questions definitively, the science will be improved. If not, we are left with the uncertainties, which exist in every assessment for every species. The danger is that these uncertainties will then be exploited to support a political decision to err on the side of more fishing, not more fish.

NCMC BACKS PETITIONS TO PROTECT FLORIDA'S FISHERIES

The National Coalition for Marine Conservation has endorsed a pair of environmental initiatives Florida's conservation-minded fishermen want to put before the state's voters. Save Our Sealife (SOS) is designed to protect saltwater fish and other marine animals from unnecessary killing, overfishing and wasteful fishing practices. If adopted by voters, it would limit the use of large marine fishing nets in Florida waters by prohibiting the use of entangling gill nets and keeping other nets larger than 500 square feet out of inshore and nearshore waters.

The SOS sponsors did not take up this cause lightly. They are convinced, as we are, that the reluctance of the state's fishery managers to take appropriate action has allowed coastal netting to significantly decrease fish and pelican populations, disrupt food chains and bring hardship to commercial and sport fishermen. The sponsors are also pushing for legislation to financially compensate affected net fishermen using rod and reel fishing license fees. (Save Our Sealife Committee, Box 4991, Orlando, FL 32802)

The Save Our Everglades campaign is asking Florida voters to create a trust fund to restore the Everglades ecosystem, ravaged by decades of pollution and water diversion which is harming marine life and commercial and sport fisheries throughout Florida Bay and the Keys ("Bay Watch," Marine Bulletin No. 65). This "polluter pays" initiative singles out the heavily subsidized sugar industry, a major polluter of Everglades National Park. If approved, the state would collect a fee of \$.01 per pound of raw sugar processed in Florida. The money would be deposited in a protected trust fund under citizen control and used to restore the flow of clean water into the Everglades. (Save Our Everglades, Box 541046, Orlando, FL 32854)

GROUND FISH RECOVERY EFFORT FINALLY UNDERWAY

But Is It Too Much or Not Enough?

The New England fishery for cod, flounder, haddock, hake and other bottom-dwelling species is one of the oldest in the country. Georges Bank, the vast expanse of continental shelf that lies east of Cape Cod, was once among the richest and

most productive in the world. But no more. Devastated by decades of overfishing, the populations of northeast groundfish are now dangerously low, and the fishing industry this valuable resource sustained for centuries is going broke.

The New England Council's amended Multi-Species Management Plan has been approved by the National Marine Fisheries Service and will regulate fishing starting this spring. Amendment 5 is a conglomeration of measures aimed at reducing the rate at which fish are caught by 50% by the year 2000. These measures will be the first direct controls on total fishing effort since 1982, when quotas on individual species were abandoned in favor of open fishing.

The only feature of the Council's plan rejected by NMFS was the trip limit set for haddock, the most seriously imperiled of the groundfish species. The limit was subsequently reduced from a proposed 5,000 pounds per trip to 500 pounds and took effect January 3 by emergency action, along with closure of large portions of Georges Bank where haddock spawn. Although the virtual ban on landing haddock will impose hardship on fishermen, NMFS director Rollie Schmitt told the BOSTON GLOBE in December that failure to take tough action now would "destroy this resource and undermine the future economic base of many New England communities."

The National Coalition for Marine Conservation supported the haddock rule as necessary to prevent the Georges Bank stock from being wiped out (Currents Dec '93). We also supported approval and rapid implementation of the Council's groundfish recovery plan. The program does not set quotas but instead reduces fishing effort through a moratorium on new permits and a progressive reduction in fishing days allowed each vessel. The plan also includes mandatory reporting, minimum mesh sizes and minimum fish sizes to protect juveniles, area closures and possession limits. Finally, it sets fishing mortality targets for cod, haddock and yellowtail flounder, which will provide a basis for annually evaluating progress toward the plan's objectives.

Now that there is a rebuilding target and a timetable for getting there, monitoring the groundfish fishery so that adjustments can be made will be the most important feature of the plan. Many experts believe additional measures will ultimately be needed to bring fishing capacity into line with the ability of the resource to support it on a continuing basis.

CHASING THE BRDS AWAY

Shrimpers Seek to Renew License to By-Kill

Southern shrimpers apparently want special treatment under the Magnuson Act, similar to that enjoyed for so long by the tuna industry. Tuna fishing was exempt from management from 1976 until the law was amended in 1990; meanwhile, the deadly bycatch of other fish by tuna fishermen went unregulated. Ironically, the same 1990 amendments that finally included tuna under U.S. law exempted shrimp trawling in the South Atlantic and Gulf of Mexico from rules to reduce bycatch until January 1994. With the exemption set to expire this month, Gulf Coast legislators acting on behalf of shrimping interests attached a rider to an unrelated bill extending the shrimping exemption until April 1st. They'd originally sought a 3-year extension, and are expected to continue lobbying for a longer hands-off period.

The National Coalition for Marine Conservation will actively oppose any extension. Twice now Congress has freed shrimping from bycatch management, and each time the action was taken without debate. Conservationists have identified bycatch as a major issue in the current Magnuson Act reauthorization, because unregulated bycatch impedes conservation in many fisheries. The NCMC and others have proposed amendments to develop reasonable standards and goals for controlling bycatch, mandate regulations when bycatch contributes to overfishing, and provide incentives for clean fishing, including the use of bycatch reduction devices, or BRDs, in shrimp trawls. These proposals deserve a full hearing before Congress.

CLINTON'S FOLLY

Wetlands Policy Bad Deal for Alaska

The National Coalition for Marine Conservation joined the National Wildlife Federation in urging the Environmental Protection Agency to reject a draft policy that would weaken safeguards for Alaska's wetlands. "The proposal to expedite wetlands permitting through general permits and exemptions for so-called 'low value' wetlands [mainly to facilitate oil and gas development] is nothing more than an end-run around regulations which are already insufficient to protect wetlands critical to the state's vast fish and wildlife populations," the NCMC's Carl Paulsen advised the EPA. "Salmon alone support a \$1.5 billion fishing industry and provide 70,000 jobs in the commercial sector. Recreational benefits include an estimated \$350 million and another 5,000 jobs."

The first principle of the President's wetlands policy unveiled last August is "no overall net loss of the Nation's remaining wetlands, and the long term goal of increasing the quality and quantity of (our) wetlands resource base." Meeting that goal means halting and compensating for losses due to permitted activities. The proposal to speed the permitting process in Alaska, ostensibly by making it more "flexible," merely increases the amount of wetlands that may be destroyed.

Alaska is already overly generous with permits to develop wetlands. From 1972 to 1992, fewer than 3% of applications were denied and only 0.5% of those issued required developers to replace destroyed wetlands. If anything, wetlands protections need to be strengthened, not weakened.

BILLFISH HEARING SCHEDULED

The National Marine Fisheries Service will hold a public hearing February 21 in Miami, Florida to receive comments and recommendations regarding the conservation and management of Atlantic marlin and sailfish. The "scoping" meeting, the first public hearing on billfish in over 4 years, is in direct response to a request from the National Coalition for Marine Conservation. The NCMC is concerned that blue and white marlin, both overfished according to a 1992 stock assessment, require more effective measures than those contained in the 1988 Atlantic Billfish Plan. For more information, or to submit written comments, contact Dick Stone, Highly Migratory Species Division, 1335 East-West Hwy, Silver Spring, MD 20910 (301) 713-2347.

BLAMING THE CORMORANTS*

In Japan there is a centuries-old tradition of fishing with cormorants, a diving bird found in coastal waters, on inland lakes and rivers. The Japanese cormorant-fishermen work at night, hanging lanterns off the bows of their boats to attract fish. The birds, on leashes, are set into the water. They dive and catch fish in their beaks, but can't swallow them because the leashes are snug around their throats. The cormorant is hauled back to the boat and the fish retrieved before the bird is set into the water again.

What is wrong with the conservation movement, says poet and conservationist Wendell Berry, is that it has a clear conscience. "The guilty are always other people, and the wrong is always somewhere else," he says. "It is only production that causes environmental degradation; the consumption that supports the production is rarely acknowledged to be at fault. The ideal of the run-of-the-mill conservationist is to impose restraints upon production without limiting consumption or burdening the consciences of consumers."

Actually, Berry's broadside is not aimed solely at conservationists, but at our consuming society as a whole. Does he have a point? When we condemn the abuse of a public resource, such as ocean fish, do we have a clear conscience? Or is it merely a case of the cormorant-fishermen blaming the cormorants for catching too many fish?

Several years ago I wrote an article on the problem of bycatch in the Gulf of Mexico shrimp fishery for Sea Frontiers

* This is part one of a three part series on sharing responsibility for the conservation of our marine fisheries. In upcoming editorials we will consider the roles of the fishing industry and the government.

magazine. The magazine chose to title it, "The Real Cost of Shrimp on Your Plate." Although my piece did not make an explicit connection between shrimp consumption and bycatch, the editors clearly did. Thousands of shrimpers trawl the Gulf every year, not to kill and discard up to 1 billion pounds of finfish, but to catch 250 million pounds of shrimp for people to eat.

There is a cause-and-effect relationship between our actions and our impact on the environment. Responsible commercial and sport fishermen temper the effects of their fishing in a variety of ways. Trawlers can equip their nets with devices to minimize bycatch and waste, or avoid dragging in sensitive areas. Anglers can set limits on the number and size of fish they catch, and release fish they do not plan to eat.

Of course, the public doesn't simply expect fishermen to be conservationists, it often requires it. But absent either voluntary or regulatory constraints, market fishing responds to the straight-forward law of supply and demand. If the demand exists, there will be fishermen working to supply it. That's as it should be - except when supplies are at risk, i.e., a resource is threatened by overfishing. When that occurs, isn't the responsible consumer obliged to become part of the solution, by tempering his or her consumption in order to take some of the pressure off, instead of simply waiting for someone else to solve the problem?

Ken Hinman, Editor

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BILLFISH CONSERVATION GETS A HEARING

The National Marine Fisheries Service (NMFS) recently opened a series of hearings to receive comments on the conservation of Atlantic billfishes, including recommendations for a definition of overfishing for inclusion in the federal Fishery Management Plan, ways to further reduce fishing pressure, improve data collection and other issues. The hearings, which are being held in direct response to a request by the National Coalition for Marine Conservation, are giving the public its first opportunity to comment on federal conservation of billfish since 1990, when management was transferred from the Atlantic Regional Councils to NMFS in Washington.

The Councils' 1988 plan established a conservative, proactive program for preserving the recreational fishery for Atlantic marlins, sailfish and spearfish. Unfortunately, NMFS has not reviewed changes in the fishery since the plan was enacted nor has it explored ways to improve its effectiveness. Since the current rules became law five years ago - a prohibition on commercial landings and strict size limits for sport-caught fish - new stock assessments have revealed that blue and white marlin are overfished, white marlin severely, and that sailfish are at least fully-exploited and may also be in decline. One scientist involved in the studies says the situation is "at least this bad" and may be worse.

Although both recreational and commercial landings have been reduced under the plan, the incidental capture of billfish on commercial tuna and swordfish longlines continues and remains the largest source of mortality. According to NMFS, about 30,000 billfish were reported caught by U.S. longliners between 1989 and 1992. Approximately half of longline-caught billfish are reported dead when returned to the water.

These numbers would be cause enough for concern, yet they must be viewed as extremely conservative. At-sea discards are reported in vessel logbooks. NMFS internal reviews show that logbooks, when checked against observer reports from the same vessels, consistently under-report actual catches and discards by as much as 30%.

The original plan stressed the need to closely monitor the longline fishery while working on ways to minimize bycatch. In testimony at a February 21 hearing in Miami and a follow-up written statement submitted March 3, the NCMC urged

NMFS to add new provisions to meet the plan's conservation objectives. We proposed adding a risk-averse definition of overfishing and organizing a task force to develop options for eliminating billfish by-kill.

All federal plans must define overfishing so managers can enact measures to prevent it. Typically, managers set a threshold point below which a fish population should never be allowed to fall, i.e., when a stock is considered in danger of recruitment failure. In practice, this reactive approach actually permits overfishing because fishing is allowed to continue right up to the threshold.

To prevent overfishing, the action-triggering threshold must be set closer to where we want the stock to be than to where we don't want it to be. This is especially important for billfish. The objective of the billfish plan is not maximizing yields, but instead minimizing yields to maximize abundance for the release-oriented sport fishery - anglers release over 80% of their catch alive. The NCMC submitted a definition of overfishing that reflects this goal. If included in the plan, it would require immediate measures to rebuild billfish populations to optimum levels. That will mean further curtailing the commercial catch.

The longline bycatch issue has been a neglected item on the NMFS agenda for too long; it's time to resolve it once and for all. To do that, the NCMC asked NMFS to appoint a task force to review available information on longline fishing practices, bycatch rates and discards, and develop a set of management options for reducing the hooking of billfish on longlines and increasing the chances for survival of hooked fish. The task force should include technical support from NMFS, industry, the Councils, academia, and representatives of fishing and conservation groups. Its findings will in turn be useful in reducing bycatch of other non-target or prohibited species (sharks, undersize swordfish) as well as in promoting similar action among nations with longline fleets on the high seas.

Readers are encouraged to submit comments to Richard Stone, Chief, Highly Migratory Species Division, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. NMFS will accept comments through May 2, 1994.

DOUBLE JEOPARDY

Overfished Stocks Threatened by Habitat Loss, Too

Marine fisheries contribute more than \$30 billion to the national economy, according to the U.S. Department of Commerce: \$17b from commercial fishing and \$13.5b from recreational fishing. "There is growing concern about the future economic prospects of industries that depend on abundant fish and shellfish stocks," warns the Commerce Department's Office of Inspector General. "Many fish stocks are now facing a double jeopardy, not only on the open seas where they are overharvested but also along the shore where their breeding areas are disappearing."

Commerce has federal responsibility, through the National Oceanic & Atmospheric Administration's National Marine Fisheries Service, to represent the interests of living marine resources in all matters that affect their health or survival. A new investigative report delivered to NOAA Administrator James Baker on January 28, entitled *Major Initiatives Needed to Protect Marine Habitats*, concludes that NMFS is not equipped for the job, specifically its responsibility to protect and restore the habitat of marine fish.

"We believe that a strong habitat protection program - integrated with habitat restoration and fishery management - is essential for the health of our living marine resources and the economic survival of the U.S. fishing industry," says IG Frank DeGeorge. If NMFS is to play a major role in protecting coastal environmental quality, he says, the agency must articulate a clear national policy, obtain more authority and become more involved in fisheries habitat issues.

NMFS is only one of many federal agencies with authority over activities affecting fisheries, and the agency plays only an advisory role, even where decisions made by other agency's representing development and commercial interests directly impact on habitat. In particular, the agency's role is subordinate to the Army Corps of Engineers in activities affecting wetlands and other critical estuarine habitat. Internally, NMFS is handicapped by a limited budget for habitat conservation, and available resources are often diverted away from its habitat program to other uses.

To correct these and other deficiencies, the IG report recommends that NOAA\NMFS:

- Seek stronger authority within existing federal statutes to protect marine habitats;
- Determine appropriate habitat protection staffing and resource levels;
- Increase habitat staff participation in Corps decisions and activities;
- Differentiate habitat roles among NOAA agencies and reduce program conflicts;
- Give NMFS headquarters more authority in setting regional priorities; and,
- Develop a comprehensive national tracking system to measure habitat program accomplishments.

Major Initiatives Needed to Protect Marine Habitats makes liberal use of the proceedings and recommendations of the National Coalition for Marine Conservation's landmark 1991 symposium, "Stemming the Tide of Coastal Fish Habitat Loss." The IG's recommendations, for increased statutory authority for fishery managers over activities impacting habi-

tat and better inter-agency coordination, are also in line with our proposals for amending the Magnus Act during the current Congressional reauthorization.

DISPOSING OF BYCATCH, BUT NOT BYCATCH-RELATED PROBLEMS

To what purpose is this waste? - Mark 26:8

It just doesn't make much sense to throw dead fish overboard if we can come up with a way to get those fish onto the dinner plates of needy individuals," declared Rollie Schmitt, Director of the National Marine Fisheries Service, announcing a pilot program to donate undersize Atlantic swordfish to Second Harvest, a national network of foodbanks. Tens of thousands of dead swordfish are left in the water every year, according to NMFS, because a minimum size regulation prevents fishermen from keeping them. The proposed two-year program would turn this waste into food by permitting selected vessels to land otherwise illegal fish. A similar effort is underway for Pacific salmon taken as bycatch, and there is talk of including illegal halibut and marlin, too.

Amidst all the resonant rhetoric about reducing waste and feeding the hungry, the National Coalition for Marine Conservation is one of the few dissenting voices. Waste is not the issue here; the real issue is that fishermen are killing too many swordfish and we need to lower that kill rate. This program is an admission by NMFS and commercial fishermen that the size limit, meant to protect juvenile swordfish and rebuild the overfished Atlantic stock, isn't working.

The NCMC stated its concerns in a February 9 letter to NMFS: "The program will undermine the objective of minimizing the mortality of young swordfish, by diminishing the incentive for managers and longline fishermen to find ways to reduce the incidence of small swordfish being hooked and killed, and diverting the extremely scarce resources of the NMFS highly migratory species management division away from more urgent conservation-oriented activities."

Second Harvest, which solicits and distributes surplus food to the hungry, is an excellent cause, but the organization has been cruelly misled into viewing fisheries discards as a potentially vast new source of donations. Discarded fish are not necessarily a surplus, but are often, as in the case of young swordfish, protected animals that are killed by indiscriminate fishing gear. Donating a fish to a food bank instead of throwing it away does nothing to conserve the resource.

Ironically, swordfish fishermen asked for the size limit, against the advice of experts who warned that it would only create the waste problem the fishermen now decry. "(We) hope that NMFS's future fisheries management measures do not necessitate impractical and uncontrollable factors (i.e., minimum size, maximum size, etc.)," says Nelson Biedeman, the President of Blue Water Fishermen's Association, representing the pelagic longline industry. "However, if it is necessary for biological reasons to do so - programs similar to such as this proposed pilot should be included to minimize waste." It is disingenuous for the fishermen who supported the wasteful size limit - in fact, BWFA continues to support it - to hide behind Second Harvest and take the moral high ground on the discard issue. Better they put their support behind measures that will help conserve swordfish.

BAHAMAS OUTLAWS LONGLINING

"In early December, the Bahamas' government passed legislation to stop longline fishing in the Bahamas," reports the March issue of *Marlin* magazine. "This victory for conservationists and sport fishermen comes after months of negotiation, grass-roots campaigning and testimony about the deadly effects of longlining. Several organizations and individuals, including The Billfish Foundation, the Bahamas National Trust, the Bahamas Dive Association and the National Coalition for Marine Conservation played a vital role in this fight to end longlining in all Bahamian waters."

1993 CONSERVATION AWARDS

The National Coalition for Marine Conservation's 1993 Blue Marlin Trophies were awarded at the January 28 IGFA banquet in Palm Beach, Florida. William McCauley captured the Captains Trophy by tagging and releasing 64 blue marlin last year. John Mueller won the Anglers Trophy with a total of 26 marlin tagged and released in 1993. The NCMC has sponsored the awards since 1987 to encourage tag and release fishing. The information gathered from recaptured tags enhances our understanding of marine fish growth and behavior which in turn benefits our efforts to conserve them.

NCMC RECOMMENDS CHANGES IN DREDGE PERMITS

The National Coalition for Marine Conservation recently recommended ways to minimize the impact of dredging contaminated sediments on ocean and coastal environments. In a February 9 letter to a federal Interagency Working Group on the Dredging Process, Carl Paulsen outlined the NCMC's concerns and made the following proposals: 1) Develop effective regulations and enforcement procedures to prevent future contamination of harbor and channel sediments; 2) Improve the consistency and predictability of the permit process rather than merely speeding it up, as proposed; 3) Conduct a national survey of contaminated sediments so that permitting for safe locations can be expedited and alternatives can be sought in advance for dangerous sites; and 4) Identify and develop alternative disposal methods for contaminated sediments, and create a network to make information on alternatives readily available to effected communities.

ITQs AND THE CROWDED SEA

The House Fisheries Management Subcommittee held a hearing February 9 on the use of Individual Transferable Quotas as tools for fishery management and conservation. The National Coalition for Marine Conservation submitted copies of "The Crowded Sea," our issue paper on limited entry, to subcommittee members. We told Chairman Thomas Manton that the NCMC's overriding interest in considering limited entry in its various forms, including ITQs, is conserving the resource. "The Crowded Sea" features an in-depth discussion of the issues surrounding the granting of preferential access to fish stocks, and includes recommendations for ensuring that rights-based fishing provides the desired incen-

tives for conservation and avoids the potential pitfalls.

JIM McHUGH, FRIEND & MENTOR

Long time NCMC board member James F. McHugh died February 23 in Hampton, Virginia after a long illness. President Chris Weld remembers our good friend this way: "Jim had a remarkable memory and a keen analytical mind, together with an absolute conviction that to err on the side of conservation was not only the 'right' thing but the logical thing to do. These qualities made him the institutional memory and conscience not only of the Mid-Atlantic Council but of ICCAT and the Magnuson Act in general.

"Jim could reduce complex matters to the simplest terms. He could expose the most prodigious blunders in such an inoffensive way that the blunderers rarely felt foolish or resentful. At the same time, he had a sly and gently mocking sense of humor frequently used to make the most righteous of us re-examine whatever it was that we were being most righteous about.

"Ken Hinman and I relied on him for his knowledgeable ability, his clarity of perception and his wonderful common sense. Our conversations frequently ended with one of us suggesting to the other: 'Why don't you give McHugh a call and see what he thinks.' And we did and were guided by him. We valued his wisdom and we treasured his friendship."

COASTAL HEALTH INSURANCE

The National Coalition for Marine Conservation was one of 80 environmental and fishing organizations signing a January 11 letter to the Senate urging support for S. 1405, the National Flood Insurance Reform Act, and a January 28 letter backing similar legislation (H.R. 3191) in the House. The reform bills would make critically needed changes in the national flood insurance program that would benefit taxpayers and the environment. The current program allows the use of taxpayers' money to subsidize waterfront development in environmentally sensitive areas.

THE NCMC'S AWARD-WINNING POSTER

"The Sea's Vanishing Bounty," a new poster produced by the National Coalition for Marine Conservation, received an ADDY AWARD on February 19 in the full-color poster category. The 24x36 poster, designed by Kathleen Campbell, illustrated by Karen Roeder of Skidaway Institute of Oceanography, and printed with funding from the Munson Foundation, presents a primer on Fish Conservation: An Environmental Priority for the '90s. Send \$5 to NCMC Poster, 5105 Paulsen St., #243, Savannah, GA 31405. The poster is free to individuals, organizations, schools, etc. who will display it where it can be publicly viewed. Requests for free copies should include a brief description of display plans.

AUDUBON ACTIVIST

The National Audubon Society devoted a special issue of its *Audubon Activist* to marine fisheries. The newsletter features a round-up of key issues around the country - including an article by NCMC director Ken Hinman, "Still Waters Off New England" - needed changes in the Magnuson Act, and sources of information to help activists make a difference. Write Audubon Activist, 700 Broadway, NY, NY 10003.

NO-FAULT FISHING?*

There is a disturbing trend abroad in this land of ours, a land forged by self-reliant individuals and risk-takers. Responsibility for one's own actions and their consequences is waning, while more and more aggrieved groups are whining and blaming others for their troubles. We see it in the rash of civil suits and the clamor for government entitlements. In the 1990s, it seems, everyone's a victim.

This almost un-American sensibility is raising its petulant voice in the fishing world, too. With important marine fisheries nearing collapse, a number of fishermen are disclaiming personal responsibility for their predicament and holding the government liable.

In New England, the prospect of stringent new fishing rules for cod, haddock and flounder - wiped out of coastal waters by years of excessive fishing - is understandably causing fishermen and seaside communities to fear for their economic future. They are demanding that the government step in with tens of millions of dollars in economic relief. The Department of Commerce, acknowledging its role in the groundfish fiasco, is promising to help.

Aid is not at issue here. Lending a hand to those in need is the American way, and we should do what we can to ease the pain. What is troubling, though, is the attitude of some fishermen that they are the innocent victims of government policy and therefore the government *owes* them another job, money to re-fit fishing boats and processing plants to enter new fisheries, that the government should go so far as to

* This is the second in a three part series on sharing responsibility for the conservation of our marine fisheries. The first addressed the public's culpability. In the final editorial, we will consider the role of government agencies and Congress.

create markets for these new fish. More galling still, compensation for impacted fishermen is being proposed as a condition of the industry restraining its fishing effort in order to restore the groundfish stocks.

Fisheries do not collapse overnight. These aren't natural disasters. The source of the fishermen's troubles isn't government regulation, it's overfishing, which results from catching too many fish. You had to have your head underwater not to see the New England disaster coming years ago, yet nothing was done to avert it.

The Councils and the Secretary of Commerce are ultimately responsible for implementing rules to prevent overfishing. If the government does not identify a problem, or proposes no solutions, then fishermen cannot be held accountable. Likewise if a stock decline is caused not by overfishing but by pollution or habitat loss. But when fishermen consider management to be unwarranted interference in their business, to the point where they vigorously resist effective regulation - as they did in New England - then they must either admit responsibility or accept the consequences without protest.

The government failed miserably to fulfill its obligation to the public as regards the northeast fisheries, but it had a lot of help. From the start, managers sought to accommodate industry by minimizing restrictions. Fishermen opposed limits on total catch or fleet size and would accept only passive measures, e.g., area closures and size limits. Meanwhile, generations of cod-fish were fished out. Who knew first that these rules were failing? Trawlers who fished hard at the edge of the protected zones; who weren't complying with gear rules; who regularly pulled up nets full of juvenile fish which had to be discarded.

In one respect, though, the commercial fisherman is a victim - of the negligence of the industry's leaders. Most working fishermen are not at meetings objecting to needed conservation measures, they are pre-occupied with making a living on the water. They rely on the appointed and self-appointed representatives of the fishing community to speak for them. In the case of northeast groundfish, and others, their leaders let them down - hard.

Ken Hinman, Editor

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THE NCMC

MARINE BULLETIN

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No. 68

GEORGES BANK-RUPT

Federal Fish Aid Is Only A Band-Aid

Canada's minister of fisheries calls it an "ecological disaster" and "a societal calamity. What do you do if your life, your family and your community are all linked to the fishery, but there are no fish? No fish today and maybe no fish ever again, unless the little that remains is protected." If you're the Canadian taxpayer, you dole out over \$400 million a year (\$267m US) to support the estimated 40,000 coastal workers whose jobs were lost when cod stocks collapsed and the government shut down the fishery in order to save it.

As American fishermen to the south brace for major cutbacks in fishing in a last ditch effort to rescue what remains of the Georges Bank stocks of cod, haddock and yellowtail flounder from overfishing, the U.S. taxpayer is being asked to help out, too. New federal regulations will severely limit fishing for at least the rest of the decade and maybe longer if more time is needed to restore the depleted stocks, the worst of which are already "commercially extinct," according to the National Marine Fisheries Service.

On March 21st, U.S. Secretary of Commerce Ron Brown announced a \$30 million package of emergency aid for New England fishermen. The aid package includes loan guarantees and direct grants to fishermen and municipalities to reinvest and diversify, i.e., refit vessels for alternative species. Fishermen want to keep fishing, and because many of them view themselves as the innocent victims of government policy (see "No Fault Fishing?" *Marine Bulletin* Feb '94), they believe the government owes them this much and much more. Reinforcing the notion that the collapse of the northeast groundfish fishery is something that happened to fishermen, not something that fishermen caused to happen, is the fact that the \$30 million comes out of a federal disaster relief fund supposedly set up by Congress for unanticipated natural disasters such as the Los Angeles earthquake and the midwestern floods.

Refusal to admit that this tragedy is man-made has put a peculiar spin on the issue. "Restoring Fisheries Poses Threat to a Way of Life," reads one headline. "Conservation is harming us, fishermen say." But in truth, isn't it the lack of conservation that has harmed the fishing industry? Aren't fish stocks at historic lows because of too much fishing, and aren't measures to restore the fisheries, instead of being a

threat, the only hope of ensuring there will be a New England fishing industry in the future?

What's missing from the current aid discussion is a willingness to confront the real causes of the troubles in New England: a decade-long conspiracy of mismanagement involving both the fishing industry and federal managers. It is not enough to merely provide relief to fishermen. The Clinton Administration and the Congress must also make the necessary changes to ensure that this disaster is not repeated.

The National Coalition for Marine Conservation has joined with other conservation groups in expressing its concern that the recently announced New England aid plan will do little to solve the problems of the industry and may in fact prolong the current crisis. "We do not object to government assistance programs for fishermen, provided such programs are part of a comprehensive plan that would eliminate the cause of the problem and provide lasting solutions," we told Secretary Brown in a March 25th letter also signed by the National Audubon Society, World Wildlife Fund, Center for Marine Conservation and Greenpeace.

"The bailout...merely provides assistance to the fishing industry without linking such support to a rational, sustainable management framework," wrote the five organizations. We suggested assistance must be part of a comprehensive plan which, at a minimum, substantially reduces the fishing power of the fleet, prevents new entrants from participating in what remains of the fishery, rebuilds depleted fish populations, and provides alternatives such as retraining programs that could employ out-of-work fishermen.

Moreover, the failure of groundfish management points up the need for changes to the Magnuson Act. "The commercial fishing industry in New England is paying the price for decades of overfishing and mismanagement. The evolution of this crisis over a long period of time demonstrates that the existing paradigm of fishery management requires serious overhaul. The Magnuson Act must be amended during the current reauthorization to prevent similar problems from occurring elsewhere." The five groups cited the package of amendments supported by the Marine Fish Conservation Network, which will be introduced as a bill in Congress soon, as essential to accomplishing this goal.

CURRENTS

BYCATCH EXEMPTION EXPIRES

Three years of Congressionally-mandated immunity from bycatch reducing measures ran out for the southern shrimp fishery on March 31st. But since no rules were in place when federal management was suspended in 1991, shrimp trawling will remain unregulated until managers complete work on a new plan. The Gulf of Mexico Council, whose intention to require shrimpers to reduce their bykill of overfished red snapper by 50% prompted Congress to intervene, will meet May 11th to hear the results of new research. If the Council decides to proceed with measures to address trawl bycatch, it will probably be mid-1995 before any proposals go to public hearings, the Council says. Even so, Rep. Billy Tauzin (LA) reportedly wants another exemption through at least 1996. The National Coalition for Marine Conservation considers such exemptions from management unwarranted interference in the Council process. We have weighed in twice with Congress to stop attempts to extend the bycatch exemption, and we will oppose any new attempts.

INTEREST IN CONFLICTS

Speaking of exemptions, members of the Fishery Management Councils are exempt from prohibitions against conflicts of interest by federal officials. "I believe that the laws that apply to other federal operations should also apply to fishery management councils," Frank DeGeorge, Inspector General of the Commerce Dept., told a Congressional panel looking into Council members voting on issues where they have a financial stake. "The existence of concurrent financial interests, whether actually conflicting or not, and whether exempt from prosecution or not, damages the credibility of the councils. Public confidence in the process that manages a public resource depends on the absence of even an appearance of conflict."

DeGeorge, the sole witness invited to the House Fishery Management Subcommittee hearing March 23rd, recommended eliminating the Magnuson Act exemption of Council members from federal conflict of interest laws; excluding members from voting when their financial interest might be affected; putting more individuals from consumer and environmental organizations on the Councils; and expanding the role of industry advisory panels.

These recommendations are identical to those put forth by the National Coalition for Marine Conservation, in conjunction with the Marine Fish Conservation Network. We are urging Congress to amend the law to eliminate conflicts of interest and restore public confidence in the Councils. "NCMC strongly supports the intent of Congress that the knowledge and experience of fishermen should be incorporated into the management process," Carl Paulsen told the subcommittee in written testimony. "We support full participation by the fishing and non-fishing public at the Council level, through regular open meetings and established advisory panels. We

believe that fishery management decisions benefit from the direct involvement of fishermen, but without permitting fishermen with a direct involvement in the fisheries to ultimately make the decisions."

BUDGET BOOST

The budget of the National Marine Fisheries Service has been grossly underfunded since 1980. President Clinton's spending plan for fiscal year 1995, which would increase the NMFS budget by about 27% to \$281.2 million, is an important step in reversing this pattern of neglect. "The history of poor funding for fisheries programs and the deplorable condition of our fisheries today are not coincidental," says National Coalition for Marine Conservation president Chris Weld. "Together, they reflect a lack of commitment to fisheries. The Clinton plan recognizes that we must invest in marine fisheries if they are to have a future."

HABITAT AT RISK

A report released March 1st warns that the "nation's \$65 billion commercial and sport fisheries have been put at-risk as a result of the continuing destruction of fish habitat in the nation's rivers, estuaries and coastal ecosystems." The report, prepared by the Institute for Fisheries Resources, together with the East Coast Fisheries Federation and the Pacific Coast Federation of Fishermen's Associations, is a compilation of findings and recommendations from other studies, including the National Coalition for Marine Conservation's 1992 report, "Stemming the Tide of Coastal Fish Habitat Loss." The Institute calls for a more "aggressive" national habitat program, by strengthening the regulatory authority of the National Marine Fisheries Service and fully funding the agency's staff and resource needs to carry out its habitat protection mandate.

ICCAT'S HABITUAL OFFENDERS

Evidence of non-compliance with international fisheries agreements raises serious questions about the effectiveness of ICCAT and similar treaties. At a March 23-24 meeting of the U.S. ICCAT Advisory Committee, the advisors heard reports of widespread violations of conservation agreements by other ICCAT members. The committee last year expressed concerns that nations fishing in the east Atlantic were exceeding the cap on catches of bluefin tuna and not adhering to the minimum size limit for that species. In addition, there are reports of non-compliance with the size limits for yellowfin and bigeye tuna, and that certain countries are not enforcing the minimum size limit for swordfish.

The National Coalition for Marine Conservation has formally asked U.S. officials to investigate violations of ICCAT agreements and report the findings before this fall's annual meeting. "While there is certainly benefit to be gained by U.S. fishermen practicing conservation unilaterally," the NCMC's Ken Hinman, an ICCAT advisor, told NMFS director Rollie Schmitt, "there is absolutely no reason for U.S. fishermen to be the only ones abiding by multi-lateral ICCAT agreements to conserve shared stocks. For international agreements to be effective, it requires the full participation and compliance of all parties involved. Evidently, that's not happening."

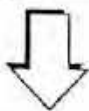
THE MARINE INDEX

A Quarterly Report on the Status of Marine Fisheries and Conservation

o-ver-fishing *n.* The Magnuson Act does not define overfishing, stating only that "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry." "Optimum yield" is defined, but in such a way as to allow short-term economic interests to take precedence over longer term resource and economic needs. For example, under the stated goal of minimizing regulatory intervention and economic disruptions to the fishing industry, the New England Fishery Management Council specified optimum yield in its 1981 Groundfish FMP as "the amount of fish actually harvested by U.S. fishermen in accordance with the measures listed [in the plan]," which contained no direct catch limits. In other words, any size harvest was permissible. With such hands-off approaches to management allowed under the law, it's no wonder that we now have 43% of known stocks (including groundfish) overfished and nearly 75% fished to the limit or beyond. Which brings to mind the old adage featuring a grinning auto mechanic saying, "You can pay me now, or you can pay me later." Paying later, as the commercial implied, can be awfully expensive. Fishermen in New England and elsewhere are finding out just how expensive. The vague guidance in the Magnuson Act for dealing with overfishing provides too many excuses for managers to avoid making the tough decisions. Needed are amendments to the Act to expressly prohibit overfishing and hold managers accountable, such as those proposed by the National Coalition for Marine Conservation and the Marine Fish Conservation Network.

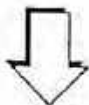
[Carl Paulsen]

HADDOCK



Fishermen and the industry-led Council for years steadfastly resisted meaningful management by refusing direct controls on catch and effort. Now, as a result of foot dragging allowed by law, Georges Bank have been closed to commercial fishing in a last ditch effort to save the species. And that has led to serious disruptions for the fishing economy of the area and for one of the oldest fishing cultures in the U.S., the very thing the Council said it was trying to avoid.

RED SNAPPER



A rebuilding plan developed by the Gulf Council originally set a recovery target date of 2005, but after twice boosting the allowable catch (TAC), they had to roll back recovery to 2009. Even that date depends on a 50% cut in shrimp trawl bycatch, but action on that problem has also been delayed (by Congress, not the Council). With no standard for ensuring timely rebuilding, managers can simply pass the buck to future generations of fishermen in order to avoid tightening belts today.

NORTH PACIFIC GROUND FISH



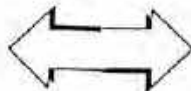
Managers establish "reserves" whereby a portion of the TAC is set aside at the beginning of the season as a buffer against exceeding the quota. It may be offered for harvest, but only under the restriction: "... apportionment of reserves must not result in overfishing." The NMFS Regional Director is explicitly allowed to withhold reserves for conservation purposes (e.g., as a buffer against overfishing), a risk-averse concept that deserves much broader use.

ATLANTIC SHARKS



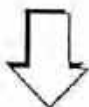
NMFS sought a peer review of its shark assessment to ensure that the FMP measures were "based upon the best scientific information available." They then claimed without explanation that the TAC and other plan measures would rebuild the fishery in 2 years -- disregarding a scientific review committee's determination that it would take 6 years under such measures. With NMFS both plan developer and plan approver for large pelagics in the Atlantic, who will hold their feet to the fire?

KING MACKEREL



In the South Atlantic, where conservation measures were implemented before king mackerel were overfished, the stocks have improved and the TAC increased by more than 25%. In the Gulf, where conservation was too late to prevent overfishing, stocks have been slow to recover, and the fishermen continue to wait for better days.

SWORDFISH



The FMP doesn't define overfishing as it is required to do, but it does define optimum yield as the harvest of no more than 33,750 young swordfish under 50 pounds (dressed weight). Yet under the ICCAT size limit, an estimated 36,000-41,000 swordfish under 41 pounds were discarded dead in 1992. Since domestic management is bound by ICCAT, the U.S. is forced to violate its own rules.

STRIPED BASS



It took years of severe measures, but the future of the striper is looking bright to the myriad of sport anglers and commercial fishermen who will benefit from a restored fishery if progress continues. And if we have learned our lesson, future fishermen need not face such drastic measures ever again.

**WHERE THE BUCK STOPS,
NOBODY KNOWS***

That is the best government which desires to make the people happy, and knows how to make them happy. - Lord Macaulay

Not long after Tony Calio took over as administrator of the National Oceanic & Atmospheric Administration, parent agency of the National Marine Fisheries Service, in 1985, he complained privately that "15% of my budget [fisheries] is occupying 50% of my time." It's safe to assume the reasons the former deputy administrator of NASA took the job were more atmospheric than oceanic. But as he quickly discovered, the light may shine on NOAA's weather and satellite programs at budget time, but most of the heat comes from fisheries.

Ironically, the chief legacy of Calio's short stint at the helm of NOAA is a study of fisheries management under the Magnuson Act, which he commissioned and which bears his name. The Calio Report's most significant recommendation was that the setting of total annual catches should be shielded from the influence of fishermen and based strictly on biology. Although the conservation and allocation decisions never were separated, it still defines much of what's wrong with fisheries management.

There are three branches of government controlling fisheries: the Regional Councils, NMFS (the Administration) and the Congress. There have been numerous instances of Fishery Management Councils either setting catch levels too high and allowing overfishing, or putting an overfished resource on the slow track to recovery, in order to appease the short-term

* This is the final editorial in a three part series on sharing responsibility for the conservation of our marine fisheries.

economic interests of fishermen. This is called taking the path of least resistance, and by choosing this route, Council members cede their responsibility as managers to those they are entrusted to manage. They violate the public trust when they are persuaded or cajoled into acting irresponsibly. The Councils, in turn, are answerable to NMFS, and if NMFS approves actions (or inactions) that permit the abuse of a marine resource - which it has - the agency's leadership is liable.

The fishing community feels a closer affinity with the Councils, which are made up largely of fishermen from their area, than it does with Washington bureaucrats. Thus for NMFS to step in and pre-empt a Council when the objectives of the Magnuson Act are not being met - something the agency has the authority and the responsibility to do under the Magnuson Act - can be politically risky. Just ask Bill Fox, the former fisheries boss who became a pariah among commercial fishermen when he tried to take a more activist role in promoting conservation. How many other mid-level federal bureaucrats have been the object of protest rallies? More common is to be called on the carpet by members of Congress.

It is generally acknowledged that the political scene in Washington is ruled by the special interest lobbyists. There is no more effective lobbyist than a Congressman, and there is no more impelling special interest than the constituents in his or her district. Congress makes the laws and holds the purse strings of government. This makes it difficult for any federal body, be it NMFS or one of the Councils, to withstand pressure from lawmakers who intervene into the fishery management process on behalf of constituents who are unhappy with proposed or pending regulations. On more than a few occasions, actions have been altered by such intervention. And if they aren't, Congress can change the rules, as it did when it amended the Magnuson Act to exempt shrimping from measures to reduce fish bycatch.

Given the ultimate power of Congress - which, after all, wrote the Magnuson Act and defined its purpose, which is to prevent overfishing - the lawmakers have the ultimate responsibility to see that the goals of the law are achieved.

Ken Hinman, Editor



THE NCMC

MARINE BULLETIN

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A NEW ACT TO FOLLOW

The Marine Fish Conservation Amendments of 1994

Congressman Wayne T. Gilchrest of Maryland has taken the lead in sponsoring new legislation to conserve what he calls "one of our country's great public resources" - marine fish. He made the announcement at an April 28th press conference on Capitol Hill, flanked by representatives of commercial and sport fishing organizations.

"Congress passed the 1976 Magnuson (Fishery Conservation and Management) Act to create a 200-mile conservation and management zone around the United States coastline to eliminate overfishing," said Gilchrest, a member of the House Merchant Marine and Fisheries Committee. "Yet, less than twenty years later, this country's fisheries continue to decline, some precipitously and possibly permanently."

This year, he continued, "(w)e have an opportunity to reform (the Act) and make it positive and make it work. It is my goal that with careful stewardship of our fisheries, we won't see another disaster like we've seen in New England, where overfishing shut down the industry and cost taxpayers \$30 million in disaster relief." (See "Georges Bank-rupt," *Marine Bulletin* Mar '94)

Gilchrest's bill, entitled the Marine Fish Conservation Amendments of 1994, was introduced in Congress on May 12th as HR 4404. "This is a major first step in putting conservation back into the (Act)," declared Dave Coffey of Deep Pacific Fishing Company. "That word somehow got lost. We need to put it back, and Rep. Gilchrest has gone a long way towards doing that."

Coffey, whose vessels fish for cod out of Seattle, spoke at the press conference along with Rich Novotny of the Maryland Saltwater Sportfishermen's Association, to show the breadth of support for improving marine fisheries management among commercial and recreational fishermen. The Gilchrest bill has the solid backing of the Marine Fish Conservation Network, an alliance of more than 60 fishing, conservation and scientific organizations from all over the country. The National Coalition for Marine Conservation is a founding member of the Network and serves on its steering committee.

"A new and improved Magnuson Act is desperately needed to provide our beleaguered fisheries with a safe harbor from overfishing and habitat destruction," says NCMC executive

director Ken Hinman. "The Marine Fish Conservation Amendments, if passed by Congress, will help make conservation the number one priority of fisheries management - not just in intent, but in practice."

The Gilchrest bill is the first comprehensive package of Magnuson Act amendments introduced into Congress during reauthorization. Joining as original co-sponsors are fellow House fisheries committee members Arthur Ravenel of South Carolina and Elizabeth Furse of Oregon, as well as Connecticut's Christopher Shays. The Clinton Administration dropped its own bill, HR 4430, in late May. It addresses many of the same issues, but in a less aggressive manner that would probably result in little real change in the status quo. The House and Senate are planning to "mark-up" legislation before Congress recesses in August, but floor action is not expected until the fall.

WHAT HR 4404 WOULD DO

The National Coalition for Marine Conservation offers the following assessment of the key provisions contained in the Marine Fish Conservation Amendments.

Stricter rules to stop overfishing

Although the Magnuson Act directs federal managers to prevent overfishing (and by inference, to stop overfishing if and when it occurs), the law contains no provisions for holding their feet to the fire if they fail to act, nor is there a standard for measuring the timeliness and effectiveness of their actions. Correcting this deficiency in the law is arguably the single most significant change that could be made.

To do this, HR 4404 would begin by re-defining the Act's goal of obtaining "optimum yield" from each fishery - to forbid economic factors from increasing the catch beyond the ability of a population to sustain it on a continuing basis or impeding the recovery of an overfished stock. To account for uncertainties in setting sustainable catch limits, the bill would require allowable catches to include a built-in margin of safety to act as a buffer against overfishing.

New mandatory provisions would require that if either a Council or the National Marine Fisheries Service determines

that overfishing is occurring, a recovery plan must be prepared and submitted to the Secretary within six months. The plan must include measures to return the fishery to a restored condition within a specified period of time. If a Council fails to submit an acceptable recovery plan, or fails to adhere to it, NMFS would be required to intervene and implement appropriate measures.

A stronger role in habitat protection

The loss or degradation of habitat is a serious threat to the survival of some fish, in particular anadromous and estuarine-dependent species. Although NMFS bears primary federal responsibility for conserving the habitat of marine fish, the agency does not have sufficient statutory or regulatory authority to command attention to its concerns when state or federal actions endanger fish-supporting environments, such as coastal wetlands and watersheds.

HR 4404 would require that NMFS identify habitat which is essential to the conservation of a fishery or which may require special management consideration because of its importance to a fishery. The agency would comment or make recommendations regarding any state or federal action that may destroy or adversely modify essential habitat. Other federal agencies would have to respond in writing and, after consulting with fishery agents, take action to ensure that harm to habitat is avoided or mitigated.

In extreme cases, the Secretary of Commerce would have discretion to block an action by a federal agency that would destroy essential habitat. This so-called "veto power" is the most controversial of the habitat provisions. But despite what critics claim, it would not give the Secretary undisputed and arbitrary power to overrule other agencies. In practice, the authority to prohibit certain actions (similar to authority given EPA under the Clean Water Act) would serve as leverage to influence federal decision-making. Based on the record of the EPA, veto power would only be used as a last resort, when differences between agencies are unresolvable and the threat to the environment is considered substantial.

Requirements to minimize harmful bycatch

Non-selective fishing gear and wasteful fishing practices result in the incidental capture of non-target or protected species, which are then discarded dead or alive. Bycatch mortality, or bykill, contributes to overfishing in some fisheries and waste in many fisheries. The Magnuson Act does not contain provisions requiring managers to address bycatch and associated problems in an effective manner. Most remedies proposed thus far address the issue of waste through full-utilization of catch, neglecting both the biological problems caused by bycatch and the difficulty of managing fisheries where fish are killed indiscriminately.

HR 4404 would add a new national standard to reduce bycatch to the lowest level practicable and avoid unnecessary waste of fish. Fishery management plans would need to assess bycatch of all gear types, along with its impact on the resource and other fishermen, and require the use of gear or gear technology which minimizes bykill. The bill would direct the Secretary to work with the fishing industry wherever possible to develop incentive programs to promote clean fishing.

Councils subject to conflict of interest rules

Widespread overfishing and stock declines have eroded public confidence in the ability of the councils to serve as the trustees of a common property resource and to manage those resources for the benefit of all, free of undue influence from special interests inside and outside the councils. The councils, unlike any other federal regulatory body, are stocked with members of the industry being regulated.

HR 4404 would allow fishermen to continue to serve on the councils. But it would prohibit members from voting on matters affecting a fishery in which that individual has a financial interest. Gilchrest's bill would also mandate that one of four persons appointed to a council have no user-group affiliation, both to reduce conflicts of interest and increase representation for the broader public interest. The existing requirement that members be knowledgeable and experienced in fisheries issues would remain unchanged.

Increased authority over highly migratory species

Past amendments to the Magnuson Act and Atlantic Tunas Convention Act do not permit the U.S. to adopt catch quotas for tunas, billfishes and sharks that are stricter than those recommended by international agreement. Such constraints prevent domestic fishery managers from enacting more effective management measures when the need arises. In addition, authorizing NMFS to draw up management plans for Atlantic highly migratory species, instead of the regional councils, has limited the opportunities for public involvement in management decisions.

HR 4404 would permit U.S. fishery managers to enact more conservative measures for highly migratory species, including lower catch limits, if such measures are determined to be in the best interests of American fishermen and the resources located off our shores. The bill would return responsibility for management from NMFS to the five Atlantic coast councils.

User fees to recoup management costs

Ocean fish are about the only natural resource still subject to free and open access. The users of marine resources, especially those that profit from that use, should contribute in a fair and equitable manner to the cost of managing those resources. This is vital given the fact that federal fisheries programs are chronically underfunded and understaffed.

HR 4404 would amend the Magnuson Act to allow fishery managers to implement a system of user fees. The money would be deposited in a protected fisheries fund and would supplement and not replace existing funding. Unfortunately, the Gilchrest bill limits the use of funds to paying for an at-sea observer program. Observers are only one of many needs. The funds should be available to support a variety of research, management and enforcement activities, allocated to benefit the fisheries from which they were received.

WRITE TODAY and ask your Representative to support HR 4404, the Marine Fish Conservation Amendments of 1994. [Hon. --, U.S. House of Representatives, Washington, DC 20515]. Write your Senators and encourage them to support similar legislation to strengthen the Magnuson Act in the Senate. [Hon. --, U.S. Senate, Washington, DC 20510].

CURRENTS

SPEAK UP FOR 4404 - FOR THE FUTURE OF FISHING

The Marine Fish Conservation Network is sponsoring three days of lobbying training and visits to Congress June 22-24. "This is your chance to take part in our unprecedented assault on Congress to reform federal fisheries management," campaign director Bill Mott urges Network members. "Help your representatives find the political will necessary to make decisions to conserve marine fish." As a member of the Network, the National Coalition for Marine Conservation encourages interested members to come to Washington during lobby week in support of the Marine Fish Conservation Amendments (HR 4404). The Network has limited funds available to help minimize your costs. Contact Heidi Lovett at the Network for further info (202-429-5609 ext. 583).

GUARDING COMMON GROUND

In an April 19th letter to NOAA Under Secretary James Baker, the National Fisheries Institute and the Marine Fish Conservation Network asked the Administration's support for obtaining stronger habitat protection authority for the National Marine Fisheries Service in a reauthorized Magnuson Act. "(T)he commercial and recreational fishing industries and the conservation community have joined together to develop an amendment to the Act which incorporates the definition of essential habitat into fishery management plans, authorizes the Secretary to consult with state and federal agencies regarding the impact of their activities upon this habitat, and directs those agencies to avoid adversely modifying this essential habitat. The proposed amendment also provides a mechanism whereby the Secretary may take a more active role in shaping these activities. We have presented our proposal to Congress and received substantial support for it."

National Coalition for Marine Conservation staffer Carl Paulsen worked with NFI staff in drafting the joint language, which has been incorporated into the Marine Fish Conservation Amendments, HR 4404. The prospects for Congress adopting strong habitat language are uncertain, but Paulsen thinks that, "With such unequivocal support from industry and conservation groups, which are often at loggerheads on fisheries issues, politicians would be foolish to pass up this rare opportunity to please everyone."

COUNCIL URGES NMFS ACTION ON BILLFISH CONSERVATION

The South Atlantic Fishery Management Council on April 22nd approved a set of recommendations to pass on to the National Marine Fisheries Service, which took over billfish management from the councils in 1991. The council

recommended that, in keeping with the original intent of the councils' 1988 Atlantic Billfish Plan: 1) populations of marlin and sailfish should be maintained *above* the level needed to produce maximum sustainable yield; 2) develop options to reduce billfish mortality in the pelagic longline fisheries and produce quantifiable data on what reductions the various options would achieve; and 3) compile information on the socio-economic importance of the recreational fishery to help the U.S. in negotiating billfish conservation on the high seas with other countries.

The council took action after receiving comments from its Billfish Advisory Panel. The panel is chaired by Ken Hinman, executive director of the National Coalition for Marine Conservation, and includes representatives of the IGFA, The Billfish Foundation, charter boat captains and anglers. The panel supported more stringent management and data collection in both the sport and commercial fisheries, but noted that since angling is mostly catch-and-release, the largest source of mortality is commercial fishing and asked that longline bykill be reduced. Eric Prince, head of the NMFS billfish research program, presented reports showing the overfished status of both blue and white marlins. He said that U.S. longliners account for about 17% of the mortality of blues in the North Atlantic, contrary to the common belief that our fleet's bycatch is insignificant in the big picture. Indeed, because the reported kills (all discarded under the law) may be underestimated by 30%, the U.S. may account for as much as 25% of the North Atlantic fishing mortality.

BATTLE OVER BLUEFIN BROADCAST TO BIG AUDIENCE

The National Coalition for Marine Conservation is taking the plight of the bluefin to a bigger audience via the national media. In late May, the World of Audubon television series focused on "The Hunt for the Giant Bluefin" with an hour-long special. NCMC president Chris Weld was prominently featured, discussing the conservationist point of view on what needs to be done to save the big tunas. The June issue of *Sportfishing* magazine features an article by executive director Ken Hinman, entitled "Tuna Meltdown," about the battle over the troubled fishery and proposals to stem the decline.

NCMC PARTICIPATES IN NJ FISHERIES WORKSHOP

How to Speak for the Fish in a Time of Crisis: A Workshop for Environmental Activists on Marine Fish Issues," was held May 6-7th in Toms River, New Jersey. Sponsored by the Marine Fish Conservation Network and the Center for Marine Conservation, the event was part of a series of regional gatherings designed to build public support for improving marine fisheries management. The NCMC's Ken Hinman gave an Overview of Highly Migratory Species Management, in which he stressed changes needed to better conserve the resources found off our shores and accessible to American fishermen. He also joined Dery Bennett of the NJ-based American Littoral Society in leading a discussion on strengthening habitat protection laws.

SCIENCE ON TRIAL

Can good science and advocacy co-exist?" asked *National Fisherman* in an article earlier this year. The question was mainly directed at the American Fisheries Society, the century-old professional organization that represents fisheries scientists. AFS rankled commercial fishermen when it came out favoring deep cuts in the catch of bluefin tuna prior to last fall's meeting of ICCAT, which sets tuna quotas in the Atlantic. An industry spokesman went so far as to say the group was being "used" by environmentalists.

In fact, the Society's recommendation to conserve bluefin mirrored that of the National Marine Fisheries Service (not to mention ICCAT's scientific committee). But that only raised more suspicions among tuna fishermen, who openly accuse government scientists of being biased against them.

Ironically, the tuna industry bases its appraisal of the AFS and NMFS scientists, none of whom are affiliated with any interest groups, on the opinion of its own scientists, who are themselves paid advocates for industry. If, as a staff scientist with the National Fisheries Institute warns in the *NF* article, "Advocacy roles can undermine public confidence and lead to unprofessional decision-making," what does that say about his own credibility as a scientist, or the work of other industry hirelings?

If they truly believe advocacy "queers" the scientific method, they should stay out of it, too. But they don't. Indeed, it is the industry's increasing use of scientists as advocates, to aggressively challenge government stock assessments when they disagree with them, that has more than anything else pulled others into the fray. As AFS executive director Paul Brouha put it, "we can no longer play the wallflower game and sit back hoping someone will ask our advice."

Following ICCAT's decision to cut the bluefin quota in half by 1995, the Administration defused the furor over the quality of the bluefin science - at least temporarily - by agreeing to an independent peer review by the National Research Council, to be completed by August 30th. Bluefin tuna fishermen are clearly counting on it to confirm their belief that the current stock assessment is wrong.

They know that the inherent weaknesses in fisheries science leave ample room for interpretation, and the judgment of one group of scientists may differ from that of another; not because of any overt or conscious bias, but due to intangibles such as training in their respective disciplines, how they weigh uncertainty and risk, and, yes, how they respond to political pressure.

On May 4th, the panel of scientists selected by the NRC began its review by soliciting public testimony from fishermen and conservationists. Because the tuna industry sent its own scientists to lobby the panelists, handing them reams of paper containing alternative stock assessments, some conservationists felt disadvantaged and came away convinced that they need their own hired guns to counter the industry's.

But is that where we really want all this to take us? Scientists squaring off like attorneys in a courtroom, representing the interests of their clients while the public can only hope that somehow, as our adversarial legal system results in something that resembles justice, it will produce "good science"? With science on trial, the odds will always favor those who wish to discredit the witness over those arguing for the defense. As one fisheries scientist points out, "It's much easier to criticize than to defend an assessment that is by its very nature uncertain. Anyone can do it."

And if anyone is expecting the NRC review to tell us how to manage the bluefin fishery, it won't. At most, it will tell us something about the science and hopefully how to improve it. But uncertainty will remain, people will still be unhappy, and it will still come down to the managers to make the tough decisions. No amount of science will give them the wisdom and the courage to do the right thing. That has to come from somewhere else.

Ken Hinman, Editor

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CAUTION: SHARKS

High Risk Fisheries Need Low Risk Management

"It is impossible but that those who are feared by many should themselves be in continual fear of some." - Epicurus

The National Marine Fisheries Service began drafting a fishery management plan for Atlantic sharks in 1989. In 1991, the agency adopted a progressive, "risk-averse" management policy that declared, when in doubt, err on the side of conservation, not more fishing. The shark plan was eventually completed two years later. The policy and the plan, however, never crossed paths -- until now.

If ever there was a fish nature-made for low-risk management, it's the shark. Most species of shark, and there are dozens of varieties found in our coastal waters, mature very slowly and produce only a few young at a time. Because of their low resilience to fishing pressure, even moderate fishing can quickly reduce their numbers to the point where full recovery could take decades. Although information on the true extent of fishermen's catches is sketchy, U.S. commercial effort during the 1980s increased so rapidly that biologists say some shark populations are in serious jeopardy.

Yet NMFS, responsible for managing the U.S. shark fishery in the Atlantic, started out anything but cautious toward sharks. The agency was roundly criticized for its 1993 Fishery Management Plan for Atlantic Sharks, which not only took four years to complete but which many conservationists, scientists and sport fishermen said allowed catches of large coastal sharks - the most at-risk group - to remain dangerously high. Moreover, the plan called for catches to increase in 1994 and 1995.

This year's commercial fishing quota for large coastals - a grouping of 22 species including the dusky, the sandbar, the hammerheads and the great white - is 2,603 metric tons, a slight increase over 1993's quota. (The recreational fishery is controlled by a trip limit of four large coastal or pelagic sharks, or about 16% of the total catch allowed.) The commercial quota was set to rise by another 25% in 1995, reflecting the unrealistic expectation that the overfished populations of large coastal sharks would be restored after just two years of controls on fishing.

But in June, after reviewing the results of a new assessment

of shark abundance, a NMFS advisory group asked the agency to hold off. Any increases in the quota for large coastal sharks should be delayed indefinitely, the group said. There is no evidence of any improvement at all in the numbers of large coastal sharks, according to a panel of scientists who reviewed the latest data. They warned that it is "extremely unlikely that full recovery of the resource" - to about twice the stock size in 1986, when the U.S. shark fishery took off - "would occur by the projection year of 1995, or even by the end of the century." (emphasis added) The experts went so far as to suggest that allowing *any* catch of large coastal sharks "might be considered risk prone relative to stock recovery." It was an unequivocal rebuff to NMFS' earlier optimism. Agency officials are expected to announce soon that next year's scheduled increases have been cancelled.

When NMFS set the original catch levels for large coastal sharks, it dismissed the advice of its scientific panel and set the quotas too high," says the National Coalition for Marine Conservation's Ken Hinman, a member of the Operations Team advising NMFS on shark regulations. "But we are pleased that the agency is now heeding the warning of scientists and will not compound its original error by further increasing the quota, as planned. We are hopeful this signals a shift to a more precautionary approach to management, one that respects the uncertainties and the risks involved with managing sharks."

After studying the latest assessment, the NCMC is urging NMFS to freeze catches until we have a better understanding of the shark fishery and its impact on the shark resource. A number of critical gaps in our knowledge persist. These are: 1) the lack of accurate catch statistics on individual species; 2) the need to reduce shark bykill in fisheries targeting other commercial species; and 3) the need to identify and protect critical nursing areas. Until these issues are addressed, shark conservation will remain risky.

The paucity of catch data by species is the biggest obstacle to assessing the condition of various species and then managing to protect the most threatened groups. About 80% of commercial shark landings are classified as "unidentified,"

according to NMFS data, and of the remainder a substantial portion may be misidentified. Add to this the fact that an undetermined number of unclassified sharks, many assumed to be large coastals, are caught in other fisheries and discarded at sea. The number of dead discards is thought to exceed landings.

The single most important measure to supplement catch quotas, according to the shark panel, would be closing nursery grounds to shark fishing during pupping season. Large coastal sharks reproduce inshore, and closures would reduce fishing mortality on mature females and to a lesser extent juveniles. (Small sharks would still be caught in shrimp trawls not equipped with fish excluder devices.) In order to implement effective closures, research is needed to define and identify critical nursery areas for the most endangered species.

WHAT'S UP WITH THE BLUEFISH DOWNTURN?

By most accounts, striped bass are finally coming back. While the striper was gone, bluefish staked out a claim as arguably the most important species to salt water sportfishing along the eastern seaboard. In 1989, the Mid-Atlantic Fishery Management Council enacted rules fishermen hoped would protect the bluefish from overfishing and keep it from going the way of the striper, weakfish and other east coast species: a 10 fish a day limit for anglers to cap the total catch, no more than 20% of which could be taken by commercial fishermen.

But something is terribly wrong. During the late 1970s and early '80s, the recreational catch averaged around 100 million pounds a year. Beginning in 1986, a year in which sport fishermen enjoyed a catch of over 130 million pounds, there has been a steady downturn that has not abated. Last year the recreational catch was only 23 million pounds, or just 25% of the catch levels of the early 1980s. Although catches have often fluctuated greatly in the bluefish fishery, even independent of fishing pressure, the steepness and deepness of the current decline is alarming nonetheless.

When striped bass first began disappearing in the late 1970s, people were quick to put it down to the natural cyclical changes in abundance that fishermen had recorded since the last century. Such cycles are not uncommon for species, like the striper, that experience wide fluctuations in spawning success. Bluefish populations are also well known for taking sharp, inexplicable dives, to the point where the fish have virtually disappeared from coastal waters, most recently in the 1940s. But in the case of the striped bass, the expected upturn never came and it soon became evident that only closing the fishery for an extended period would save it.

Disturbing similarities between the striped bass and bluefish situations should provide an early warning for managers. There is almost certainly a natural, cyclical component to the current scarcity of bluefish, but that does not mean there isn't overfishing. According to figures provided recently to the Mid-Atlantic Council, fishing mortality rates - usually a better measure of fishing pressure than catch rates - have been in excess of the overfishing level since 1986. The spawning population has decreased in size by 74% and recruitment of young fish into the fishery has been below average since 1989.

If fishing pressure remains too high while production is abnormally low, tighter fishing regulations are needed in order to reduce fishing to a level the resource can support. As an early proponent of bluefish conservation and supporter of the 1989 management plan, the National Coalition for Marine Conservation is urging that the plan be amended to substantially reduce fishing mortality in both the recreational and commercial fisheries. That means lowering the sport bag limit while promoting more catch-and-release fishing, and setting a strictly defined limit on commercial catches, instead of a percentage of the total catch.

HOW HIGHLY MIGRATORY?

Since 1981, international management of bluefin tuna has been based on the theory that there are two separate stocks of fish in the Atlantic, western and eastern. With ever-tightening rules on fishing the western group, which assessments show remains severely depleted, U.S. commercial fishermen are pointing the finger across the ocean, where catches by European fleets have actually increased. From a management standpoint, what goes on in the east is relevant to the west only if it is actually holding back a recovery on our side.

Like everything else to do with bluefin, the stock question engenders controversy. Conservationists argue managers should stick with the existing two-stock approach until new scientific studies support a change. They are suspicious of the fishing industry's motives and see the focus on the eastern fishery as a means to avoid another large cut in the western quota scheduled to take place next year. It's not an unrealistic concern, since an age-old bugaboo of conservation is putting off doing something now while studying the issue to death.

Still, the stock question is a fair question, and it's a scientific one, not a political one. To begin the search for an answer, a workshop was convened in Charleston, SC July 21-22 by the University of South Carolina's Center for Environmental Policy. The purpose of the workshop was to develop an integrated research plan to determine bluefin tuna population structure in the North Atlantic. NCMC executive director Ken Hinman was invited to participate along with experts in tuna life history, genetics and management policies.

Briefly, the case for managing as separate stocks is based on the existence of two distinct spawning grounds in the Gulf of Mexico and the Mediterranean Sea, a difference in size of spawning fish found on these grounds, and the preponderance of tagged fish recaptured on the same side of the ocean. There is, however, evidence of trans-Atlantic migrations by bluefin and some mixing of stocks in the central Atlantic. How many fish cross back and forth is unknown.

The research plan developed at the workshop will begin by comparing the genetic make up of larvae spawned in the west versus the east. If significant differences exist, then we can infer that the two spawning grounds are genetically distinct. If there are not significant differences, that means there is some gene flow between the stocks. The next step then would be using non-genetic means to estimate exchange rates. "This is a long-range project and its application to management may not become clear for some time," Hinman points out. "In the meantime, it's imperative that conservation efforts already underway remain on course."

CURRENTS

CONSERVING AMERICA'S FISHERIES

The National Coalition for Marine Conservation announces publication of *Conserving America's Fisheries*, a book devoted entirely to evaluating the conservation and management of marine fisheries under the Magnuson Act. The Act, which is right now being reviewed by Congress, is the federal law enacted to protect the country's ocean resources from overfishing and other misuses.

The 346-page book is the product of a national symposium convened by the NCMC last year to bring together representatives of diverse groups interested in reauthorization of the nation's fisheries law to examine the issues we believe are critical to improving the effectiveness of the Act. The symposium was attended by Congressional staffers, commercial fishing industry spokesmen, representatives of large national environmental groups, and leaders of the recreational fishing community. A total of 38 papers presented at the symposium examine every issue relevant to the current debate over how to improve management of our marine fisheries, including the regional council system, the use of science in management decisions, limited entry, fees, guidelines and standards to prevent overfishing, and bycatch.

"Can the various parties participating in the Magnuson Act process be induced to work together to stop overfishing and rebuild America's depleted fish stocks, thereby restoring jobs and revenues and increasing the production of seafood and recreational benefits?" asks NCMC president Chris Weld in his introduction to *Conserving America's Fisheries*. "Or, will the Magnuson Act merely attend the sickbed of a dying industry, in order to postpone the end of a way of life for ever-dwindling numbers of people dependent upon the continued existence of viable fisheries? The decisions made by Congress may go far toward answering these questions." **TO ORDER:** Send \$35 plus 2.00 shipping and handling payable to NCMC, 5105 Paulsen St., #243, Savannah, GA 31405.

CAPITOL COOKS AS ACTION ON MAGNUSON ACT HEATS UP

Lobbyists in Washington to press their case for fisheries reform were treated to the city's characteristically hot and sticky summer weather. And true to form, the Magnuson Act debate got hot and sticky, too, as numerous Congressmen showed their hands with proposed amendments on behalf of their constituents and the fisheries committees of the House and Senate released hefty packages of draft changes. Committee mark-ups were being slated for August (if the crime and health care bills keep Congress in town long enough) and/or September. Meanwhile, *The Marine Fish Conservation Amendments (HR 4404)*, introduced in May by Rep. Wayne Gilchrest (MD) and supported by the NCMC, have picked up over 70 co-sponsors in the House.

Representatives of the NCMC met with committee staff and key Congressmen during June and July to urge passage of a

stronger Magnuson Act this year. In an election year, controversial legislation has a way of getting shelved. Indeed, the 103rd Congress (1993-94) began with a full plate of environmental bills to deal with: in addition to the fisheries law, there's the Clean Water Act (including wetlands protection); the Endangered Species Act; the Safe Drinking Water Act; the Marine Mammal Protection Act; and Superfund. As of this writing, Congress has only the MMPA under its belt. The other bills have all proven too hot to handle and have been pushed into the 104th Congress, prompting the *Washington Post* to editorialize recently: "This is a Congress that looks as if it will have precious little by way of environmental legislation to distinguish it when it adjourns." The NCMC and numerous other fishing and conservation groups will be working full out this fall to make sure that won't be the case.

NCMC JOINS NEW, COOPERATIVE APPROACH TO MANAGING BYCATCH

The NCMC's Ken Hinman has been named an advisor to the National Fisheries Conservation Center. The Center is bringing together fishing industry, environmental leaders and other experts to develop collaborative problem-solving approaches to fisheries bycatch and related conservation problems. "By combining the resources of industry, conservation groups, and foundations to create solutions, this initiative is providing an alternative to confrontation," says Hinman. "The NCMC is pleased to be able to help in that effort."

NO SECOND THOUGHTS

Speaking of solutions to bycatch problems, the so-called swordfish "Second Harvest" program isn't one. The National Marine Fisheries Service re-opened public comment on the longline industry's proposal to donate undersize swordfish to charity. The NCMC has been the leading voice in opposition to the proposal. We offer an excerpt from our latest comments as further explanation of our reasons for opposing it: "(The program) is a misguided attempt to deal with the problem of non-size selective fishing gear continuing to kill large numbers of juvenile swordfish, despite the ICCAT minimum size limit intended to protect these fish in order to rebuild the severely depressed north Atlantic stock of fish. The proposed program addresses the issue of waste only, by allowing dead fish that would otherwise be discarded at sea to be landed and given to charity. It does nothing to address the more serious biological problem - namely the high rate of mortality on juvenile broadbill - which contributes to overfishing and retards the fishery's recovery."

CONTAMINATED SEDIMENTS

Twenty conservation and fishing organizations - including the National Coalition for Marine Conservation, the Pacific States Marine Fisheries Commission and the Natural Resources Defense Council - submitted comments and recommendations this summer to an Interagency Working Group on the Dredging Process. Agreeing that the nation's policies for dredging and the disposal of dredged materials should be revised and improved, the groups emphasized the importance of examining the probable effects on marine ecosystems and human health and the need to give the public opportunity

to comment on permits before they are issued. Also, economic considerations must include potential impacts on recreational and commercial fishing and shellfishing. Finally, we urged the Working Group to set a deadline for phasing out open ocean disposal of contaminated sediments.

OVERFISHING MARLIN

The National Marine Fisheries Service held a meeting June 28th to discuss a proposed definition of overfishing to include in the Atlantic Billfish Fishery Management Plan, one of several federal FMPs (swordfish is another) with no definition despite a 1989 requirement. The definitions are used by managers to gauge the need for management measures to protect the fishery. The NCMC was invited by NMFS to attend and participate. We argued for a conservative definition with a built-in buffer against overfishing in order to trigger action before the resource collapses. Both blue and white marlin are considered overfished by the International Commission for the Conservation of Atlantic Tunas.

WINEMAKER HELPS CONSERVATION

Lindemans, Australia's premier wine exporter, has selected the NCMC as a beneficiary of its recently launched "Coast to Coast" ocean preservation program. Said Jose Fernandez, president of PWG Vintners USA, the North American arm of Lindemans, "We are pleased to be working with the National Coalition for Marine Conservation and applaud it for its dedication to the preservation of our oceans." Lindemans will donate \$5 per household as directed to the NCMC with a purchase of Lindemans wine between June 1 and September 30 this year. The program is being promoted through in-store displays and bottle neckhangers containing a mail-in coupon. Simply check NCMC on the coupon and send it in with a store receipt as proof of purchase.

NRC REPORT ON FISHERIES

"Improving the Management of U.S. Marine Fisheries," a report by the National Research Council, assesses the effectiveness of the present U.S. fisheries management system and recommends changes for Congress to consider during reauthorization of the Magnuson Act. The NRC's Committee on Fisheries obtained information for its assessment from a number of sources, including the National Coalition for Marine Conservation. The Committee, says the report, "participated in a national debate on the MFCMA while attending the [NCMC's] National Symposium on Conserving America's Fisheries held in New Orleans March 8-10, 1993." (See "Conserving America's Fisheries" above.) [National Academy Press, 2101 Constitution Ave., NW, Washington, DC 20418]

JAPANESE PRESSURE KENYANS TO PULL BLUEFIN PETITION

"Improved monitoring of international trade in bluefin tuna is critical to the success of ICCAT's conservation program," the NCMC wrote Will Martin, NOAA's Deputy Assistant Secretary for International Interests, in June. We asked NOAA to support a petition by Kenya to list the northern bluefin on Appendix II of CITES, the convention on trade in

endangered species. Listing would institute a permit system to track and regulate trade in the extremely valuable but severely overfished giant tunas, nearly all of which are sold to Japan. An unknown number are caught and traded by non-ICCAT members. A CITES listing could serve to augment efforts to control catches of bluefin through ICCAT.

On June 29th, Kenya announced it was withdrawing its petition. The change of heart was the result of political pressure from Japan, which gives the African country over \$100 million a year in aid. This effectively takes bluefin conservation off the agenda for this fall's CITES meeting, which occurs shortly before the annual ICCAT session. "ICCAT may have dodged the CITES bullet this year," notes the NCMC's Ken Hinman, an advisor to the U.S. ICCAT delegation, "but the commission is only putting more pressure on itself to perform and resolve the serious problems that still confront the giant bluefin."

AVAILABLE FROM THE NCMC

CONSERVING AMERICA'S FISHERIES. **NEW!** The complete proceedings of the NCMC's 1993 symposium on the Magnuson Act, the nation's fisheries law currently being renewed and amended in Congress. 346 pp. \$35.00 plus 2.00 shipping and handling.

THE SEA'S VANISHING BOUNTY. The award-winning full-color poster produced by the NCMC as a primer on Fish Conservation: An Environmental Priority for the '90s. \$5.00 per poster, or free to organizations, schools, aquaria, etc. who will display for public viewing.

NCMC POLO SHIRT. **NEW!** Handsome 100% combed cotton polo shirt. White, bearing the NCMC logo in blue and green. Wear it as a symbol of your commitment to marine conservation. Available to members only. Sizes M, L & XL. \$25.00 (includes shipping).

MANGROVE TARPON. Jack Cleveland's personal memoir of 40 years fishing for tarpon in Florida's Everglades. Thanks to the author's dedication to conservation, all proceeds benefit the NCMC's fish habitat protection activities. \$10.00 paperback, \$16.00 hardback (shipping included).

THE CROWDED SEA. An NCMC issue paper on limiting access to marine fisheries, written by Ken Hinman and Carl Paulsen. The authors urge a careful approach in planning limited entry schemes, suggest basic principles to guide their use and enhance the potential for success, and recommend legal and policy changes at the federal level. 20 pages. Free.

STEMMING THE TIDE OF COASTAL FISH HABITAT LOSS. Complete proceedings of the NCMC's acclaimed and influential symposium to promote habitat protection. 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 nation's habitat conservation program. 258 pages. \$20.00 (plus \$2.00 shipping and handling).

Send all orders and make checks payable to: NCMC, 5105 Paulsen Street, Suite 243, Savannah, Georgia 31405.

OUR DYING OCEANS?

Over 40% of the nation's marine fish stocks whose status is known are overfished or threatened by environmental degradation. That's according to the Commerce Department's yearly report, *Our Living Oceans*. If overfishing and habitat loss were an illness, we'd be in the midst of an epidemic. Instead, we're in the midst of a Congressional review of the Magnuson Fishery Conservation and Management Act, which means we have an opportunity to turn things around. To find out how you can help, call the NCMC at (912) 354-0441.

IMPERILED NORTHWEST SALMON

Salmon of the Pacific Northwest are disappearing at a frightening rate. Many thousands, even millions of sockeye salmon used to swim hundreds of miles up the Snake, Salmon and Columbia Rivers to spawning grounds as far from the ocean as Idaho. Today, fish lucky enough to survive this increasingly perilous journey often find their spawning beds are gone. The Snake River sockeye was recently added to the Endangered Species List. That river's coho population is already extinct. Several runs of chinook salmon are on the brink.

The chief culprit is the wanton destruction of the region's coastal watersheds. On the Columbia and Snake Rivers, eight major dams and reservoirs slow or block historic salmon migrations. Irresponsible farming and logging practices in Washington and Oregon make upland streams impassible or uninhabitable. Salmon and steelhead trout in northern California are the victims of policies diverting water away from river basins to other uses.

The region's anadromous fish populations have been so devastated by the chronic loss of habitat that the commercial, sport and tribal fisheries are artificially propped up by hatcheries. Over 70% of the salmon caught in the northwest are hatchery produced. On the Columbia River, 9 of 10 fish are reared in captivity. The increasing number of these fish in the spawning rivers could be masking the true extent of the declines in native fish. Hatchery fish are not only expensive to grow, but are genetically inferior to native fish, which means lower survivability in the wild. Yet without the hatcheries, there would be virtually no fisheries for Pacific salmon.

DISAPPEARING OCEAN PREDATORS

Mankind has become the dominant predator in the ocean, and just as we've done on land, we are securing this position by wiping out the competition. Fishermen are preying on the ocean's top-of-the-food chain fish like never before. The numbers of big ocean predators - the sharks, tunas and billfishes - are only a fraction of what they once were. The effect this widespread depletion of large pelagic fishes might have on other marine life and the stability of the ocean ecosystem is not yet known, but it could be profound.

The populations of many species of sharks, including the great white, are in danger of collapse because of too much fishing. The giant bluefin tuna, one of the biggest fish in the sea, is also one of the most threatened. The bluefin's breeding population is only 10% of what it was in 1975. Similarly, the number of adult swordfish has been reduced by half since 1980. Though the swordfish grows to over 1,000 pounds, the average size fish caught today is just 60 pounds. The blue marlin, the imposing adversary of Hemingway's *Old Man and the Sea*, and the white marlin are also severely overfished.

Overfishing large predators may have an even more disruptive impact on the ocean ecosystem than removing fish further down the food chain, say ecologists. Tunas, billfishes and sharks are generally long-lived and slow to reproduce, which means they are slower to respond to changes in their environment, or to fill niches left by the disappearance of other predators. We've already witnessed the disastrous results of removing or severely limiting predation in terrestrial wildlife populations. We should expect similarly negative impacts from depleting numbers of ocean predators.

CASUALTIES IN THE GULF

Overcapitalized and overcrowded fisheries, coupled with a massive loss of coastal wetlands, are endangering the health and viability of fisheries in the Gulf of Mexico, some of the most valuable fisheries in the nation. An estimated 95% of commercially-caught fish in the Gulf spend all or part of their lives in the estuaries and shallow inshore areas. Since 1978, Gulf Coast landings of estuarine-dependent species have declined by 28%. Catches of all species throughout the Gulf dropped 25% during that period, despite substantial increases in fishing effort.

A large portion of the population decline in the Gulf can be attributed to mortality of juvenile finfish as bycatch in shrimp trawls. The Gulf shrimp trawl fleet mushroomed from about 5,000 vessels in 1950 to over 13,000 today, with only a slight increase in landings. This huge rise in the number of small-mesh nets being dragged through coastal waters has caused a serious bycatch problem; an average of 10 pounds of unwanted fish are killed and discarded for every pound of shrimp kept. Total discard in the shrimp fishery is estimated at around 175,000 tons of juvenile fish a year, fish that would otherwise grow to support other important fisheries. This bycatch, according to the President's Council on Environmental Quality, has contributed to an 85% decline in biomass of bottomfish in the Gulf since 1973.

Ironically, the more resilient shrimp populations are not overfished; however, they are threatened by mounting wetland losses. Coastal marshes and seagrass beds are critical nursery grounds for the three species of commercially-valuable shrimp. The tiny crustaceans are also a major food source for larger fish. Louisiana alone has lost over a half-million acres of wetlands since the mid-1950s. Filling, channelization, pollution, erosion and sea level rise continue to claim some 40,000 acres of life-supporting wetlands every year.

CANADA DRY

Fishermen of the United States and Canada once shared the bounty of Georges Bank and the Gulf of Maine, the North Atlantic's richest and most diverse fishing grounds. But decades of overfishing have destroyed stocks of cod, haddock and scallops, long the mainstays of lucrative commercial fisheries and the centuries-old coastal communities that grew up around them, and turned neighbors into enemies.

Canada's maritime fleet is tied up at the dock because of a government ban on fishing. More than 35,000 Canadian fishermen and others whose jobs depend on fishing are out of work. Conflicts with American fishermen are intensifying, as Canada widens its protected zone out into the Atlantic, beyond its own 200-mile limit, to where New Englanders are now venturing in search of fish and to escape strict new catch rules at home. In June, Canadian gunboats seized two U.S. fishing vessels and touched off a diplomatic war of threats and counter threats.

U.S. officials, meanwhile, are scrambling around to find relief for dislocated fishermen and northeast communities in disarray. Over \$30 million has been allocated as "disaster" relief from an emergency fund earmarked for earthquakes, floods and other natural disasters. More money is on the way; Canada is doling out hundreds of millions of dollars a year in direct aid. While the economic toll of overfishing and mismanagement mounts, government officials must make changes to ensure it doesn't happen again, here or elsewhere.

ACTIONS SPEAK LOUDER THAN WORDS

The word conservation is everywhere; in the title of our federal fisheries law, in the names of environmental groups, and in the slogans of fishing industry associations. So a visitor from Neptune couldn't be blamed for assuming that everyone sees the value of and need for fish conservation. But the brother from another planet would be wrong.

The Magnuson Fishery Conservation and Management Act, which guides our collective efforts to conserve ocean fish, uses the word liberally throughout but without actually defining it. Our office dictionary says conservation is the preservation of natural resources, such as fisheries, for economic or recreational use, and that's a good start. Commercial and sport fishermen will agree that conservation means using our fishery resources wisely today to preserve our opportunities for the future. But that's about as far as it goes.

In the real world - where nouns become verbs, where intentions must be translated into actions - conservation is more often than not a re-action. While we are busy agreeing with each other on the need for conservation, we allow overfishing to deplete our fish populations. Then conservation no longer means preserving, it means restoring. It means giving up something now in order to get back more later on. It means sacrifice. And it means we no longer agree on the need for conservation.

When we act, or don't, we are defining more than words or concepts, we are defining ourselves. And it's at this point that many in the fishing industry choose to distinguish themselves not by what they are for, but by what they are against. For despite what they say, they rarely acknowledge conservation as legitimate if it interferes with the way they want to fish, how much fish they want to catch, or how much money they want to make.

Industry spokesmen will not oppose conservation *per se* - instead, they will attack the motives of those proposing it. If conservation measures are proposed or supported by sport fishermen, it's because they want more fish for themselves. If measures are backed by environmentalists, it's either because they are being "snookered" by recreational fishermen or they are just looking for another fundraising gimmick. When the Councils propose measures to conserve fish, it's because they are dominated by unfriendly fishermen. When Bill Fox brought a strong conservation ethic to the National Marine Fisheries Service a few years back, they said he was a dupe of recreational interests or in bed with radical environmentalists. Similarly, if NMFS science doesn't support industry positions, it's because the scientists are biased against them.

Do these charges sound familiar? They should. Does it mean we can infer that industry is anti-conservation after all? Not necessarily. We're willing to give them the benefit of the doubt. All we ask of industry is this: If there is such a thing as conservation, but everyone else has got it wrong, help us get it right. Tell us what it means. You've told us what it doesn't mean, by resisting nearly every conservation measure that's proposed. But that's gotten us nowhere. The appalling condition of our fisheries is proof of that. If our words are defined by our deeds, then you've made conservation an empty word. Help us give it some real meaning.

Ken Hinman, Editor

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FOR MARINE CONSERVATION**
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THE NCMC

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MUCH ADO ABOUT NOTHING

NEW STUDY SAYS BLUEFIN STABLE BUT STILL DEPLETED, NO EVIDENCE OF RECOVERY

Never in the field of fisheries conflict, to paraphrase Mr. Churchill, was so much made of so little.

On August 31st, the National Academy of Sciences released *An Assessment of Atlantic Bluefin Tuna*. Although the assessment, performed by the Academy's National Research Council (NRC), was supposed to restore confidence in the scientific basis for managing the giant tunas, it instead has confused the situation and heightened the controversy over how bluefin should be managed.

The NRC review is essentially a critique of the science, not management. It spotlights information gaps and uncertainties and maps out a comprehensive, long-term research agenda. The reviewers were not charged with addressing specific management issues, and to draw conclusions about management would be premature, especially since the report raises more questions than it answers.

Nonetheless, commercial tuna fishermen, who demanded the review in hopes it would support their case against additional catch reductions, claim it does just that. "It's a complete vindication of what we've been saying all along," declared Rich Ruais of the East Coast Tuna Association, pointing to the NRC's conclusion that the tuna population in the western Atlantic has stabilized. ECTA is asking for an increase in quota next year.

Not so fast, say conservationists. "If the best that can be said is that the bluefin population has stabilized at extremely low levels, that's not saying much," says National Coalition for Marine Conservation executive director Ken Hinman. "We are guardedly encouraged by the revised estimates of the western Atlantic breeding population, which indicate the giant tuna may be coming out of its long tailspin. On the other hand, the NRC assessment substantiates our concerns about the bluefin's depleted condition and the lack of any rebuilding despite 20 years of management."

Tuna fishermen unhappy with tight limits on their catch of highly valued bluefin - a single fish is worth thousands of dollars - have consistently challenged the soundness of recent international stock assessments. Action taken last year by the commission regulating tuna fishing throughout the Atlantic brought matters to a head.

At the 1993 session of the Madrid-based International Commission for the Conservation of Atlantic Tunas, ICCAT agreed to sharply reduce the allowable catch of bluefin in the western Atlantic. (ICCAT manages the Atlantic population as separate eastern and western stocks with the exchange of fish considered too limited to affect the results of management on each side of the Atlantic.) According to ICCAT's Standing Committee on Research and Statistics (SCRS), the number of adult, breeding-age tunas in the western Atlantic has been fished down to dangerously low levels and is still declining. The SCRS advised the commission that reducing the western quota to no more than 1,200 metric tons, or about half the current catch, is required to at least halt the decline.

As a result of the 1993 agreement, American fishermen, along with fishermen from Canada and Japan, are slated to receive a more than 40% cut in quota next year. Although the US delegation strongly backed the ICCAT decision in Madrid, the National Oceanic & Atmospheric Administration, in deference to loud complaints from the tuna industry back home and a request from New England congressmen on the industry's behalf, asked the NRC to assemble a panel of fishery scientists to review the latest ICCAT assessment.

In the press summary released with the results of the review (see "The Spin Doctorates"), the NRC announced it came to a "startlingly different conclusion" than ICCAT's scientific committee, in that it found the bluefin population has not changed significantly since 1988. "This is good news," declared the NRC. "The magnificent bluefin tuna is holding its own in the western Atlantic." The discrepancy between its findings and ICCAT's, the review panel explained, was due to "data management problems and a management strategy that neglected the movement of fish between western and eastern waters." On this latter point, the NRC recommended that future stock assessments and management efforts take into account fish that migrate across the Atlantic.

In its initial response to the report, NOAA's National Marine Fisheries Service was cautious. "It is encouraging that (the NRC) found that the stocks appear to have stabilized recently," said fisheries director Rolland Schmitt, "but it's clear that bluefin stocks are only a fraction of what they once were." The fact that the NRC's estimated bluefin population hasn't declined since 1988, NOAA warns, doesn't necessarily mean that strict limits on catch from the western Atlantic should be abandoned.

NOAA formed a special task force to review and respond to the NRC's recommendations before the US delegation leaves for the annual ICCAT meeting November 28 - December 2. The report will also be evaluated by ICCAT's scientific advisors before any decisions are made regarding possible changes in the 1995 management program.

To no one's surprise, the US bluefin industry isn't waiting. They've already rushed to judgment, taking signs that the western stock may have leveled out to mean no further cutbacks are warranted. They interpret evidence of "mixing" between the western and eastern stocks to mean future conservation measures should be focused entirely on the eastern Atlantic, where there are no quotas.

The ECTA is insisting that NOAA discard the previous assessment and substitute the NRC's as the new basis for management. Like the fishing world's answer to Rush Limbaugh, industry spokesman Ruais urged his members to flood Congress and the Administration with phone calls and letters demanding more fish, not less.

Such a request is way out of line, for two reasons. First of all, the agreement reached in 1993 states that the cuts will take place in 1995 "unless SCRS [emphasis added] scientific information in 1994 indicates otherwise." ICCAT is an international body and acts on the collective advice of scientists from member nations; that is, the SCRS, not the NRC.

Secondly, the purpose of a peer review is to inform and, if appropriate, correct the original assessment, not provide a substitute. At this point, the NRC's review is a second opinion only, and does not automatically repudiate or replace the prior assessment. Just because a second opinion differs from the first does not mean the first opinion is wrong. In fact, since release of the review a number of legitimate questions have been raised by independent scientists about the quality of the NRC's work. Before any decisions are made, the ICCAT SCRS must be given the opportunity to respond.

In the meantime, if we read the NRC assessment for what it reveals about the overall status of bluefin, it actually reinforces most of the same concerns raised by the ICCAT report it criticizes. So let's look at what it really says.

Much is being made of the fact the NRC finds "no evidence that abundance of western Atlantic bluefin tuna has changed significantly [increased or decreased] between 1988 and 1992." (Why the NRC chose 1988 as its reference point is not clear, although the panel does not question the severity of the bluefin's decline up until that time.) To estimate stock size, the NRC performs eight

analyses using various assumptions of mixing rates between west and east (1-3% per year). In the majority (5) of tests, the results show a small to moderate decline in recent years.

Indeed, the base case, or preferred assessment (using its most defensible estimate of inter-stock mixing), is that the population fell another 8% between 1988 and 1992. This would put 1992 abundance at just 18% of the level in 1975, when ICCAT began managing bluefin. The SCRS assessment, by comparison, estimates spawning abundance at about 15% relative to 1975. For management purposes, the practical difference between the two estimates is minimal, since both define the western Atlantic spawning stock as dangerously depleted. That the NRC sees some indications of stability in recent years does little to allay concerns about the present condition and future recovery of the bluefin tuna.

THE SPIN DOCTORATES

When the bluefin review was announced last fall, the NCMC predicted ("Second Opinion," *Marine Bulletin* Jan '94) the reviewers "will raise questions, ones that have already been asked, about the quality of the data and current assumptions about stock structure. If they are able to answer some of these questions definitively, the science will be improved. If not, we are left with the uncertainties, which exist in every assessment for every species. The danger is that these uncertainties will then be exploited to support a political decision to err on the side of more fishing, not more fish." The NRC highlighted the uncertainties in the assessment, as expected. What we did not expect was that the NRC itself would participate in advancing a particular management agenda.

The "Report in Brief" that accompanied release of *An Assessment of Atlantic Bluefin Tuna* purposefully ignores the fact that the western Atlantic population is still only a small fraction of what it was in the mid-1970s and that there is no evidence of recovery under the current ICCAT management regime. The NRC chooses to highlight the so-called "startling" difference between its assessment of what's transpired in recent years and the SCRS's, and then uses these differences to downplay the need for conservation in the western Atlantic.

Amid "good news" statements that the bluefin is "holding its own in the western Atlantic," nowhere in the summary distributed to the public and the press is it mentioned that the bluefin remains severely overfished, or that there is no rebuilding underway. "This editorializing seems calculated to accentuate the positive and eliminate the negative," says Ken Hinman, a member of the US ICCAT advisory committee's bluefin working group. "The unmistakable message is, don't worry, everything's fine now, although that's not what the information in the report indicates at all. Given that the NRC was aware of how controversial the bluefin tuna issue is in the US, and that its report could be grist for somebody's mill, it is hard to understand why the assessment was presented with such an obvious political spin on it."

That there is mixing between the western and eastern stocks of the highly migratory bluefin is not the revelation it's made out to be. The NRC describes two separate (east and west) stocks with discrete breeding grounds and then, because there is significant evidence of mixing between the two stocks - which is not the same as evidence of significant mixing - concludes it is a single stock. The NRC admits there is no evidence trans-oceanic migrants inter-breed, but that's the crucial point.

Protecting the biological integrity of the western Atlantic breeding population, which spawns in the Gulf of Mexico, is essential to the bluefin's recovery. The most important question is whether or not a significant portion of trans-oceanic migrants actually join the breeding population on the opposite side of the ocean, or are merely seasonal visitors to the fishing grounds. If the latter is true, the presence of eastern immigrants in the western fishery could be masking the true

AHEM..... REMEMBER SWORDFISH?

Once again, bluefin threatens to dominate the proceedings, but it is not the only pressing issue on the ICCAT agenda this year. The latest report on Atlantic swordfish indicates the current conservation program isn't working. The scientific committee recommends that ICCAT, "if it desires to rebuild the north Atlantic swordfish stock, must reduce both fishing mortality rates and catch considerably in the immediate future."

The 1994 stock assessment, completed in late October, confirms what the ever-worsening condition of the fishery has been telling us: Atlantic swordfish are still being overfished and tougher measures are needed. "The 1990 recommendations for regulatory measures were introduced to reduce both catch and effort, but these reductions have not occurred at the level required to allow the stock to increase," reports the SCRS. "The current high catches and the declining CPUE [catch per unit of effort] trend alone illustrate the continued declining trend of the north Atlantic swordfish stock...The current population assessment indicates that the north Atlantic population has continued to decline despite reductions in total reported landings from peak values in 1988."

level of abundance here. In other words, the western spawning group may be even closer to stock failure than the ICCAT assessment shows.

The NRC makes a convincing case for additional research to fill the substantial gaps in our understanding of the movements of fish between the eastern and western fisheries. Its rejection of ICCAT's two-stock hypothesis is not nearly as persuasive. We don't know the level and rate of interstock mixing; whether or not this mixing is just an intermingling of fish on the fishing grounds or inter-breeding of stocks; or finally, how all this might be translated into an integrated management program.

Despite all the hyperbole and posturing touched off by the NRC review, there is no information in its report that would justify abandoning a further reduction in fishing quotas as unnecessary to improving the western Atlantic population. Nor is there information to support the position that bluefin in the western Atlantic can be restored through stricter catch limits in the east alone. On the contrary, the ICCAT SCRS and NRC assessments taken together and as a whole support stronger conservation measures on *both* sides of the Atlantic.

CONGRESS MAKES IMPROVING FISH ACT 'TOP PRIORITY' FOR '95

Congress did not complete work on an amended Magnuson Act, or much of anything else, before throwing in the towel in mid-October. "I do not believe that we have yet reached a consensus on several critical issues," announced House Merchant Marine and Fisheries Committee Chairman Gerry Studds (MA). "Until I am confident that we have the best response to these issues, until I am confident that we have devised a way to stop the collapse and rebuild groundfish stocks in New England - and ensure that it doesn't happen elsewhere - we will not move forward with legislation." Noting the great amount of work already invested in reviewing the effectiveness of the law and the sheer breadth of issues that must be addressed, Studds promised that renewing the Act will be a "top priority" in 1995.

Much of the credit for opening up the fisheries debate on a broader scale than ever before belongs to the Marine Fish Conservation Network, through which the National Coalition for Marine Conservation and about 70 other fishing, environmental and scientific organizations have pooled their efforts to improve the Act. "We've succeeded in demonstrating to Congress the unprecedented support for fisheries conservation," says NCMC president Chris Weld, "and we are committed to building on that success next year."

The efforts of the Network resulted in HR 4404, the most comprehensive package of conservation amendments ever put before Congress. The bill, introduced by Rep. Wayne Gilchrest (MD), attracted 90 co-sponsors from both sides of the aisle before the end of the session. The House Fisheries Subcommittee marked-up its own bill in August addressing many of the changes sought in the Gilchrest bill, but in a much more restrained fashion. On the last day of the 103rd Congress, Sens. Kerry (MA) and Stevens (AK) introduced S 2358, "The Sustainable Fisheries Act," which is likely to become the vehicle for change next year in the Senate. (See also "Marine Index")

THE END OF THE GAME

Council Votes to Close Northeast Fishery

Facing a room full of angry and dazed fishermen, the New England Fishery Management Council voted October 26th to shut down indefinitely the commercial fishery for groundfish on Georges Bank. The nearly unanimous decision

by the industry-dominated council means fishery managers no longer believe the endangered stocks can be saved through regulations on fishing, no matter how strict. Just about any level of fishing, warn the council's scientific advisors, is too much fishing.

New rules that took effect in May, designed to ratchet down fishing effort 10% per year over the next five years, were obsolete by the end of summer. A new stock assessment done in August by the National Marine Fisheries Service concluded that stocks of cod, haddock and yellowtail flounder are in imminent danger of collapse. Even with the toughest imaginable limits on fishing it could take 15 years to restore the stocks, according to NMFS. Acting on this bleak news, the New England Council feels it has no choice but to adopt measures to cut the catch to "as near zero as possible."

What will become Amendment 6 to the Northeast Multi-Species (groundfish) Plan will have to be approved by the Secretary of Commerce, after first going through a series of hearings to give affected fishermen and other members of the public a chance to comment. While some fishermen are still in denial, blaming government regulations for their inability to catch fish, more are coming to accept the idea of a closure if only because there aren't any fish to catch anyway.

If and when fishing on Georges Bank is ended, thousands of fishermen will be looking for something to do. The government is considering ways to permanently remove fishermen from the water, including buying their boats. Otherwise, they are likely to move to other fisheries, ones that will be unable to absorb the added pressure. (The movement to other fishing grounds has already begun and will continue even if Amendment 6 is not implemented.) The National Coalition for Marine Conservation has not taken a position on boat buy-backs, except to insist that any government relief package be tied to changes in federal fisheries law to ensure there are "no more New Englands," and that any funds used for this purpose be raised through a user fee for the fishing industry.

FISH HABITAT AND THE CZMA

A New State/Federal Partnership

Protecting fish habitat should be an important new initiative under the federal Coastal Zone Management Program. That was the message a coalition of environmental and fishing groups sent the Clinton Administration in September. The Administration's Office of Coastal Resource Management (OCRM) is preparing recommendations to submit to Congress when it renews the Coastal Zone Management Act next spring. Although the OCRM draft included a position on habitat management and restoration, the group singled out fish habitat as in need of particular attention and stressed that protection rather than restoration should be the principal goal.

"The fishing and conservation communities are working to strengthen the role of the National Marine Fisheries Service and the Fishery Management Councils in habitat protection under the Magnuson Act," says Ken Hinman of the National Coalition for Marine Conservation. "We believe the CZMA can play an important role, too, by promoting state attention to conserving coastal resources identified by fishery managers as essential to supporting healthy fisheries."

"THE NINTH COUNCIL"

NCMC Proposes New Management Body for Highly Migratory Species

Ever since Congress transferred responsibility for Atlantic tunas, billfishes, swordfish and sharks - known in the federal lexicon as "highly migratory species" - from the Regional Councils to the National Marine Fisheries Service in 1990, management of these large pelagic fishes has been held to lesser standards of public participation and accountability than other fish managed under the Magnuson Act. US conservation and management efforts are suffering as a result.

"It's not entirely the fault of NMFS," explains NCMC president Chris Weld. "By over-reacting to problems the councils were experiencing, Congress overlooked the fact that NMFS had zero experience in preparing fishery management plans nor did it consider that the agency would be accountable only to itself. Four years later, NMFS is still low on the learning curve, and what we are seeing is a lot of process and little action." Weld cites particular concern about how this will affect the management of yellowfin tuna, which will join the list of overfished pelagics if something isn't done soon.

Congress seems reluctant to admit its mistake, however. Although draft amendments to the Magnuson Act produced by both the House and Senate fisheries committees this year acknowledge the need to improve the present system, they miss the point, as evidenced by a proposal to provide NMFS with "plan development teams" drawn from the ICCAT advisory committee, a body totally ill-suited for the job.

The root problem Congress must resolve during reauthorization, says Weld, is that, although Congress in effect made NMFS a "ninth council," there is no appointed deliberative body of decision makers who meet in a public forum, discuss the issues openly, and make final decisions by majority vote. "By and large, the public does not know who makes the decisions, what deliberative process produced those decisions, or what information they were based on," he says. Numerous hearings are held, but they are essentially a one-way street and not a substitute for inter-active public participation. "The comments go in, but nothing comes out," Weld says. "It's like a bureaucratic blackhole."

The NCMC has proposed an alternative: a new Highly Migratory Species Management Council, modeled after the eight regional councils and held to the same standards and guidelines. Its eleven voting members would include representatives from each of the five Atlantic councils, the director of NMFS, and five knowledgeable persons appointed by the Secretary of Commerce. The council would deliberate and make management decisions at bi-monthly public meetings rotating among the five council areas.

The new council would be authorized to establish independent scientific and statistical committees and citizen advisory panels, as the regional councils do. The Highly Migratory Species Division of NMFS would provide critical technical support. The council would also work closely with the ICCAT advisory committee, to help pursue comparable management measures internationally, and with the interstate Atlantic States Marine Fisheries Commission.

THE NCMC MARINE INDEX

Reauthorization Recap. When the 103rd Congress undertook its review of the federal law to conserve marine fisheries last year, the lawmakers might have begun by summoning top officials of the Commerce Department and members of the Fishery Management Councils to Capitol Hill to ask them: "What part of 'prevent overfishing' don't you understand?" After all, government reports show US fishermen have fished down scores of fish stocks, some to the point of commercial extinction (see "The End of the Game"). But Congress started tentatively, as if unsure of what they expected of fishery managers when they wrote the Magnuson Act in 1976, and predicting no substantial changes during reauthorization. But the script changed dramatically when the lawmakers started hearing from the public, a broader constituency for marine fish than they'd ever heard from before. By the end of the term, legislative proposals addressed a wide range of problems, including those cited by conservationists as most in need of attention.

ANTI-OVERFISHING PROVISIONS



The mandate and the means have always been there. But there are too many loopholes, too much wiggle room, not enough backbone. The statute needs an unequivocal policy of risk-averse management: requiring biologically-sound definitions of overfishing that trigger immediate action to stop overfishing, holding managers accountable for keeping recovery plans on schedule, and compelling the Secretary of Commerce to move in quickly when they fail. Congress is still dancing around proposals to enforce strict anti-overfishing rules, taking a step or two in the right direction but not yet willing to put its foot down.

HABITAT PROTECTION



There's greater support for habitat conservation amendments, inside and outside Congress, than for any other proposed changes to the Act. NMFS and the Councils will likely end up with an enhanced role in federal decisions threatening essential habitat, but giving the Secretary authority to block destructive development on the coastline may be taking on too many special interests - inside and outside Congress.

REDUCING BYKILL



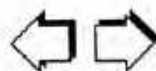
The word bycatch - non-selective fishing gear killing large numbers of non-target fish, thrown back into the sea dead or dying - doesn't appear in the Act. It will. Maybe even in the National Standards. Industry-sponsored proposals, however, focus on reducing discards through "full-utilization" of catch, as if waste were the only issue. It's not. Uncontrolled bycatch contributes to overfishing and stock depletion. Proposals to require more selective gear and cleaner fishing practices are controversial because they would change the way fishermen fish. But that's the point, isn't it?

COUNCIL REFORM



Fishermen voting on issues that affect their wallets is a classic conflict of interest. Congress is wrestling with new rules to minimize such conflicts, while keeping fishermen involved in the council process. Appointing knowledgeable non-users, too, should help protect the public interest.

FUNDING



Don't ever say taxes in an election year. Say user fees, if you have to, or better yet, cost recovery. Congress wants to fill the funding shortfall, if only to buy back vessels in overcapitalized fisheries and bail out fishermen in collapsing ones. A change in the law to collect rents from fishermen for using a public resource is inevitable, but how, and what to spend the money on, is in debate. The former may not happen until the latter is resolved.

HIGHLY MIGRATORY SPECIES



The US limits itself to doing no more than what other countries will go along with, then too often ends up being the only country to go along. Congress wants to tie our hands even more, for the sake of international "cooperation." Don't we have a Magnuson Act precisely because international treaties by themselves aren't very effective?

PRIVATIZATION (ITQs, etc.)



Giving fishermen ownership to provide a stronger incentive to conserve is an intriguing idea. The current race for fish resembles a 19th century land rush on the western frontier. The ocean is no longer a frontier. On the other hand, privatizing public resources is too complex an issue to rush into. Some Congressmen are determined to settle the issue now, so watch out.

THE NCMC
OCEAN VIEW

NCMC, 22075

There is something different about this issue of the *Marine Bulletin*. It is the first issue not mailed from Savannah, Georgia, where a group of conservation-minded and far-sighted fishermen founded the National Coalition for Marine Conservation more than 20 years ago.

In September, the NCMC moved its offices to 3 WEST MARKET STREET, LEESBURG, VIRGINIA 22075.

For those of you who just double-checked the bulletin's masthead, you're not seeing things. It still bears our Savannah address. That's because we print newsletter shells in advance, in bulk, to keep printing costs down. We opted to use the leftover shells for one last issue, rather than recycle them, in order to save money, too.

Indeed, we pride ourselves on giving our members the biggest bang for their buck: with a small but dedicated professional staff, a "working" volunteer board of directors, an unwavering focus on national fisheries issues, and a proven ability to leverage our strengths, in policy and education, with those of other like-minded organizations.

Nothing's changed - except our address. And the fact that the NCMC will now become a more visible, more involved and more effective advocate for fish conservation. Our move to the Washington-area, made possible by the support of our members and a grant from the Surdna Foundation, begins a critical phase in the organization's Strategic Plan, "Fish Conservation: An Environmental Priority for the '90s." (Following on recent accomplishments, such as formation of the Marine Fish Conservation Network and various educational projects aimed at building a broader public constituency for marine fish.)

**NATIONAL COALITION
FOR MARINE CONSERVATION**
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Leesburg is located 35 miles west of Washington, far enough out to escape the higher cost of living and working in the district, but only a short ride on the commuter rail from downtown D.C. Here, we are perfectly positioned to increase our presence in the nation's capital: to attend important meetings and conferences there and in nearby Silver Spring, headquarters of the National Marine Fisheries Service; to visit our representatives on Capitol Hill; and to work more closely with the staffs of other national conservation groups and federal agencies located in and around Washington.

Of course, being in Savannah did afford one intangible benefit - an "outside-the-Beltway" perspective that comes with being far removed from the crucibles of power. That perspective, we promise you, will not change, either. If anything, we will be even more aggressive in fighting to change the status quo - until the conservation ethic becomes the status quo.

Scheduled press time for this issue of the *Marine Bulletin* came in the midst of a particularly busy time, unrelated to the task of re-locating our offices. We were forced to hold back publication, as a number of issues played out: new reports on the status of bluefin tuna and swordfish, which promise to make this November's meeting of ICCAT a test of international management; a flurry of activity in the waning weeks and days of the 103rd Congress, ending with a decision to leave renewal of the Magnuson Act to the next Congress; and a critical vote that will change the face of New England's traditional fisheries forever.

Once again, the new address is 3 West Market Street, Leesburg, Virginia 22075. The phone number is (703) 777-0037 and the fax machine answers to (703) 777-1107.

We'll miss Savannah, but we're excited to be here. Thanks for your support.

Ken Hinman
Executive Director

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THE NCMC

OCEAN VIEW

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The following editorials on **Sharing Responsibility for the Conservation of Marine Fisheries**, written by NCMC President Ken Hinman, were originally published as a three-part series in the National Coalition for Marine Conservation's *Marine Bulletin* (January, February and March 1994 issues respectively).

BLAMING THE CORMORANTS

In Japan there is a centuries-old tradition of fishing with cormorants, a diving bird found in coastal waters, on inland lakes and rivers. The Japanese cormorant-fishermen work at night, hanging lanterns off the bows of their boats to attract fish. The birds, on leashes, are set into the water. They dive and catch fish in their beaks, but can't swallow them because the leashes are snug around their throats. The cormorant is hauled back to the boat and the fish retrieved before the bird is sent into the water again.

What is wrong with the conservation movement, says poet and conservationist Wendell Berry, is that it has a clear conscience. "The guilty are always other people, and the wrong is always somewhere else," he says. "It is only production that causes environmental degradation; the consumption that supports the production is rarely acknowledged to be at fault. The ideal of the run-of-the-mill conservationist is to impose restraints upon production without limiting consumption or burdening the consciences of consumers."

Actually, Berry's broadside is not aimed solely at conservationists, but at our consuming society as a whole. Does he have a point? When we condemn the abuse of a public resource, such as ocean fish, do we have a clear conscience? Or is it merely a case of the cormorant-fishermen blaming the cormorants for catching too many fish?

Several years ago I wrote an article on the problem of bycatch in the Gulf of Mexico shrimp fishery for *Sea Frontiers* magazine. The magazine chose to title it, "The Real Cost of Shrimp on Your Plate." Although my piece did not make an explicit connection between shrimp consumption and bycatch, the editors clearly did. Thousands of shrimpers trawl the Gulf every year, not to kill and discard up to 1 billion pounds of finfish, but to catch 250 million pounds of shrimp for people to eat.

There is a cause-and-effect relationship between our actions and our impact on the environment. Responsible commercial and sport fishermen temper the effects of their fishing in a variety of ways. Trawlers can equip their nets with devices to minimize bycatch and waste, or avoid dragging in sensitive areas. Anglers can set limits on the number and size of fish they catch, and release fish they do not plan to eat.

Of course, the public doesn't simply expect fishermen to be conservationists, it often requires it. But absent either voluntary or regulatory constraints, market fishing responds to the straight-forward law of supply and demand. If the demand exists, there will be fishermen working to supply it. That's as it should be - except when supplies are at risk, i.e., a resource is threatened by overfishing. When that occurs, isn't the responsible consumer obliged to become part of the solution, by tempering his or her consumption in order to take some of the pressure off, instead of simply waiting for someone else to solve the problem?



NO-FAULT FISHING?

There is a disturbing trend abroad in this land of ours, a land forged by self-reliant individuals and risk-takers. Responsibility for one's own actions and their consequences is waning, while more and more aggrieved groups are whining and blaming others for their troubles. We see it in the rash of civil suits and the clamor for government entitlements. In the 1990s, it seems, everyone's a victim.

This almost un-American sensibility is raising its petulant voice in the fishing world, too. With important marine fisheries nearing collapse, a number of fishermen are disclaiming personal responsibility for their predicament and holding the government liable.

In New England, the prospect of stringent new fishing rules for cod, haddock and flounder - wiped out of coastal waters by years of excessive fishing - is understandably causing fishermen and seaside communities to fear for their economic future. They are demanding that the government step in with tens of millions of dollars in economic relief. The Department of Commerce, acknowledging its role in the groundfish fiasco, is promising to help.

Aid is not at issue here. Lending a hand to those in need is

the American way, and we should do what we can to ease the pain. What is troubling, though, is the attitude of some fishermen that they are the innocent victims of government policy and therefore the government *owes* them another job, money to re-fit fishing boats and processing plants to enter new fisheries, that the government should go so far as to create markets for these new fish. More galling still, compensation for impacted fishermen is being proposed as a condition of the industry restraining its fishing effort in order to restore the groundfish stocks.

Fisheries do not collapse overnight. These aren't natural disasters. The source of the fishermen's troubles isn't government regulation, it's overfishing, which results from catching too many fish. You had to have your head underwater not to see the New England disaster coming years ago, yet nothing was done to avert it.

The Councils and the Secretary of Commerce are ultimately responsible for implementing rules to prevent overfishing. If the government does not identify a problem, or proposes no solutions, then fishermen cannot be held accountable. Likewise if a stock decline is caused not by overfishing but by pollution or habitat loss. But when fishermen consider management to be unwarranted interference in their business, to the point where they vigorously resist effective regulation - as they did in New England - then they must either admit responsibility or accept the consequences without protest.

The government failed miserably to fulfill its obligation to the public as regards the northeast fisheries, but it had a lot of help. From the start, managers sought to accommodate industry by minimizing restrictions. Fishermen opposed limits on total catch or fleet size and would accept only passive measures, e.g., area closures and size limits. Meanwhile, generations of cod-fish were fished out. Who knew first that these rules were failing? Trawlers who fished hard at the edge of the protected zones; who weren't complying with gear rules; who regularly pulled up nets full of juvenile fish which had to be discarded?

In one respect, though, the commercial fisherman is a victim - of the negligence of the industry's leaders. Most working fishermen are not at meetings objecting to needed conservation measures, they are pre-occupied with making a living on the water. They rely on the appointed and self-appointed representatives of the fishing community to speak for them. In the case of northeast groundfish, and others, their leaders let them down - hard.



WHERE THE BUCK STOPS, NOBODY KNOWS

That is the best government which desires to make the people happy, and knows how to make them happy. - Lord Macaulay

Not long after Tony Calio took over as administrator of the National Oceanic & Atmospheric Administration, parent agency of the National Marine Fisheries Service, in 1985, he complained privately that "15% of my budget [fisheries] is occupying 50% of my time." It's safe to assume the reasons the

former deputy administrator of NASA took the job were more atmospheric than oceanic. But as he quickly discovered, the light may shine on NOAA's weather and satellite programs at budget time, but most of the heat comes from fisheries.

Ironically, the chief legacy of Calio's short stint at the helm of NOAA is a study of fisheries management under the Magnuson Act, which he commissioned and which bears his name. The Calio Report's most significant recommendation was that the setting of total annual catches should be shielded from the influence of fishermen and based strictly on biology. Although the conservation and allocation decisions never were separated, it still defines much of what's wrong with fisheries management.

There are three branches of government controlling fisheries: the Regional Councils, NMFS (the Administration) and the Congress. There have been numerous instances of Fishery Management Councils either setting catch levels too high and allowing overfishing, or putting an overfished resource on the slow track to recovery, in order to appease the short-term economic interests of fishermen. This is called taking the path of least resistance, and by choosing this route, Council members cede their responsibility as managers to those they are entrusted to manage. They violate the public trust when they are persuaded or cajoled into acting irresponsibly. The Councils, in turn, are answerable to NMFS, and if NMFS approves actions (or inactions) that permit the abuse of a marine resource - which it has - the agency's leadership is liable.

The fishing community feels a closer affinity with the Councils, which are made up largely of fishermen from their area, than it does with Washington bureaucrats. Thus for NMFS to step in and pre-empt a Council when the objectives of the Magnuson Act are not being met - something the agency has the authority and the responsibility to do under the Magnuson Act - can be politically risky. Just ask Bill Fox, the former fisheries boss who became a pariah among commercial fishermen when he tried to take a more activist role in promoting conservation. How many other mid-level federal bureaucrats have been the object of protest rallies? More common is to be called on the carpet by members of Congress.

It is generally acknowledged that the political scene in Washington is ruled by the special interest lobbyists. There is no more effective lobbyist than a Congressman, and there is no more impelling special interest than the constituents in his or her district. Congress makes the laws and holds the purse strings of government. This makes it difficult for any federal body, be it NMFS or one of the Councils, to withstand pressure from lawmakers who intervene into the fishery management process on behalf of constituents who are unhappy with proposed or pending regulations. On more than a few occasions, actions have been altered by such intervention. And if they aren't, Congress can change the rules, as it did when it amended the Magnuson Act to exempt shrimping from measures to reduce fish bycatch.

Given the ultimate power of Congress - which, after all, wrote the Magnuson Act and defined its purpose, which is to prevent overfishing - the lawmakers have the ultimate responsibility to see that the goals of the law are achieved.

