



THE NCMC

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## A NEW VIEW FROM THE HILL

### *WILL THE SEA-CHANGE IN CONGRESS CHANGE THE OUTLOOK FOR FISHERIES LEGISLATION IN 1995?*

Los Angeles has earthquakes, Washington has elections. Most barely register, leaving things much as they were before. But every once in a while a big one comes along and rearranges the landscape. Last November, the big one hit.

The 104th Congress emerged from the settling dust with new leadership and scores of new faces and went right to work on January 4, 1995. Many people in Washington welcome the new outlook, but there are also those who warn us to look out for the new people. Among the latter group is the environmental community. For the Republicans not only took over the legislative branch of government, they did it brandishing their so-called Contract With America. And although the contract doesn't single out the environment - the word isn't mentioned - it does call for a radical shift in thinking about government regulation.

What effect will all this have on marine conservation? What's plaguing marine fisheries is not too much regulation, but too much unregulated fishing. Our fisheries are collapsing under the burden of overfishing, not over-management. Will the chances this year for stronger fisheries protections fall victim to an indiscriminate attack on big government?

At the close of the 103rd Congress, the Democratic leadership promised that reauthorizing the Magnuson Fishery Conservation and Management Act would be a top priority in 1995. As it happens, the new Congress is keeping that pledge and moving rapidly ahead. But the first thing the Republican leadership did was abolish the old House Merchant Marine and Fisheries Committee, folding fisheries oversight into a new Committee on Public Lands and Resources headed by Rep. Don Young of Alaska. In the Senate, the Commerce Committee is still in charge of fisheries, but now under the gavel of Sen. Ted Stevens, also of Alaska.

Perhaps more significant than the change in party leadership is transfer of the legislative powerbase from New England to Alaska, where the condition of the fisheries and the problems facing the North Pacific are generally different from those of the rest of the country.

Unlike most environmental issues, party affiliation has never been a very good predictor of a lawmaker's friendliness toward fish conservation. Support for and opposition to conservation initiatives has traditionally been bipartisan. For example, the 90 co-sponsors of the Marine Fish Conservation Amendments of 1994, introduced by Republican Wayne Gilchrest of Maryland, were evenly split between the two parties. The Democrats who previously held the key fisheries committee posts, despite generally solid environmental voting records, would more often than not yield to the commercial fishing interests back home than follow a consistent conservation ethic.

The voters can alter the make up of Congress, but can they change politics? If there was one unifying message to come from 1994's electoral revolt, it was that there is deep distrust of politicians. Much of this has to do with the apparent inability of Congress to act for the greater public good when challenged by powerful but narrow special interests.

The DA in the OJ Simpson trial, talking about the difficulty of impaneling an impartial jury, observed that "the defense is always just looking for that one juror who might hang them up." Too often Congress resembles a hung jury. One interest group is able to exert enough pressure on key legislators to thwart the will of the majority. We've seen it happen again and again to efforts to improve fisheries management.

Public frustration is also expressed in the increasing use of ballot initiatives, such as the Florida Net Ban approved last November, to circumvent a government process people just don't think responds to their needs. This Congress should honor its contract with America to restore public confidence in federal stewardship of the nation's marine resources.

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## SHARK MANAGEMENT DEFIES LOGIC

Since adopting the principle of caution in the face of scientific uncertainty, the National Marine Fisheries Service (NMFS) has had several chances to make good on that pledge. The most recent opportunity was setting 1995 catch limits for threatened species of sharks targeted by commercial longline and gillnet fishermen and by sport anglers. Unfortunately, the agency's leadership still can't seem to find the courage to back its convictions.

Setting allowable catches based on an optimistic view of the condition of a resource, says the agency's own Strategic Plan, eventually results in overfishing. Any short-term losses to fishermen resulting from a precautionary approach are more than compensated for in the long run by heading off stock declines. Admitting its original estimate of what it would take to restore large coastal sharks (sandbar, dusky, hammerhead, great white, et al) to maximum sustainable yield was wrong, NMFS cancelled a previously scheduled quota increase in 1995 ("Caution: Sharks," *Marine Bulletin* No. 70) and held hearings to consider lowering the quota.

The National Coalition for Marine Conservation, in comments submitted in November and again in January to the NMFS Office of Fisheries Conservation and Management, argued that a substantial reduction in the catch of large coastal sharks was the only logical thing to do. The case, using the classic Aristotelian method, is this:

**IF it is NMFS policy to be risk-averse in the face of scientific uncertainty, the science on sharks is uncertain, and sharks, because of their unique biology, require the most risk-averse management;**

**AND shark scientists advise that allowing any level of catch from the overfished large coastal group may put recovery at risk;**

**THEN, the current commercial quota of 2,570 metric tons and 4 fish per trip bag limit for sport fishermen must be considered risk-prone. In order to err on the side of conservation and to speed recovery of the stock, the annual catch limits for large coastal sharks should be reduced.\***

We recommended setting the commercial quota at 1,450 tons and the bag limit at no more than 2 sharks per trip, the latter being a measure most anglers support. In fact, these are the limits suggested by NMFS in the 1992 draft of the Atlantic shark management plan, before the quotas were increased based on what we now know was an overly optimistic view of the condition of the resource. At a minimum, we called for rolling back the quota to the 1993 level, since the March 1994 Shark Evaluation Workshop recommended against the 1994 increase, but too late to stop it.

When the public comment period ended, NMFS chose not to act, instead delaying a decision until the next stock evaluation this March. Freezing the quota at the 1994 level, said NMFS, was "a reasonable compromise" between the alternatives of increasing and decreasing the quota. "It was the agency that froze, in order to avoid making a decision that would make some fishermen angry," charges the NCMC's Ken Hinman, a member of the Shark Operations Team set up to advise NMFS. "While we await the 1995 assessment, which

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Ken Hinman, *Editor*

no one expects to significantly alter the outlook, the shark resources remain at risk. Evidently the risk NMFS is more anxious to avoid is the political risk of making an unpopular decision."

[\* REFERENCES: NMFS Strategic Plan, Goals and Objectives, June 10, 1991, p. 6; Report of the Shark Evaluation Workshop, March 14-18, 1994, pp. 1, 3, 12, 15; Fishery Management Plan for Sharks of the Atlantic Ocean, February 25, 1993, p. 23.]

## LETTER FROM MADRID *International Management Is Put To The Test At ICCAT '94*

*Executive Director Ken Hinman attended the Nov. 28 - Dec. 2 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) in Madrid, Spain as a member of the US delegation, one of six representatives from the public advisory committee. The following is his report on what transpired there, and does not represent the opinions of the advisory committee or the delegation.*

The National Oceanic & Atmospheric Administration is reporting historic success at the recent ICCAT meeting. Some significant progress was made; however, it must be viewed within the context of the tuna commission, where expectations are always low. Expectations were especially low this year, as the United States went to Madrid with the uncharacteristic mission of asking far more of its fellow members in the cause of conservation than ever before, while offering to do less itself.

For this reason, the meeting emerged as a test for multilateral fisheries management. Historically, management through ICCAT has been more or less unilateral, in the sense that recommendations are implemented by those nations willing to regulate their fishermen and routinely ignored by those that are not. The issue of widespread non-compliance with past recommendations dominated the proceedings.

Among the noteworthy achievements this year were: setting a quantifiable target for reducing catches of bluefin tuna in the eastern Atlantic, where no limits are currently observed; establishing country-quotas for north Atlantic swordfish under a reduced catch level; a resolution approving the use of trade sanctions against non-ICCAT members who fail to cooperate with international conservation programs; a commitment from Japan to tag and release live billfish taken by longline gear on the high seas; and agreement to clarify the ambiguous language in existing recommendations.

Most of these achievements can be characterized as improvements in the management process. Although catches and/or fishing mortality will be reduced in several over-exploited fisheries, ICCAT's conservation efforts still fall far short of what is needed to restore these resources to their maximum sustainable yield (ICCAT's stated goal). Overfishing will continue in the bluefin, swordfish and marlin fisheries. The western Atlantic bluefin situation is particularly frustrating, in that the stock is still extremely low, yet the first signs of a halt in the decline were treated as an excuse to increase catches. The science used to manage bluefin is more uncertain than ever.

## What A Difference A Year Makes

The United States, Japan and Canada - the three ICCAT members fishing for bluefin in the western Atlantic - agreed to a quota of 2,200 metric tons for each of the years 1995 and 96. This is a 10% increase over the 1994 catch. The western Atlantic stock will be re-assessed (as will the eastern Atlantic) by the Standing Committee on Research and Statistics (SCRS) in 1996.

The SCRS performed a new assessment in 1994, unscheduled but made necessary by all the attention given a report by the US National Research Council. The NRC report, an independent review of the bluefin science, criticized certain aspects of the 1993 ICCAT assessment and was seized upon by the tuna industry as reason to reject the strict catch limits recommended by ICCAT (see "Much Ado About Nothing," MB No. 71).

The SCRS revised its assessment using new data and models, and though it produced increased estimates of stock size, most notably a "slight" upturn in age 8+ fish (adult spawners), the overall trend in abundance changed very little. The committee filled its written summary with words of caution, emphasizing the uncertainties in the new assessment, and was clearly concerned that it might be presenting an overly optimistic view of the status of bluefin in the west. They warned the commissioners not to over-react to a single assessment that differs from a previous one. They admitted the new models they used were relatively untested and information incomplete, and urged caution until further studies are done. They pointed out that the breeding population remains close to the lowest levels in history, while the estimated fishing mortality rate remains much too high.

The panel did, however, rescind its prior recommendation to reduce catches to 1,200 tons in 1995. When asked by commissioners if the SCRS had a new recommendation, chairman Ziro Suzuki of Japan replied that "about 2,000 tons" (the 1994 quota was 1,995 tons) was the level the scientists felt the most "comfortable" with, that it represented the "precautionary approach."

The US government position, evidently pre-determined before the delegation left for Madrid, was to strike a balance between the need for caution and its strong desire to reward US fishermen with an increase because, as Commissioner Will Martin put it, "their sacrifice had produced a turnaround." The US negotiated a 2,200 ton quota that included a small increase for American fishermen.

What effect did the controversial NRC review have on this outcome? Plenty. First of all, it created a political atmosphere in the US which made it a *fait accompli* that there would be no quota reduction this year - unless the SCRS strongly reaffirmed its recommendation of last year. That didn't happen. As it was, SCRS felt obligated, because of the NRC critique and the political pressures it created, to reconsider its prior recommendation. This was obvious from its one-line management recommendation, which was to state explicitly that a reduction to 1,200 tons in 1995 was not necessary, while making no specific suggestion as to what is necessary to restore the still depleted fishery.

In my opinion, the only reason ICCAT could get away with increasing the catch from a still severely depleted stock of fish is the lack of a specified rebuilding target and timetable for

recovery. Without defining these points of reference, the management process is completely open-ended, decisions on catch quotas are arbitrary, and progress toward recovery entirely open to interpretation. The US delegation should make it the highest priority to get ICCAT to set rebuilding targets and timetables for all over-exploited fisheries at the 1995 meeting.

### Sharing the Burden

Countries fishing for bluefin in the eastern Atlantic agreed to a 25% reduction in catch from the 1993 or 1994 level, whichever is greater, by 1998. This was a US proposal. So for the first time, ICCAT has established measurable catch limits by which to hold nations fishing the eastern stock accountable. Although this will bring catches only halfway to where they should be - according to a 1974 recommendation to hold catches to "recent levels" - it was clear that the 20-year-old agreement had long since lost any authority, and that a new agreement was required.

The eastern countries objected from the start to any attempt to link the need for conservation in the east to the more serious situation in the west, pointing out that there is minimal evidence of inter-stock mixing and that ICCAT manages the fisheries as two separate stocks. They also objected, on principle, to the US proposing reductions for the east, suggesting that we should mind our own business. Will Martin was blunt, saying the US was proposing cutbacks because if it didn't, no one else would. Up until that point, Spain, France, Japan, etc., were content to listen to the status report on the eastern stock, agree that the situation is getting worse and that mortality should be reduced, and then go home without recommending any specific action. The US, in particular commissioner Martin, must be credited with preventing that from happening.

### Swordfish Takes a Turn for the Worse

ICCAT adopted measures to try and keep the swordfish fishery from going south, figuratively and literally. Members agreed to reduce catches of swordfish in the overfished north Atlantic, by about 20% over the next two years, and to cap catches in the south Atlantic to prevent the further transfer of fishing effort there. Most importantly, specific country quotas were established for Spain, Portugal and Canada, where none had existed before. These quotas, the first for swordfish, will help hold other nations in compliance.

The new swordfish stock assessment revealed a significant change from the previous one. The 1992 assessment indicated a relatively stable stock biomass, producing at 16% below maximum sustainable yield (MSY). The 1994 SCRS report, however, showed the stock at only 68% of MSY and still declining, noting that catches were from 5,000 - 7,000 tons above the replacement yield, that is, the catch level at which the stock size is neither increasing nor decreasing. SCRS suggested substantial and immediate reductions.

Because the US and Spain each had reduced catches by about 30% from 1988 levels, while it turns out so-called minor fishing nations were increasing their catches, they wanted the "minors" to take the first step as a show of good faith before taking additional cuts. (Everyone, including our own fishermen, knows we can't get down to where we need to be without large cuts by the US and Spain; to do otherwise

would be like eliminating the federal deficit without touching Social Security or Medicare.) There was a principle of fairness at issue, but more importantly in my mind, a need to see that the others will indeed do what they've agreed to, something they haven't done in the past.

But that's not the way it turned out. Because representatives of the swordfish industry on the delegation were so alarmed about the decline of swordfish, the US agreed to once again take the biggest hit. Still, the several thousand ton reduction only brings us about halfway to where the catch level needs to be to prevent further decline, and more severe reductions will be necessary next time around, barring a dramatic improvement in the next assessment. (Cue the NRC?)

For those of us who believed the 1992 assessment did not reflect the dismal condition of the fishery, the 1994 assessment was no surprise. What was surprising to me was that the industry is in such a panic over the continuing decline of the resource (actually warning that swordfish will "go the way of bluefin tuna" and that "if something more isn't done soon, the fish will be gone"). Commercial fishermen do not usually react to stock assessments, but rather to what's happening on the water. Things must be awfully bad out there.

### Membership Has Its Privileges

A resolution allowing members to impose trade sanctions on non-member countries who do not cooperate with ICCAT conservation programs was approved. The commission did not go so far as to approve the use of trade measures against non-complying members, although it did take steps to improve enforcement (see next section).

This is a badly needed hammer to help control increasing catches outside the convention. It remains to be seen whether it will stand up under GATT, the international agreement on tariffs and trade, but we won't know until someone tests it. The ultimate purpose of pressuring non-member countries into compliance should be to convince them to join ICCAT. If they do, it will demand a sacrifice from established members, too. New members will have to be allocated a share of existing quotas (without which there is no incentive to join), which means countries now sharing limited quotas will have to share even more.

### Agreements That Say What They Mean

Historically, ICCAT has written its recommendations using fuzzy language, mainly in order to bridge the gaps between delegations and make the regulations more acceptable to all concerned. The result is ambiguous agreements that can be implemented according to a number of different interpretations, making it difficult to prove a violation.

The US made a major issue of this, demanding that vague terms now in use, such as "maintain recent levels of catch," "limit effective fishing effort," and "scientific monitoring quota," be clearly defined. The SCRS agreed to produce a glossary. The US also tried to ensure that all future agreements are written with real numbers wherever possible, and succeeded in doing so with bluefin and swordfish. One result of this may be that old agreements will have to be re-negotiated, since when the terms are defined, a country can easily object that this definition is not what they understood they were agreeing to in the first place.

# THE NCMC MARINE INDEX

**Straight Talk.** The generally well-meaning, often silly, sometimes dangerous trend toward political correctness is leaving no vocabulary unchallenged, including the words we use in fisheries management. Use of the word fisherman, for instance, is slowly giving way to the genderless fisher. If the newer word seems awkward, that's only because it's unfamiliar; most other English-speaking countries were using it long before PC. Are the editors of "National Fisherman" considering a switch? We'll leave that to the magazine and its readers, professional fishermen - er, fishers. Likewise, we'll leave the purging of our language of potentially offensive words to those with nothing better to do. On the other hand, we can all benefit from examining our choice of words relative to what we are really trying to say. Since the fisheries lexicon borrows so heavily from government-ese, it is filled with stock phrases (see "stock" below) and euphemisms, words used to "substitute for blunt precision or disagreeable truth" (Fowler's Modern English Usage). Words should paint a picture, so it's worth the effort to make sure the reader (or listener) sees what we see.

## HARVEST



This euphemism ought to go. When a scientist presenting a report on the status of tuna referred to the number of animals in the population, some fishermen in the audience shouted: "They're not animals, they're fish!" Wrong, fellas, fish are animals, wild animals, in fact. They aren't crops, and harvesting denotes farming, not hunting. People are experimenting with ways to farm tuna, and if they do, they'll harvest them. Otherwise, let's be honest. We hunt them, we catch them, we kill them. If a fisherman finds that truth disagreeable, he or she should find another line of work.

## FISH STOCK



Some say this is also better suited to agriculture (ref. cattle), but we see this one differently. Stock means inventory. Biologists use it to define and assess that portion of a fish population (subspecies, geographical grouping) that can be managed separate from other portions of the overall population. The problem here is identifying a group of fish with enough in common, physiologically or behaviorally, that it can be studied and managed as a unit. Our lack of knowledge about what defines a stock is far more of an impediment to conservation than anything the word itself might convey.

## SUSTAINABLE FISHERIES



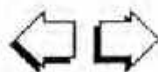
In speaking of his agency's goal in managing bluefin tuna, the head of NMFS says he is committed to achieving a "sustainable" fishery. No thanks. The current catch of bluefin is probably sustainable, but it's also only a fraction of what the fishery could produce if we stopped overfishing and restored it to a healthier level. Should we be satisfied with maintaining fisheries at sustainable levels - just because some fishermen are satisfied with the *status quo* - or shouldn't we set a higher standard?

## FISHING INDUSTRY



It's too easy to fall into the trap of using the word as a perjorative term for greedy fishermen. But by doing so, we cede the popular picture of industry - with its jobs and economic benefits - to commercial fishermen, when the recreational fishing industry makes a comparable contribution to the nation's economy.

## BYCATCH



Bycatch is anything that is caught unintentionally. Anyone who puts a hook or net into the water to catch a particular fish, and something else comes up, has bycatch. It may be kept or discarded or released alive. Bycatch, by this definition, is dully imprecise in describing what most of us recognize as the "bycatch problem," which is bykill, the unintentional killing of fish that contributes to overfishing.

## CONSERVATION



Rep. Don Young, the new fisheries boss in Congress, calls himself a conservationist. That's good news (although he earned a zero rating from the League of Conservation Voters last term). We can only hope the conservative 104th Congress will be conservative when it comes to protecting our right to healthy fisheries.

## TAKINGS



The word has no place in the fish vocabulary. Fish aren't the property of fishermen until they are caught. Then, it is they who are taking fish that belong to the public without compensation. Some fishermen are suggesting they be compensated for fish they are forced to release. But you can't own something it is illegal to possess.

## SPARE THE ROD

In a recent California fishing tournament, anglers brought 26 striped marlin back to the dock and released only seven. "In an age where U.S. recreational anglers are releasing the vast majority of billfish they catch," scolded *Marlin* magazine in a January editorial, "such a statistic is painful to accept."

The tournament in question was offering large cash prizes for the winning fish, i.e., heaviest weighed in at the dock. But as *Marlin* editor David Ritchie points out, many big-money billfishing events, including the richest on the east and west coasts, have successfully instituted rules resulting in the live-release of 90 percent of fish caught in competition. They've proven it can be done, if the motivation is there.

Ritchie says cutting billfish mortality is part of that motivation, but more than that, it's the right thing to do. "If you totaled every billfish killed in U.S. tournaments last year, it would be little compared to the number of fish killed through commercial fishing efforts, especially as longline bycatch," he says. "American anglers have led the world in the ever-growing trend toward billfish release...Our tournaments should reflect the conservation trend and the tournament directors should take the steps necessary to accommodate the vast majority of anglers who want to release their fish."

## ROCKFISH RECOVERY STAYS ON TRACK

A decade ago, striped bass were disappearing from the Atlantic coast. Year after year, the striper's breeding stock in Chesapeake Bay failed to produce. Some feared the fish might never come back. But today, the striped bass is in the midst of a recovery that is looking better every year, thanks to nearly ten years of fishing restrictions aimed at protecting future spawners.

Striper-watchers have been keeping their eye on Maryland's young-of-the-year survey, considered a reliable indicator of annual spawning success, since 1954. Good spawns usually mean an abundance of fish recruiting to the fishery when they mature, about eight years later. But environmental conditions and overfishing reduced the number of adult fish along with their capacity to produce strong new generations.

Last year's Maryland index was the third highest since the decline began in the early 1970s. Coupled with the 1993 index, which was the highest on record, these are the best back-to-back spawning seasons since the survey began.

Being in the midst of a recovery, and being "recovered," however, are not the same thing. Good management has gotten the striped bass resource moving in the right direction and it will require continued good management to avoid getting sidetracked. Since the Atlantic States Marine Fisheries Commission declared the

## "THANKS!"

The National Coalition for Marine Conservation receives financial assistance from several charitable foundations in support of specific conservation programs or projects. We'd like to recognize and thank the following foundations for their generous support of our efforts to conserve ocean fish during 1994:

**The Curtis & Edith Munson Foundation** for supporting publication of the *Marine Bulletin* and tuna and billfish conservation.

**The Surdna Foundation** for supporting the NCMC's re-location to Leesburg, Virginia.

**The Henry Foundation** for supporting publication of the *Marine Bulletin*.

**The David & Lucile Packard Foundation** for supporting the development of an issue paper on alternative ways to fund federal fisheries management programs.

fishery "recovered" in 1994 and opened the door to increased fishing, fishermen are jockeying for their share of the catch. The ASMFC, which writes interstate fishery management plans for the east coast, is scheduled to put new rules into place in March 1995. In developing the new plan, the challenge facing fishery managers is how to deal with allocation demands in a way that does not jeopardize conservation. Pressures to increase fishing as rapidly as possible are tremendous, since fishing for nearshore species is generally poor all around and fishermen are looking for striped bass to pick up some of the slack. These pressures must be resisted and increases made incrementally as part of a long-range plan aimed at a complete recovery.

## AVAILABLE FROM THE NCMC

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# CONSERVING THE OCEAN'S GIANT NOMADS

*NCMC Large Pelagics Program in 1994*

The National Coalition for Marine Conservation (NCMC) was active on many fronts during 1994 in its ongoing effort to improve management of tunas, billfishes and sharks. We worked at the national and international levels, promoting actions to conserve large pelagic fishes in the Atlantic and Pacific. The year was marked by a high level of activity and important progress in a number of areas.

## BILLFISH CONCERNS ARE HEARD

By persuading the National Marine Fisheries Service to hold public hearings on amending the U.S. Fishery Management Plan for Atlantic Billfishes - the first national review of billfish conservation since 1990 - the NCMC laid the groundwork for obtaining new measures to rebuild overfished marlins. The hearings began in February and continued through September, drawing a great amount of public interest and comment. We asked NMFS to develop options to reduce longline bykill, the largest source of mortality for blue and white marlin. We began our own preliminary work researching options for controlling longlines (e.g., no-longlining zones, gear reform and limited entry) and obtained a challenge grant from the National Fish & Wildlife Foundation to produce a comprehensive management plan for the pelagic longline fisheries.

## TAKING THE RISK OUT OF SHARK MANAGEMENT

The Coalition advocated changes in the Fishery Management Plan for Atlantic Sharks to institute a more risk-averse management approach. After a March shark assessment workshop found no evidence of improvement in the numbers of large coastal sharks, the most threatened group, we asked NMFS to cancel quota increases scheduled for 1995, recommending instead that the quota be cut in half. We also stressed the need for better statistics on catch by species, reducing bykill in the longline and shrimp trawl fisheries, and protection of critical shark nursing grounds. NMFS did agree to freeze the shark catch, but postponed a decision on cutbacks until early 1995, choosing to wait for the next assessment.

## SWORDFISH CATCH CUT BACK, DISCARDS COUNTED

The NCMC's long-held concerns about continuing decline in Atlantic swordfish stocks were confirmed by the 1994 international stock assessment. At the fall ICCAT meeting, the commission recommended further reducing the North Atlantic catch by 20% in 1996. The commission also called for counting dead discards of swordfish toward country quotas, a change supported by the NCMC. We continued to oppose

a 3-year old NMFS proposal to permit US fishermen to land undersize swordfish for donation to charity. We've used the so-called Second Harvest program to emphasize the failure of management to protect juvenile swordfish, fish that must be conserved in order to rebuild the depleted adult population, and to hammer home the point that bykill is not just a waste issue, but a serious conservation problem, too. Federal statistics show that the killing of small broadbill on US longlines is only marginally lower today than before the minimum size limit was set in 1990. The ICCAT decision to count discards toward quotas only partially alleviates our concern.

## TUNA POLITICS

After helping to achieve international agreement to cut back on the catch of bluefin tuna, we spent 1994 monitoring a review of the scientific basis for management. ICCAT agreed in 1993 to a schedule of quota reductions for western Atlantic bluefin, including a 40% cut in 1995. Then the US undertook an independent review of the commission's science. The NCMC contributed recommendations and information to the National Research Council's review panel. We rejected the NRC's conclusion that the bluefin decline has stopped as reason not to proceed with stricter catch limits. Although US

officials privately agreed with us that little changed scientifically, everything changed politically. ICCAT rescinded its planned cutbacks in the west, allowing a slight increase instead, but did agree to reduce the catch in the eastern Atlantic.

## MAGNUSON ACT CHANGES

We were on the front line arguing for improvements to US management of large pelagics during Magnuson Act reauthorization. Working with the Marine

Fish Conservation Network, we drafted legislative language and several position papers which were presented to Congress. Although reauthorization was postponed until 1995, several bills were introduced last year. We successfully raised the issue of the need to improve public participation and accountability in large pelagics management in the Atlantic (currently with NMFS, not the regional councils), and each bill recognized and addressed this to some degree, but only one (HR 4404) did so in a satisfactory manner.

## FILLING A MANAGEMENT VOID IN THE PACIFIC

The NCMC continued liaison with west coast activists begun in 1993 when longliners arrived from Hawaii and the Gulf of Mexico. We supplied them information on the effects of longlining on pelagic resources in the Atlantic and put them in touch with experts on the longline fisheries. The three Pacific region councils for the first time considered a joint large pelagics management plan. The need for an international management body became even more acute, and we are studying ways to promote that end. Planning is under way for a major NCMC conference on the subject in 1996.

## NCMC PART OF NEW CAMPAIGN TO CONSERVE LARGE PELAGICS

The NCMC has joined with five other conservation, education and research organizations - the New England Aquarium, Natural Resources Defense Council, National Audubon Society, Wildlife Conservation Society and World Wildlife Fund - in launching an unprecedented 3-year "Campaign to Conserve and Restore the Ocean's Giant Fishes," beginning in January 1995. The campaign will address global (UN, CITES), regional (ICCAT and other international treaties) and national (Magnuson Act) issues.

## UNDERFUNDED MANDATES

On January 26th the House of Representatives overwhelmingly approved a balanced budget amendment. Assuming the new-look Congress is doing more than grandstanding on the budget issue, that vote - regardless of whether or not the Constitution is ever amended - portends some big changes in the way the federal government operates.

For one thing, it will be increasingly difficult to pass a federal budget whose proposed outlays greatly exceed expected revenues. Not coming under the axe will be about the best most federally-funded programs can hope for. Forget increases, unless new and innovative sources of revenue are found. But even then, if it smacks of the old tax-and-spend, most politicians won't touch it with a dead mackerel.

Yet facing up to this reality won't allow us to escape another, namely that there are still underfunded programs not fulfilling their important purpose. Management of marine fisheries is one. Before you decide we're joining the expected hue and cry of special interests arguing that *their* programs deserve special treatment, read on. We don't want to add to the budget problem, we're looking for a solution.

The fact is, there is an urgent need for creative, reliable and, yes, increased funding for fisheries management. While the deplorable state of many of our fisheries continues, even worsens, the budget for the National Marine Fisheries Service is shrinking relative to its expanding circle of responsibilities. NMFS wasn't riding the government gravy train when the deficit ballooned out of control during the 1980s. Overall funding for NMFS today is roughly equal (in constant dollars) to what it was in 1980. Funding for base programs, the minimum duties mandated by the Magnuson Act, has actually decreased. Funding is not only inadequate, it is unreli-

able and fluctuates substantially from one appropriation cycle to another. Needless to say, long-term planning is difficult in such an uncertain fiscal climate.

Conceding that, if anything, the prospects for fisheries funding from the new Congress are even bleaker, where else can we turn in search of stable funding? One possibility is to the fisheries themselves.

Ocean fish are the last common property resource in the U.S. to which access is essentially free. (Some states assess fees and taxes, but the federal government, which manages fisheries from 3-200 miles offshore, does not.) Although fishing is a consumptive use of a publicly-owned resource, it is not treated like other such resources: federal timber lands and range lands, for instance. Access to these and other natural resources is strictly controlled and fees are levied by the government for the privilege of exploiting them.

The National Coalition for Marine Conservation is asking Congress to amend U.S. law to allow fishery managers to charge user fees. Several bills on the Hill this year would do that. If Congress adopts the principle that users pay, there will exist an untapped source of revenue with which to fund fisheries programs. The next step would be to devise a system - whether landings taxes or license fees - that is fair and equitable to fishermen in every region of the country.

Our support for any fee system is contingent upon all funds collected being deposited in a dedicated trust fund for marine fisheries enhancement. And enhancement is the key. New funds must supplement existing funding, not replace it (and thereby be used for deficit reduction). Otherwise, all we would end up with is the ideological satisfaction of having users pay because it's the right thing to do, while providing the fishermen and the resource with nothing in return.

**Ken Hinman**  
Editor

[The NCMC, with a grant from the David & Lucile Packard Foundation, is studying the various options for creating a stable funding source for federal fisheries management. The results will be published this summer as the second in a series of issue papers funded by Packard, the first being The Crowded Sea: An Issue Paper on Limiting Access to Marine Fisheries.]

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# MARINE BULLETIN

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## BEYOND THE LIMITS OF THE SEA

### *THE WORLD'S FISHERIES ARE BREAKING DOWN UNDER THE WEIGHT OF TOO MUCH FISHING*

As the world raced into the second half of the 20th century, experts were looking seaward to feed the rapidly multiplying population. At the time, the ocean's bounty seemed limitless. Between 1950 and 1970, annual fish catches were growing three times as fast as the rate of human population growth, according to the Worldwatch Institute. Some observers blithely predicted that world catches might someday reach several hundred million tons a year.

We never even got close. The first clue that fish stocks were not inexhaustible came in the early 1970s, with collapse of the Peruvian anchovy fishery, the world's largest. While this event tempered the most optimistic projections, global fish production continued to increase through the 1980s. But the catch of ocean fish hit a ceiling in 1989 and has been dropping ever since, despite bigger and more mobile fishing fleets using vastly improved fishing technology. Prospects for satisfying present demand for seafood, much less future needs, are now uncertain at best (see page 7).

A new report from the Food and Agriculture Organization of the United Nations suggests we've pushed our ocean fisheries to the limit and, in many cases, beyond. "Many of the world's major and commercially important species of fish and/or fishing areas are subject to overexploitation," the FAO Fisheries Department reports in "The State of World Fisheries and Aquaculture." "Many heavily fished stocks require urgent rehabilitation, and action towards this end will require sharp reduction in fishing effort."

The FAO puts world fish production in 1993 at 101.3 million metric tons. But this figure includes marine as well as inland fisheries, aquaculture and seaweed, and of this total, only 72.3 million tons is utilized for human consumption. The report focuses on trends since 1989, when total production reached the 100 million ton barrier for the first time. It's fluctuated around that level in recent years, but the catch from the ocean is steadily declining due to "significant

overexploitation," says the FAO. Fish farming is making up the shortfall as wild populations shrink.

"About 70 percent of the world's marine fish stocks are fully to heavily exploited, overexploited, depleted or slowly recovering," warns the FAO. "This situation is globally non-sustainable and major ecological and economic damage is already visible. [Economic losses are estimated at more than \$50 billion a year and are being compensated by government subsidies.] There is an urgent need for states to implement effective conservation and management measures to rebuild stocks by the year 2000."

The FAO recommends that future management strategies emphasize:

- reducing fishing effort and the fishing industry's over-capacity;
- adopting more precautionary management measures;
- improving participation in management decisions;
- allocating resources to groups of fishers; and,
- safeguarding access to stocks by small-scale fishers.

In addition to overfishing, the report singles out bycatch and discards as a serious threat to maintaining ocean biodiversity and the long-term health of marine fisheries. An estimated 27 million tons of fish are discarded at sea annually as unwanted bycatch. The FAO proposes that a 60 percent reduction in discards could be achieved by the year 2000 with a concentrated effort to improve the selectivity of fishing gear; development of cooperative research involving greater interaction between scientists, industry and managers; and the application of technology through fisheries regulations.

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# NCMC PLANS SYMPOSIUM ON PACIFIC FISHERIES

The National Coalition for Marine Conservation hosted a meeting of fishery experts and interest groups in Irvine, California on May 25th to explore the potential for improving international cooperation in the management of Pacific tunas, billfishes and sharks. The meeting was the first step in convening a major symposium on the topic in 1996.

There is mounting concern among fishermen and fishery managers that some pelagic species are being overfished, by both American and foreign fishermen. U.S. longline vessels, many formerly based in the Atlantic, are migrating between ports in Hawaii, California and Alaska. Some are fishing inside our 200-mile zone, some are outside it. On the high seas, they are joined by many more boats from Japan, Korea, Taiwan and other Pacific Rim countries.

Representatives of the Pacific, Western Pacific and North Pacific Fishery Management Councils recently began talking about joint management of the U.S. fisheries. Managers in the western Pacific are struggling to keep up with increasing fishing activity within and beyond the waters surrounding the Hawaiian Islands. On the west coast, recently inundated with longline vessels fishing for swordfish and with a substantial bycatch of other species, there is no management framework in place at all.

The gaps in management are, if anything, even more pronounced on the high seas. Although migratory fish should be studied and managed throughout their range, no Pacific-wide entity exists to compile statistics and assess the stocks, much less recommend needed conservation measures. The Pacific has a plethora of regional fisheries agencies dealing with tunas and billfishes, like the Inter-American Tropical Tuna Commission, but each has severe limitations on its ability to serve all these functions effectively.

"The fishing fleets in the Pacific are growing rapidly, and we don't know their impact on the resource," explains NCMC executive director Ken Hinman. "While the U.S. works to get its own house in order, to control fishing off our shores, we need to lay the groundwork for improved international cooperation, too. We have an opportunity to avert the kind of devastating fishery collapses that have occurred in the Atlantic, but only if we are prepared to act."

Fishermen in the Atlantic are generally critical of the International Commission for the Conservation of Atlantic Tunas' conservation record, yet the value of its ocean-wide data collection programs and internationally-sanctioned stock assessments is indisputable. "There is substantial agreement on the need for better information on the Pacific fisheries and the condition of the stocks, which must be the first priority," says Hinman. "Establishing a decision-making process to use that information for management purposes will be more difficult, but it is absolutely critical."

The NCMC symposium will help define the need for ocean-wide cooperation and the benefits to conservation; identify the gaps in existing science and management; and consider the institutional structure that would best address the needs of the Pacific fisheries. In addition, the symposium will consider such critical issues as how to hold participating countries accountable for achieving agreed-upon objectives.

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Founded in 1973

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THE NCMC  
**MARINE BULLETIN**  
Ken Hinman, *Editor*

## NCMC ADDS DIRECTOR OF DEVELOPMENT

The National Coalition for Marine Conservation recently appointed Christine Wilkins as Director of Development. In an effort to further promote the public's awareness of marine fisheries issues as well as the work of the NCMC, Christine will be responsible for all fundraising, membership and public affairs activities.

"We are excited that Christine is joining the NCMC to direct our development efforts," says Executive Director Ken Hinman. "Her knowledge of fisheries issues, combined with her private sector experience in public relations and fundraising, are just what we need to help us grow into a more effective advocate for marine conservation."

Christine has a Masters Degree in Marine Affairs from University of Miami's Rosenstiel School of Marine and Atmospheric Science. There she worked with Dr. Samuel Gruber studying shark fisheries management and conservation policies on a worldwide basis. Her experience includes working with several governmental and conservation organizations in projects such as helping to outlaw longlining of sharks and billfish in the Bahamas; working towards listing certain shark species on the IUCN's Red List of Threatened Species; and participating in the Fourth Indo-Pacific Fish Conference and Shark Specialist Group workshop in Bangkok, Thailand.

In addition to her fisheries knowledge, Christine brings several years of public relations experience to the NCMC. Prior to graduate school, she worked for Guess, Inc. and Bozell Public Relations in New York.

## WILL WE STUDY THE GULF'S FISHERIES TO DEATH?

Shrimp trawlers in the Gulf of Mexico and South Atlantic catch five or more pounds of finfish for every pound of shrimp, and since the finfish are of little value compared to the shrimp, virtually all of this bykill is discarded. The result is substantial mortality and waste for a wide range of finfish species. The shrimp bycatch problem is caused by the fine mesh trawl nets that sweep the water of most anything in their path. In addition to the obvious ecological implications of these massive fish kills, many of the species caught are also targets of other important commercial and sport fisheries.

The answer to this problem is to modify shrimp trawls with a device similar to the TEDs used to keep turtles out of the nets. Recent efforts by shrimp fishermen and gear specialists from the National Marine Fisheries Service to reduce unwanted fish bycatch are yielding positive results, according to the Gulf of Mexico Fishery Management Council. "Modifications to shrimp trawls are allowing escapement of fish without excessive loss of shrimp," says the council, which is developing management measures in its shrimp and reef fish plans to reduce fish bycatch.

The fishing industry also acknowledges that bycatch reduction devices, or BRDs, do work. The industry-backed Gulf & South Atlantic Fisheries Development Foundation recently concluded after extensive research that "it is possible to reduce the total bycatch by as much as one-third through the use of these bycatch reduction devices."

Five years ago, Gulf Congressmen amended the Magnuson Act to prohibit regulations to reduce fish bycatch in shrimp operations through 1994 to study the problem further. The jury is now in; we have an even better understanding of the problem and more importantly, an effective solution which fishery managers, shrimpers and conservationists agree on. Unfortunately, the shrimp industry is still not ready or willing to clean up its act.

On May 10th, Rep. Billy Tauzin of Louisiana attached several amendments to the House Resources Committee's bill to reauthorize the Magnuson Act. The first of the amendments authorizes yet another study by the Department of Commerce to assess the use of technological devices to reduce bycatch, the economic impact of their use on shrimpers, and the utilization of unavoidable bycatch. Until the year-long study is completed, no measures may be implemented to regulate bycatch.

But Tauzin wasn't through using the reauthorization process to micro-manage resources impacted by his shrimp industry constituents. Another amendment would authorize an "independent" study of red snapper management "to be used as the foundation for any future management." Shrimping's excessive bykill of overfished red snapper has been the focus of efforts to reduce trawl bycatch. Finally, the Louisiana congressman was able to weaken a new provision designed to minimize the adverse effects of fishing gear, including shrimp trawls, on live bottom habitat.

## SURVIVAL AT SEA

On May 8-10, Mid-Atlantic Sea Grant and the Atlantic States Marine Fisheries Commission sponsored a conference on "Release Mortality in Marine Recreational Fisheries" to review current research on the survival of released fish and the implications for management. NCMC executive director Ken Hinman participated in a panel discussion on the effectiveness of educational and media efforts in reaching the angling community with catch-and-release information.

"We've done a pretty good job of promoting release-fishing and it's really catching on," Hinman told the conference. "But we need to focus more on educating fishermen on the importance of handling and releasing fish in a manner that ensures their survival. Otherwise, it's just a 'feel good' gesture that doesn't help the resource."

The conference played an important part in moving the dialogue onto this critical issue. "Releasing fish to reduce fishing mortality is an easy concept for anglers to grasp," Hinman pointed out, "but it must be believed and, most importantly, it must be true." Research presented at the conference examined the effects of stress on different marine species, factors affecting their survival, and methods of evaluating release mortality. Veteran charter captain and author Al Anderson and others gave demonstrations on how to properly handle fish for release.

## UNNATURAL DISASTER

The fisheries crisis that is afflicting New England, leaving thousands of fishermen with no fish to catch and no work, is exacting a heavy economic toll on the region's fishermen, their families and their communities. But with very little

government money around for relief, politicians are exploring every possible way to squeeze badly needed dollars out of Washington, to the point of claiming the collapse of cod-fish populations was a natural catastrophe.

Massachusetts Governor William Weld has asked President Clinton to declare his state's fishing industry a natural disaster, thereby qualifying for federal emergency aid. Administration officials acknowledge privately the request strains the definition of natural disaster, which is reserved for floods, earthquakes and other uncontrollable forces of nature. The only thing uncontrollable about the New England fisheries crisis was the urge to catch every last fish without regard for the health of the stocks.

On the other hand, Commerce Department officials admit the region needs help and says there are few other available sources of relief money. Aside from emergency aid to hard hit coastal communities, the Administration is floating proposals to purchase fishing vessels in order to permanently reduce the fishing capacity of the New England Fleet. A \$2 million pilot study is already underway to examine how a federal buy-back program might be administered. A full-blown program could cost \$100 million or more.

The National Coalition for Marine Conservation joined the Marine Fish Conservation Network in urging the White House to refuse Gov. Weld's request. "Tying the aid to 'natural disaster' status would undermine the substantial progress that has been made in getting New England and the Nation to face the fact that this crisis has been caused by overfishing, ignored and, in some cases, encouraged by management authorities," remarked campaign director Bill Mott.

The Network is actively involved in the reauthorization of the Magnuson Act, using the New England example to argue for tougher guidelines to prevent overfishing. As sad as the groundfish situation is, something positive can result if Congress and the Administration make the necessary changes to enforce action *before* overfishing causes stock depletion, not after, when the pain and cost are so much greater. Likewise, fishermen must acknowledge their role in helping to destroy the resource and the fisheries it once supported.

The NCMC has written the Department of Commerce to insist that any buy-back program must complement ongoing management goals; not only the northeast recovery effort but also rational management of other fisheries which are not yet in the same desperate condition, but which could become so without a strong disincentive to overfish. In this regard, our two most important concerns about the pilot study are: 1) how the rationale for the vessel buy-back program is presented to the New England fishing community; and 2) the expectation of where the money might come from.

On the first point, the Commerce Department must be careful to avoid giving vessel owners the impression that vessel removals - at the taxpayers' expense - is a part of the government's responsibility to rebuild the northeast fisheries. It is not. Reducing vessel capacity is a means of reducing fishing effort to a) allow recovery under a long-range program consisting of strong conservation regulations to protect the depleted fish stocks, and b) bring the fleet into balance with the ability of the resource to sustain a healthy and productive fishery in the future. It is, in other words, a means to an end, but the ends do not justify the means.

We recommended that those fishermen who remain in the fishery foot the bill for buying others out. This could be accomplished by establishing a trust fund from which money would be borrowed today to be repaid later on, for example, through a progressive system of fees levied on active participants in the fishery. In this way, those who will directly benefit from restoration of New England's fisheries would share the cost of rebuilding. Rep. Gerry Studds (MA) has introduced a similar proposal in a package of Magnuson Act amendments entitled "Fishing Capacity Reduction Programs," approved by the House Resources Committee on May 10th.

## LATEST BLUEFIN ACTION

Most of the activity on bluefin tuna this spring took place off Hatteras, North Carolina, where an unusual concentration of giant tunas incited a three-month fishing frenzy, all of it catch and release. Meanwhile on land, fishery managers continued with the less exciting but important work of deciding how to manage the bluefin fishery, which is still considered severely overfished in the western Atlantic.

The National Marine Fisheries Service released a Supplemental Draft Environmental Impact Statement (EIS) following on last year's ICCAT recommendation to increase the western Atlantic quota by 10 percent. The National Coalition for Marine Conservation submitted detailed comments on the draft document. In our view, the management strategy selected by NMFS, from among various options, is not supported by the information contained in the EIS.

There is an obvious discrepancy between the NMFS analysis and its preferred options, at least partly attributable to the fact that the U.S. is constrained by law to implement the ICCAT-recommended quota of 2,200 metric tons in 1995. In light of this constraint, the exercise of considering and rejecting various alternative quotas is an artificial one. Nonetheless, the exercise serves to underscore the fact that the ICCAT recommendation is not consistent with either U.S. management goals or those stated in the ICCAT treaty itself.

NMFS begins by mischaracterizing the ICCAT quota. The EIS states that commission's scientific committee found that "previous restrictions on the western Atlantic bluefin tuna fishery appear to have halted a prolonged decline in stock size," but because "the spawning biomass is believed to be less than 20 percent of historic (1975) levels," ICCAT is adopting a "cautious approach" by recommending "a modest increase in the total quota" from 1,995 mt in 1994 to 2,200 tons in 1995 and 1996.

This interpretation represents a substantial leap of faith. First of all, the conclusion that the decline of western Atlantic bluefin tuna may have been halted is based on a scientific report that is fraught with uncertainty. The report includes an entreaty to managers to be cautious in taking action based on the newest assessment, which is based on a new model the scientists don't have that much confidence in, as well as assumptions about the strength of future (unknown) year-classes. Secondly, even if the stock is no longer declining, in no way can any increase in catch be considered "cautious" when "the spawning biomass is believed to be less than 20 percent of historic levels." The cautious approach would be to not increase the quota at this time.

### Taking the Slow Road to Recovery

As NMFS points out, "ICCAT is mandated to use the maximum sustainable yield (MSY) as its primary management standard, and is therefore committed to rebuilding the bluefin tuna stock to levels that can provide MSY." But what the proposed action - the so-called "cautious approach" - means is that rebuilding from the current depleted level to a population level capable of providing MSY will be slowed. The discussion of quota alternatives makes projections for rebuilding the spawning stock biomass through the year 2010. Only one alternative, closing the fishery entirely, is projected to rebuild the stock to the lower end of the estimated MSY range by 2010 -- 30 years after the bluefin recovery effort began. The proposed 2,200 ton quota would produce only a small increase during that time period, and thus does not meet the MSY-based management goal of ICCAT.

The EIS also notes that the spawning stock biomass in 1993 was 5,579 tons, or 13.3 percent of the 1975 level. The all-time low, in 1992, was 5,454 tons. NMFS, in other words, justifies an increased quota based on an increase in the spawning stock biomass of only 2 percent above the historic low.

NMFS states that "prudent management is required to rebuild the bluefin tuna resource, while at the same time enabling a viable commercial industry and recreational fishery to exist." But the chosen management regime puts short-run social and economic goals ahead of the long-term goal of rebuilding the stock to a level capable of providing MSY. What the EIS does not consider - what cost/benefit analyses usually do not consider - is how potential yields, increased economic value and fishing opportunities associated with a recovered stock would compare with present yields, value and opportunity.

While the NCMC's primary concern is with the quota level and how it impacts rebuilding of the bluefin tuna resource within a reasonable time, we must point out that the NMFS choice of the status quo as its preferred alternative for domestic allocations is not fully supported by the information presented in the document, either. The EIS declares that the overall objective of the proposed action is to meet specific management objectives, one of which is: "To provide the data necessary for monitoring the status of the bluefin tuna stock (according to ICCAT, the primary role of the western Atlantic bluefin tuna fishery is to provide scientific data for monitoring purposes)." This objective does not support the decision to allocate more than one-fourth of the U.S. quota to the purse seine fishery, a fishery which does not provide catch and effort information for stock monitoring purposes. NMFS should define "scientific monitoring quota" and review the U.S. catch categories according to how each contributes to this primary purpose of the western Atlantic bluefin tuna fishery.

We are hopeful that compiling the Environmental Impact Statement will move

NMFS closer to completing a Fishery Management Plan for Atlantic Bluefin Tuna, as required by the Magnuson Plan Act. Since quotas recommended by ICCAT are not changeable under existing law, the quota recommendation in the EIS was a predetermined result. On the other hand, the standards and objectives of the Magnuson Act, if strictly applied, would require that the analysis of the status of bluefin tuna be consistent with the management measures proposed and adopted. Therefore, in our view, development and implementation of the FMP would be a more productive use of limited NMFS resources.

## FISHERIES TARGETED BY HOUSE BUDGET CUTTERS

### NMFS Says Cuts Will Lead to Overfishing

No one expected the National Marine Fisheries Service would escape the axe as Congress set about keeping its promise of a balanced budget, but no one knew just how deep the cuts might go -- until now. The House Budget Resolution for fiscal year 1996 proposes to cut the Clinton Administration's request by \$76.9 million, or roughly 25 percent. The cuts would reduce fisheries enforcement by 20 percent, reduce personnel by 30 percent, and close 8-10 research laboratories, according to NMFS. "Major aspects of the Nation's fishery management programs designed to ensure the health of the fishing industry would be severely curtailed," warn NMFS officials, "thus allowing possible overfishing or, even worse, collapses in fishery stocks."

The biggest risk with budget slashing is not necessarily the size of the cuts - most people would agree the federal budget is overblown - but how the cutting is done. Across the board reductions, such as lopping 25 percent off the top of each agency's budget, could mean the affected agency will do the

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same things as before, only not as well. If those line items that survive the downsizing process are determined by political favoritism - e.g., Congressman X sees to it the lab in his district doesn't close - the agency loses control over the setting of priorities under a tighter budget.

During the Reagan years, the Administration proposed even deeper cuts in the fisheries budget, but Congress always restored funding. The roles are reversed now, but even more has changed. The budget crisis isn't going away, no matter what happens this year. If NMFS is to control its future - to grow instead of shrink - it must address the issues of funding and performance simultaneously. While the serious problems facing our marine fisheries highlight specific funding-related needs, particularly in the area of better science to support management actions, problems with leadership, organizational structure and the setting of priorities also contribute significantly to the agency's ability, or inability, to carry out its mission.

## A NEED FOR LEADERSHIP

*Richard Reagan, President of the Norcross Wildlife Foundation, recently complained about the Administration's "commitment to making the tough decisions" in a letter to Salt Water Sportsman magazine. "Unfortunately, its loud pronouncements notwithstanding, this Administration is unable to translate commitment into action," he said. "All noise, no movement." The following is excerpted from the lead article in the December 1986 issue of the Marine Bulletin. We thought it was worth revisiting at this time.*

In 1986, a special blue ribbon panel was convened to tell the Commerce Department why fishery management was failing as often as it succeeded. The resulting report called for a major reordering of federal fisheries management responsibilities. The problem, they said, was the direct conflict within the decision-making process between the broader goal of conservation and the immediate (economic) interest of certain users. They hit the nail right on the head, and some structural changes in the system are absolutely necessary. However, it seems equally true that restructuring the system alone will not solve what is a deeper problem.

"The real problem, as we see it, is that those ultimately responsible for fishery management, by and large, have not yet resolved to do the job Congress intended them to do in enacting the Magnuson Act. That job is to prevent harm to the resource before it occurs, not after. It requires that we replace hindsight with foresight, and think in the long-term rather than the short. It means taking the initiative, seizing opportunities, and making the hard choices that, inevitably, will demand sacrifice on the part of the present generation of fishermen.

"Too many appointed officials, it seems to us, simply don't want to be held accountable for these kinds of decisions, which are bound to be unpopular in some well-connected circles. And the only way this attitude is going to change is if the leadership at the top - in Washington - wants it to. Fishery managers at every level have a mandate from the people to protect the resource for the many rather than the special interests of a few. If our leaders are not willing to make sure that mandate is carried out, then the public has a right to demand whatever changes are necessary to see that it is."

## WHY FISHERMEN NEED THE ENDANGERED SPECIES ACT

"The crown jewel of all environmental protection is the Endangered Species Act. In spite of the problems the ESA may have created for individual fishermen, it is, in many ways, the last hope for the restoration of whole species such as salmon. Without a strong ESA, the only available remedy for species' recovery is closing down the fishery. This is exactly what has happened to the salmon industry to date - as onshore habitat declined, as fewer and fewer fish survived to reach the ocean, it has been the fishermen who have been cut back over and over again, and who have almost singlehandedly paid the price of inland environmental destruction on a massive scale. This situation exists because under the Magnuson Act fishery managers can only manage fishermen - they have no legal jurisdiction whatsoever over actions onshore which destroy the biological foundations of the fishery itself.

"Whole watersheds can be destroyed, salmon runs battered to extinction and rivers polluted to the point of catching fire, and National Marine Fisheries Service can do nothing about it - until their ESA authority has been triggered by a listing. The ESA is thus the key to watershed restoration and salmon protection throughout the region. It is also the only hope for putting a stop to onshore practices which destroy fishermen's livelihoods."

- Zeke Grader and Glen Spain, Pacific Coast Federation of Fishermen's Associations

## NO NEWS IS GOOD NEWS?

No change in U.S. shark catch levels, says the National Marine Fisheries Service, despite no change in the overfished condition of large coastal sharks (hammerhead, dusky, white, etc.). In April, NMFS re-evaluated the 1994 findings of its Shark Evaluation Workshop Committee, and re-affirmed the conclusion that recovery of large coastal sharks under the present quota system will be very slow, perhaps 30 years or more in some cases, and that measuring recovery or decline may not be possible for a decade or more. In addition, the new analysis stated that stock assessment efforts continue to be plagued by general lack of species- and size-specific catch (including discards) and effort data.

Based on its assessment, the 1994 evaluation team had recommended against scheduled quota increases for 1994 and 1995. The slight 1994 increase did take effect, but NMFS cancelled the 30 percent increase for 1995. Conservation groups, including the National Coalition for Marine Conservation, had asked for a reduction in quota this year, not just the status quo, but NMFS said no because of the likely economic impact on shark fishermen. "The likely impact of high fishing levels on populations of overfished sharks was considered less important," remarked the NCMC's Ken Hinman, a member of the NMFS Shark Operations Team, "once again demonstrating that the agency is not prepared to take precautionary action to protect highly-vulnerable shark fisheries, which have a history of sudden collapse."

# THE NCMC MARINE INDEX

**Global Demands.** Fishing for human consumption uses about 8 percent of the world's aquatic primary production, according to new research by the International Center for Living Aquatic Resources Management in Manila, Philippines [*Nature*, March 16, 1995]. In the ocean, primary production is the basic material (algae, plankton) that makes up the bottom of the food chain and ultimately determines an ecosystem's capacity to support marine life at the upper levels of the chain, where the fish are. In those areas where productivity is highest, namely the estuaries and continental shelves, fishing uses 24 to 30 percent of the primary production. Some scientists, like John Beddington of London's Imperial College of Science, believe this rate of consumption is "unsustainable." The United Nations Food & Agriculture Organization's new report, "The State of World Fisheries and Aquaculture," bears this out (see page 1). Demand for food from the sea has yet to come into balance with the realization of limited supplies. A number of countries, among them the United States, have instituted fisheries conservation and management regimes. Many nations, especially those in developing regions, have not, partly because of the high costs associated with monitoring and enforcement. In the long run, the costs of not protecting fish stocks are much higher, as many of the world's fishermen are finding out.

## NORTH AMERICA



Seafood is a small part of the North American diet. Nearly two-thirds of fish eaten in the U.S. are consumed at restaurants, meaning it's more luxury than subsistence. Demand isn't expected to increase much, which is just as well. One-fourth of all stocks in the U.S. are overfished and most of the rest are fully-utilized. In Canada, catches of commercially valuable species, such as cod, have declined sharply. Overall, U.S. catches have stabilized, but only by shifting effort to lower-value species (pollock and menhaden). Fisheries management has not been effective, although many fisheries are coming under tight controls. More than in other regions, environmentalists and other interests are actively working to reduce levels of catch and discards.

## LATIN AMERICA & THE CARIBBEAN



The majority of fish caught in Latin America are sold out of the region. Artisanal fisheries supply local demand, but eating beef conveys far more status. Because stocks are fully fished, increased consumption at home would have to come at the expense of exports. In the Caribbean, most of the catch is consumed locally. But that's changing, as formerly artisanal fisheries gear up to supply more lucrative markets overseas, particularly Asia. With almost no access or effort limitations, coastal states must be careful not to kill the golden goose. There is perhaps more promise in expanding release-oriented recreational fisheries, which can bring in hard currency with minimal impact on local fish stocks.

## ASIA & THE PACIFIC



Fish are an integral part of the diet in Asia, where the population is growing rapidly. Japan, Korea and Taiwan send their fleets around the world to meet the rising demand at home, but extended national jurisdictions have limited much of their activity to fishing for migratory species on the high seas, increasing the need for more effective international treaties. Japan is entering into joint ventures with other countries, selling fishing technology and know-how while providing a market for the fish. To cover all bets, Asia now accounts for 84 percent of world aquaculture production.

## EUROPE & THE FORMER USSR



The political and economic turmoil sweeping through Eastern Europe has reduced what were once among the world's largest fishing fleets to third world status. In addition, the lifting of the Iron Curtain revealed gross environmental negligence. Diversion of water for agriculture transformed the Black, Caspian, Azov and Aral Seas into biological deserts. Europe is a net importer of fish; 40 percent overall, a whopping 83 percent for commercially important demersal species. Rising demand and poor prospects for increased production will raise prices and increase pressure on already stressed stocks, forcing the region to depend even more on outside sources.

## AFRICA



Small-scale fisheries proliferate, and on the continent with the fastest growing population in the world, Africa's coastal fishing communities are multiplying at an even faster rate. With improving fishing technology, growing demand, and few limitations on fishing, the need for effective management is increasing. Without improved management, the region's fisheries are sure to suffer.

## THE WAY THINGS WORK (OR, WHY THEY SOMETIMES DON'T)

*Philosophy triumphs easily over past evils and future evils, but present evils triumph over it.* - French philosopher La Rochefoucauld.

The House Resources Committee approved an amended version of the Magnuson Fishery Conservation and Management Act on May 10th, demonstrating a modest but encouraging determination to come to terms with the crisis in the nation's fisheries.

"The health of our fisheries is as bad if not worse than it was 20 years ago" when the law was passed, declared Rep. Gerry Studds of Massachusetts, where the cod fishery is collapsing from overfishing and taking the region's fishing industry down with it. Committee Chairman Don Young of Alaska cited the need to clean up wasteful fishing practices. In the North Pacific, 16 percent of the total catch is killed as non-target bycatch. "I know fishermen can fish clean," he said, "but too often there is no incentive."

The committee's bill, H.R. 39, which now heads for the floor of the House, contains stricter standards for combating overfishing and reducing bycatch, as well as new provisions to help protect essential fish habitat. For the most part, the new measures do not go as far as conservationists want them to. They are, nevertheless, a step in the right direction, indicating that, through our collective experience managing fisheries under the Act, we know we've failed in the past and that we must do better in the future.

**NATIONAL COALITION  
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But as always, the best of intentions are not enough. The Magnuson Act, as amended numerous times since 1976, records the evolution of our increasing resolve to protect our marine fisheries from overfishing. The real test is what we do in the present, when tough decisions are called for and the protests from affected interest groups begin.

At a recent meeting between National Marine Fisheries Service officials and constituent groups to discuss the Administration's proposed changes to the Magnuson Act, a representative of a commercial fisheries association remarked that we really don't need to amend the Act. He pointed out that all the authority necessary to conserve and manage our fisheries is already there in the existing legislation.

Unfortunately, that authority is too rarely used. Why? Because there are people who have an interest in seeing that it isn't, and the law provides enough loopholes for government officials to wiggle through in order to appease those interests. The lack of strong leadership on the part of government officials has made it imperative that the law be rewritten to compel fishery managers to do their job.

Congressmen themselves are not averse to undermining their own legislative intent. Against the prevailing tide of reform at the recent House mark-up of H.R. 39, the committee approved language which would minimize the impact of new overfishing and bycatch provisions on two segments of the fishing industry: the Gulf shrimp trawl fishery (see page 3) and the offshore fishery for tunas and other pelagic species. For the latter group, it's the latest in a series of attempts to curtail U.S. authority to regulate fishing for highly migratory species.

When Congress itself bows to political pressure and exempts certain fishermen from the rules and regulations it declares are vital to preserving the nation's fishery resources, what kind of message does that send to the fishery managers who work on the front lines? If the generals aren't up for the fight, the soldiers won't be, either.

**Ken Hinman**  
Editor

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## SANCTUARY

### NO-LONGLINING ZONES RECOMMENDED TO CONSERVE MARLIN, SWORDFISH

The South Atlantic Fishery Management Council is recommending that federal authorities close areas off the Atlantic coast to longlining in order to help rebuild populations of billfish. Longlines are 30-plus mile main-lines carrying hundreds of baited hooks each, set by commercial fishermen to catch tuna and swordfish. At its June meeting, the Council accepted the advice of its Highly Migratory Species Committee and called for no-longlining zones as an interim conservation measure while the National Marine Fisheries Service (NMFS) studies other means to reduce the numbers of marlin and sailfish killed as bycatch in the longline fisheries.

NMFS, the federal agency responsible for managing large pelagic species in the Atlantic Ocean, held a series of public hearings along the east coast last year. During the hearings, called at the request of the National Coalition for Marine Conservation, the agency heard from fishermen and conservationists about the need for additional measures to conserve overfished blue and white marlin. U.S. commercial fishermen are not allowed to keep and sell these fish, according to the Billfish Fishery Management Plan approved in 1988. But the multi-hook longlines set for other targets do not know that, and take a significant incidental catch of billfish and other non-target species. Thousands of longline-caught marlin and sailfish are discarded dead. When a NMFS spokesman told the South Atlantic Council, which prepared the 1988 plan with the other four Atlantic councils, that there were no plans to implement new rules - that the agency was in fact "still considering various options" to control longlining - the Council made its recommendation.

Fishery managers have been 'considering options' for ten years now. It's time for action," declares NCMC Executive Director Ken Hinman, chairman of the South Atlantic Billfish Advisory Panel. Hinman made the motion for area closures at the June meeting. "The fisheries service has a responsibility to implement measures to restore billfish popu-

lations, equal to the attention it gives the commercial fisheries for swordfish and tuna. The NCMC feels very strongly, and the Council agrees, that we should give immediate protection to marlins, particularly white marlin, by prohibiting longlining in areas where bykill is most serious."

The Council's recommendation is to close certain offshore areas at times when the incidental catch of billfish is highest. Limited longlining might be permitted in the closed areas, says Hinman, provided the vessel has an observer aboard and is engaged in *bona fide* bycatch avoidance research. The Council also adopted an NCMC recommendation that NMFS incorporate ways to reduce bycatch into the limited entry plan it is developing for the swordfish and shark longline fisheries.

#### Closures for Swordfish, Too

The NCMC is also urging the use of area closures to conserve swordfish. In 1991 a minimum size limit was implemented in the Atlantic to allow more juvenile broadbill to survive to adulthood and replenish the depleted breeding population. It's not working, since longlines are not size-selective. Fishing mortality rates are still high because small fish are hooked anyway and most are dead on arrival at the boat. A recent NMFS look at the effectiveness of the size measure concluded that "unless small fish can be avoided, and/or unless survival rates of returned fish can be improved, the benefits of minimum sizes...may be negligible."

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The centerpiece of a swordfish plan submitted by the Atlantic Management Councils in 1985 was a system of seasonal area closures to night-time longlining (swordfish are nocturnal feeders) in order to minimize encounters with concentrations of immature fish. The plan was rejected. However, a spokesman for NMFS recently told the NCMC that area closures are once again being examined as an option for the swordfish fishery. "We are urging NMFS to look at time/area closures for their benefits to both billfish and swordfish, as well as tunas and sharks, beginning with identification of those areas where immediate closures would benefit several species at once," says Hinman.

The NCMC is currently conducting its own study of options for managing the pelagic longline fisheries (e.g., no-longlining zones, gear reform, alternate ways of fishing, and limited entry). The results and recommendations will be published next year in the form of a Fishery Management Plan for the Pelagic Longline Fisheries. "We view closures as a stop-gap measure, to provide the resource with relief while these and other studies go on," Hinman says. "Closures will also provide an incentive for the longline industry to work with managers to resolve the bycatch problem, which threatens all pelagic species."

## **JOBS AND THE ENVIRONMENT**

### *The Real Wise Use Movement*

The following article is based on remarks by NCMC Executive Director Ken Hinman during a Seagrant National Issues Forum at the National Press Club in Washington Sept. 11. He participated in the panel, "How Do Our Changing Coasts Affect Fisheries?"

As anyone active in fisheries management knows, most players join the debate as adversaries: commercial versus sport fishermen; intra-commercial gear conflicts; fishermen versus environmentalists; and everybody facing off against the management bureaucrats. But there is one thing all of these disparate and often competing groups can and should agree on - environmental protection.

Without question, protection of the environment marine fish depend on to survive is the common ground upon which sport and commercial fishermen, conservationists and managers can stand together and fight against a common enemy. In 1991, the National Coalition for Marine Conservation sponsored a Symposium on Coastal Fish Habitat Conservation, bringing together representatives of all these groups to agree that habitat loss is "the single greatest long-term threat to the viability of marine fisheries." That symposium and its proceedings, "Stemming the Tide of Coastal Fish Habitat Loss," is the closest thing we have to a national statement of unity and purpose on fish conservation.

Some of the symposium's recommendations have been adopted. The National Marine Fisheries Service created an Office of Habitat Protection the following year to oversee the agency's broad environmental responsibilities. Congress is amending the Magnuson Fishery Conservation and Management Act this year and is likely to give fisheries officials more influence in decisions affecting breeding and nursery grounds of fish under federal management. In this effort, the Marine Fish Conservation Network - founded by the NCMC and four other groups in 1992 - has successfully united fishing and

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Ken Hinman, *Editor*

environmental organizations to work in support of stronger habitat provisions in the law.

### Standing Together, Standing Still

Given the enormous pressures from competing and often incompatible development in the coastal zone, these policy changes in and of themselves will not translate into action to protect marine fish habitat unless there is active and sustained support from fishermen, fishing industries, and environmentalists. Unfortunately, fisheries interests in the public and private sectors often give little more than lip service to habitat protection. We are standing together on the common ground, but with few exceptions, we are not moving forward. As a result, the mounting loss of wetlands, diversion of fresh water from estuaries, and pollution of coastal waters continue to threaten the future health of our fisheries.

There are reasons why this is true, some of them legitimate. But they are not excuses, only obstacles to overcome.

- *The Crisis Mentality.* The threat of habitat loss is always present but rarely seems imminent. Isolated fish kills cause more alarm but less damage than the gradual destruction of the marine environment's carrying capacity.

- *Death By a Thousand Cuts.* An acre of salt marsh dredged here, two acres filled in there. It doesn't seem like much, but nationwide, it adds up to tens of thousands of acres lost every year. Land-use decisions are usually made locally and involve numerous state and federal agencies for whom fish habitat is not a priority.

- *Limited Means.* NMFS, fishing trade associations, and fish conservation groups have limited manpower and funding to devote to monitoring habitat. They are too easily overwhelmed, or too often distracted to other more immediate concerns, such as overfishing, which has reached epidemic proportions around the coastline.

- *Overfishing Rules.* The dual threats of overfishing and habitat loss put marine fisheries in double jeopardy, yet overuse is the most immediate threat to most fisheries. Our system of species-by-species management - as opposed to ecosystem management - demands a tremendous amount of time and resources from fish conservationists, making it hard for them to be active and effective in more than a few fisheries at a time.

- *Dissension in the Ranks.* The fact that fishing and environmental groups are usually at odds over fishing regulations has instilled a level of distrust that is difficult to overcome, or at least to put aside, long enough to work together on a continuing basis on habitat matters. Sadly, habitat loss has become a card played by fishermen seeking to take blame off themselves, or it is seen by others as a scapegoat for overfishing, even when it clearly isn't.

### The Real Thing

Fisheries advocacy which focuses only on regulating the number of fish we remove from their environment, but leaves that environment unprotected, will fail in the end. At stake are the nation's commercial and sport fishing industries. The Department of Commerce estimates that marine fisheries contribute more than \$30 billion annually to the U.S. gross domestic product, with \$17 billion from commercial activities and \$13.5 billion from saltwater angling.

By failing to work together to protect our common heritage from outside threats, we cede the future to those who don't see a place in it for fish and other wildlife. Our opponents are united in the misnamed "Wise Use Movement," which is actually a front for selfish development interests who put jobs in their industries ahead of environmental protection - and jobs in the fishing industries.

Fishing is the real wise use movement. Fishermen can legitimately raise the banner of jobs from the environment, not jobs vs. the environment. To give this movement a stronger voice, we need to consolidate and empower both government and private sector advocates for fish habitat protection. With more authority under the Magnuson Act, NMFS, as the advocate for habitat within the federal government, could better influence decisions on potentially harmful development. The Regional Councils could become the pipeline for grassroots activism on behalf of coastal habitat conservation.

For their part, private organizations could strengthen their collective voice by formally joining together in a standing alliance of industries and environmentalists, one that's committed - and funded - for the long haul, with paid lobbyists working full-time looking out for fish habitat in Washington. Such an organization would present a coalition of business and environmental interests politicians would ignore at their peril.

## A FALLEN "WARRIOR IN THE CAUSE OF CONSERVATION"

NMFS Director George M. Barley was killed in a plane crash in Florida on June 30th. His death was so sudden and shocking that word of it spread up and down the coast like wildfire. President Lincoln once remarked that the trouble with having friends is that we are always losing them. Certainly George's loss is hard to take, both as a friend and as a director, supporter and advisor to the Coalition. He was our "go-to guy:" the man we always knew we could count on if we needed some savvy advice, if we needed to raise money or we wanted to apply political muscle.

"For someone who complained that he worked too hard all his life to have had the chance to meet many people, his connections seemed limitless. It seemed to me that George knew everybody and everybody was ready to do George a favor. But what I admired about him most was his fearlessness and his tenacity. George was always ready to go to the mat with just about anybody, and although his confrontational approach occasionally ruffled some feathers, it got things done. His campaign to clean up Florida Bay and the Everglades was mostly a one-man war. George took on the politicians in Tallahassee, the powerful and politically connected sugar industry, the federal government and at last report, miraculously, he was winning. He was truly a warrior in the cause of conservation."

- Christopher Weld, President

# CLOCK TICKS DOWN ON FISHERIES BILLS

The Magnuson Fishery Conservation and Management Act reauthorization process has dragged on in Congress for nearly three years, but is expected to be completed this fall - assuming that debates on larger issues, such as Social Security, the budget and tax reductions, don't preclude all other action.

"The Marine Fish Conservation Network has successfully convinced the House and Senate fisheries committees to include important changes in the bills they've produced so far," notes NCMC President Chris Weld. "However, there has been a reluctance to further strengthen provisions relating to overfishing and bycatch where action is needed most of all."

Preventing overfishing, the most important section of the Act, is the weakest, as evidenced by the collapse of major fisheries, most notably New England groundfish. The law's key provision, National Standard 1, states that conservation and management measures shall prevent overfishing, but fails to define "overfishing" except in the vaguest terms. What it does say is that fisheries must be managed to achieve "optimum yield," defined as the maximum sustainable yield "as modified by any relevant social, economic and/or ecological factor." Fishery managers routinely interpret this to mean yields maximized for short-term profits. There is only secondary emphasis on the biological needs of the resource.

## The Two '39s'

The House of Representatives is scheduled to vote in October on H.R. 39, the Fishery Conservation and Management Amendments of 1995. This bill, produced by the Committee on Resources, features a number of helpful changes sought by the NCMC and other conservationists. New provisions require a measurable definition of overfishing in every management plan and, if overfishing occurs, preparation of a recovery plan within one year, featuring a rebuilding target and timetable to which managers can be held accountable. The bill also requires that every plan assess the level of bycatch and discards and contain measures to avoid the taking of non-target species; broadens public participation in the Council process; and guarantees habitat essential to marine fish under management will receive greater consideration in the review of federal permits and projects.

The NCMC is supporting strengthening amendments to be offered on the House floor. Foremost among these is one authored by Rep. Wayne Gilchrest (R-MD) to re-define optimum yield as catches no greater than MSY, reduced by factors such as the need to set aside reserves for conservation and/or to account for uncertainties in the science. The NCMC is also backing an amendment which would strip H.R. 39 of language temporarily exempting the southern shrimp trawl

fishery from new requirements to reduce bycatch.

S. 39, known as the Sustainable Fisheries Act, is similar in many ways to the House version, but at press time it still hadn't been reported out of the Senate Commerce Committee. The committee leadership was talking about getting the bill to a vote sometime in October, which would take things down to the wire. If the Senate does act in time, a conference committee will sort out the differences between the two '39s' before sending final legislation to the President.

## BIG FISH GET SHORT SHRIFT IN REAUTHORIZATION

The one major disappointment in the Magnuson Act reauthorization has been the failure of Congress to improve management of highly migratory species in the Atlantic. The Marine Fish Conservation Network called for removing restrictions on the ability of the U.S. to manage large pelagics more conservatively than recommended under international agreement (i.e., ICCAT). The Network also advocated transferring domestic management responsibility from NMFS to a new Highly Migratory Species Council, modeled after the Regional Council system, to bring decisions into the open and increase public involvement. Neither recommendation has been well received.

The House and Senate bills would further limit our ability to manage tunas and swordfish under the Act, establishing ICCAT as the controlling body. In fact, the ICCAT Advisory Committee would be given responsibility for assisting NMFS in developing fishery management plans for all Atlantic large pelagics, even domestic plans for billfishes and sharks. The NCMC was able to persuade Congress to open membership on these plan development teams to individuals outside the industry-dominated ICCAT committee and require a balance of interests.

It is worth noting that these provisions, supposedly added to assist NMFS in managing highly migratory species, were not suggested by NMFS, nor did Congress even consult the agency or the ICCAT Advisory Committee. The amendments came straight from lobbyists for the pelagic longline industry, which wields an inordinate amount of influence on the Hill. When the Network, which represents nearly 100 fishing and conservation groups nationwide, offered its proposal of a new Council, Hill staffers wouldn't even consider it. "Show it to [the longline industry] and see what [they] think," said a top aide with the Senate Commerce Committee, "because that's what I'd do."

## IF NOT HERE, WHERE? IF NOT NOW, WHEN?

### *Sharks and the Precautionary Approach*

*The Shark Operations Team (OT) met in June to review the effectiveness of federal rules to conserve sharks, in particular sandbar, dusky, hammerhead and other large coastal species severely overfished during the 1980s and early '90s. The OT advises the National Marine Fisheries Service on amendments to the Fishery Management Plan for Atlantic Sharks, enacted in 1993. Despite overwhelming evidence the quotas were too high to begin with, NMFS did not lower the quotas in 1995. The National Coalition for Marine Conservation's Christine Wilkins attended the June meeting and presented the NCMC's argument for sizable reductions in both the commercial and sport catches beginning in 1996. Other*

members of the OT agreed that lower quotas are needed, but did not recommend how much. The following article is based on an NCMC statement submitted to NMFS in support of a cautious approach to management and our long-standing recommendation of a 50 percent quota reduction.

The question before us is whether or not the allowable catch of large coastal sharks should be reduced, or maintained at the current level indefinitely while we await new information. The National Coalition for Marine Conservation believes there is only one answer: reduce the catch - substantially - now.

The 1994 Shark Evaluation Workshop concluded that measuring recovery or decline under the present allowable catch may not be possible for a decade or more. The workshop also concluded that, "considering the reproductive profiles of sharks and the general insufficiency of fishery data upon which to base analyses, any (catch) might be considered risk prone relative to stock recovery of large coastals." (Emphasis added.) This raises the question - what quota, if any, might be considered risk-averse?

Given the uncertainties involved - about individual species abundance and the capacity of sharks to withstand even moderate fishing pressure on a sustained basis - the shark fishery is a prime candidate for "risk-averse" management. The NMFS decision to not reduce the quota for the 1995 fishing season, however, used these uncertainties to justify maintaining the *status quo*. Moreover, NMFS said it was unwilling to risk causing fishermen any additional financial hardship by reducing the quota, when the biological benefits of such a reduction are unquantifiable at this time. This reasoning - in effect, choosing to err on the side of overfishing, not conservation - is the antithesis of risk-averse management and contradicts NMFS' own stated policy: "In the face of uncertainty and pressure from the fishing industry, fishery managers have often tended to base their decisions on an optimistic view of the condition of fishery resources. These 'risk-prone' decisions eventually result in overfishing.... This risk can be reduced by giving the benefit of the doubt to conservation, instead of erring toward overfishing."

If the shark scientists are correct that we may not know ("even with precise abundance indices") whether the stocks are rising or falling under the present quota (2,570 metric tons dressed weight) until 2005, are we then to stay with the present quota for the next ten years or more, hoping that the stocks are recovering and not declining, defying the risk that the populations of some species could collapse in the meantime, as have so many shark fisheries in the past?

Incomplete and inconclusive data on the shark fisheries - directed as well as incidental - makes effective management decisions difficult. We may not have all the information we need to say what the quota should be to achieve rebuilding to maximum sustainable yield, much less to prevent continued overfishing. But the concept of risk-averse management, as articulated by NMFS as recently as May of this year, is designed for precisely this type of situation. If we do not apply it to the shark fishery, where? If we don't take the precautionary approach now, when?

NMFS has never defined what it means by risk-averse management, at least not how this approach is to be applied

through specific management actions. It is impossible to see how the current shark management plan is treating this fishery as unique. The majority of shark biologists, fishermen and conservationists believe that the present quota for large coastal sharks is too high to allow recovery, and that a lower quota is necessary to reduce the risk of overfishing. NMFS must respond to these very realistic concerns, by analyzing and weighing the risks to the resource if it is wrong and, instead of the population of large coastal sharks moving toward recovery while we await better information and better science, these animals continue to disappear and take the commercial and recreational fisheries for sharks with them.

## '96 TEARS

### *US Cries Foul Over New Swordfish Quotas*

Traditionally, the agenda of every meeting of the International Commission for the Conservation of Atlantic Tunas has been reserved for bickering over bluefin, though ICCAT is responsible for conserving other tunas, too, as well as swordfish and billfish. The bluefin tuna issue has by no means gone away this year - more questions have been raised about stock structure and the accuracy of the science - but the other fish are demanding equal time after years of neglect by international managers.

This year's session in Spain promises to be a full one, with swordfish now taking its turn at center stage. The issue will be two-fold: determining the appropriate fishing quota in 1996 (and beyond) to avoid overfishing, and determining how the burden of conservation is to be shared among nations fishing for swordfish.

The 1994 ICCAT swordfish assessment showed the northern Atlantic population to be in worse shape than previously thought, prompting ICCAT to recommend reduced catches to halt further decline. But when the United States delegation returned from Madrid last December with the new conservation agreement, it was greeted with revolt from U.S. swordfishermen. Though representatives of Blue Water Fishermen's Association, the industry's lobbying arm, served on the U.S. delegation and endorsed the additional cutbacks in fishing as necessary to begin rebuilding the overfished north Atlantic stock, the organization's rank and file wanted no part of it.

The industry has persuaded government officials to ask ICCAT to re-open negotiations on next year's quotas, claiming the quotas previously agreed to are inequitable. American and Spanish fishermen - the major harvesters in the north Atlantic - have reduced their catches in recent years, following a 1991 ICCAT recommendation, but "minor harvesting nations" - in particular Canada and Portugal - actually increased their catches. Therefore, say U.S. fishermen, future reductions should come from those countries which failed to abide by past conservation agreements.

#### Slicing Up a Shrinking Pie

ICCAT's scientific group plans to update its swordfish stock assessment prior to this year's commission meeting. Most observers believe a revised assessment will substantiate that the resource is far below the level necessary to produce maximum sustainable yield, a conclusion American swordfish fishermen do not dispute. Swordfish scientists

warned last year that "the prospects for the north Atlantic swordfish are pessimistic unless significant harvest reductions can limit fishing mortality to sustainable levels."

Conservationists are worried that backing away from the 1994 agreement and placing allocation issues at the top of the agenda could jeopardize chances for reaching agreement on an effective long-range swordfish recovery program. The National Coalition for Marine Conservation is urging ICCAT to put first priority on establishing a rebuilding target and timetable for swordfish at the upcoming meeting, and to negotiate equitable country-quotas within that objective. "In representing the interests of its fishermen, the U.S. delegation must be firm in its resolve not to allow conservation to be sacrificed in the pursuit of allocation goals," says NCMC Executive Director Ken Hinman, a member of the U.S. ICCAT Advisory Committee's Swordfish Working Group. "Otherwise, we will return from Madrid with a larger share of a collapsing population of swordfish, and we will be forced to take even bigger cuts in the future."

The swordfish negotiations will be contentious, with lots of finger pointing, Hinman predicts. U.S. fishermen have a legitimate beef on the compliance issue, but we have to be careful not to put ourselves in an untenable position. Compliance with past agreements is a separate issue from future allocations under a new agreement. Other nations have a poor record of controlling their fishermen and the U.S. should be aggressive on the matter of non-compliance. But just as ICCAT should not reward nations for non-compliance and overfishing in recent years by raising their quotas, which is what happened last year, neither should it reward nations, such as the U.S. and Spain, for overfishing in the past by giving them preferential access to the resource at the expense of developing countries.

International conservation implies not only a shared obligation to cooperate in ocean-wide management, but also an obligation to share the resource among all those who meet that obligation. For the U.S. to claim, as Blue Water Fishermen's Association demands, that our fishermen are entitled to their historic share of the swordfish catch (about 31% in 1988) in perpetuity is absurd. North Atlantic swordfish belong not just to the U.S. and Spain, but to every country willing to join the international effort. If we can't conserve swordfish (or any other highly migratory species) without the cooperation of all nations fishing for swordfish, we also can't expect their cooperation if we intend to severely restrict their future opportunity to fish. Allocations of an internationally-shared resource are negotiable and will always be so. Our record of compliance with ICCAT agreements puts us in a strong position to negotiate how the burden of restoring swordfish stocks will be shared. But we won't help ourselves by arrogantly demanding what isn't ours.

### ...If It's Living Let It Go

ICCAT's Standing Committee on Research and Statistics (SCRS), whose most recent stock assessments (1992) indicate blue and white marlin are over-exploited and at historic lows, has a longstanding recommendation that all live billfish caught in high seas longline operations be released to minimize fishing mortality. Billfish are taken primarily as an incidental catch in fisheries targeting higher value tunas and swordfish, and setting quotas for a bycatch species is not

effective. Because the SCRS estimates that approximately one-fourth to one-half of the billfish are still alive when brought to the boat, a live-release policy, if widely implemented, could significantly reduce the bykill.

At the 1994 meeting the U.S. delegation took that recommendation a step further, proposing that ICCAT require release of live billfish, but the proposal was not adopted due to a procedural foul-up. When the U.S. tries again this year, the live-release policy should get a boost from the recent UN Agreement on Straddling Stocks and Highly Migratory Species, which calls on regional commissions, like ICCAT, to minimize bycatch.

The U.S. advisory committee has asked our delegates to request international observers on longline vessels to monitor the release of billfish. Such a program would be difficult to implement and limited in scope, however, it would provide an incentive to release live fish and generate information on the proportion of fish that survive. In addition, ICCAT must insist that all members submit complete landings data on billfish, including recent years, so that changes in landings patterns can be used to gauge the effectiveness of live release. Finally, conservationists are urging the U.S. to continue funding for the ICCAT Enhanced Billfish Research Initiative, which already has observers monitoring the catch of the expanding longline fleet in the southern Caribbean and off Venezuela, and whose data are crucial to updating billfish stock assessments in the future.

### Is An Opportunity Slipping Away?

Two years ago ICCAT recommended nations fishing for yellowfin tuna freeze their catches at 1992 levels, noting that the resource is fully-exploited and cannot sustain increased fishing mortality. Such a vague directive will not be implemented, or at least will not be enforceable, until country-quotas are established. The U.S. will not push the issue, however, until it gets its own house in order. An attempt by NMFS last year to quantify recent catches was hotly disputed by recreational fishermen, who claimed their share of the catch was greatly underestimated. The only regulation in effect now is a widely ignored minimum size limit.

### Questions Mark Bluefin Science

Although recent assessments suggest the stock (of western Atlantic bluefin tuna) is in somewhat better shape than depicted by earlier assessments," says a resolution prepared recently for the American Fisheries Society by scientists in its Marine Fisheries Section, "the results still indicate that the spawning stock remains at a very low level and there has been no substantial improvement in recruitment or signs of such a change for the future."

ICCAT will not be conducting a new assessment of bluefin this year, however, the SCRS will review the uncertainties noted in its last assessment. Special attention will be given to whether or not the new methodology used in 1994 is appropriate, whether movement between the western and eastern stocks is for feeding or reproduction, and how either scenario would affect the status of the population in the west. Perhaps the biggest question on everyone's mind is how to reconcile large catches in the northeast with the fact that the giant tunas are getting increasingly scarce on their Gulf of Mexico spawning grounds.

# TURNING THE TIDE

## NCMC News and Activities

### ✓ HEALTHY HARBORS AND CLEAN COASTS

The NCMC and others in the Coast Alliance wrote members of the Senate July 18th urging continued funding to develop environmentally safe technologies for **cleaning up contaminated underwater sediments**. Every year, the Army Corps of Engineers dredges 400 million tons of sediments from river and harbor bottoms, estuaries, the Great Lakes and coasts. Some of these muds are contaminated with PCBs, dioxin, mercury, lead and other dangerous pollutants. "For the nation's ports to stay competitive, they must be dredged," the Alliance noted. "For fisheries and human health to be protected, they must not be exposed to toxic sediments."

### ✓ CONGRESSIONAL SCORECARD

The Nov/Dec issue of *Sport Fishing* will feature the first annual National Coalition for Marine Conservation/*SF* magazine **Marine Fisheries Congressional Report Card**. This unprecedented collaboration rates Congressmen as friend or foe of fish conservation. Since 1995 is not an election year, the inaugural edition of the scorecard is a midterm progress report on the performance of some key members of the 104th Congress.

### ✓ NO MORE MONEY FOR NOTHING

On August 3, the Commerce Department approved \$25 million in disaster assistance for the New England fishing industry - the money to be used to buy out fishing vessels - in addition to the \$60 million in federal aid previously committed. This, despite the fact that **tough regulations needed to rebuild overfished stocks of groundfish have yet to be implemented**. The NCMC, Center for Marine Conservation, National Audubon and World Wildlife Fund called on the Dept. of Commerce to make any assistance contingent on the New England Council adopting Amendment #7 to the groundfish plan. The groups urged the National Marine Fisheries Service to use its authority to implement an emergency plan if the Council does not take action by the end of this year. Assistant Sec'y of Commerce Doug Hall told the NCMC, "I am personally committed to moving this Amendment forward expeditiously and will keep your suggestions in mind should there be any further delay."

### ✓ NCMC REWARDS TAG-AND-RELEASE

Stewart Campbell and Juan Martinez were winners of the 1994 NCMC **Anglers and Captains Trophies**, respectively. The awards are presented each year to the fishermen who tag and release the most blue marlin, as part of a national tagging program to enhance understanding of the movements and behavior of offshore fish.

### ✓ LIMITED ENTRY CONFERENCE

"The Crowded Sea," the NCMC's issue paper laying out criteria for limiting entry to marine fisheries, was distributed to participants in a Limited Entry Conference on June 29-30 in New Bern, North Carolina. The purpose of the conference, sponsored by NC Seagrant, was to educate and inform di-

verse groups about the potential use of a limited entry system for managing the state's coastal fisheries.

### ✓ NEW "ALLIANCE TO SAVE FISHERIES"

NCMC President Chris Weld participated in a meeting held in Washington to form an **unprecedented alliance between sport fishermen and the marine trade industry**. In the new cooperative effort, dubbed the Alliance to Save Fisheries, the American Sportfishing Association, National Marine Manufacturers Ass'n and National Marine Trades Council will work to give special protection to fish species of greatest importance to sport fishing, support limits on netting in bays and estuaries, promote improvements in fish habitat, and curtail depletion of sharks, tunas and billfishes. The alliance says it represents "one million jobs and an annual economic output of \$70 billion," and will use this clout to "rebuild America's fisheries."

### ✓ PACIFIC SYMPOSIUM

The NCMC hosted a pair of meetings in California in late August to plan a **Symposium on Managing Highly Migratory Species in the Pacific Ocean**. The meetings were the first step in hammering out an agenda for the symposium, which will be held in the fall of 1996 at the Monterey Bay Aquarium. The Inter-American Tropical Tuna Commission and United Anglers of California recently joined as co-sponsors of the event, whose purpose is to develop a U.S. strategy for improving ocean-wide cooperation in monitoring and conserving wide-ranging Pacific fisheries.

### ✓ STRIPED BASS POLICY

Striped bass management policy was a big topic at the June meeting of the NCMC executive committee in Washington. Although the striper is recovering well and can probably handle incremental increases in fishing, the interstate plan approved last spring by the Atlantic States Marine Fisheries Commission goes too far, too fast. In our view, **recent strong year classes of striped bass should be allowed to recruit to the fishery before it is re-opened**, preferably after a re-evaluation in 1997. Because of fears of a relapse, efforts are underway in several states to make striped bass a game fish, a move the NCMC does not support at this time. Both sport and commercial fishermen shared in the sacrifice and should be allowed to share in the recovery. We note, however, that gamefish designation will gain momentum as a conservation measure in direct proportion to the lack of restraint on the part of fishery managers. "The pinch comes when officials fail to act responsibly and a few people are allowed to jeopardize the interests of the many," warns President Chris Weld, "and this seems to be a picture that is developing."

### ✓ SHARKS, TUNAS & BILLFISHES -- OH MY!

The lions, tigers and bears of the sea, large pelagic fish are the top predators of their environment. The **Ocean Wildlife Campaign** (see p. 8) was created because these fish are facing increasing threats: overfishing, bykill as non-target species, and poor management. On June 8th, the NCMC joined others in the campaign in Boston to celebrate Oceans Day 1995. Designed to promote awareness of the campaign, the event featured a talk by noted ocean scientist Sylvia Earle, contests for children, and a tour of the New England Aquarium.

## SHRIMP BYCATCH DOWN

### Reasons Are TEDs, Fewer Fish

We wrote in the last issue of the *Marine Bulletin* that "(s)hrimp trawlers in the Gulf of Mexico and South Atlantic catch five or more pounds of finfish for every pound of shrimp..." As was subsequently brought to our attention, the shrimp trawl bycatch in the Gulf is now estimated to be 4.3 pounds of finfish for every pound of shrimp landed. The ratio in the South Atlantic is 2.3 to 1. The new estimates are from an April 1995 Report to Congress by the National Marine Fisheries Service, mandated by the Magnuson Act.

Our estimate was based on studies done from 1988-1992, including those done by NMFS, which put the fish-to-shrimp ratio between 4 and 8 to one. We could point out that the difference between 5 and 4.3 pounds is minimal (nearly 90% of the shrimp catch is landed in the Gulf). Nevertheless, we accept the newest figures as the best scientific information available. More important to us is why the new numbers are lower, and what this means in terms of how we address the problem.

First of all, the new figures do not mean prior estimates were exaggerated, as some shrimpers claim. Rather, the NMFS study updates those estimates by accounting for recent changes in the fisheries, including the use of TEDs (turtle excluder devices). All the NMFS study samples were taken on boats equipped with TEDs, which are required by the Endangered Species Act. "Clearly, TEDs reduce the bycatch of various finfish species to differing degrees," NMFS says. "To the credit of the shrimp industry, the widespread use of TEDs is contributing to bycatch reduction. This contribution is reflected in bycatch estimates being generated through this program."

We are happy to give credit where credit is due. Indeed, the ability of TEDs to reduce the bycatch and discard waste associated with shrimping, while causing no appreciable loss of shrimp, indicates there is a technological solution to this problem. The TED models certified for turtle protection are designed for just that. Trawling devices with the highest finfish reduction rates, known as BRDs (bycatch reduction devices), are not used extensively by shrimpers. However, their use throughout the fishery could reduce the average trawl's bycatch of fish by 53 to 70 percent, says NMFS.

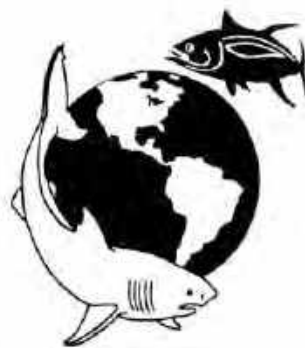
But instead of seeing the benefits of TED use as supporting the wider use of BRDs, the shrimping industry is using the NMFS study and its new bycatch estimates to assert that shrimp bycatch is no longer a serious problem. They are dead wrong. Trawling for shrimp is still the most wasteful of all fishing methods. The NMFS report indicates that in the Gulf, 84% of the total catch is animals other than shrimp (finfish along with crustaceans and invertebrates). The agency adds that the declining abundance of some fish species is one reason fewer of them are winding up in shrimp nets.

The commercially and recreationally valued red snapper is severely overfished. Studies showing that 90% of fishing mortality of juvenile snappers is caused by shrimping prompted fishery managers to develop measures to reduce the bycatch. The new estimate of red snapper bycatch (35 million killed annually) is identical to previous estimates. All of which is to say that shrimp bycatch is still a threat to the Gulf's fisheries, and that BRDs are needed to reduce it.

## OCEAN WILDLIFE CAMPAIGN

The National Coalition for Marine Conservation (NCMC) has been working to conserve ocean fish since 1973. This year, the NCMC joined forces with five other prominent national and international conservation groups - National Audubon Society, Natural Resources Defense Council, New England Aquarium, Wildlife Conservation Society and World Wildlife Fund - to form the Ocean Wildlife Campaign, an unprecedented alliance to educate the public about the plight of the world's giant ocean fishes - the tunas, billfishes and sharks. These magnificent predators are endangered by man's over-exploitation.

The NCMC's large ocean (pelagic) fish program is led by Executive Director Ken Hinman, who has 17 years experience as a fishery conservationist. Ken is a member of the U.S. advisory committee to the International Commission for the Conservation of Atlantic Tunas, serves on the Shark Operations Team of the National Marine Fisheries Service, and is chairman of the South Atlantic Fishery Management Council's Billfish Advisory Panel. He is conservation editor of *Marlin* magazine and has written over 60 published articles on fish conservation.



The NCMC's 1995-96 programs and activities cover a broad range of issues critical to the future of large ocean fish, among them:

- reducing the bycatch of non-target fish and other wildlife on high seas longlines, including preparation of a comprehensive Fishery Management Plan for the Pelagic Longline Fisheries of the Atlantic Ocean
- convening a major symposium to improve management of highly migratory species of the Pacific Ocean
- enacting risk-averse management measures for threatened species of sharks
- working for stronger action to restore severely overfished populations of bluefin tuna and swordfish
- promoting catch and release among sport anglers
- amending U.S. law to improve domestic management of all ocean fish, as a founding member of the Marine Fish Conservation Network.

The NCMC's large pelagics program is funded through the tax-deductible contributions of its members, and grants from the Pew Charitable Trusts, the Curtis & Edith Munson Foundation, and the National Fish & Wildlife Foundation.

# THE NCMC MARINE INDEX

**Predators and Prey.** Overfishing not only reduces populations of the species caught, but taken too far, it can also disrupt entire ecosystems. The role of environmental shifts in ecosystems was discussed at a recent Columbia University Seminar on "Sustainable Development and a Managed Resource: The Current Crisis in Commercial Fisheries." Changes in the environment can be significant, the seminar report concludes, especially when fish populations are weakened by overfishing. In fact, overfishing can trigger these environmental shifts, compounding the impact to potentially devastating and possibly irreversible levels. As number one predator in the ocean, mankind is removing the competition, depleting the numbers of other predators near the top of the food chain. These fish - the tunas, billfishes and sharks among them - play a critical role in maintaining balance and diversity in the marine environment. They are much better "managers" than are we. Removing them in excessive numbers, which we have been doing for decades, upsets the natural balance. Moreover, as fishermen deplete traditional fisheries, they're turning to non-traditional, so-called "under-utilized" species, many of whom are the smaller prey fish occupying the lower end of the food chain. By overfishing these animals, too, we could be pulling the rug out from under entire marine ecosystems.

## WHITE SHARK



Of all sea predators, the great white is most feared by humans. Shark attacks make sensational headlines, but as news goes, it's strictly "man bites dog." We kill millions of sharks for every one of us devoured by "Jaws," and their numbers are dropping quickly under the assault. Ironically, shark attacks may become more frequent as fishing depletes fish stocks sharks normally prey on, and they are forced to come nearer the shoreline to find food.

## ALBATROSS



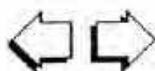
A New Zealand study figures 11,700 seabirds - 15 species, mostly albatross and petrel - were killed by longliners in its waters since 1987. An Australian study says tens of thousands of pelagic birds die each year throughout the southern Pacific on longlines set for tuna. Albatross, known for following ships at sea, are hooked and drowned when they dive to feed on the baited hooks. Like sharks and other apex predators, albatross are long-lived and slow to reproduce. Some scientists believe longlining is the most serious factor in reducing the numbers of these magnificent birds.

## DOGFISH



Spiny dogfish and skates, long considered a nuisance to northeast trawl fishermen, now make up three-fourths of the fish on Georges Bank. Overfishing the cod-fish has opened up a big hole in the ecosystem for the so-called "trash" species, turning the ecosystem upside down. Some biologists fear the proliferation of dogfish could prevent cod and flounder from returning to their former abundance. Fishermen are trying to create a commercial market for dogfish and skate to knock down their numbers, a dangerous proposition at best.

## SQUID



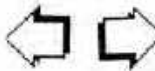
Northeastern fishermen fleeing the collapsing cod fisheries are seeking shelter in squid. But squid are a primary food source for seabirds, marine mammals, large pelagic fishes and bluefish, all of whose numbers are in decline. Bait fishermen report declining squid stocks in the Gulf of Maine. Marine mammal strandings are on the rise, with starvation suspected. Tuna fishermen want limits on the squid catch. The Mid-Atlantic Council recently approved catch limits, mainly to protect squid fishermen in that region, but conservation would benefit all predators, human and non-human alike.

## BLUEFISH



Bluefish are among the most voracious predators in the sea. Setting on a school of smaller fish, they tear into their prey in a roiling frenzy easily seen from shore. Lately they're getting pretty torn up themselves. Excessive fishing has sharply reduced their numbers in many areas of the east coast. Fishery managers are recommending a commercial quota, cutting the sport bag limit in half, and adding a minimum size to protect young "snappers."

## DOLPHIN



No, Flipper is not a vegetarian, but a politically-incorrect and quite ravenous carnivore. Because consumers want their tuna "dolphin-safe," tuna fishermen are setting their nets away from schools of dolphin. Unfortunately, it's creating another problem. The bycatch of billfish and sharks in tuna nets is increasing.

## THE CONSERVATIVE CASE FOR CONSERVATION

Several months ago, an angry reader berated *Salt Water Sportsman* for devoting too many pages to conservation issues. Complaining he'd had enough "liberal, biased environmental rhetoric," he cancelled his subscription. In the magazine's defense, the editor responded with an eloquent explanation of why anglers must stay informed and involved in all issues that affect the future of fishing. "All the how-to information in the world will be useless when the fish are gone," he wrote.

For our part, we are forever bewildered by those people who try and force concern for the environment into their own polarized, liberal-versus-conservative view of the world. We are just as baffled that these people think giving anything more than lip service to environmental protection is somehow the domain of liberals. We are like most Americans - liberal on some things, conservative on others - and we happen to think our attitude toward the environment, if it must be categorized at all, is quite conservative.

Individual choice and self-reliance are hallmarks of being a true conservative. It is these characteristics, we'd say, that make so many salt water sportsmen (and women) conservationists. The quality of our lives depends, equally, on the range of choices we have and the freedom to choose. Letting some special interests despoil the environment - our environment, the only one we have - for their own gain is an abuse of this freedom, because it reduces the choices available to the rest of us, and to future generations.

"The market is rational, the government is dumb." So says Rep. Dick Armey, House Majority Leader and a general in the neo-conservative revolution. This is Armey's way of saying, the less government the better. That's a motto Henry Thoreau, a founding father of the environmental movement, heartily accepted.

When it comes to regulating the use of natural resources, Armey may be right on both counts, but not the way he would think. Consider the crisis in New England. For well over a decade, the fishing industry there operated relatively free of government restraint. With virtually no controls on fleet size or fishing effort, the market determined the amount of cod-fish caught and sold, not fishery managers.

If we forget for the moment that groundfish are a public, not a privately owned, resource, the collapse of the New England fishing industry is a perfectly "rational" market response to overfishing. Economic failure usually results when a business exhausts its source of capital - in this case, fish.

The free market economist would say that, when a business fails of its own devices, that's as it should be. But because the government was "dumb," that is, it did not exercise its legal mandate as steward of a public resource to manage the New England fisheries on a sustainable basis, fishermen are now blaming the government for not regulating their industry, for leaving them at the mercy of the market.

Before we are through, the government - i.e., the taxpayers - will spend hundreds of millions of dollars repairing the social, economic and biological damage caused by the New England fiasco. Thousands of jobs have already been lost, and many more will disappear in the years ahead. The price of lax regulation of fishing in the past will be excessive regulation for the foreseeable future.

A true conservative should be appalled. Then again, a true conservative wouldn't have let it happen in the first place. Freedom means restricting certain choices to enhance the choices and opportunities open to everyone. In our view, that's what fisheries conservation is all about.

Ken Hinman  
Editor

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