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THE HOUSE BRINGS IT HALFWAY HOME

NOW IT'S UP TO THE SENATE TO FOLLOW THROUGH WITH ITS OWN STRONG AMENDMENTS TO THE MAGNUSON ACT

Near the end of last year's session of Congress, before the budget impasse brought everything to a grinding halt, the U.S. House of Representatives passed legislation to amend the Magnuson Fishery Conservation and Management Act. HR 39, approved by an overwhelming bipartisan majority, stands out as the most significant victory for conservationists in the Republican-controlled Congress, which spent much of 1995 trying to dismantle and defund the nation's environmental laws.

Fisheries issues so far have avoided getting caught up in the anti-environment crusade, largely due to the efforts of the Marine Fish Conservation Network, an alliance of 100 local and national fishing and conservation organizations. The Network has persuasively made the case that conserving America's fisheries is good for both jobs and the environment. As a result, HR 39 features numerous strengthening amendments backed by conservation-minded fishermen, including several critical ones added at the last moment.

"The House bill contains some of the most conservation-oriented amendments to the Magnuson Act ever written," declares National Coalition for Marine Conservation President Ken Hinman, a founding member of the Network's steering committee. "Three years of hard work by an unprecedented alliance of fishermen and environmentalists is paying off. But as satisfying as this victory is, we're still only halfway home. Now the battle moves to the Senate."

Significant Changes

The key players in the House were Reps. Wayne Gilchrest (R-MD), Porter Goss (R-FL) and Sam Farr (D-CA), who each sponsored important floor amendments giving extra teeth to new overfishing, bycatch and habitat provisions. Honorable mention goes to Rep. Gerry Studds (D-MA) who, in probably his final action on the legislation he co-authored

in 1976 (Studds announced his retirement in late October), spoke up for conservation eloquently and often during the lengthy floor debate. In fact, fisheries issues are rarely argued on the floor of Congress. Typically, legislators rubber stamp committee recommendations, which in this case was a mediocre bill produced by the Resources Committee, chaired by Rep. Don Young (R-AK). That a full and open debate resulted in significant changes to the committee's bill - over Young's objections - demonstrates the level to which these issues have been raised in the public arena.

Maryland's Gilchrest has emerged as one of the best friends fishermen and environmentalists have in the 104th Congress. A "tragic flaw" in the Magnuson Act, he told his colleagues, permits "fishery management councils to allow a stock (of fish) to be overfished for short-term social or economic reasons," a policy which has led directly to the collapse of fisheries in New England and elsewhere. Gilchrest's amendment redefines the "optimum yield" from each fishery so that catch levels can never, for any reason, exceed the biologically-determined "maximum sustainable yield."

Rep. Goss of Florida defied the powers-that-be by offering an amendment revoking an exemption from bycatch reduction measures awarded to the extraordinarily wasteful but politically-connected Gulf of Mexico shrimp fishery. And California's Farr bucked the fishing industry by offering an amendment making damage to fish habitat caused by fishing gear, such as bottom trawls, part of the bill's new, improved habitat provisions.

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Among other significant changes that HR 39 makes to the Magnuson Act:

- Managers are required to identify all overfished stocks and implement rebuilding programs with specified recovery goals and timetables. If they don't submit satisfactory plans within one year, the Secretary of Commerce must intervene with his own plan to stop overfishing.

- A new National Standard sets a goal of reducing bycatch "to the maximum extent practicable." Measures to reduce bykill are required in management plans for all fisheries.

- Non-users are given increased representation on the Regional Fishery Management Councils. The Secretary is instructed to write new rules to prevent industry representatives who sit on councils from voting their pocketbook.

- Each plan must identify habitat "essential" to the managed species. Fishery managers are given more clout in consultations with other federal agencies over potentially damaging development in the coastal zone.

Unfinished Business

As conservationists hustle to carry the momentum from the House into the Senate, opponents of change are rallying to reverse it. A report on HR 39 in National Fisherman magazine described the commercial industry as "upset" by the House action and "blindsided" by the floor-added amendments. Stricter rules to stop overfishing, mitigate the damage to marine habitat caused by fishing gear, and require shrimpers to abide by the same bycatch reduction goals as everyone else are characterized as undesirable changes to the established order, rammed through the House by "environmental groups looking for stronger measures to prevent overfishing." A spokesperson for the National Fisheries Institute (NFI), a commercial trade association, lamented that "(w)e spent 20 years building a sophisticated management system, yet in a matter of a few hours, Congress completely altered how fisheries will be managed..."

"Forget the alarmist hyperbole or how ridiculous they sound defending overfishing," says the NCMC's Hinman. "What's scary is that there are industry leaders, at NFI and elsewhere, who still don't understand that conservation doesn't compete with fishing, it supports it. Sadly, we can expect industry lobbyists to try and undo in the Senate what we've accomplished in the House."

At the beginning of 1995, Sens. Ted Stevens (R-AK), John Kerry (D-MA) and Frank Murkowski (R-AK) introduced SB 39 to reauthorize the Magnuson Act. The bill has yet to leave the Commerce Committee's Oceans & Fisheries Subcommittee, where members have been wrangling over economic issues: limited entry in the northwest and vessel buy-outs in the northeast. According to a committee spokesperson, a revised SB 39 won't be finished until March.

At last viewing, the Senate bill looked similar to the one produced by the House Resources Committee. In other words, it contains some good provisions but needs strengthening in a number of key areas, specifically language to eliminate overfishing and bycatch. The NCMC, through the Marine Fish Conservation Network, is urging the Senate to follow the House's lead and include tougher standards to restore overfished stocks, reduce bycatch in all fisheries (with no more exemptions for shrimp trawling), and give more authority to fishery managers to protect marine habitat.

Where the Senate must not follow the House is in setting rules for managing "highly migratory species." Neither the current law nor HR 39 provide Atlantic tunas, billfish and sharks with the same protection from overfishing afforded other species or the same opportunities for public participation and accountability (see *Ocean View* p. 10). As an alternative to present management by the National Marine Fisheries Service, the NCMC submitted language to the Senate which would create a new council whose structure and function follows that of the other regional councils, but which would be subject to new, improved standards to prevent overfishing and prohibit members from voting when they have an economic interest in the fishery.

LONGLINES DEVASTATE SEABIRD POPULATIONS

Mortality Rate Compared to Drift Nets

A recent review of wildlife accidentally killed in commercial fishing operations concludes that longline bycatch mortality is an under-rated but "catastrophic" threat to albatross, petrel and other pelagic seabirds. "The drowning of turtles within shrimp nets and dolphins in tuna nets, as well as the killing of various marine mammals, birds, and non-target fish within drift nets, have been widely publicized," writes Charles F. Wurster of the Marine Sciences Research Center at the State University of New York at Stony Brook. "Less well known is the inadvertent, yet widespread and sometimes catastrophic mortality of marine mammals, penguins, turtles, and especially seabirds that are being hooked and drowned on tuna longlines in the Southern Ocean and adjacent oceans of the Southern Hemisphere."

Wurster points out that bycatch mortality from tuna longlines may be "even more severe than that from drift nets." Like drift nets, pelagic longlines (which are also called "drift lines") are passive fishing gear, drifting freely across vast expanses of open ocean to capture fish as they move through the area. In the southern Pacific, mainlines average 80 miles in length and carry about 3,000 hooks. The diving birds are drawn to the baited hooks - an estimated 100 million are set in the Southern Oceans each year - as the buoyed lines are fed into the water.

Longline mortality has been devastating seabird populations for over 30 years, a fact which Wurster says has been "extensively documented by many scientists." "Annual mortality has been estimated at approximately 180,000 albatrosses and petrels, in addition to chicks that starve to death because a parent has been lost," he reports. "About half of this mortality involves Japanese tuna vessels, the remainder including ships from Taiwan, Korea, Spain, China and the USA."

Measures to prevent seabird bycatch - which is in the interests of the tuna fleets, since about half the birds who take the bait get away with it and unbaited hooks catch no fish - could reduce the problem by about 90%, says Wurster. These measures are primarily ways to scare birds away from the boats or to sink the hooks more quickly. They would not, however, be effective in reducing bycatch of marine animals, including non-target fish, that live underwater.

BILL WOULD ERODE SHORELINE PROTECTIONS

Assault on Coastal Barriers Law

Since it was enacted by Congress in 1982, the Coastal Barrier Resources System (CBRS) has been the ideal marriage of environmental protection and fiscal conservatism. Unfortunately, there are those in Congress who, though they champion reduced government spending and an easing of the burden on taxpayers, still don't get it.

The NCMC joined other national conservation groups in writing to members of Congress on December 15th, urging them to oppose legislation to remove coastal lands in Florida from the CBRS. We described HR 2100, passed by the House Resources Committee, as "a needless subsidies bill that will expose the American taxpayers and the Federal Treasury to even more losses from the already over-burdened federal flood insurance program."

Backers of the bill, led by Rep. Tillie Fowler (R-FL), want to delete the lands in question and thereby qualify them for flood insurance and other federal development subsidies now off-limits to the environmentally sensitive coastal areas included in the system. The present law does not prevent owners from developing their property, it prevents them from passing the risks of development in high-risk areas on to the taxpayer. It's a system former President Ronald Reagan once described as "...meeting a national problem with less federal involvement, not more."

OVERDUE NORTHEAST RECOVERY PLAN MOVES FORWARD

Throughout reauthorization of the Magnuson Act, the devastated northeast groundfish fishery has served as an object lesson in how not to manage a fishery, and a compelling case for requiring managers to stop overfishing within a specified period of time. The New England Fishery Management Council first defined cod, haddock and yellowtail flounder stocks as overfished in 1991 (although the science said so earlier). Five years later, there is still no program in place that biologists believe will restore the fishery, but it now looks like there will be later on this year.

On January 26, the New England Council finally signed off on Amendment 7 to its groundfish management plan which should be submitted to the National Marine Fisheries Service in February. The principal features of the plan, which proposes to reduce cod-fishing by about half, are: quotas for cod, haddock and flounder; large area closures on Georges Bank, to take effect this summer; and beginning next year, reductions in total fishing effort through limits on fishing days for the region's trawlers.

The National Coalition for Marine Conservation weighed in with the Council and the Secretary of Commerce several times during the past year urging swifter action on the groundfish amendment:

- The NCMC wrote the Commerce Department in June regarding \$25 million in financial assistance approved for the region's fishing industry, insisting that such assistance be contingent upon the Council submitting, and the Secretary

adopting, an effective conservation program.

- We wrote Asst. Secretary for Oceans, Doug Hall, on September 6 decrying delays in development of a rebuilding plan and asking the Secretary to step in with his own plan if the Council failed to act by January 15, 1996.

- We reviewed proposed amendments and supported four alternative schemes for drastically reducing fishing effort based on established biological parameters. "We support the Council's judgment in choosing from among these alternatives that which will cause the least social and economic disruption within the region's fishing communities," we told the Council on October 13th.

- Three months later, when the Council still hadn't submitted a plan, the NCMC, in a letter co-signed by the Center for Marine Conservation, Environmental Defense Fund, National Audubon Society and World Wildlife Fund, told the Secretary that the scheduled Council meeting on January 26 should be "the Council's deadline for voting to send Amendment 7 to the Secretary of Commerce."

Following approval of Amendment 7 at that meeting, and with the peak groundfishing months approaching, rapid implementation is vital to keeping the rebuilding effort ahead of the curve. Further delays will permit additional harm to the resource and exacerbate an already painful situation for New England's fishermen. The long-term benefits are substantial, however, if the fishery is eventually restored to its former abundance and then managed on a sustainable basis.

ICCAT TODAY AND TOMORROW

Progress in '95 Sets the Stage for '96

All in all, the November 10-17, 1995 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) was a success. Because no new stock assessments were performed - they're due before the 1996 meeting - the Commissioners were able to address a number of allocation and enforcement issues in order to lay more fertile ground for the tough conservation decisions to come.

Among the meeting's highlights was adoption of a resolution approving the use of multi-lateral trade sanctions against non-ICCAT nations whose increasing catches of bluefin tuna or swordfish diminish the effectiveness of agreements to conserve these overfished species. Concerns persist, however, about the ability of the stocks of tuna, swordfish and billfish to recover under current catch levels, as well as non-compliance with these restrictions by some member nations.

Swordfish: 1995 was the year of the fishing industry at ICCAT, so that 1996 can be the year of the fish. The U.S. delegation worked overtime to secure a long-term arrangement giving American fishermen a percentage of the allowable North Atlantic swordfish catch more in line with their historical share: 29% beginning in 1997, as compared to the 24% they received in 1994. The NCMC worked to ensure that the sensitive negotiations over national allocations did not upset the reduced Atlantic-wide quotas previously agreed to for this year.

A new swordfish stock assessment will be conducted prior to the November 1996 meeting, and most observers expect the Commission will be forced to substantially lower catches

across the board. The existing quotas were only a stop-gap measure to stall the dramatic decline in swordfish numbers shown in the 1994 assessment. ICCAT scientists warn that the stock is likely still declining. A U.S. proposal requesting that the scientific committee develop a series of recovery options, using varying timetables (e.g., 5, 10 or 15 years), was accepted. The NCMC will be working with the U.S. delegation over the coming year to secure a strict rebuilding program which establishes intermediate recovery targets with which to hold ICCAT accountable for staying on course.

Bluefin. For once, the bluefin tuna was not at the top of the agenda, but the giant is only sleeping and will rise again this year when new stock assessments for both the eastern and western stocks are completed. An ICCAT scientific working group met last fall to review the methods and models used in the 1994 assessment, which showed slight improvement in the condition of the western stock and actually led to a small increase in allowable catch. Decisions on how to weigh various indices of abundance and how to account for intermixing between the two stocks will determine if even tighter restrictions are needed in the west and how drastic the reductions need to be in the east, where fishing remains virtually unregulated.

The Commission also asked its scientific panel to develop recovery options and timetables for both western and eastern stocks (10, 15 and 20 year scenarios). In 1981, when quotas were first introduced for the western stock, the scientists estimated it could take 30 years for recovery to maximum sustainable yield (MSY). In the late '80s, when the decline still had not abated, the commercial fishing industry embraced the notion of a "30-year recovery plan" and pleaded for patience. Thirty years will be up in 2010. According to the 1995 U.S. Environmental Impact Statement on bluefin, the only catch scenario that will rebuild the stock to even the lower range of MSY by 2010 would be setting the catch at zero.

Billfish: Marlin and sailfish present a particular problem for international management. Although stocks of blue and white marlin are considered overfished, reducing fishing mortality - as the Commission's scientists have recommended for several years - through quotas is not desirable, nor would it be effective. Most billfish are killed as bycatch in the tuna/swordfish longline fisheries. For the total Atlantic, catches remain too high to allow any recovery. In the North Atlantic, however, marlin catches have declined, due to a combination of the depletion of target species, limits on fishing, and a general shift in fishing effort to southern waters.

The U.S. proposed in 1995, as it did the previous year, that ICCAT require longline vessels to release live marlin and sailfish. The proposal was rejected, however, in favor of a voluntary release program that encourages tagging billfish whenever practicable. The U.S. will help set up a reward program to increase the incentive for fishermen to return tags.

Yellowfin: ICCAT has a standing recommendation to freeze catches at the 1992 level to prevent overfishing of yellowfin tuna. Until this is translated into country-quotas, it is unenforceable, even if anyone were to implement it, which they haven't. There are also questions about whether capping catches at the '92 level is enough. A U.S.-sponsored resolution was adopted requiring ICCAT to come up with better defined management measures, including quotas. The NCMC will push the National Marine Fisheries Service this year to correct domestic catch figures so the U.S. can aggressively advocate for strict national quotas based on recent catches.

Bigeye. A big increase in catches of bigeye, by the longline and purse seine fisheries, has caused a sharp decline in numbers, according to recent studies. ICCAT scientists recommend reducing harvests, especially of small fish. The Commission voted to reduce catches below MSY, however, this is another non-specific regulation and will likely result in no let up on fishing pressure. More specific rules will be discussed at the 1996 meeting.

LARGE SHARKS IN DANGER, SAY LEADING SCIENTISTS

NCMC Calls for Emergency Action

Many of the world's fish populations are in decline, but of special concern are the ocean's sharks. Because most sharks grow and mature very slowly and reproduce in small numbers, they are extremely vulnerable to overfishing. New scientific data suggest that large coastal sharks, such as dusky, sandbar and blacktip, may be in even more trouble than fishery managers originally thought. Steep declines in some Atlantic populations will not be reversed by current federal regulations.

The National Coalition for Marine Conservation has asked

the National Marine Fisheries Service to act immediately to toughen up its rules to protect overfished sharks. NMFS is the government branch charged with managing sharks and other large pelagic fishes, such as tunas and marlins, in the Atlantic. The agency is considering changes in the existing U.S. Fishery Management Plan for Atlantic Sharks, which sets catch limits and other fish-

DOCUMENTED COLLAPSES OF COMMERCIAL FISHERIES FOR LARGE COASTAL & PELAGIC SHARKS

- California Soupfin and Thresher Shark Fisheries (U.S.)
- California Blue Shark (U.S.)
- East Atlantic Basking Shark Fishery (Britain)
- West Atlantic Porbeagle Fishery (Norway-Denmark)
 - School Shark Fishery (Australia)
 - Spiny Dogfish (Scotland-Norway)
 - Spiny Dogfish (Japan)

Source: Mid-Atlantic Fishery Management Council

ing restrictions on 39 species along the east coast, Gulf of Mexico and U.S. Caribbean island territories.

But because of indefensible delays by NMFS in preparing the new shark rules, the chances of providing badly needed relief for the most endangered species of sharks this year are quickly receding. The NCMC, along with other members of the Ocean Wildlife Campaign, has asked the Secretary of Commerce to initiate emergency action under the Magnuson Act to cut through the red tape and immediately reduce quotas by 50% for the 1996 fishing season.

"The Shark Operations Team met last June and recommended reducing the commercial and recreational catches of large coastal sharks," says NCMC President Ken Hinman, a member of the shark advisory panel. "The shark plan calls for the Secretary to issue a Proposed Rule within 30 days of receiving the OT's advice. Eight months later and there is still no proposal." If NMFS proceeds with the regular rule-making process at this late date, the earliest it could implement lower quotas would be this summer. "By then, halfway through the fishing season, it'll be too late," says Hinman, "and 1996 will go down as another loss for sharks."

"Critically Endangered"

In support of its call for emergency action, the NCMC cites a study done by Dr. Jack Musick, shark biologist at the Virginia Institute of Marine Science, College of William and Mary. Musick believes the current catch limits will not allow for any recovery of large coastal sharks. His 22-year survey indicates a steady decline in sandbar - the predominant species in the Atlantic fishery - and other large coastal sharks from the mid-1970s through the early '90s. Dr. Musick points out that in the early '80s, sandbars were already experiencing a 10% annual stock decline from increased fishing pressure, and the stocks have been reduced by as much as 80-90% since then.

Musick observes that using NMFS' own criteria for other groups of animals like marine mammals and sea turtles, with population declines similar to those shown for large sharks in the Atlantic, species such as sandbar, dusky, tiger and sand tiger would qualify as "depleted" under the standards of the U.S. Marine Mammal Act or "threatened" under the Endangered Species Act. Given the more than 80% decline in sandbar and dusky shark numbers over the last 10 years, Musick adds, these species would meet the IUCN's criteria for listing as "critically endangered." The IUCN - the World Conservation Union - "red lists" species of higher risk of extinction in order to focus attention on needed conservation measures.

Based on his studies, Musick warns that even with a 50% reduction in total allowable catch, the stocks may still not recover. He recommends NMFS institute a complete closure of the directed shark fishery. (The plan only regulates landings; more sharks are caught and discarded as bycatch than are caught in the directed fisheries.) Another study done by Dr. Tom Hoff of the Mid-Atlantic Fishery Management Council indicates that if the fishery for large coastals were closed completely today, sandbar shark populations still would not recover to pre-fishery levels (the 1970s) even after 50 years.

No Excuses

Members of the Ocean Wildlife Campaign, including the NCMC, met with officials of the NMFS Highly Migratory Species Division last October to reinforce our concerns and urged a minimum 50% cut in quotas. NMFS promised at that meeting to issue a Proposed Rule in November, leading to amendments in fishing regulations beginning January 1. The NCMC followed up with a press release to draw attention to the problem (the release was picked up by the Associated Press and received wide coverage) and sent out an Action Alert asking members to contact the agency in support of shark conservation.

The Campaign asked NMFS to cut the commercial quota by half in 1996, rather than phase it in over five years, a compromise the agency is considering. (Sport fishermen are already on record in support of giving up half their bag limit of large coastal and pelagic sharks.) In addition, the Campaign asked for an updated stock assessment in 1996 and a long-range rebuilding schedule.

As of late February, NMFS had yet to issue a Proposed Rule, much less implement any changes in the shark plan. After the agency failed to meet its own November deadline, it subsequently got caught up in the federal budget battle and intermittent government furloughs. Then in January, Dick Stone, Chief of Highly Migratory Species, retired, leaving the government office overseeing management of sharks, billfish and tunas without a leader.

"Although these may be reasons why nothing is coming out of NMFS right now, they are not excuses," says the NCMC's Hinman. "Their failure to do what they were supposed to do when they were supposed to do it can't be blamed on government shutdowns in December and January. Nor can it be blamed on the fact that the agency recently lost its leader. Where was the leadership before, when we needed it most?"

Write to Rollie Schmitten, Assistant Administrator for Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 in support of emergency action to protect sharks.

NCMC ASKS NMFS TO CLOSE HATTERAS AREA TO LONGLINING

The National Marine Fisheries Service asked for public reaction to a request that commercial longliners be allowed to land and market bluefin tuna caught while fishing for sharks off North Carolina in the winter months. The National Coalition for Marine Conservation responded by dismissing the proposal as "a monumentally bad idea" and asking the agency instead to close the Hatteras fishing grounds to all longlining.

A large number of spawning-age bluefin are congregating in the waters off North Carolina from December through April. Vessels in the shark longline fisheries are hooking giant bluefin, but are forced to discard them because of regulations restricting landable bycatch. After hearing complaints from longliners, NMFS decided to review the rules for ways to allow for the commercial use of "unavoidable bycatch." The NCMC agrees that a review of the Atlantic bluefin tuna "incidental" fishery is in order, but for different reasons. The history of management of the incidental (longline) fishery has been one of constant changes to the regulations in order to accommodate longline fishermen who wish to land and sell bluefin, but never to limit bycatch fishing mortality, and rarely with the effect of discouraging directed effort at the high-priced giants. This latest proposal continues NMFS mismanagement of this fishery and we are astounded that the agency would give it serious consideration.

Unavoidable Would Become Irresistible

If landing criteria are relaxed, it will have the effect of directing increased fishing effort to the Hatteras fishing grounds. In this area of dense concentration of adult bluefin,

the odds of filling any trip quota permitted would be 100%. Because of the extremely high value of big bluefins compared with sharks and other pelagic fish, the so-called "unavoidable bycatch" would be worth so much more to the fishermen that increasing effort in this area would be irresistible.

The fishery would also be unregulatable. The nature of longline gear, when fished in an area of high density of bluefin such as found off North Carolina in the winter months, makes it impossible to control the number of fish hooked and therefore impossible to curb mortality, regardless of the landing criteria established. Moreover, without adequate enforcement (i.e., observers), there is no way to distinguish between the landing of fish which otherwise would have been discarded dead or those which could have been released alive. The potential value of each fish would determine its fate; high-grading would be a regular practice.

If NMFS is serious about not "contributing to additional (bluefin) mortality," as it claims, instead of relaxing the landing criteria to reduce dead discards, we recommend that NMFS close the waters off North Carolina to longline fishing during the winter congregation of bluefin there. Likewise, we support some form of effort limitation on catch-and-release angling, such as limiting the number of hook-ups per trip. Some charter captains are already doing this, as well as requiring the use of heavy tackle to shorten fight times. NMFS is closely monitoring the sport fishery this winter to determine if additional measures are needed to keep release mortality as close to zero as possible.

As long as western Atlantic bluefin tuna are considered severely depleted and managed under a strict international monitoring quota, NMFS must keep its eye on the prize,

which is to minimize fishing mortality in order to rebuild the stock to maximum sustainable yield, not merely to find some way of utilizing incidentally-caught fish which might otherwise be avoided.

NCMC WELCOMES 3 TO BOARD

Hinman Is Named President

The National Coalition for Marine Conservation added three new members to its Board of Directors at the organization's Annual Meeting in Palm Beach, Florida on January 12. "Ebbie LeMaster, Mel Immergut and Jack Cleveland bring to the NCMC years of fishing experience and personal commitment to conservation," announced Board Chairman Christopher Weld.

Edward B. LeMaster III of Ponte Vedra Beach, Florida is a former member of the Florida State Marine Fisheries Commission, a Trustee of the Whitney Marine Laboratory at the University of Florida, and serves on the Executive Committee of the Florida Conservation Association. Mel M. Immergut is a senior law partner at Milbank, Tweed, Hadley & McCloy in New York City and President of The Billfish Foundation. John M. Cleveland of Unionville, Pennsylvania is a former headmaster, teacher and coach at Upland Country Day School and author of several books, including *The Albatross Fleet* and *Mangrove Tarpon*.

In other action by the Board, Ken Hinman, Executive Director since 1982, was elected President of the organization. Hinman is also coordinator of the NCMC's Marine Fisheries Symposium series and editor of the Marine Bulletin.

Conserving America's Fisheries



CONSERVING AMERICA'S FISHERIES is devoted entirely to evaluating the conservation and management of marine fisheries under the Magnuson Act. The Act, which is right now being reviewed by Congress, is the federal law enacted to protect the country's ocean resources from overfishing and other misuses.

The 340-page book is the product of a national symposium convened by the National Coalition for Marine Conservation to examine the issues we believe are critical to improving the effectiveness of the Act. A total of 38 papers written exclusively for this symposium by recognized fisheries experts explore a wide range of issues relative to improving fisheries management, including how to reform the regional council system, improve use of science in management decisions, limit entry and set user fees, revise national guidelines and standards to prevent overfishing, and provide incentives to reduce bycatch.

"Can the various parties participating in the Magnuson Act process be induced to work together to stop overfishing and rebuild America's depleted fish stocks, thereby restoring jobs and revenues and increasing the production of seafood and recreational benefits?" asks NCMC Chairman Chris Weld in his introduction to the book. "Or, will the Magnuson Act merely attend the sickbed of a dying industry, in order to postpone the end of a way of life for ever-dwindling numbers of people dependent upon the continued existence of viable fisheries?"

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TURNING THE TIDE

NCMC News and Activities

1995 IN REVIEW

✓ JANUARY

"(T)he 1994 (swordfish) 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...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."

The NCMC's Ken Hinman on the climate that produced an international agreement to lower swordfish quotas beginning in January 1995 and require the counting of dead discards of undersize fish against national quotas, welcome changes the Coalition has advocated since 1992.

✓ FEBRUARY

"The six conservation, education and research organizations signing this letter recently joined together in an unprecedented Campaign to Conserve the Ocean's Giant Fishes."

First sentence of a February 13 letter to NMFS Director Rollie Schmitt announcing the new Ocean Wildlife Campaign: the National Coalition for Marine Conservation, National Audubon Society, Natural Resources Defense Council, New England Aquarium, Wildlife Conservation Society and World Wildlife Fund. During the year, the Campaign worked on, among other things, securing the new U.N. Agreement to Conserve Highly Migratory Fish Stocks, improving the science on bluefin tuna, U.S. management of Atlantic sharks, and a review of existing management bodies in the Pacific.

✓ MARCH

"NMFS has two problems that must be addressed simultaneously: funding and performance. 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 (in)ability to carry out its mission. NMFS must demonstrate that the fishermen and the public will get more for their money, not just "more of the same," especially if it is going to look to the fisheries themselves for funding, i.e., user fees."

From the results of an NCMC-sponsored Policy Forum on Alternative Funding for Federal Fisheries Management Programs held in Washington, DC on March 22. NCMC plans to publish "Sink or Swim: An Issue Paper on Federal Funding of Marine Fisheries Management" in 1996.

✓ APRIL

"(A) lot has changed during the last two decades, some of it for the better. Although we've realized - and in too many cases surpassed - the limits of the ocean to provide food and recreation, we now recognize those limits and are learning to respect them. Our national attitude toward fishing has changed, to the point where the conservation ethic is embraced by our policies, if not always by those who implement them. And perhaps most encouraging of all, fish conservation

is becoming a more prominent part of the national environmental agenda, vying for the kind of broad public support it has never enjoyed, but badly needs."

From "State of the Seas" by Ken Hinman, in the special April Salt Water Sportsman, published in conjunction with opening of the Smithsonian's new Ocean Planet exhibit.

✓ MAY

"(The vessel buy-out program) is a means to an end, but the ends do not justify the means. The fact that cod, haddock and flounder stocks are at dangerously low levels due to years of overfishing is the reason tough fishing restrictions arenecessary and why many in the traditional fisheries will not survive the recovery effort."

From NCMC comments on Commerce Department plans to buy trawlers from New England's overcrowded ground-fish fishery. We insisted that assistance be contingent upon the New England Council submitting, and the Secretary adopting, an effective conservation program.

✓ JUNE

"If the scientists are correct, and we may not know whether the stocks are rising or falling under the present quota 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?"

From an NCMC statement to the Shark Operations Team, June 8. The OT recommended reducing catches in 1996, but not by how much. The NCMC began pushing for at least a 50% cutback, based on the testimony of leading scientists, and launched a public awareness effort in support of this goal.

✓ JULY

"The billfish plan is the wedge for forcing action (on the longline bycatch problem); it's the one large pelagic plan that is not strictly exploitation-oriented."

On July 27, the South Atlantic Council, which wrote the U.S. billfish plan, asked NMFS to create no-longlining zones to reduce billfish bycatch. The recommendation was based on the advice of a panel chaired by NCMC President Ken Hinman. NMFS is also now considering area closures to protect young swordfish, another NCMC recommendation.

✓ AUGUST

"In the wake of the UN Agreement, nations have a newly defined obligation to cooperate through international fisheries management organizations in the collection of fisheries data and to make collective decisions regarding the conservation and management of shared fishery resources..."

The UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, signed August 3, establishes general rules and principles for the conservation and management of internationally-shared fisheries, to be implemented by existing regional commissions. In addition, the agreement calls for establishing effective fishery management organizations where they do not now exist. Several meetings hosted by the NCMC last summer resulted in plans for a major Symposium on Managing Highly Migratory Fishes of the Pacific Ocean, to be held November 1996 in Monterey, CA.

✓ SEPTEMBER

"There are some very different values at stake and some very different perspectives. But on one issue, we can and we absolutely must get along, and without question that is protection of the marine environment that the fish depend on for their survival....We can't just deal with regulating the number of fish we remove from their environment without doing something to protect that environment."

From Ken Hinman's address at the National Press Club September 11 as part of the National Issues Forum, "Can America Save Its Fisheries?" Congressional attacks last year on federal environmental programs were met with bipartisan opposition. Poll-watching pols discovered that the '94 elections were not a mandate for dismantling environmental protection. For example, a Virginia survey showed that, while 73% of voters believe in less government regulation, 88% said they want development and economic growth that doesn't endanger the environment; only 6% supported cut-backs in environmental programs.

✓ OCTOBER

"A strong fisheries act is essential to the nation's economic as well as its environmental well-being. The broad public interest in a healthy economy and a healthy environment are synonymous. Nowhere is this more true, and nowhere has it been more obvious, than in the management of marine fisheries."

From an Open Letter to Congress from NCMC. On October 18, the Republican-controlled House passed HR 39, a strong, conservation-oriented set of amendments to the Magnuson Act.

✓ NOVEMBER

"There's never been a period when it's more critical to know who in Congress is friend and who is foe of fish and fishermen. Issues and legislation affecting marine fisheries receive only superficial coverage in most media. With campaign rhetoric for next year already heating up, voters who fish and fishermen who vote need to know of their legislators, "What have you done for me lately?"

From the first annual Marine Fisheries Congressional Report Card compiled by NCMC in conjunction with *Sportfishing* magazine. The second annual edition will be published in advance of the November 1996 elections, when members of the 104th Congress are up for re-election.

✓ DECEMBER

"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. (But) trawling devices with the highest finfish reduction rates, known as BRDs, are not used extensively by shrimpers. NMFS reports that 84% of the total catch (by shrimp trawls) is animals other than shrimp."

NCMC comments on a 1995 NMFS bycatch report. In December, the South Atlantic Fishery Management Council, which regulates shrimping from North Carolina to Florida, sought public comment on a proposal to require the use of BRDs in shrimp nets to reduce bycatch of weakfish and Spanish mackerel by 50%. The Council is expected to adopt the rule for implementation at its February 1996 meeting.

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

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The NATIONAL COALITION FOR MARINE CONSERVATION is a 501(c)(3) non-profit organization dedicated to the following goals:

- restoring depleted fish populations to healthy levels
- promoting sustainable use policies that balance commercial, recreational and ecological values
- modifying or eliminating wasteful fishing practices
- improving our understanding of fish and their role in the marine environment
- preserving coastal habitat and water quality

THE NCMC MARINE BULLETIN

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THE NCMC MARINE INDEX

PACIFIC PELAGICS. The Pacific Ocean, at 64 million square miles, is twice the size of the Atlantic, holds more fish, and sustains higher levels of fishing. Even as fishing fleets plying Atlantic waters are downsizing due to sharply declining fish populations and ever-tightening catch restrictions, the Pacific fleets are growing. Some countries (including the U.S.) are moving from the Atlantic to the greener waters of the Pacific. The Republic of China is getting into high seas longlining in a frighteningly big way. In November, Taiwan inked a deal to allow up to 30 of its tuna boats to fish off Panama, part of the growing trend of major fishing nations trading cash-for-catch to gain access to unexploited waters. In the Pacific, though, there is still an opportunity to ward off the kinds of stock collapses that have plagued the Atlantic and sustain its fisheries at healthy levels. The wide-ranging tunas, billfish and sharks of the Pacific are in relatively good shape compared to their Atlantic counterparts, but conservationists worry that this condition may only be temporary. In fact, some Pacific species are already considered overfished - in particular the southern bluefin tuna - while others are under increasing fishing pressure, including some whose present status is unclear. The lack of an ocean-wide management regime puts these fisheries at risk, leaving fishery managers and fishermen unprepared and ill-equipped to respond to future developments in the fisheries and changes in the status of the resources. The 1995 UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks reflects an unprecedented global consensus on high seas fish conservation and calls for nations to cooperate, through new international fisheries organizations where they are needed, in collecting fisheries data and making collective decisions regarding the conservation of shared fish stocks.

ALBACORE



There are two discrete Pacific stocks, north and south, with little mixing across the equator. The northern stock is yielding catches well below what fishermen caught 20 years ago. High seas drift netting from the late '80s to early '90s may have reduced the stock, but the rapid rise and fall of this fishery (drift nets were banned in 1993) makes comparing before-and-after stock estimates unreliable. The southern albacore is considered healthy but overcapitalized, that is, it could produce today's catches with much less fishing effort.

SKIPJACK



More skipjack are caught than any other species of tuna. The stocks are thought to be strong and resilient because of the little tuna's fast growth and high rate of reproduction. For this reason, U.S. officials consider the skipjack an underutilized resource, able to handle increased fishing effort. Yet the fate of other species that once wore the "underutilized" label makes us think this one bears watching anyway.

SOUTHERN BLUEFIN



For tunas, bigger isn't necessarily better. A single 800-pound southern bluefin caught in 1995 sold for \$80,000. The insatiable demand for such a highly prized but slow-growing, long-lived fish has severely depleted bluefin populations. Like its Atlantic cousin, the Pacific bluefin's breeding population is at its lowest point ever. Catch limits became mandatory in 1994 through an agreement between New Zealand, Australia and Japan. Scientists say the fishery could recover under current quotas, but it might take 20 years. Even so, Japan insists on upping its share and failure to settle this dispute could scuttle the agreement.

SWORDFISH



The broadbill may be single-handedly responsible for raising concerns about impending threats to pelagic fisheries in the Pacific. In 1990, swordfish longliners began emigrating from the Atlantic, refugees from a collapsing fishery. "If it can happen there, it can happen here," many fear. Catches continue to rise, though the status of Pacific swordfish is unknown.

BLUE MARLIN



It's tough to know the condition of marlin, since billfish are mainly taken as bycatch. But general trends in billfish catches tend to follow the intensity of fishing effort for tunas and swordfish. The marlin stocks may have benefited from a drop in commercial landings in recent years due to longliners setting their hooks deeper, where they hook fewer billfish, in order to catch bigeye tuna.

YELLOWFIN



Status unknown, despite being one of the most studied pelagic species. Indices from purse seine and longline fisheries produce conflicting results, as do assessments based on different stock theories; yellowfin populations are either improving or in the midst of a slight decline, depending.

THE NCMC
OCEAN VIEW

IN DEFENSE OF THE COUNCILS

There is a crack in everything

That's how the light gets in. - Leonard Cohen

So far in its intensive review and overhaul of the Magnuson Act, Congress seems inclined to leave the Regional Fishery Management Council system intact. Despite widespread dissatisfaction with the sorry state of our marine fisheries, with some observers placing the blame squarely at the feet of the eight councils, they will remain pretty much what they've been - the bodies with primary responsibility for preparing U.S. fishery management plans. In our view, that's the right decision.

From the outset of reauthorization, we've advised against throwing the baby out with the bathwater. The flaws in the council system can be remedied by strengthening the rules and guidelines under which the councils operate; by holding council members to higher standards of public service and eliminating conflicts of interest; and by demanding that the Secretary of Commerce strictly enforce guidelines and deadlines. Indeed, most of these changes are featured in legislation now working its way through Congress (see p. 1).

In spite of its faults, there is much about the council system that appeals to the democrat in us. The councils are nothing less than the public's pipeline into fisheries management (see "People's Court," *MB* No. 65). Regional councils allow local and regional differences to be heard and accounted for. Council meetings are held regularly and in front of the public. At these meetings, "sunshine rules" prevail. The public hears the information on which decisions are made, sees the issues being debated and actually participates in the debate. Everyone involved in the final decision is present and accountable in a public forum. There is no hiding behind the closed doors of a centralized federal bureaucracy.

Of course, the councils are perfectly capable of producing bad decisions, and they often do. But we're willing to accept that risk, given the alternative. Since 1990, the Atlantic fisheries for sharks, billfish and tunas have been the exception to council management under the Magnuson Act, being the sole responsibility of the National Marine Fisheries Service instead. The councils never look better than when measured against NMFS and what can only be described as an unfathomable process that produces nothing.

When the councils don't perform up to the mark, according to the Magnuson Act, NMFS is supposed to hold their feet to the fire. Sometimes it does, sometimes it doesn't. In the case of highly migratory species, however, NMFS is judge, jury and executioner; the agency prepares, reviews, approves and implements management plans. The last six years of shark mismanagement clearly demonstrate that NMFS lets itself get away with a level of incompetence and inaction it would never tolerate from a council (with the possible exception of New England).

There has been not a single change to the billfish plan since 1988, though it lacks a definition of overfishing and longline bycatch, the main cause of overfishing, remains uncontrolled. There are still no U.S. fishery management plans for any of the tunas; for tunas and swordfish, NMFS serves only ICCAT, enacting its recommendations and nothing more.

But the frustration with NMFS runs deeper than the lack of results. It's the lack of opportunities for ordinary citizens - not just special interests - to enter into, participate in and influence the direction of management. The agency seems to think taking periodic polls of public sentiment - through hastily organized "scoping hearings" - substitutes for public involvement.

At the root of NMFS' problem is a lack of political will - it is safer not to act than to act - and the absence of an open and well-defined management system provides the agency with cover. To get something done, we need to drag the process back into the sunlight - back into the council system.

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Editor

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AHEAD OF THE CURVE

NCMC WILL HOST CONFERENCE ON CONSERVING HIGHLY MIGRATORY FISH IN THE PACIFIC

Fishing for tunas, billfishes and sharks in the Pacific Ocean is increasing rapidly due to global population growth, economic development around the Pacific Rim, and rising demand for seafood. Yet fishing for these large migratory fish remains, in most instances, poorly monitored and unregulated throughout the better part of their oceanic range.

The combination of unrestrained fishing, inadequate science and piecemeal management is a recipe for disaster. To head off overfishing and possible fisheries collapses in the Pacific, as have already occurred in the Atlantic, the National Coalition for Marine Conservation (NCMC) has taken the lead in organizing a major symposium this fall to serve as a catalyst for improving international cooperation in conservation.

In the Atlantic Ocean, years of fishing at unsustainable levels led to depletion of numerous fish populations, now the object of international rebuilding programs and severe catch restrictions. While a few Pacific species are considered overfished, most notably the southern bluefin tuna, the majority of large pelagic fish populations inhabiting the Pacific have not yet exhibited symptoms of overfishing. Nevertheless, the lack of an ocean-wide management system puts these fisheries at risk, leaving fishery managers, fishermen and conservationists unprepared and ill-equipped to respond to new developments in the fisheries and changes in the status of the resources.

A Challenge and An Opportunity

Last year the United Nations reached an historic Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, reflecting an unprecedented global consensus on high seas fish conservation. The objective of the new UN Agreement is the sustainable use of highly migratory fish stocks throughout their range via more effective international conservation programs.

To this end, the Agreement obligates nations, including the United States, to cooperate through international fisheries organizations in the collection of data and to make collective decisions regarding the conservation and management of shared fishery resources. But the Pacific has no single ocean-wide entity to compile statistics and assess the condition of the stocks, much less recommend needed conservation measures. Although there are several regional fisheries agencies dealing to some degree with tunas (and to a lesser extent billfishes), each is constrained by limitations in membership, area of application and authority.

The Pacific Ocean community, therefore, is confronted with both a challenge and an opportunity in the future management of its valuable but vulnerable pelagic fisheries. It's a challenge that will not be met and an opportunity that will be missed, however, unless a concerted effort is made now to begin the process of enhancing and coordinating ocean-wide conservation efforts.

A Blueprint for Action

GETTING AHEAD OF THE CURVE: A Symposium on Managing Highly Migratory Fish of the Pacific Ocean," will be held November 4-6, 1996 in Monterey, California. Joining the NCMC as co-sponsors are the David & Lucile Packard Foundation, National Marine Fisheries Service, Inter-American Tropical Tuna Commission, Ocean Wildlife Campaign, United Anglers of California and World Wildlife Fund.

The purpose of the symposium, which will be hosted by the Monterey Bay Aquarium, is to examine research, data and institutional needs for the conservation of tunas, marlin, swordfish, sailfish and sharks in the Pacific, and to help U.S.

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policy-makers and non-governmental interests foster broader international cooperation in the stewardship of these far-ranging resources.

The symposium will feature three days of informative presentations, panel discussions and audience participation. The sponsors are encouraging government officials, scientists, representatives of environmental and fishing industry groups, fishermen, marine educators and other interested persons to join and participate in a constructive dialogue, identify problems and solutions, and move toward consensus on a future course of action to protect highly migratory fish of the Pacific.

To pre-register and receive a final agenda including conference registration and hotel information in August, please call or write: Pacific Symposium, c/o NCMC, 3 West Market Street, Leesburg, VA 20176. (703) 777-0037. FAX (703) 777-1107.

SENATE MOVES, THEN STALLS, ON MAGNUSON ACT

*Bill, If Passed, Would Be Worth
Four Year Wait*

After nearly four years of hearings and debate on virtually every aspect of the way marine fisheries are managed in this country, the Senate Commerce Committee in March finally approved a bill to reauthorize the Magnuson Fishery Conservation and Management Act through the year 2000. Supporters of the bill are now working to break a logjam which has developed over the issue of privatizing fisheries and move S. 39, The Sustainable Fisheries Act, to a Senate vote before Congress recesses for the summer.

Like a similar package of reforms passed by the House of Representatives last October (*Marine Bulletin* No. 75), S. 39 has earned strong bipartisan support. Cosponsors include Democrats John Kerry (MA), Daniel Inouye (HI) and Fritz Hollings (SC) and Republicans Ted Stevens (AK), Alan Simpson (WY) and Trent Lott (MS), who in June replaced Bob Dole as Majority Leader. Commerce Committee Chair Larry Pressler (R-SD) described his committee's set of Magnuson amendments as "the number one environmental bill in Congress." Indeed, with elections coming up and the 104th Congress at an impasse on virtually every other piece of important environmental legislation, S. 39 is a relatively uncontroversial way for members of both parties to show voters their support for conservation.

Underline relatively. Before the committee action, Sen. Hollings declared, "There's no such thing as a perfect bill, but this comes as close as one can," and he may be right. S. 39 features some of the key changes sought by the National Coalition for Marine Conservation - tougher standards to stop overfishing, mandatory bycatch reduction, and more attention to habitat protection - and amounts to a substantial improvement over the *status quo*.

The bill does fall short in some areas, however, particularly management of highly migratory species in the Atlantic. More significantly, a bitter dispute over whether the federal

government should continue to award individual fishing quotas (IFQs) - exclusive shares of the fish catch allotted to a limited number of fishermen - has divided both the fishing and environmental communities and pitted Alaska Senator Stevens against Slade Gorton (R) of Washington in a battle that threatens to jeopardize the bill's chances of getting to the Senate floor soon enough to be acted on in this election campaign-shortened session. (see "Timeout on IFQs?" p. 3)

The NCMC and other members of the Marine Fish Conservation Network are urging the Senators to work through their differences on IFQs so the bill's important new conservation provisions can be implemented as soon as possible to begin the urgent task of restoring the nation's fisheries.

Setting New Priorities

It's revealing of past priorities in fisheries management that the most radical change to the Act is one which strikes most people as common sense. S. 39 mandates that the catch, or yield, from any fishery must never exceed a fish population's biologically determined "maximum sustainable yield" -- for economic or any other reasons. The overfishing that afflicts so many of our ocean fisheries today has occurred precisely because fishery managers so often give in to the demands of fishermen and permit catches at unsustainable levels.

Equally important are new rules for dealing with overfished stocks. If either a Regional Fishery Management Council or the Secretary of Commerce identifies a fishery as overfished, according to definitions required in every management plan, a rebuilding program must be prepared and submitted within one year. If the plan is not in on time, or the Secretary determines it will not prevent or stop overfishing, then the National Marine Fisheries Service (NMFS) has just nine months to implement its own federal recovery plan. The strongest case for these changes is northeast groundfish. Foot-dragging by the New England Council and failure of NMFS to step in argued for putting a clock on managers when a fishery is first designated as overfished.

Two areas barely addressed in existing law - bycatch and habitat - receive greater attention in S. 39 (as well as HR 39). The goal of minimizing bycatch would become a new National Standard and management plans would be required to contain measures to reduce bycatch or minimize bycatch mortality. The bill's definition of bycatch excludes voluntary catch-and-release fishing by anglers, but calls for measures to ensure mortality of released fish is kept to a minimum.

Fishery managers currently have little authority to directly protect fish habitat. S. 39 expands their authority to comment on federal actions that would adversely affect "essential habitat." The Councils and the Secretary are required to identify coastal environments essential to the conservation or restoration of fish stocks under federal oversight.

One particularly disappointing aspect of the Senate bill is management of highly migratory species. Tunas and billfish in the Atlantic are not subject to new overfishing and bycatch reduction standards, because the Network's efforts to repeal the existing prohibition against domestic regulations being more restrictive than international ones have so far proved unsuccessful. In addition, a new provision supposedly designed to reduce dead discards could permit longliners to land marlin, juvenile swordfish and giant bluefin tuna they report as dead when brought to the boat. At press time, the

NCMC was working with Senate staffers to rewrite the provision to make it consistent with the rest of the bill's bycatch requirements - by "establishing regulations which promote the avoidance of bycatch or minimize bycatch mortality."

TIMEOUT ON IFQs?

The NCMC has not taken sides in the Congressional debate over IFQs, choosing to concentrate on amendments to directly conserve fish rather than those aimed at managing fishermen. As might be expected, much of the bickering over exclusive fishing rights is about money and access, not taking pressure off over-exploited resources. We did, however, provide copies of *The Crowded Sea*, our 1993 issue paper on limiting entry to marine fisheries, to key members of Congress and their staffs.

We recognize that limited entry systems featuring individual or vessel quotas have the potential to benefit conservation in some fisheries, but they must be carefully crafted to preserve the public interest. S. 39 imposes a 4-year moratorium on implementing IFQs (but allows other effort controls). While we support proposals for a shorter moratorium as a compromise, we believe a timeout is warranted until the Administration adopts a national policy to guide implementation of limited entry programs, including those which privatize public resources, in a thoughtful and careful manner. Congress is unlikely to accomplish that in the current, highly politicized atmosphere of reauthorization.

In fact, one of the recommendations made in *The Crowded Sea* is a temporary moratorium until policy is set. Other provisions in S. 39 are similar to NCMC recommendations made in 1993:

- **Establish A User Fee System.** The Senate bill would levy a tax of up to 3% of the ex-vessel value of fish sold under IFQs to be used to pay the costs of management.
- **Reduce Conflicts of Interest** by proscribing Fishery Management Council members from voting where they have a financial stake. S. 39 comes up short on this one, but does forbid fishermen from acting to enhance their own interests at the expense of the majority of fishermen active in the fishery.
- **End Industry Subsidies** which contribute to overcapitalization and overcrowding. The bill offers refinancing and loan guarantees for fisheries with approved rebuilding plans, but prohibits any loans for construction of new fishing vessels if it will increase harvesting capacity in any fishery in U.S. waters.

THE TIME AND THE PLACE NCMC Seeks No-Longlining Zones to Conserve Swordfish

The chief result of the current minimum size limit for Atlantic swordfish is that for five years now longline vessels have been killing thousands upon thousands of small fish and throwing them away. On some popular fishing grounds, longliners are actually discarding more swordfish than they are landing.

What's the National Marine Fisheries Service's answer to this waste of a conservation measure? Lower the size limit and allow fishermen to keep more juveniles. If we were to follow this line of thinking, the most logical thing to do would

be remove all restrictions on the harvest of young fish.

The National Coalition for Marine Conservation has a better idea - prohibit longlining in areas where catches of small fish are highest. On May 1st, the NCMC submitted a detailed proposal for implementing time and area closures in the swordfish fishery, one product of a year-long study of alternative ways to manage the pelagic longline fisheries funded by the National Fish & Wildlife Foundation, the Munson Foundation and the Mostyn Foundation. (see also "Marine Index" p. 9) Our recommendations were subsequently endorsed by fellow members of the Ocean Wildlife Campaign: National Audubon Society, Natural Resources Defense Council, Wildlife Conservation Society and World Wildlife Fund.

Dead Discards, Dead Landings, Dead Fish

Last November the International Commission for the Conservation of Atlantic Tunas (ICCAT) agreed to let the U.S. and other members substitute a reduced minimum size of 33 pounds dressed weight with zero tolerance for bycatch in place of the existing 41 lb size limit with a 15% trip allowance. The Commission agreed to sanction the alternative based on its Standing Committee on Research and Statistics' (SCRS) determination that it would result in a level of fishing mortality equivalent to the level achieved under the current regulation. In other words, its benefit as a conservation measure would be no greater and no worse than the *status quo*.

NMFS is proposing a switch to the lower size limit in the U.S. fishery because it would result in fewer discards and provide for better enforcement. These are commendable objectives, as far as they go; but we believe the U.S. should take steps to actually improve swordfish conservation at every opportunity.

The intent of the minimum size measure, first recommended by ICCAT in 1990, is to reduce the high level of mortality of juvenile fish to help rebuild the overfished population of north Atlantic swordfish. But NMFS' own research, along with that of the SCRS, indicates the size regulation has not been effective due to the inability or unwillingness of longline fishermen to avoid capture of small fish and the very poor survival rate for young fish caught and released in that fishery. The only effect of the minimum size, according to a NMFS study submitted to the SCRS in 1994, is to turn landings into discards, not to decrease fishing mortality rates on small fish.

The north Atlantic stock of swordfish, according to ICCAT, is in worse condition than it was in 1990 and recovery will require substantial reductions in fishing mortality. A change in the size limit which merely maintains the mortality of small fish at current levels - by allowing fishermen to harvest fish that they previously discarded - is unacceptable as a conservation measure since it is not likely to provide any added benefit to stock recovery.

Fortunately, there is another way to protect small fish, one already recognized and sanctioned under the current ICCAT swordfish agreement. In 1990, when the Commission recom-

mended a prohibition on the taking and landing of small swordfish, it also encouraged nations "to take other appropriate measures within their national jurisdictions to protect small fish, including, but not limited to, the establishment of time and area closures." In fact, the best available data strongly suggest closed areas would do much more to achieve the intent of the present ICCAT recommendations than the action being proposed by NMFS at this time.

The NCMC is urging NMFS to prohibit swordfishing at times and in areas where catches of small fish are known to be significant. The agency's Southeast Fisheries Science Center based in Miami, which monitors the Atlantic swordfish fishery, has reviewed logbooks and observer reports and identified areas and times with high rates of capture and discard of undersized fish. (NMFS submitted this information to ICCAT in October 1995.) Areas where 50% or more of the swordfish catch is discarded (assumed to be undersized) are increasing in number, according to the NMFS research, and these areas are consistent and predictable from season to season, making selected time and area closures a viable management option.

Fishing Mortality is Twice Sustainable Level

The 1994 stock assessment concluded that the north Atlantic stock of swordfish is substantially below the level necessary to produce maximum sustainable yield. Acting on that advice, the Commission lowered the total allowable catch for north Atlantic swordfish, although this action was considered only a first step. The stock continues to decline, according to the revised assessment in 1995, because, despite reductions in reported landings, the fishing mortality rate is nearly twice the sustainable rate. The SCRS warned ICCAT members that "the prospects for the north Atlantic swordfish are pessimistic unless significant harvest reductions can limit fishing mortality to sustainable levels." Anticipated landings in 1995-96, said SCRS, will likely cause further stock decline in the years ahead.

The U.S. catch is virtually all taken on longlines - 97% in 1994. Minimal catches are taken by drift gillnet, harpoon, pair trawl, handline and rod and reel. The number of permitted vessels has increased significantly, from 573 in 1991 to 1,134 in 1994, although the number of vessels reporting catches has been averaging around 300 lately. The U.S. fleet was unable to reach its quota in each of the four years from 1991-94. The fishery was closed on October 31, 1995, when the fleet reached its quota for the first time and when dead discards were first counted against the quota. In 1994, ICCAT, noting the high rate of discard in the fishery, asked fishermen to count dead discards of undersized swordfish toward their annual allotments.

The sole purpose of regulating the catch of small fish is to rebuild the stock of adult breeders in the north Atlantic, reduced to half what it was in 1980. U.S. swordfishermen, who supported the size rule, said it would serve as an economic incentive for fishermen to avoid fishing on concentrations of young fish. But according to the NMFS study, this has not happened. "Many U.S. fishermen contend that it's impossible to avoid capturing small swordfish," the study says, "and therefore the only effect of the minimum size is to decrease landings and increase discards, not decrease fishing mortality rates on small fish."

In the years since the regulation was implemented, dead discards have steadily risen:

Year	Dead Discards by Weight
1991	227 MT
1992	363 MT
1993	409 MT
1994	508 MT

The data also show an increase in discards each year as a percent of total catch and an increase in the level of dead discards as a percent of total discards. The ratio of discards to landings (by weight) has increased during the same period, from 5% in 1991 to 13.5% in 1994. In terms of numbers of fish, the ratio of discards to landings has increased to 25%.

Year	% Landed	% Discarded	% Discarded Dead
1992	67	33	19
1993	65	35	22
1994	60	40	25

The effect of the minimum size limit, therefore, is that the commercial fishery is landing far fewer juvenile fish, but killing close to the same number. The principal reasons are the preponderance of small fish in the fishery, with a higher proportion on certain fishing grounds, and the fact that swordfish longline gear is not size-selective. The mortality rate for young swordfish caught on longlines is extremely high. According to a study done by the South Atlantic Fishery Management Council in 1989, 76% of swordfish under 50 pounds were dead when brought to the boat. In 1993, 75% of the swordfish discarded (assumed to be undersized) were dead, based on logbook reports and observer estimates.

A Poor Management Choice for Longlines

The longline industry's support for a lower minimum size is an admission that the size limit is maximizing discards, not minimizing mortality. The proposed lower size will unquestionably reduce waste, but there is no reason to believe it will decrease mortality of young fish from the present level and therefore would provide no conservation benefit. In fact, there is the very real possibility that mortality of juvenile fish could actually increase if fishing patterns do not change.

The documented trends in the fishery - steadily increasing number of small fish as a percentage of the total catch, a decline in the average size of fish landed - suggests that small fish will continue to be caught in increasing numbers unless fishing patterns change. But with a smaller minimum allowing the harvest of smaller fish, fishermen will have less incentive to move away from concentrations of small fish since they would be permitted to land and sell more of them.

The use of a minimum size limit to conserve swordfish is a poor management choice due to the inherent inability of longline gear to be size-selective. For a size limit to be effective in a longline fishery requires that fishermen modify their fishing gear to avoid hooking small fish - something they have not demonstrated a capacity to do - or alter their fishing patterns to avoid encountering them. Although there is a demonstrated ability for longliners to target larger fish by season and area, data suggest this has not been occurring to any significant degree. While some highly mobile vessels

have extended their fishing range in search of larger fish, for economic reasons many smaller boats remain active in coastal areas where the incidental capture of small fish is high.

Minimum size regulations and time/area closures have a common objective - to redirect fishing effort away from small fish - but the use of closures for reducing mortality, through bycatch avoidance, is clearly the preferred option in the swordfish longline fishery. The existing size regulation has only turned landings into discards. The reduced minimum size proposed by NMFS would merely reverse this process by turning some discards back into landings. As with so many measures aimed at reducing bycatch by controlling fishery outputs (landings) rather than inputs (fishing methods), this measure addresses only the waste issue, not the paramount issue of dead fish.

The Preferred Alternative

Time and area closures have long been recommended as a management tool for the swordfish fishery. In preparing the U.S. swordfish FMP in the late 1980s, the five Atlantic regional councils rejected a minimum size limit as ineffective and wasteful and proposed instead a system of "variable season closures." In 1990, ICCAT recognized the need to avoid concentrations of small fish when it encouraged countries to consider establishing time and area closures to implement its minimum size recommendation. The NCMC has recommended that NMFS consider closures as a preferred alternative to minimum size regulations since 1992, when it was already apparent that the size limit was creating an insurmountable discard problem.

Now, NMFS' own data demonstrate beyond any doubt that merely restricting what size fish longline fishermen may land has a negligible impact on fishing mortality, since the fish are hooked anyway and a majority die. Moreover, recent NMFS studies identifying locations where discard rates are high demonstrate that time and area closures are a viable and practical alternative for reducing mortality of small fish.

In the paper "Spatial Analysis of Swordfish Landings and Cryptic Catch From the U.S. Longline Fishery," by Dr. Jean Cramer, locations of high catch per unit effort of discards are presented. Areas with discard ratios equal to or above 50% are plotted on maps for the years 1992-94, and for each quarter of the year therein.

The correlation between high discard rates and identifiable times and areas has become more pronounced in recent years. In 1992, such areas accounted for only 8% of the total swordfish discarded. But, says Cramer, "in 1993, 27%, and in 1994, 37%, of discarded swordfish were caught in sets reporting a discard rate of at least 50%. In 1993 and 1994 both the number of one degree square/quarter records having discard ratios at or above 50% and the number of swordfish reported discarded at these sites...increased.

"A growing percentage of swordfish discards are being caught in one degree square/quarters where 50% or more of the catch of a longline set must frequently be discarded," she concludes. "These one degree square/quarters appear to be concentrated and fairly consistent between years."

Implementing closures at these areas/times alone could potentially decrease the capture of swordfish under 41 lbs by 37%. Assuming a similar percentage reduction in dead discards, that would amount to a decrease of 407,000 lbs or

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

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The NATIONAL COALITION FOR MARINE CONSERVATION is a 501(c)(3) non-profit organization dedicated to the following goals:

- restoring depleted fish populations to healthy levels
- promoting sustainable use policies that balance commercial, recreational and ecological values
- modifying or eliminating wasteful fishing practices
- improving our understanding of fish and their role in the marine environment
- preserving coastal habitat and water quality

THE NCMC MARINE BULLETIN

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roughly about 10,000 fish. On the other hand, prohibiting longlining at these areas/times would result in only a 4% decrease in total landings (of swordfish, tunas and sharks) and only an 11% reduction in total swordfish landings.

Times and Places

We've identified the following areas/times as among those where the discard rates are highest and where closures would provide the greatest conservation benefit:

- Charleston (SC) Mound/October 1 - December 31
- Southeast Florida/ Year-round
- Florida Gulf Coast (off Apalachicola)/Year-round

NMFS has data to delineate these areas by coordinates. For enforcement purposes and to allow for changes in distribution of fish from one season to the next, the areas should be drawn larger than the areas identified in the Cramer study, and revised annually based on logbook and observer reports.

The NCMC recommends the following criteria apply to fishing during closures:

- a prohibition on fishing with longlines or other gear with a significant bycatch of swordfish under 41 lbs and significant release mortality;
- a limited exemption for vessels carrying a NMFS-approved observer and engaged in bycatch avoidance research;
- annual monitoring of open areas to determine:
 - change (increase or decrease) in rates of catch and discard of undersized fish
 - change (increase or decrease) in bycatch rates for other species as a result of changes in fishing patterns
- an annual assessment of the effectiveness of the closures and adjustments as necessary. For example:
 - closed areas could be reduced in size and/or time period, or made accessible to fishermen who demonstrate cleaner fishing practices, thereby providing an incentive to experiment with gear modification or alternative fishing methods
 - conversely, if high discard rates occur in other areas, closures could be expanded in size and/or time.

LITTLE TUNA, BIG CONTROVERSY

Swordfish isn't the only fishery where the catch of small fish is a big issue. When the National Marine Fisheries Service (NMFS) issued new rules for the Atlantic tuna fisheries on June 11th, giving anglers a slightly larger cut of the U.S. bluefin catch this year (from 219 to 243 metric tons), commercial fishermen went ballistic.

The East Coast Tuna Association (ECTA), representing fishermen who net giant bluefin for sale to Japan, charged NMFS with jeopardizing the bluefin recovery because the Angling Category takes sexually immature fish; fish, incidentally, that cannot be sold. In a June 7th fax to NOAA's Doug Hall, the head of the netters association threatened that, if NMFS proceeds as planned, he would send his members out to catch the whole allotment of fish before anglers can get to them and then donate them to charity. Although this sounds like a punitive action aimed at recreational fishermen, rather

than conservation, we suppose it's to make a point. Okay, what's the point?

U.S. tuna regulations follow international rules set out by ICCAT, and the only size or age restriction is that no more than 8 percent of the U.S. catch can be school tuna (less than 66 pounds). The new allocation is in compliance with that rule for the biannual quota period of 95-96, according to NMFS. For the western Atlantic stock, the catch of schoolies has averaged around 5-6% of the total.

In its 1995 Environmental Impact Statement, however, the agency speculated that eliminating the small fish fishery might speed rebuilding, even with catches of adult fish remaining at present levels. "(T)his is a biological issue, first and foremost," the ECTA says. As a biological issue, the allowable catch of immature tuna should be reviewed by the ICCAT scientific committee during its upcoming bluefin assessment in October and, if appropriate, the Commission should issue new rules. In comments May 28, the NCMC and other members of the Ocean Wildlife Campaign urged NMFS to more accurately monitor the recreational catch of small fish to insure compliance with the existing ICCAT rule.

Anglers claim the ECTA's position is strictly self-serving, that the netters don't care about the resource, they just want as much of the quota as possible for themselves. While one might predict this response from the angling community, which has been in a prolonged battle for a bigger share of the quota, a number of things tend to support their contention.

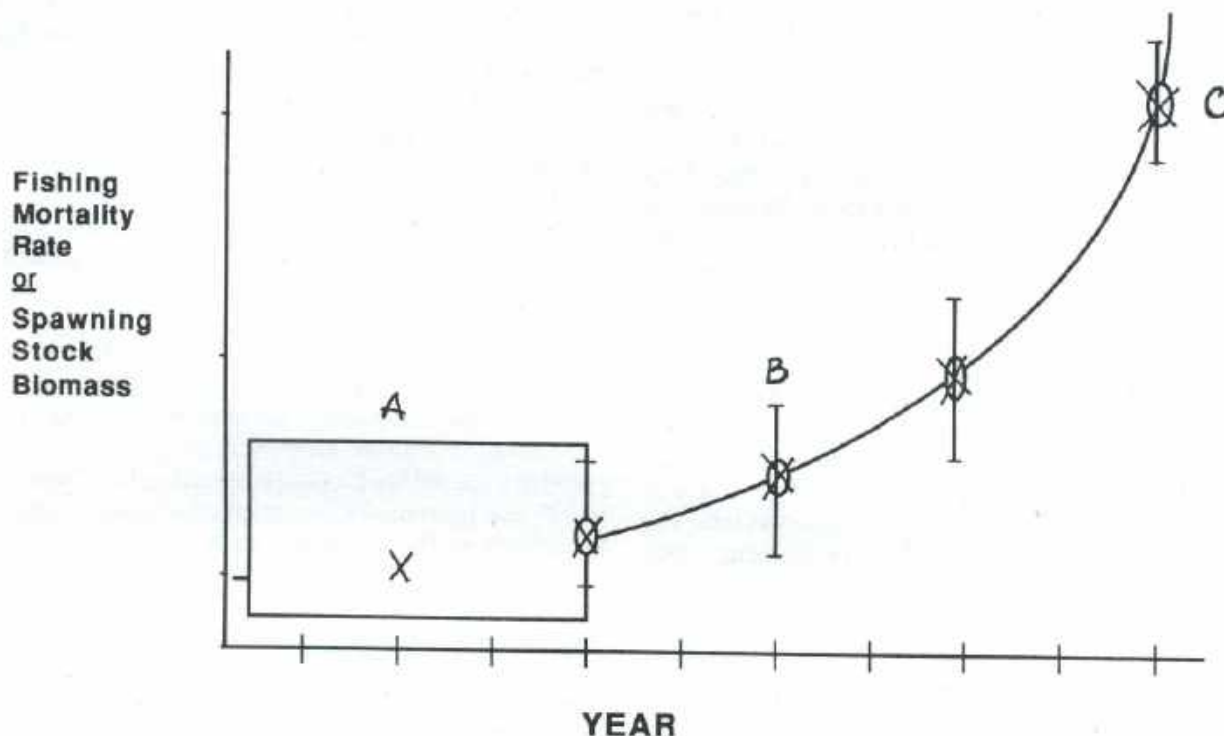
First of all, ECTA has already declared the bluefin recovered, saying there are more tuna off the east coast than ever. In fact, the organization is lobbying to increase the total allowable catch at ICCAT this year, without even seeing the results of this fall's stock assessment. As for their concern for protecting pre-spawning age fish, it rings a bit hollow. One ECTA member was quoted in Commercial Fisheries News advocating that "(a)ll fish should spawn at least once before harvest." But instead of pushing for a prohibition on the catch of all but sexually mature adults, the association several years ago successfully lobbied NMFS to expand its catch of "giant" bluefin that may be landed by purse seiners to include so-called "large mediums," pre-spawning age fish. In the western Atlantic, female bluefin reach sexual maturity at about 325 pounds. The netters are currently allowed to land fish as small as 235 pounds.

Which raises the question of who this fishery is really be managed for. A recent ECTA ad in Commercial Fisheries News accuses NMFS of having a "gamefish objective for bluefin." This laughable assertion is nothing more than a scare tactic to raise money. The fact is, in 1996, more than 80% of the U.S. quota is allotted to commercial fishing.

Forgotten in all this brouhaha is the fact that the western Atlantic bluefin catch is a "scientific monitoring quota," meant to be allocated primarily to fishing categories providing the best information for assessing the status of the stock during rebuilding. On this point, NMFS has this to say: "The Angling Category allows for collection of vital rod and reel CPUE data over a wide geographical and temporal range." Purse seine landings, on the other hand, "cover only a narrow size range and geographic area so they do not provide information about the stock as a whole" and "CPUE data from purse seiners cannot be used in stock assessments."

WHAT SHOULD A RECOVERY PLAN LOOK LIKE?

At last year's meeting of the International Commission for the Conservation of Atlantic Tunas, ICCAT instructed its team of scientists - the Standing Committee on Research and Statistics (SCRS) - to develop recovery options for the western and eastern stocks of Atlantic bluefin tuna and the north Atlantic stock of swordfish. The SCRS is tasked with evaluating one or more series of annual total allowable catches that will bring the stocks to levels that will support maximum sustainable yield within 10, 15 or 20 years for bluefin and 5, 10 or 15 years for swordfish. The National Coalition for Marine Conservation has been pushing ICCAT, through the United States delegation, to establish recovery plans for overfished stocks featuring rebuilding targets and timetables. Such plans are critical to holding managers accountable. The western Atlantic bluefin has been the object of catch limitations for 15 years now, with only negligible signs of improvement in recent years after a steady decline for most of that period. Below is a schematic representation showing the essential ingredients of a model recovery plan.



KEY

X - Biannual Stock Assessments Conducted by the SCRS

○ - Intermediate Targets

A - Grace Period. No changes in quotas (up or down) permitted until the second scheduled stock assessment is performed.

B - Intermediate Targets established to assess progress along the recovery trajectory, coincidental with biannual stock assessments. The intermediate targets should incorporate confidence levels and risk analysis to describe a risk-averse "path" to recovery (I) from which we should not deviate. Example: if quotas can be increased without leaving the path, such increases could be used to reward fishermen's sacrifices and provide incentives for staying on the path for the rest of the journey.

C - Maximum sustainable yield (MSY) is ICCAT's rebuilding goal, but the timetable for arrival is negotiable, weighing short-term vs. long-term social and economic factors. The setting of the target recovery date should give primary consideration to future benefits to be derived from a recovered stock producing its maximum sustainable yield. However, once the plan is implemented, the time period must not be extended for social or economic reasons.

TURNING THE TIDE

NCMC News and Activities

✓ NCMC RAISES CASH FOR CONSERVATION

The National Coalition for Marine Conservation was successful in raising both sailfish and money during its benefit all-release billfish tournament held March 31 - April 2. Fifteen anglers fished in five teams of three to help support the NCMC's conservation programs to protect populations of marlin and sailfish. The tournament took place on the Pacific coast of Guatemala, one of the hottest fishing locales for sailfishing. Fins 'n Feathers Inn, NCMC Director Tim Choate's new resort in Iztapa, was the site of the tournament. First place angler Julio Mansylla of Guatemala released 13 sailfish over the three days. He was awarded a limited edition Kent Ullberg marlin sculpture. The first place team - Marion Scott and Dan Brownell of New York and Skip Hoagland of South Carolina - released 28 sails, and each was awarded an original Steve Swain sculpture made especially for the tournament.

✓ TAGGING REWARDED

The winners of the NCMC's 1995 Tagging Trophies, awarded each year to the captain and angler who tag and release the most blue marlin, were Captain Billy Borer of St. Thomas, Virgin Islands, who released 75 blues, and angler John A. Mueller of New Berlin, Wisconsin, who released 45 fish. The awards are part of the AFTCO Tag-Flag Tournament, which promotes tag and release fishing to enhance scientific understanding of offshore fish populations in support of conservation.

✓ GROUND FISH REBUILDING BEGINS

The Commerce Department approved Amendment 7 to the New England Groundfish Plan on May 16th. The amendment, supported by the NCMC, drastically reduces fishing effort by limiting days-at-sea over the next two years. It covers vessels fishing for Atlantic cod, yellowtail flounder and a range of other species of bottom fish on the once rich, now depleted Georges Bank.

✓ NEW SHARK REPORT DUE

After delaying new restrictions to protect overfished large coastal sharks in 1996, the National Marine Fisheries Service opted to await the results of a new stock assessment conducted in Miami June 4-6. The NCMC's Christine Wilkins was invited to attend as an observer from the conservation community. The Shark Operations Team will meet sometime this summer, after the final report of the assessment workshop is submitted to NMFS, to discuss management options for the 1997 fishing season. Preliminary indications are there has been no improvement from last year and that substantial cuts in the catch of large coastal sharks will be needed to stop overfishing. If so, the NCMC will press the agency to act swiftly to implement new catch restrictions.

✓ BILLFISH CITED

Planning the Future of Billfishes, the two-volume proceedings of the 1988 International Billfish Symposium published

by the NCMC, remains the source of information on marlin and swordfish. Three recent publications bear this out. In each, Planning the Future of Billfishes is the predominant reference: "The Forgotten Giants. Giant Ocean Fishes of the Atlantic and Pacific: Species of Concern". Ocean Wildlife Campaign. Ed. Mooney-Seus and Stone. 14 citations. "Gaps in the International Conservation of Large Migratory Fishes in the Pacific Ocean." Ocean Wildlife Campaign. Mike Weber. 17 citations. "The Billfish Bibliography 1935-1993." The Billfish Foundation. Jones et al. 46 citations.

✓ THE EXPERIMENT'S OVER

The NCMC signed on to a letter drafted by the Recreational Fishing Alliance calling for action on pair trawls. We asked NMFS to make up its mind on the future of the "experimental" pair trawl fishery before the summer tuna fishing season began in the northeast. In his written response May 15th, NOAA administrator Doug Hall advised that the permits would not be renewed for the 1996 fishing season pending review of data collected by observers on pair trawl catch, bycatch and interactions with marine mammals and endangered species.

✓ "WHO OWNS THE FISH?"

NCMC President Ken Hinman was a featured speaker at the 69th Annual Outdoor Writers Association of America Conference in Duluth, Minnesota on June 17th. He participated in a special Sea Grant sponsored panel, "Who Owns the Fish?", and presented a conservationist's perspective on contemporary conflicts in fishery management.

✓ WHO ARE THESE FISH?

Researchers were successful this winter in putting "archival" tags on Atlantic bluefin tuna caught off Hatteras, North Carolina. The electronic devices are capable of logging data for up to seven years, keeping track of where the highly migratory tunas wander as well as the environmental conditions they encounter, such as depth and water temperature. Researchers hope the tags, when recovered, will help answer questions about the comings and goings of the large number of giant bluefin congregating off Hatteras each winter, and whether or not they are part of the Gulf of Mexico spawning stock - the foundation of the severely depleted western Atlantic bluefin population - or are visitors from the east.

The project is a joint effort by Stanford University's Hopkins Marine Station, NMFS, and Monterey Bay Aquarium's Tuna Research and Conservation Center. NCMC staff have met in recent months with Dr. Barbara Block, a research team leader, and Northwest Marine Technology, manufacturers of the tags. "This new development is further argument for keeping the Hatteras fishery catch-and-release only," says the NCMC's Ken Hinman. "Nowhere else can scientists find fishermen willing to tag and release fish that otherwise would be worth thousands of dollars each. Right now their value to science and future management is much greater."

✓ SAME ADDRESS, NEW ZIP

As of July 1st, the NCMC has a new zip code. Write to us c/o 3 West Market Street, Leesburg, Virginia 20176.

THE NCMC MARINE INDEX

LONGLINE SOLUTIONS. The longline is the principal gear used in commercial fishing for tuna, swordfish and pelagic sharks. Longlining is a passive method of fishing, effective in capturing fish that are widely dispersed or not susceptible to active fishing methods at the surface, e.g., netting, and are of a high individual value. U.S. longlines consist of a monofilament mainline, varying in length from 20 to 40 miles, from which leaders and baited hooks are suspended and which in turn is supported in the water column by lines attached to surface floats. Recent improvements in gear and fish-finding technologies have greatly increased the effectiveness of longline fishing, making it economically viable even as populations of target species decline from overfishing. Longlines aren't "walls of death" like drift nets, but rather act more like underwater minefields. They are relatively indiscriminate, taking many different species, even on the same set, making it difficult for fishery managers, and even fishermen themselves, to distinguish between target catch and bycatch. Traditional management strategies which attempt to control the fishery outputs, i.e., regulating what fish of what size may be landed and in what amount - do not work for non-selective gear such as longlines. Management must control inputs. Management options which reduce the amount of gear in the water, as well as minimize its lethal impact, hold the most promise for producing immediate conservation benefits to large pelagic resources.

LIMITED ACCESS/ IFQs



The number of U.S. vessels longlining the Atlantic ranged from a high of about 450 vessels in 1990 to an average of 300 today. Many more foreign boats fish the same stocks. There are no limits on effort, either the numbers of vessels or quantity of gear fished. If reducing the number of boats decreases the amount of gear in the water, limited entry could reduce bycatch. Individual fishing quotas, awarded to vessels based on their level of bycatch, or lack of, may offer incentives for clean fishing. The longline industry recently embraced limited entry for the swordfish and shark fisheries, but all it wants is to solve problems of overcrowding and allocation. NMFS says incentives for reducing bycatch are part of its future plans, but we're not holding our breath. Meanwhile, Congress may put a hold on IFQs. Bottom line: relief, if any, is years away.

GEAR MODIFICATION



Everybody's favorite solution - in theory. The theory is that, if different species or size classes exhibit different behavior in time and space, then maybe fishermen can more finely tune gear and fishing methods to avoid unwanted fish without affecting target catch. Unfortunately, research is still in its infancy, despite being identified by fishery managers as a high priority for over a decade. While more research should be encouraged, it may be years before applicable solutions are discovered and successfully field tested - if they ever are. One change could be made now, though: shorter lines and soak times would increase the number of fish taken alive.

NO-LONGLINING ZONES



The only immediately viable option for minimizing bycatch is prohibiting longlining where and when the catch of protected or overfished fish is highest. Pelagic fish are not randomly distributed throughout their range. Catch rates are higher where fish collect to feed or spawn, or on their seasonal migratory paths between these areas. Logbooks and observer estimates document where the captures of different species and age groups within species are highest.

FULL UTILIZATION



This answer - requiring vessels to land and use all dead bycatch - deals with the waste issue only. It also demands 100% observer coverage; not only to keep boats from discarding and not reporting unwanted catch, but to prevent boats from bringing in fish that should have been released alive but are more valuable dead.

ALTERNATIVE GEAR



Swordfish were once taken primarily by harpoon and rod and reel, and fishermen caught as many fish then as with longlines today. More importantly, the gear was selective and the catch sustainable. But harpooners and anglers, who took mostly large fish, will have to wait until the stock recover.

MULTI-SPECIES MANAGEMENT



As most pelagic fish populations in the Atlantic have declined sharply, the longline fisheries have evolved into opportunistic, mixed-species fisheries. "Multi-species management," promoted by longliners, is a cop out; an admission they can't control what they catch, an attempt to solve the bycatch problem by declaring that there's no such thing.

THE NCMC
OCEAN VIEW

**"DISASTERS AREN'T THE
PROBLEM," PREVENTING THEM IS**

A cover article in last November's National Geographic, describing the turmoil in the world's ocean fisheries, was all the buzz for several months after. Michael Parfit's article, "Diminishing Returns," the result of a year and a half of research, drew near unanimous praise for its depth and breadth. Most importantly, Parfit told in well-crafted prose and exhaustive detail what conservationists want the public to hear: more and more fishermen are fishing harder than ever, but catching fewer and smaller fish. The reckoning is near, warned one fisherman profiled in the article, unless we change our attitudes and mend our ways.

That the prestigious National Geographic - as respected as a journal of science as it is popular with the casual reader, ubiquitous on America's coffee tables, the magazine that almost no one throws away - devoted its cover and 53 pages to fish was viewed as a coup, of sorts. Those of us immersed in these issues on a daily basis aren't satisfied preaching to the choir and are forever looking to get our message to a broader audience.

Parfit's article undoubtedly helped do that. He tells the whole story - overfishing, bycatch, waste, overcapitalization, mismanagement - all the things that threaten to destroy our fisheries. And he does it through the eyes of people - primarily the fishermen and coastal communities whose lives are being changed, possibly forever, by their own actions and the actions of others.

But even as copies of his article were being floated throughout the fishing and conservation communities, the author was letting a little air out of the balloon he'd set aloft. In an Op-Ed piece, "Disasters Aren't the Problem," that appeared in The Washington Post, he criticized environmentalists for being alarmist about fisheries problems, for using hyperbole to portray what he found to be a complex set of problems - yes,

some of them quite serious - as an impending catastrophe. He concluded that such "environmental catastrophism" is actually hurting efforts to build public support for change.

More than a few people may have gone back and re-read his original article, thinking they missed something, but they needn't have. To those in the trenches working to conserve marine fisheries, "Diminishing Returns" was indeed a confirmation of what they see and an affirmation of what they're doing. But the author was coming at all this from another direction. "I began armed with environmentalist reports that claimed fisheries were collapsing world wide," he says. "But I couldn't find such a disaster."

Over two-thirds of the world's important marine fish stocks are fully fished, overexploited, depleted or slowly recovering. One-third of the world's catch is thrown back into the sea dead or dying. Once great fisheries - north Atlantic cod, Pacific salmon - are disappearing before our eyes. Is this the end of the world, or even a sign that the ocean is dying? Of course not. But these are terrible things to be averted, if at all possible.

"The essential purpose of bleak projections (is) to highlight unfavorable trends so that the potential calamities will not come to pass," writes the Smithsonian's Thomas Lovejoy in the February Scientific American. "To dismiss such efforts as doomsaying, and to portray the brave and prescient individuals who raise such warnings as biological cassyndras, does a disservice to society."

Warning of an impending crisis has only one purpose, and that's to head it off. The catastrophe doesn't have to occur to justify the warning. Indeed, the fact that it doesn't occur is justification enough. Perhaps the reason we have so few disasters is not because the threats are exaggerated, but because someone sounded the alarm.

Where Parfit is right is that we do risk desensitizing the public by constantly hitting them with the "crisis of the moment." Where he is dead wrong is in assuming that environmental groups do it "to fill coffers and define successful battles." They do it to draw attention where it is needed. Sometimes it works. He wrote the article, didn't he?

Ken Hinman
Editor

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VICTORY AT SEA

CONGRESS PASSES NEW & IMPROVED FISH CONSERVATION LAW

The bill, launched by the House a year ago, began to list when it reached the Upper Chamber, where a number of Senators loaded it down with favors for special interests and tried to poke holes in some of its toughest new provisions. By the end of the summer, it looked like the legislation might sink. But it didn't. Buoyed by the strongest conservation amendments added since the Magnuson Act was written 20 years ago, and the determination of the fishermen and conservationists who'd worked together for four years to put them there, the bill finally, and thankfully, sailed clear.

The Senate approved S39, The Sustainable Fisheries Act, on September 19th. One week later, the House, whose bill was stronger in many respects, accepted it in lieu of a conference to work out differences with its own bill, HR 39, for which there was no time. President Clinton's signature on the bill sometime this fall is considered *pro forma*.

"We finally have a new Magnuson Act, and it's a good bill overall, containing a number of the amendments we wanted most," says National Coalition for Marine Conservation President Ken Hinman. "Two years ago, this Congress was intent upon dismantling the nation's environmental protections. Now, that same body has given us the strongest fish conservation laws ever. A lot of people and organizations worked very hard for this. Members of the NCMC, and all our partners in the Marine Fish Conservation Network, should be very proud of this achievement."

Top Goals Achieved

Our number one goal was to tighten requirements for rebuilding overfished stocks, and the new law does that. All Fishery Management Plans (FMPs) for the first time must contain strict schedules for rebuilding populations to their biologically-determined "maximum sustainable yield." If a Regional Council does not submit a recovery plan within a year, or the plan is unsatisfactory, the Secretary of Commerce is required to step in. There are also new measures for identifying fisheries that are approaching an overfished condition and taking preventive action.

Significant achievements were made in the areas of bycatch reduction and habitat protection, too. The Act now features a new National Standard to minimize the capture of non-target fish. All FMPs must assess the level of bycatch and bycatch mortality and contain measures to reduce it. In addition, all plans must identify "essential" fish habitat. The Councils and National Marine Fisheries Service now have more authority to influence federal decisions affecting habitat. And for the first time, the Councils are mandated to protect habitat from damage caused by fishing gear. (See also

NCMC Marine Bulletin

"Saving 'Essential' Habitat," page 2)

Efforts to reform the Council system fell short. The House bill added more non-user representation to the Councils, but the Senate pretty much left things *status quo*. S39 does require complete disclosure of financial information, which is good, but it only prohibits members from voting when it would benefit that member at the expense of the majority of other participants in the same fishery. This limited "recusal" will probably be useful in curbing abuses in the setting of individual vessel quotas, but it does nothing to prevent members voting to help all members of their industry.

The bill imposes a 3-year moratorium on giving away individual fishing quotas, or IFQs, during which period a study will be performed by the National Academy of Sciences to help establish a national policy for so-called "privatization" schemes. This time-out on IFQs is in line with what the NCMC recommended in its study, *The Crowded Sea*, but Congress, in our view, did the right thing for the wrong reasons. The debate disintegrated into an allocation battle between parochial interests from Alaska and Washington State, and some environmentalists philosophically opposed to limited entry, making the setting of rational policy on IFQs impossible. The battle is bound to be joined again when the moratorium expires, timed to coincide with the next reauthorization in year 2000.

Indeed, throughout the protracted Senate deliberations, Senators were inserting favors for their constituents. Among these are 14 new (unfunded) studies, including yet another review of shrimp bycatch, and a New England bail-out provision which contains the unsavory precedent of buying back permits from vessels that originally obtained them for free. But despite these and other flaws, the new bill unequivocally makes conservation the number one priority of the Magnuson Act, with tough new rules and requirements to force more conservation-minded decisions at every level.

Networking Works

The NCMC played a critical role in this important victory for fish conservation. When we sat down with Congressional staffers four years ago, we were told that reauthorization would not be a vehicle for revisiting a wide range of issues. On the contrary, the reauthorization did address every important management issue, and we helped make that happen in two ways. First, our Magnuson Act Symposium, "Conserving America's Fisheries," held in March of 1993, helped define the issues that Congress ended up focusing on. It was well attended by Hill staffers, and they heard recognized authorities from a variety of backgrounds and interest groups describe the failings of the Act relative to its original intent and the current state of our fisheries, problems with the overfishing guidelines, the Councils, bycatch, and highly migratory species.

Second, and most important, the Marine Fish Conservation Network altered the political landscape. The Network was conceived by the NCMC, and we took the initiative in convening and coordinating the inaugural meeting (held in September '92 at World Wildlife Fund headquarters in Washington). NCMC staff authored, in consultation with the other four steering committee groups (National Audubon Society, Center for Marine Conservation, WWF and Greenpeace), what

became the Network's "National Agenda to Protect, Restore and Conserve Marine Fisheries," a document which served to set the Network's goals and provided a manifesto for recruiting member organizations from around the country. NCMC staff also played a leading role in crafting the legislative language that the Network proposed to Congress and which was the basis for HR 4404, The Marine Fish Conservation Amendments of 1995 — which did not pass, but in fact determined what went into HR 39, which in turn shaped S 39. The NCMC unveiled the Network's agenda for reauthorization during testimony at the first Congressional hearing on the Magnuson Act in February 1993.

But the Network was truly a team effort where each organization contributed its strengths. The NCMC's contribution, as important as it was, was more at the front-end, where we employed our strengths: initiating, organizing, building alliances, writing, and developing policy. We are not a lobbying organization; the job of day-to-day lobbying of Congress was performed by others. In Washington, our fellow steering committee members with full-time lobbyists - CMC, WWF, Greenpeace and Audubon - did the heavy lifting on the Hill and deserve substantial credit for their commitment and effectiveness. The grassroots support from numerous Network members in every region, on a wide variety of issues, was indispensable. Special mention goes to the Alaska Marine Conservation Council. And of course, the Network staff, led by Campaign Director Bill Mott, performed tirelessly, somehow managing to maintain a consistent pressure on the Hill and in the media over a much longer than anticipated reauthorization, and to keep 100 Network member organizations informed, focused and energized throughout.

The NCMC headed up the Network's task force on highly migratory species, which meant monitoring every proposed piece of language in every version of every bill, advising the Network on positions and writing comments to forward to Congress, and alerting other organizations and individuals about potentially harmful amendments. By doing this, we were able to kill a number of bad proposals that some commercial fishing interests fought very hard for. Considering they often get what they want in Congress, this was quite an accomplishment. The Billfish Foundation and the fledgling Recreational Fishing Alliance were very active at the grass roots level, and worked with the NCMC to thwart efforts to exempt longlining from the new mandate to reduce bycatch.

We were frustrated that Congressional staffers remained deaf and blind as to what's really ailing management of Atlantic tunas, billfishes and sharks and did little to improve it. Instead, our job came down to countering efforts by commercial fishermen - longliners in particular - to obtain exemptions from the bill's new overfishing and bycatch provisions. We're proud to say we were successful in doing this. We also defeated a proposed exemption from the moratorium on IFQs, which in our opinion would be a disaster for the non-selective longline fisheries.

Now the Real Work Begins

What S 39 does do for tuna, billfish, swordfish and sharks is establish new advisory panels to assist NMFS in developing management plans for the Atlantic fisheries. (No changes were made in Council-management of Pacific tunas

and billfish.) Originally, membership on the new panels was going to be restricted to advisors to the Atlantic tuna commission (ICCAT), but we succeeded in opening it up to other interested persons. Also, a study will be conducted next year to look into developing a comprehensive management system for the Atlantic pelagic longline fishery. Yet another new advisory panel will be established for this purpose. In our view, we are confronted with a challenge. We (the fish conservation community) can actively participate in these new panels and turn them to our advantage, or we can cede the playing field to the commercial longliners. They'll be there, full time. We must be there, too, but it will require even more time and commitment on our part.

And that's the take home message from this reauthorization. We achieved a great victory for conservation, but *only* if we are there to make certain the new mandates are implemented. There are always ways to get around the law when the political will is lacking. The NCMC and other members of the Marine Fish Conservation Network, which did so much to reform the Magnuson Act and can justly celebrate, must now begin following through at the Regional Council and the federal (NMFS) levels.

SAVING "ESSENTIAL" HABITAT

New Act Gives Fishery Managers, Fishermen New Tools

NCMC President Ken Hinman participated in a Habitat Managers Workshop sponsored by the Atlantic States Marine Fisheries Commission on June 4-6. He was asked to contribute the following article to the workshop proceedings, which will be published this winter.

The theme of this Habitat Managers Workshop, "Fish Need Habitat," may seem obvious to the participants. But the fact is, management of marine fisheries has long focused on regulating the activities of fishermen while largely neglecting other human-caused impacts on fish and their environment. If not entirely absent from the rhetoric of fishery management, habitat conservation certainly has been missing in action.

If fish need habitat, what does habitat need? The answer is — fishery managers and fishermen working together to preserve it. Significantly, this workshop featured a discussion of pending changes to the Magnuson Fishery Conservation and Management Act, the 1976 federal law intended to conserve the nation's marine fisheries which, in its present form, gives little more than lip service to habitat protection. The law empowers neither the National Marine Fisheries Service nor the Regional Fishery Management Councils to control activities which degrade or destroy the habitat of the very fish populations they are responsible for conserving.

But that's gonna change. The Magnuson Act as amended by Congress this year features new language introducing the concept of "essential fish habitat." For starters, the Councils will now be required to identify essential habitats for each fishery under management and require measures to minimize the adverse impacts on habitat due to fishing (e.g., bottom trawls). In addition, and most importantly, the bill expands the authority of the Councils and NMFS to influence

decisions by other non-fisheries agencies which affect habitat. The result of these changes will be to elevate the role of fishery managers, as well as fishermen, conservationists and others involved in marine fisheries management, to that of the designated advocates for fish habitat conservation within the federal government.

A Stronger Basis for Political Action

Each federal fishery management plan will identify habitat "essential" to the growth and/or reproduction of managed species. The intent seems to be to have fishery managers focus on something less than every piece of water or substrate related to every phase of a fish's life cycle, but more than the Endangered Species Act concept of "critical habitat," that is, areas vital to species survival. Within the context of the Magnuson Act, essential habitat will be what is needed to maintain fish populations at levels capable of producing the "optimum yield" to the nation.

How it will be defined in practice is uncertain. The definition of essential must be qualitative as well as quantitative. An acre of restored wetlands, for example, does not serve all the biological functions of an acre of natural wetlands. Will areas whose value as fish habitat has already been degraded - no longer "essential"? - be allowed to be further abused, or will they be targeted for restoration? And how will those habitats defined by default as "non-essential" habitats be treated? As one workshop participant noted, "without preserving all kinds of habitat, one with a great but undefined value for some important fishery could easily be lost."

Nonetheless, incorporating the concept of essential habitat into each fishery plan will enable managers to better make the fish/habitat connection, both in the public mind and in federal policy, thus providing an undeniably stronger foundation for political action. And that's where the rubber meets the road.

The Regional Council system is the public's pipeline into fishery management. Whereas the direct involvement of affected fishermen has hindered action to prevent overfishing in many instances, this arrangement can work to strengthen habitat management. The new Magnuson Act amendments will empower fishermen on habitat matters by getting them into the decision-making process -- from the beginning.

But they must choose to take advantage of their new power. It will not be enough for fishery managers to put the spotlight on threats to fish habitat. It will not be enough even for them to submit comments on threatening projects and require a detailed response, as the new law will authorize them to do. They must have the active support of the fishermen whose fishing hangs in the balance.

In the increasing competition for limited coastal resources, government must of necessity limit certain uses at the expense of others. The difficult question is, whose use will prevail? When unwise or unrestrained development in the coastal zone wins out, it directly or indirectly reduces the capacity of the coastal environment to support fish populations in their historic abundance, exacerbating the already severe impacts of overfishing in many regions. Fishermen are the losers.

Fishery managers need their constituents - commercial and sport fishermen and fish conservationists - to be there with

them. Otherwise they won't have the political will to aggressively pursue their mutual interests in the federal arena.

Linking the value of habitat directly to individual fish or fisheries of value to fishermen may not be ecologically correct, but it will actually strengthen the cause of habitat protection politically. Maintaining coastal rivers, estuaries and offshore habitats, such as coral reefs, for spawning and nursery grounds for fish (and other wildlife) will make better sense to politicians when they see - and hear from! - the fishermen whose livelihoods and recreation depend on them, and that dependency is documented in each FMP as thousands of jobs and millions of dollars in revenues to seaside communities.

A Cautionary Tale

A great challenge to habitat managers, fishery managers, fishermen and conservationists is striking the right balance: between actions to prevent overfishing and habitat loss; between immediate and long-range threats. One example cited during the workshop was striped bass.

The ASMFC has declared striped bass "fully recovered" and is relaxing fishing restrictions. The welcome resurgence of the spawning stock after years of a virtual moratorium on fishing has persuaded many fishery managers that overfishing was the primary culprit, not habitat degradation in Chesapeake Bay, the Atlantic striper's principal spawning ground. But as Dr. John Boreman pointed out, there is another, more cautious view. By reducing fishing pressure, the population is better able to cope with habitat-related limitations. However, if we don't continue efforts to restore the striper's habitat, we may not be able to approach, much less return to, historic catch levels without stressing the resource again and triggering another collapse in reproduction and a return to restricted catches.

What it all means is that integrating fishery management and habitat management is essential to the success of both. And success will require all those with habitat-related concerns, including fishermen and conservationists, working together.

DIGGING OUT

ICCAT Must Adopt Recovery Plans

Since 1992, the National Coalition for Marine Conservation has been calling on the International Commission for the Conservation of Atlantic Tunas to establish rebuilding programs to restore overfished populations to maximum sustainable yield (MSY), as the ICCAT charter requires, within a reasonable period of time. Without strict recovery schedules, ICCAT has no way to measure progress or to be held accountable for making even any progress at all in restoring depleted fisheries. Without an objective and measurable recovery program, each new stock assessment only re-opens the debate about where we are, where we're going, and where we want to be.

Therefore, we were very pleased last year when the US delegation proposed, and ICCAT adopted, resolutions to develop recovery programs for both Atlantic bluefin tuna - eastern and western stocks - and swordfish at this year's meeting. If adopted, these will be the most important actions

ICCAT has ever taken. If not, the Commission is guaranteed to remain as ineffectual as ever.

The western Atlantic bluefin has been severely overfished and the object of a "conservation" program for 15 years, yet there have been only negligible signs of improvement in recent years after a steady decline for most of that period. According to the October 1996 ICCAT stock assessment, the adult spawning population is just 13% of MSY, or the population level of the mid-1970s. By not establishing a recovery program with a defined goal and timetable, ICCAT has permitted the western bluefin to remain in a perpetually overfished condition while the eastern stock of bluefin has been allowed to deteriorate.

Likewise, the north Atlantic swordfish population has continued to decline under a program implemented in 1991. The latest stock assessment puts the stock at 58% of the level needed to produce MSY. The swordfish population is still declining (another 15% since the 1994 assessment), because the current catch rate is twice what the resource can sustain.

The US Must Stand Firm

ICCAT asked its team of scientists to calculate annual catches that will rebuild bluefin within 20 years and swordfish within 15. The SCRS (Standing Committee on Research and Statistics) concluded that the current western bluefin catch of 2,426 metric tons is probably sustainable, but that "in order for the spawning stock to recover to the MSY biomass level of 1975 within about 20 years, the projections indicate that the catch must be reduced to about 500 MT." The present catch of swordfish in the north Atlantic, 17,000 MT, must be decreased substantially, too. "In order to arrest the declining trend, the analyses generally suggest that catches should not exceed about 10,000 MT," says SCRS.

The NCMC urged the US delegation to do all it can to ensure that ICCAT follows through on its commitment to finally set both the bluefin and the swordfish on determined paths to recovery. We urged that the US steadfastly insist that the rebuilding target be nothing less than maximum sustainable yield within the time periods set out in the 1995 ICCAT resolutions.

In addition, we are supporting the US in seeking recovery plans that periodically evaluate compliance by Atlantic fishing nations and include measures to punish those nations who violate the agreements, such as re-distributing catch shares away from nations that don't comply to those that do. We are also supporting the use of trade sanctions against violators.

"We know this kind of profound change in the way ICCAT operates will not come without resistance - from other countries as well as from the US fishing industry," says the NCMC's Ken Hinman, a member of the US ICCAT Advisory Committee. "The political pressure on the Administration to abandon its goal of recovery plans is enormous. The industry wants to stand pat while focusing on compliance issues.

"To be sure, the US must work to get greater compliance from other ICCAT members if the Commission is to be credible and effective," Hinman says. "At the same time, if the US is not willing to do what's necessary to rebuild depleted stocks simply because there's too much political heat at home, then we are no different and no better than the rest, and there's no hope for ICCAT."

PREDATORS AND PREY

If you were to make little fishes talk, they would talk like whales.
- Oliver Goldsmith

For years, nearly all the attention of marine conservationists went to the so-called "charismatic mega fauna," the great whales and dolphins. More recently, the ocean's giant fish have pushed their way into the public mind, too, due to the efforts of the NCMC and other members of the Ocean Wildlife Campaign. But the little fishes are just as important - to the marine ecosystem in general and, in particular, to the survival of large predators such as billfish, tuna and sharks - and they need our attention, too.

"Because they are overfished, fishing for swordfish, bluefin tuna, sharks and marlin is under strict regulation and likely to get stricter. It wouldn't make sense, then, to compound the problem by also overfishing the species these fish depend on for food. But that's what we are on the verge of doing," writes NCMC President Ken Hinman in the November issue of *MARLIN* magazine.

Billfish and tuna feed on "baitfish" like squid, mackerel and herring. At one level, overfishing these prey species would mean fewer predators present on traditional fishing grounds. At a deeper level, it could mean an overall drop in the numbers of predators the sea is able to support.

At a recent meeting of the Mid-Atlantic Fishery Management Council, it was reported the catch of short-finned squid (*Illex*) off the Atlantic coast has risen from about two thousand tons in 1988 to about 20,000 tons today. In the same period, landings of long-finned squid (*Loligo*) have doubled, to over 40,000 tons. (Both estimates are considered conservative, since bycatch and discards go unreported.)

The driving force behind pressure to expand the harvest of squid is the collapse of groundfish. To northeast fishermen, squid are an "under-utilized species" in a region where they've depleted virtually everything else. There are dozens of trawlers in need of something to do and there are few healthy fisheries left to accommodate them. If they can't fish, the government, as part of the deal worked out to restore groundfish, has to buy the boats and scrap them.

"There are already signs that the increasing harvest of squid and other forage species is having an adverse effect on the animals that feed on them," writes Hinman. "Sport and commercial fishermen from Maine to Virginia report seeing fewer and smaller schools of baitfish where they used to be abundant. The stomach contents of fish caught by anglers and stranded seals and porpoise indicate changes in diet to non-traditional species and, in some cases, starvation, both signs that these animals are having trouble finding food."

Conservationists as well as tuna and billfish fishermen are asking the Council and the National Marine Fisheries Service (which manages tuna, billfish and sharks in the Atlantic) to maintain the squid resource at levels that will not merely support present populations of tuna and billfish, but also sustain the recovery of these species to their historic abundance. "An ecosystems approach to managing these fisheries is needed and demands that the Council and NMFS not look at predators and prey in isolation, but integrate their management strategies," says Hinman.

TURNING THE TIDE

NCMC News and Activities

✓ SYMPOSIUM MARKS UNPRECEDENTED EFFORT TO CONSERVE PACIFIC PELAGICS

On November 4-6, a Symposium on Managing Highly Migratory Fish of the Pacific Ocean, entitled "Getting Ahead of the Curve," was held at the Monterey Bay Aquarium in Monterey, California. The symposium, organized by the National Coalition for Marine Conservation, was attended by 140 people from 10 countries, meeting to discuss ways to improve international cooperation to conserve the Pacific's valuable but vulnerable pelagic fisheries for tunas, billfish and sharks. A full report on the symposium will be featured in the next *Marine Bulletin*, and the complete proceedings will be published by NCMC in late 1997.

✓ OCEAN-FRIENDLY BOAT CARE

Conscientious boat owners want to protect the environmental health of waters they love to sail, cruise and fish, and they certainly don't want to contribute to pollution. Yet many of the marine products they use are extremely toxic - not just to marine life, but also to those onboard. Now there is a pathbreaking book that boaters, fishermen, marine product suppliers and boatbuilders concerned about health - ours and our environment's - can turn to for complete, accurate, and up-to-date information about products ranging from cleaning agents and paints to engines and refrigerants. SHOPPING FOR SAFER BOAT CARE: 97 Health and Environmental Ratings, by Neil Smith, Phil Troy and the National Coalition for Marine Conservation, presents at-a-glance assessments of the health and environmental hazards of many of the most ubiquitous marine products. Twenty percent of the proceeds go to the NCMC's conservation programs. To order (\$13.95), call Katie McGarry at 207-236-4837, ext 28.

✓ HARPOON, ROD AND REEL, YES; LONGLINES, NO

The NCMC submitted comments in August on a proposed NMFS plan to limit permits in the swordfish fishery. As a result, NMFS revised its proposal, which originally limited permits to longline vessels, in order to allow open access for hand-gear. "We recommend that access not be limited for fishermen using hand-gear," NCMC wrote. "Harpoon and rod-and-reel fishing for swordfish selectively harvests mature fish, without a bycatch of undersized swordfish or other non-target species, which are major problems in the longline fishery. Recovery of the swordfish stock should be accompanied by the increasing use of more sustainable and selective fishing practices, which means limiting the use of problem gear (longlines) while encouraging the use of more manageable gear types (hand-gear)."

✓ NEED FOR TIME/AREA CLOSURES CITED IN SWORDFISH AMENDMENT ONE

The NCMC's call for no-longlining zones to protect juvenile swordfish, a proposal that was well documented and fea-

tured specific recommendations, has not fallen on deaf ears. Draft Amendment One to the Atlantic Swordfish Fishery Management Plan, released by NMFS in August, featured a lengthy discussion of the juvenile swordfish bycatch problem, all of which was based on NCMC testimony. The document stated that time/area closures would be implemented in the future as part of an amended FMP. [See also "Killing the Future of Atlantic Swordfish," page 7]

✓ POLITICAL REPORT CARD SPOTLIGHTS FISH CONSERVATION

The October 1996 issue of *SPORT FISHING* magazine featured the 2nd Annual Marine Fisheries Congressional Report Card, prepared by National Coalition for Marine Conservation staff. The Report Card, the only listing of its kind, informs readers of the friends and foes of fish and, therefore, fishermen. Other, general conservation rankings (e.g., the League of Conservation Voters) unfortunately too often fail to consider marine fish. And often, Congressmen's voting records and influence on general environmental issues and on marine fisheries issues may be surprisingly divergent. The Report Card ruffled some feathers on Capitol Hill, and, through radio and newspaper interviews generated by the rankings, brought increased attention to marine fish conservation as an important political issue with a large constituency - which is exactly the point.

✓ WORKSHOP ON BILLFISH BYCATCH BEARS FRUIT

As a result of the Billfish Release Mortality Workshop held last year - in which the NCMC participated; in fact, we got longline discard mortality added to an agenda that originally was only to look at recreational catch and release - the estimates of US longline discards were revised and shown to be higher than previously reported, as we suspected. The new numbers are included in the US National Report to ICCAT released in October. Preliminary estimates of the billfish bycatch discarded dead in the US commercial longline fishery for 1995 were 142.7 metric tons (MT) for blue marlin, 99.8 MT for white marlin, and 28.7 MT for sailfish. This total of 271.2 MT is more than four times the 1995 estimate of catches in the recreational fishery (62 MT).

An ICCAT International Billfish Assessment Workshop, held in Miami last July and attended by NCMC, affirmed that Atlantic blue and white marlin are still overfished, well below maximum sustainable yield. But action on billfish remains primarily at the domestic level, since ICCAT isn't in a position to regulate a bycatch fishery. Largely due to persistent pressure from NCMC, NMFS is currently analyzing time and area closures to reduce bycatch in the US fishery.

✓ BROTHERS IN ARMS

Thanks to our friends at Murray Brothers, makers of big game tackle, lures and accessories, the NCMC has a membership insert in 20,000 copies of the Murray Brothers Christmas catalog. This is an unprecedented opportunity to introduce the NCMC to thousands of new, potential supporters.

Don't forget about our 2ND ANNUAL BENEFIT BILL-FISH TOURNAMENT (April 26-28, 1997). Contact: Christine Wilkins at (703) 777-0037 for information.

JUST DO IT

NCMC Asks NMFS to Close Fishery for Large Coastal Sharks

Despite US fishing regulations instituted in 1993, fishermen are killing sharks twice as fast as the large sea predators can reproduce. That's the conclusion of a new study performed in June by a group of National Marine Fisheries Service and independent shark scientists. The shark experts suggest a further cut of 50% or more in fishing mortality - the total of catches in the directed fisheries plus discards by fishermen chasing other species - is needed just to stop the shark decline that began in the early 1980s. More drastic cuts are required to restore shark populations after years of overfishing.

In response to the new assessment, the National Coalition for Marine Conservation, which has been calling for lower shark quotas and bag limits each year since the Atlantic Shark Fishery Management Plan was implemented 3 1/2 years ago, is now calling on NMFS to close the directed fishery for large coastal sharks: sandbar, dusky, blacktip, hammerheads, et al. Closure would mean no commercial quota for sharks from the large coastal group, with recreational fishing limited to catch-and-release (a bag limit for pelagic sharks, such as mako and blue, would still be in effect).

"Arguments against immediately curtailing the catch of the most at-risk sharks amount to putting the resource in serious jeopardy in order to keep the directed commercial shark fishery economically viable," warns NCMC President Ken Hinman, a member of the NMFS Shark Operations Team. "But the history of boom-and-bust shark fisheries teaches us that this fishery is very likely doomed no matter what NMFS does. Keeping catches too high in order to sustain profits in this fishery will only postpone the inevitable, while destroying the shark resource for many generations to come." [See also "Profits of Doom," page 9]

The NMFS Highly Migratory Species Division elected to do nothing last year, saying it wanted a new assessment. Now that's done and the need to act is clearer than ever, but NMFS is stalling once again. The Proposed Rule for the 1997 fishing season, expected in October, had not materialized by late November. Conservationists are reading the delay as indecision on the agency's part about what to do, if anything.

Feeding concerns is the HMS Division's appalling inattention to shark conservation. For example, there were no NMFS officials with decision-making authority in attendance during most of the two-day meeting of the Shark Operations Team in August, even though the annual OT meeting is the only public meeting devoted to sharks. Afterward, the NCMC and other representatives of the Ocean Wildlife Campaign met privately with NMFS Director Rollie Schmitt to bring attention to the plight of sharks and the inadequacy of NMFS management.

Mortality Is Twice Replacement

Instead of moving swiftly to stop overfishing, as the Magnuson Act requires and the agency's own risk-averse policy dictates, NMFS is continually to be looking for reasons to

MANY THANKS!

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avoid making the tough decisions, which it knows will anger commercial shark fishermen. But in a precautionary management strategy, which the shark fisheries demand, the burden of proof must be on those who argue to keep the fishery open. And the arguments in favor of doing so just don't hold up:

- *There are uncertainties in the stock assessment.* The stock evaluation workshop, which included NMFS scientists, pre-

sented its conclusions based on the best available information, allowing for acknowledged uncertainties. On two key points there was very little uncertainty: 1) the fishing mortality rate is currently twice the rate at which large coastal sharks are replacing themselves in the population; and 2) projections of population sizes under the vast majority of assumptions (19 of 26) show that at least a 50% reduction in fishing mortality is required to get any increase at all in stock size.

- *Closing the directed fishery, or even cutting quotas in half, will have an adverse effect on active fishermen.* Risk-averse management is to protect the long-term interests of fishermen, too, not just the fish. Shark fisheries have a documented history of collapse, which will be repeated in the east coast large coastal fishery if fishing pressure is not reduced to a level the resource can sustain. To try to maintain a viable commercial fishery at the expense of the resource is a loser's game. Is NMFS willing to destroy a public resource in an effort to keep alive a fishery that history shows is probably doomed anyway?

- *Sharks can be conserved through other, non-quota based management measures.* Measures such as closing nearshore nursery areas and minimum sizes are not ready for prime time in 1997. It is more appropriate to consider them as part of a long-range rebuilding plan.

Nursery protection will require obtaining the cooperation of coastal states to identify areas and to implement closures, which will take time. Minimum sizes will likely not be effective. From 35 - 60% of released large coastal sharks caught in the longline fisheries are dead, according to logbook reports. We can assume an even higher mortality rate for juveniles.

ACTION ALERT. Unfortunately for sharks, NMFS is paralyzed into inaction while it tries to satisfy all interest groups, instead of doing what's in the best interest of the resource and the long-term interests of the fisheries. The agency will need to hear from the public to get the message that shark conservation must be its top priority, to show them that acting to protect sharks is the path of least resistance.

NCMC members are urged to write to NMFS at this crucial time asking them to close the fishery completely in 1997. Write to: William Hogarth, Chief, Highly Migratory Species Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

It's been suggested that NMFS address on East-West Highway is no accident, because the agency doesn't know which way it's going. Tell them the science is in, it unequivocally portays a fishery in trouble, and that action is

KILLING THE FUTURE OF ATLANTIC SWORDFISH

In the last issue of the *Marine Bulletin*, we wrote about the controversy over the capture of young bluefin tuna in the sport fishery versus a commercial fishery that takes mostly marketable adults. The National Marine Fisheries Service recently rejected the Massachusetts Audubon Society's petition to prohibit the retention of Atlantic bluefin tuna under 73 inches. The organization, which is not affiliated with the National Audubon Society, is contemplating an appeal. In a letter reprinted in the November *Commercial Fisheries News*, the NCMC raised the issue of another severely overfished fishery, one of historic importance to the New England region, whose recovery is threatened far more by the capture of immature fish than is bluefin tuna: Atlantic swordfish.

The following statement is from the Draft Amendment One to the Atlantic Swordfish Fishery Management Plan: "Because of excessive harvests, particularly of young fish, by longline vessels (which catch 98 percent of the swordfish landed)...the stock of western north Atlantic swordfish has declined during the past 30 years to levels so low that there are now insufficient fish to support either the historic harpoon fishery or the important recreational fishery."

The average fish caught in the longline fishery today is well below the size at sexual maturity. According to the National Marine Fisheries Service, "eighty four percent of the swordfish landed are immature fish less than five years old, and most have not spawned even once." The average size swordfish landed in the longline fishery is about 68 pounds dressed weight, compared to over 200 lbs dw thirty years ago (when the fishery was primarily handgear). If you average in discarded fish - 25 percent of the 1994 catch was discarded dead, presumably fish under the minimum size limit of 41 lbs dw - and the average swordfish captured and killed in the longline fisheries is even smaller/younger.

As Russell Cleary, Executive Director of the Commercial Anglers Association of Arlington, Massachusetts, points out, "when the harpoon fishery prevailed - taking a sustainable amount of swordfish year after year equal to or in excess of the current (allowable catch) - it was fully compatible with a viable recreational rod and reel fishery."

Both the International Commission for the Conservation of Atlantic Tunas and NMFS recommend that fishing mortality on juvenile swordfish be reduced if the Atlantic swordfish resource is ever to be restored to its historic abundance and fished commercially and recreationally at a sustainable level.

The capture of juvenile bluefin tuna is a small part of the total catch, whereas the swordfish catch is predominantly immature fish. Mass Audubon is quoted as saying that "(a)llowing a fishery to continue that specifically targets juveniles is dangerous to the long-term health of the stocks." Therefore, we suggest that the organization could accomplish even more for conservation - and hasten the return of a historic New England fishery - by petitioning NMFS to ban retention of prespawning swordfish.

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DEMAND-SIDE MANAGEMENT. Fisheries management typically deals with controlling the supply of fish, mainly through limits on catch. Because this means regulating the activities of fishermen, who usually resist such "interference," often these limits turn out to be inadequate or ineffective, either because they aren't aggressive enough or are difficult to enforce. As long as the demand for overfished species remains high, fishermen will fish as intensely as the existing rules allow. For this reason, conservationists are exploring extra-management strategies to affect the demand side of the equation in certain troubled fisheries. Consumption, after all, drives production, and consumers (as well as retailers) have, at the very least, an obligation to understand how their actions affect a threatened natural resource. Indeed, people sometimes ask us whether they should refrain from purchasing fish if its numbers are depleted. In our view, that's a personal decision. Invariably, though, the public reacts positively to common sense and will engage in personal action when it is warranted. Right now they are in the dark. A June 1996 survey by SeaWeb found that many people do not know the government classifies species as overfished. The same poll also found that engaging in personal action that makes a difference (e.g., recycling) has broad appeal.

SHRIMP



To put a pound of shrimp on our plates, shrimp trawlers on average kill and discard over 4 pounds of other sealife, including valuable finfish. So far, the use of TEDs to exclude turtles has made only a small dent in the bycatch of fish. Shrimpers resist adding new devices to allow fish to escape. Audubon called for a shrimp boycott in 1989 when Gulf netters said "Hell, no" to TEDs and the government withdrew its then-new requirement. The boycott fizzled because of half-hearted follow-through, although the regs were eventually reinstated. But it's an example of when boycotts are appropriate – when management breaks down due to fishermen's intransigence.

BLUEFIN TUNA



Records for big tunas used to be kept by the IGFA; now they're set in Tokyo, where this year one bluefin sold for \$90,000 (US). At up to \$113 a pound, it's no wonder both southern and northern bluefin are among the most threatened fish in the sea. There's no real US market; virtually all the giant tunas go to Japan's insatiable sushi/sashimi market. Limits on international trade would be the most effective way to stifle demand.

SWORDFISH



Like bluefin, swordfish are severely overfished. Unlike bluefin, much of the western Atlantic catch enters the US market. With the population still in decline and primarily juvenile fish taken, much stronger action is needed on the supply-side. If not, consumer action may be called for to curtail fishing. There is already growing support for such action, including a boycott. But because reduced supply from depressed Atlantic stocks is fueling increasing catches in the Pacific, there is concern that action aimed only at Atlantic fish will accelerate pressure on unmanaged Pacific stocks.

MARLIN



US consumers don't get a choice on Atlantic marlin; it's been off the menu since 1989. Commercials see it as a fish-grab, but blue and white marlin are overfished, and closing the market is one of the few ways to ensure that fish taken alive on longline hooks meant for tuna and swordfish are released alive. The "No Marlin on the Menu" campaign run by The Billfish Foundation and IGFA includes Pacific marlin, too.

SHARKS



Demand for shark parts is rising: the meat is getting more popular, but it's demand for fins, which fetch a small fortune in East Asia, that's driving the fishery. The best news for sharks may be recent studies showing their fins are laden with mercury, which can cause male infertility. That should put a crimp in sales. Still, most sharks are caught as bycatch in fisheries for tuna and swordfish. Cartilage is being touted as a cancer cure, and although not proven, this new "use" for sharks may hurt efforts to protect them.

DOLPHIN



The model for how effective consumer action can be. But dolphin-safe tuna has been anything but safe for many fish, including tuna. The bycatch of sharks, billfish, and juvenile tunas is much higher in nets set to avoid dolphins.

THE NCMC
OCEAN VIEW

PROFITS OF DOOM

In theory, publicly owned (resources) are publicly managed (resources). In practice, the managing public comprises two opposing forces that government must reconcile: those with a specific economic interest and those without....If our central concerns remain who 'wins' in these disagreements, or what sort of 'concessions' will please the most people, twenty years from now we'll be looked upon as fools. - Barry Lopez

When the flesh of the porbeagle, a pelagic shark found in the temperate waters of the Atlantic, suddenly came into demand as a gourmet food in the early 1960s, Norwegian fishermen caught as many as they could to supply the new and highly lucrative European market. Catches rapidly went stratospheric, then turned catastrophic. By 1968, only a few hundred sharks could be found and their numbers in the north Atlantic have still not returned to pre-fishery levels, says shark expert Dr. Sam Gruber.

Boom and bust is the predictable pattern of every intensive commercial fishery for sharks. Their slow growth and low reproduction makes them highly susceptible to quick and devastating depletion. History has recorded one collapsed shark fishery after another: soup fin, thresher and blue sharks in California; basking shark in the East Atlantic; school shark in Australia; the Scottish-Norwegian spiny dogfish fishery; and the Japanese spiny dogfish fishery.

Even so, fishing pressure on sharks today is greater than ever, due to rising demand for fins, meat and cartilage, and declining catches in pelagic fisheries for tuna and swordfish, where sharks have always been a substantial bycatch. When we don't learn from history, we are doomed to repeat it.

On the US east coast, large coastal sharks are the target of a commercial fishery that has driven their numbers down by as much as 80-90% since the early 1980s, according to Dr. Jack Musick of the Virginia Institute of Marine Sciences. The National Marine Fisheries Service is responsible for shark management in the Atlantic and is right now agonizing over whether or not to implement the very strict limits on shark fishing scientists say are needed to stop overfishing.

NMFS committed a monumentally myopic mistake when it promoted sharks as "underutilized species" in the 1980s, despite warnings from biologists that intensive fishing was a disaster in the making, especially with no management strategy in place. Now, in the middle of that disaster, the agency still wants to keep catches high enough to sustain a commercial shark fishery, even though shark history and shark biology tell us that's not possible.

In doing so, it is only hastening the demise of the shark fisheries. (The recreational fishery is already on the rocks.) If that happens, future generations will look back on NMFS shark managers as fools who sacrificed a public resource for the sake of a compromise where there was none to be made.

Ken Hinman
Editor

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

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The NATIONAL COALITION FOR MARINE CONSERVATION is a 501(c)(3) non-profit organization dedicated to the following goals:

- restoring depleted fish populations to healthy levels
- promoting sustainable use policies that balance commercial, recreational and ecological values
- modifying or eliminating wasteful fishing practices
- improving our understanding of fish and their role in the marine environment
- preserving coastal habitat and water quality

THE NCMC MARINE BULLETIN

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