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ALL'S NOT QUIET ON THE WESTERN FRONT

NCMC SYMPOSIUM SOUNDS THE CALL FOR PACIFIC-WIDE CONSERVATION

Participants at a symposium organized by the National Coalition for Marine Conservation unanimously agreed on the need for greater ocean-wide cooperation in the conservation of large, highly migratory fish in the Pacific Ocean.

"With the rapid expansion of fishing fleets, the development of ever more sophisticated technology and powerful new players entering the arena, we can no longer be assured that widespread overfishing will not occur anywhere in the [Pacific] ocean within the foreseeable future," NCMC Chairman Christopher Weld warned in his opening remarks. "If we make the mistake of waiting for a crisis to occur, we will find ourselves trying to manage trans-oceanic fisheries without basic information and without the basis for international cooperation."

Getting Ahead of the Curve was the theme of the landmark symposium held November 4-6 in Monterey, California. "Fishing fleets today have the ability to over-exploit a stock before the statistical evidence of overfishing can be marshalled to support the case for restraint," Weld said. "In the Pacific, where little is known about the status of most pelagic stocks, and fishing on the high seas goes unmonitored and unregulated, the risk of overfishing and fishery declines is very real."

Taking On A Daunting Task

A look at trends in the Pacific fisheries reveals that fishing for tunas, billfishes and sharks is increasing and is expected to continue to increase into the near future. Monitoring trends in these trans-oceanic fisheries - the Pacific is twice the size of the Atlantic Ocean - is difficult and uncertain

AHEAD OF THE CURVE. Over 130 fishery experts, scientists, managers, fishermen and conservationists from nine countries attended the NCMC symposium November 4-6, 1996 at the Monterey Bay Aquarium in Monterey, California. The Symposium was made possible through funding by the David & Lucile Packard Foundation, National Marine Fisheries Service, Inter-American Tropical Tuna Commission, United Anglers of Southern California, World Wildlife Fund, Pacific Ocean Research Foundation, and San Pedro Fisheries Marketing and Research Foundation.

at best, and catch information - both landings and discards - is incomplete. An ongoing transfer of fishing effort to nations with no tradition of managing large pelagic fisheries, such as the Peoples Republic of China and Indonesia, exacerbates this situation.

The current condition of tuna, billfish and shark populations in the Pacific is generally thought to be healthy -- with the glaring exception of the southern bluefin tuna, which is as severely depleted as its Atlantic cousin. Nevertheless, the capacity of many of these fish stocks to sustain current or increased levels of fishing effort is unknown. With the exception of the bluefin, albacore and yellowfin tunas, stock assessments are performed sporadically or not at all, primarily due to the scarcity of essential information. Stock structure for these widely dispersed resources is poorly understood.

Symposium participants cited global fisheries monitoring, regular stock assessments and more comprehensive management strategies as high priorities. But achieving these goals on an ocean-wide basis is acknowledged to be a "daunting task" - the phrase heard most often during the three-day conference - requiring an organized effort that must begin at once.

Stock Declines Are Inevitable, Unless...

In reviewing existing Pacific fisheries management organizations, we find there are multiple gaps - geographic and functional - in the international conservation of large, highly migratory fish. The best infrastructure for research and management is in place for tropical tunas (skipjack, yellowfin and bigeye), however, the responsible organizations do not presently have adequate authority to regulate fishing activi-

*We're not here to tell you we know better.
But we do know worse. We've seen it (in
the Atlantic). And it can happen here.*

- NCMC President Ken Hinman

ties. Fisheries for the temperate tunas (northern and southern bluefin), billfishes (swordfish and marlins) and sharks, on the other hand, are operating within a virtual management void.

Even so, optimism prevailed among some symposium participants, who cited the existence of solid regional institutions with strong research and monitoring capabilities (e.g., Inter-American Tropical Tuna Commission, South Pacific Commission, Forum Fisheries Agency) and a tradition of dialogue and trust upon which to build to meet future challenges. But others were less sanguine, citing experiences in the Atlantic, where most stocks are overfished or severely depleted. Many of these observers believe that stock declines are inevitable in the Pacific, especially for the slower growing and less fecund species, unless effective regulatory mechanisms are put into place as soon as possible.

Current stewardship of highly migratory species in the Pacific is piecemeal and fragmented, conducted by regional organizations with limited jurisdictions and little or no authority. But this conclusion is in no way a criticism of those organizations or of what's being done now on a regional basis. Neither does it ignore the increased attention to these issues

already underway at some levels and in some regions. Of particular note: the fledgling Interim Scientific Committee for Tuna and Tuna-like Species in the North Pacific, whose purpose is to lay the groundwork for a possible multilateral management regime for northern bluefin, albacore and other species; and the Second Multilateral High Level Conference on the Conservation and Management of the Highly Migratory Species of the Central and Western Pacific, in June, to discuss a more comprehensive arrangement in accordance with the new United Nations Agreement on Highly Migratory Fish Stocks.

But the fact remains that these efforts are just underway and there is no comprehensive plan to tie them together or fill the numerous and substantial gaps between them. There is no single entity to incorporate the governing principles established by the UN Agreement and the FAO Code of Responsible Fishing, or to provide oversight on science and policy objectives for globally shared resources.

An Accelerating Urgency

The challenge confronting Pacific interests is best characterized as a race to create and implement new management regimes before fishery declines begin, i.e., to stay "ahead of the curve." The pace of these efforts is accelerating, but so is the urgency with which we must act in order to maintain healthy and productive fisheries into the 21st century.

There is an urgent need for a coherent and cohesive Pacific-wide conservation and management strategy to be in place before the escalating exploitation damages the health of the stocks and the productivity of the fisheries. Such a strategy must be designed with mechanisms to:

- coordinate management goals and principles throughout the highly dispersed fisheries at subregional, regional and international levels;

Pacific fishing interests are in a race to create and implement new management strategies before fishery declines begin, that is, to stay 'ahead of the curve.'

- apply a consistent methodology of data collection and research throughout the oceanic range of the species;
- implement international agreements, such as the UN Agreement on Highly Migratory Fish Stocks, including adoption of the "precautionary approach" to fisheries management, and the FAO agreement on high seas vessel licensing; and
- provide adequate controls to ensure compliance with fisheries regulations.

There was considerable discussion among participants regarding two different approaches to pursue in achieving these long-range objectives: 1) expanding the activities and authority of existing regional organizations; and 2) a basin-wide approach, establishing an over-arching umbrella organization incorporating the existing organizations into something more complete. These approaches are not necessarily mutually exclusive, because action to make improvements at

the regional level would have to precede the development of a broader arrangement anyway.

NCMC Recommendations

The National Coalition for Marine Conservation is recommending the following actions as necessary first steps in order to follow up on the conclusions of the symposium and to keep the momentum moving toward improved conservation and management of highly migratory fisheries throughout the entire Pacific Ocean:

- Convene a meeting of representatives of the three US Fishery Management Councils (Pacific, Western Pacific and North Pacific), the National Marine Fisheries Service, and the US State Department. The purpose of the meeting would be to: 1) discuss coordination and consistency in monitoring and collecting data on the large pelagic fisheries in the US EEZ; and 2) establish an advisory body, drawing from all five agencies and non-governmental organizations (NGOs), to advise on matters of US policy and integration of domestic management objectives with international goals.

- The US State Department should initiate high level discussions to convene a "summit" of the Secretariats of the existing regional fisheries commissions in the Pacific. This meeting would serve as a follow-on to the June 1997 FFA confab in the Central Western Pacific, taking the issue to a broader level. The purposes of this meeting would be: 1) to formalize the working relationship between regional commissions Pacific-wide, leading to the drafting of a "memorandum of understanding" to ensure common objectives and consistent methodologies for data collection and stock assessments; 2) to pursue agreement on how the commissions' respective jurisdictions might be expanded to fill gaps between them; and 3) to develop a process for amending their respective treaties to conform to the United Nations Agreement and synchronize their co-evolution into regulatory agencies.

- Convene a meeting of US non-governmental organizations (NGOs) to discuss roles and strategies for advancing ocean-wide conservation objectives. This meeting should take place in spring 1997 in order to plan participation in and build public support for ongoing and emerging activities at the domestic, regional and international levels. [This meeting has been scheduled for March 24 in conjunction with the California and the World Ocean '97 conference in San Diego].

- The US, Japan and other principal fishing nations should make it a diplomatic priority to achieve ratification of the UN Agreement in 1997. Fifty-nine countries have indicated their intention to ratify, but only a dozen have done so. Thirty nations must ratify before the treaty becomes international law.

- Review all Pacific large pelagics fisheries treaties for conformance to the UN Agreement. This review should be done by a disinterested third-party (not the commissions themselves), possibly the FAO. The review would be immediately beneficial to the commissions, participating governments and NGOs, and would later be useful in evaluating progress toward implementing the UN Agreement, as required by the UN, four years after it enters into force.

Smooth the path for use of multi-lateral trade measures to enforce international fisheries agreements. All new treaties and amended treaties, as required to implement the UN Agreement, should include criteria for evaluating when multilateral trade measures are authorized to enforce compliance with fisheries regulations on the high seas.

Put development of a Pacific-wide strategy on the agenda at all future high level international fisheries meetings. Development of a broad-based management body should be the ultimate objective. Building on existing organizations and creating new regional bodies in the interim, according to agreed upon principles and processes, will facilitate the eventual transition of scientific and management programs into a single entity.

SEEKING NORTHWEST PASSAGE

Endangered Fish Compete With Dams, Hatcheries

California steelhead trout are the latest prospects for protection under the Endangered Species Act, according to the National Marine Fisheries Service. If declared endangered, as the agency is recommending, the sea-going trout will join several runs of salmon on the growing list of west coast anadromous species nearing extinction because their spawning rivers have been destroyed by dams, logging and water projects.

Outside of Alaska and Canada, where wild salmon still thrive, Pacific coast salmon fishing is sustained by fish released into the wild from hatcheries. (Consumers are relying more and more on "farmed" salmon, raised in pens in the US and abroad.) But despite the many millions of dollars spent on hatchery production each year by federal and state governments, the west coast salmon fisheries are valued at less than one-fifth of what they were a century ago.

There is also mounting concern that this dependence on hatcheries to produce fish, combined with poor progress in repairing natural river systems, actually threatens the survival of wild stocks by contributing to their demise. Biologists and conservationists point out that hatchery-raised fish dilute genetic diversity and are more susceptible to disease and predation. Moreover, the presence of millions of hatchlings on the fishing grounds keeps fishing pressure high on the shrinking numbers of wild fish mixed in with them.

While sport and commercial fishing industry advocates work with fishery managers to ease their addiction to hatcheries without suffering severe withdrawal, both are gearing up for another go-round in Congress to strengthen the Endangered Species Act and government programs to rehabilitate lost habitat. Several bills were introduced in the 104th Congress (1995-96) that would have gutted these programs. Chastened by the backlash from fishermen and environmentalists, House Speaker Newt Gingrich has assigned Rep. Jim Saxton (R-NJ), chair of the fisheries subcommittee, the job of crafting a moderate, bipartisan bill. But it's uncertain whether a political compromise is possible, or if it is, whether the resulting bill would be strong enough to rescue wild salmon from otherwise certain extinction.

THE OTHER DOLPHIN

Underutilized or Just Overlooked?

The National Marine Fisheries Service has an awful habit of trying to help commercial fishermen who've overfished their traditional fisheries by directing them to other, so-called "underutilized species." That's a term that ought to be stricken from our vocabulary, because there is no such thing. In virtually every case, either the fish are already fully fished by other fishermen (e.g., king mackerel in the '70s and sharks in the '80s) or they are critical forage (squid in the '90s) for other recreationally and commercially valuable species that occupy the same ecosystem.

The latest fish to receive the dubious designation of underutilized is the dolphin, also known as dorado or mahi mahi. Encouraged by NMFS, swordfish longliners off South Carolina and Florida are targeting dolphin as an alternative to catching - and discarding - undersize swords, which is about all that's left on some southern fishing grounds. NCMC staff met with members of the South Atlantic Fishery Management Council and the NMFS Southeast Regional Office in November to express our concerns. In response, the council asked the fisheries service to provide information on recent trends in dolphin catches and catch rates, in both longline and traditional hook and line fisheries.

There are two issues of concern. First is the potential impact on dolphin populations and on traditional commercial and recreational fishermen. Dolphin are fast-growing fish, but there is no reliable estimate of what the present stock size is. Promoting increased, unregulated catches, which is what NMFS is doing, is risky. In fact, we've already seen what can happen.

A Familiar Pattern

There are striking parallels between the current dolphin situation and past management of king mackerel, in addition to the fact that both fish are managed by the councils as part of the "coastal pelagics" group. NMFS promoted king mackerel as an underutilized species in the early 1980s. In the Gulf of Mexico, kings went from underutilized to severely overfished in less than ten years, a fact that prompted (at the request of NCMC) a federal investigation in 1987. The resulting report (A Study in Mismanagement, MB No. 24) chided NMFS for its poor judgment in promoting development of a fishery it knew nothing about. Boats using super-efficient gear, namely power-rigged gill nets, entered a historic troll fishery. At the time, "there was little scientific information available upon which to base an adequate stock assessment" for mackerel, the report concluded, which is also the case with dolphin. Yet NMFS is encouraging pelagic longliners to target them.

As always with longline fishing, bycatch is a potential problem, too. An NCMC review of swordfish longline logbooks shows a direct correlation between incidental catches of dolphin and billfish (marlin and sailfish). If fishing patterns are altered to increase dolphin catches, there may be a corresponding increase in the catch and discard of billfish, a protected species.

Longliners who have been targeting dolphin for years told NCMC they do not have a bycatch of billfish or any other

species, because they use different gear than the longliners fishing for tuna and swordfish. If that is true, we replied, it would be useful to know what these differences are, since the pelagic longline fleet has either been unable or unwilling to avoid a significant bycatch of anything. We're still waiting. Unfortunately, the swordfish longliners are, by their own admission, targeting a wide variety of marketable species, so that selectivity, far from being their goal, is actually economically undesirable.

FINS 'N' BRDs

Shrimpers Told to Use Excluders in '97

Last year both the Gulf of Mexico and South Atlantic Fishery Management Councils amended their shrimp fishery management plans to require trawlers to use bycatch reduction devices, or BRDs, to conserve snapper, weakfish, mackerel and other fish killed in huge numbers in shrimp nets. The National Coalition for Marine Conservation, which has been advocating the use of fish excluders since 1987, is urging the National Marine Fisheries Service to implement the new rules before the beginning of this year's shrimping season (around April 1), when thousands of boats will begin dragging their nets for the popular crustaceans.

The councils have been working on rules to equip shrimp nets with devices to allow fish to escape since 1990, when biologists fingered shrimping as the number one cause of the decline of the commercially and recreationally valuable red snapper. They estimate trawling kills one-half to three-fourths of each new generation, or about 35 million juvenile snappers each year. Even with BRD requirements and existing limits on snapper fishermen, the population may not fully recover until 2019.

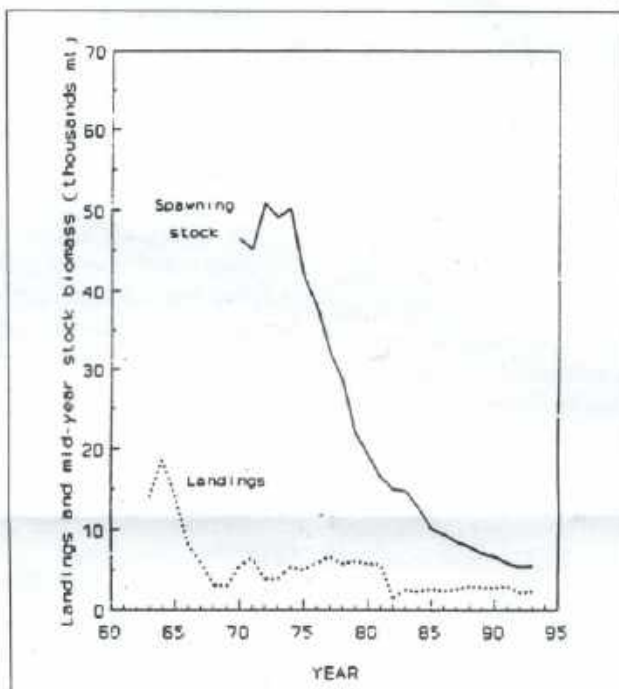
The seven-year delay in implementing rules to reduce the wasteful bycatch is due to a 1990-94 Congressional ban on shrimp bycatch regulations, a new study of bycatch numbers - the capture of scores of species of finfish outnumbers the shrimp catch by more than four to one - and work on criteria for certifying effective BRDs. The latter effort is aimed at figuring out which species should be used as a proxy for determining whether the devices meet established reduction goals, e.g., 40% exclusion of weakfish.

Some shrimping groups, most notably the Texas Shrimp Association, are fighting the regulations (although others are accepting the inevitable). But that fight's just gotten tougher. The new shrimp amendments are needed to satisfy the new Magnuson Act, which demands that all federal management plans contain measures to minimize bycatch to the maximum extent practicable.

A LONG FOUL BALL

Progress at ICCAT Spoiled When US Balks on Bluefin Recovery

The graph below depicting the demise of western Atlantic bluefin tuna is featured on the cover of a September 1996 US Department of Commerce Report to Congress, entitled "Historic Rationale, Effectiveness, and Biological Efficiency of Existing Regulations for the US Atlantic Bluefin Tuna Fisheries." Judging from this picture alone, showing a more than 80% decline in the bluefin's spawning population since the mid-1970s, there has been nothing rational, effective or efficient about the history of managing this fishery.



Because the bluefin is stuck at the bottom of this deep precipice - the latest international stock assessment indicates the population may have stabilized - the US delegation introduced and the International Tuna Commission (ICCAT) adopted in 1995 a resolution to establish a structured recovery program, setting catch limits needed to rebuild the fishery to levels not seen since the 1970s within 20 years.

So conservationists were looking forward to the November 1996 meeting in San Sebastian, Spain as a turning point for the tuna commission. Recovery goals and timetables are widely recognized as necessary to hold fishery managers accountable for rebuilding overfished fisheries.

In fact, shortly before the meeting, President Clinton signed the new Magnuson-Stevens Fishery Conservation and Management Act, which requires the US to implement recovery plans with schedules for returning all overfished stocks to their maximum sustainable yield (MSY). As the American Fisheries Society, the country's largest union of fisheries scientists, advised tuna managers in 1995: "The immediate priority [for ICCAT] is to define a biologically acceptable recovery target and to establish and implement a stringent timetable for rebuilding the [bluefin] stock to its target level," which, according to the commission's own charter, is also MSY.

ICCAT Reverts to Type

Unfortunately, ICCAT failed to follow through on its promise. Particularly upsetting - no, maddening - is the fact that the United States, the author of the landmark recovery resolution, led the retreat by seeking an increase in the catch of western Atlantic bluefin. Other ICCAT members, probably relieved the US hadn't really been serious about all that rebuilding nonsense, were happy to oblige.

"ICCAT was poised to take historic action that could have reversed two decades of mismanagement of the Atlantic's

tuna fisheries," laments David Wilmot, Director of the Ocean Wildlife Campaign, an alliance of six US conservation organizations, including the National Coalition for Marine Conservation, National Audubon Society, World Wildlife Fund, New England Aquarium, Natural Resources Defense Council and Wildlife Conservation Society. "Instead, the Commission returned to business as usual, which in this case means allowing increased catches of one of the most spectacular, and most valuable, fish in the sea."

Sacrifices in terms of harvest level reductions in the near term to recover this fishery will be more than worthwhile in terms of long term economic benefits to Atlantic coastal communities.

- Cong. Frank Pallone (NJ)

Business as usual means that when money talks, conservation walks. Virtually all the big bluefin caught in both the Atlantic and Pacific end up in Tokyo, where buyers for the luxury sushi market pay phenomenally high prices. Last year, a single fish sold for \$90,000, or about \$113 a pound. Adult bluefin routinely tip the scales at over 400 pounds and can grow to well over 1,000 pounds. Over 80% of the US catch is high-priced "giants" exported to Japan.

But the number of breeding age adults in the western Atlantic has been reduced by overfishing to just a fraction of the numbers seen in the 1960s and '70s. The team of international scientists who make up ICCAT's bluefin stock assessment panel reported last October that the 1996 western quota of 2,200 metric tons would likely sustain the fishery in its present condition, but that a substantial reduction in catch, to about 500 tons, is needed to provide even a 50/50 chance of rebuilding to MSY by 2016.

Despite this advice, Japan and Canada, who share the western catch with the US, agreed to a US proposal to increase the quota by about 150 tons, on the grounds that it would not cause any further decline. "By implementing a quota increase, the Commission appears to have thrown caution to the winds," says Wilmot. "We cannot understand how ICCAT, and the US in particular, can possibly justify quota increases in such a severely depleted fishery."

"The US action is inexcusable," adds NCMC President Ken Hinman. "We not only abandoned our commitment to restoring bluefin tuna to its former abundance, but also squandered an historic opportunity to establish recovery plans at ICCAT, a chance we may not get again. The goal of rebuilding fisheries to their maximum sustainable yield, for all overfished species, including swordfish and marlin, has been replaced with one of settling for depleted but sustainable fisheries."

'Treading Water'

As it turns out the US never intended to adhere to the recovery resolution and, in fact, had secretly decided before leaving for Spain to seek a small quota increase. Will Martin, head US Commissioner to ICCAT, later explained this astonishing position by focusing on that part of the stock assessment that indicates the present catch may be sustain-

able and could actually allow a slight increase in the population (from 13% to 26% of MSY in 20 years). With "staying the course" the new US goal, and since the actual 1995 catch (not quota) was about 2,400 tons due to overages and discards, Martin rationalized that a small increase in the quota wouldn't hurt. With the complicity of Japan and Canada, the western Atlantic quota was raised to 2,354 tons.

The US share of the increase is 33 tons or about 160 giant tuna. And for this, the US gave up even the pretense of working toward a full recovery. In the span of a single year, ICCAT went from finally acting on its treaty mandate to restore depleted fisheries to their most productive levels, back to the kind of short-sighted decision-making that has characterized the commission for the last 25 years and led to overfishing of virtually every fish under its supervision.

The ICCAT action calls into question the very idea of management based on the best available science. The commission's own scientific report was read selectively and with prejudice. The decision not to reduce the quota was based on the belief (on the part of US officials and industry representatives serving on the delegation) that the assessment does not accurately represent the condition of the stock, that there are still too many "uncertainties."

But can uncertainties close the gap between what the science says is a severely depleted stock and a fully recovered one? No. Implicit in the US position is that either the science is flat-out wrong and the stock is already at MSY or near to it, or that MSY is no longer our management goal and we can be satisfied with the *status quo*. It has to be one or the other. Will Martin was not candid enough to assert either, but instead spoke blandly of "treading water" for 4 or 5 years while "improvements are made in the science."

He is referring to questions about the extent of mixing between the western and eastern stocks, questions that may not be answered any time soon. The ICCAT scientists did say, however, that their assessments do reflect the relative condi-

After 25 years of failure, an agreement by all parties to play by the rules is viewed as an 'historic provision.'

tion of the two populations and can be used to support strong conservation measures on both sides of the Atlantic. The risk-averse approach, then, would be to manage according to the current assessments until the stock mixing questions are resolved.

Best Case Scenario for Swordfish

Things went much better for swordfish. Although the US delegation did not do anything the fishing industry did not support - on any issue - it did have the backing of swordfish fishermen, as well as the NCMC, for deeper cuts in the north Atlantic catch. The 1996 stock assessment showed swordfish had declined another 14% since 1994, to 58% of MSY, and the science panel suggested drastically lowering the catch from nearly 17,000 metric tons in 1995 - well above the quota of 13,800 tons because of widespread non-compliance - to around 10,000 tons, just to prevent further decline.

ICCAT adopted a series of reduced catch levels; to 11,300 tons in 1997, 11,000 in 1998, and 10,700 in 1999. US fishermen

can support these reductions because their catch will remain essentially unchanged. The US receives a higher percentage of the total catch beginning in 1997 (per a 1995 allocation agreement), and dead discards of undersize fish, which were counted against the US quota in 95-96, will no longer be deducted from our total. Discards by US fishermen amounted to 526 tons in 1995.

The replacement yield for north Atlantic swordfish - the catch level where removals approximate recruitment into the fishable population - is in the range of 8,000 - 12,000 tons. The scientific panel suggested that in order to arrest the ongoing decline, catches should not exceed about 10,000 tons beginning in 1997. Therefore, the best case scenario is that the 1996 swordfish agreement will stabilize the stock by 1999. But there is also a risk that we will remain a step behind the decline and further cuts will be necessary in the year 2000 just to stop overfishing, much less rebuild to MSY.

Although swordfish were also the object of a recovery resolution in 1995, and ICCAT didn't do more than act to stabilize the fishery, this agreement was probably all the US could realistically expect to get. Tied to the quotas are new compliance measures (see below) which will require that 100% of any quota overage in a given year be deducted from the following year's catch. A second violation will bring a 125% deduction. After that, the commission may impose trade sanctions against habitual offenders. NCMC strongly

Conservation measures without compliance don't work, but neither does 100% compliance with ineffective measures.

advocated the quota-plus penalty at the US advisors meeting last fall as an integral part of any long-range recovery plan. It is essential, given the terrible record of compliance among other members.

What is most troubling about this whole affair, though, is the likelihood that, based on what happened with bluefin tuna this year, even if the swordfish population stops declining, ICCAT will be satisfied with sustaining the fishery at a radically depleted level and even entertain quota increases three years from now.

Enforcement Agreement Has Missing Component

The US delegation is making much of the "historic" compliance agreement, which applies to bluefin quotas as well as swordfish. Indeed, the NCMC has said for many years that one of the most serious flaws in international management is widespread non-compliance. When US Commissioner Will Martin took the helm several years ago and asked for ideas on how to improve the ICCAT process, NCMC highlighted the compliance issue: "Something must be done to get all members to comply with ICCAT recommendations. We are all familiar with the problem of blatant violations of the bluefin agreements in the eastern Atlantic. But we've also learned that the minimum size limits for swordfish, bigeye, and yellowfin are not being implemented by a number of nations. This issue goes to the root of ICCAT's value. If the US is going to practice conservation, so must every other signatory to the convention."

But as important as the new agreement is, it must be put in perspective. The 1996 meeting celebrated the commission's 25th Anniversary. "After 25 years (as a conservation organization)," observes NCMC Director Bill Akin, "an agreement by all parties to play by the rules is viewed by ICCAT itself as an "historic provision!" Even more important, while it is true that conservation measures without compliance don't work, it is equally true that 100% compliance with weak conservation measures won't work either.

Whether or not penalties will be imposed for repeated violations, particularly trade measures against fellow ICCAT members, remains to be seen. Nevertheless, there is a crucial component missing from the agreement, namely, penalties for violating minimum size limits. Over 50% of the reported bluefin catches in the eastern Atlantic are under the minimum size of 14 pounds (age 0 to 1) established in 1975. Such persistent, widespread and flagrant violation of a 20 year old conservation measure may be the most serious threat to the future of the eastern stock. It seems to be following in the path of the western stock, which was initially decimated by the wholesale netting of small tuna, only it's taking longer because the overall stock size in the east is much larger. A compliance agreement which does not address non-compliance with minimum size limits suggests that ICCAT is not entirely serious about enforcing its conservation measures.

Spinning Our Wheels on Yellowfin

The US continued its hands-off approach to yellowfin tuna, because we are still trying to get our own catch figures in order, numbers considered grossly under-estimated by sport fishermen. There is a standing ICCAT agreement not to increase catches over 1992 levels. But this is unenforceable without allocating quotas, which would lock the US into a national quota that may be much lower than the actual catch. Even though the US is a small player in the Atlantic fishery, our failure to take the lead on yellowfin may be harming a resource that is very important to our fishermen. US fishermen, commercial and recreational, catch more yellowfin than any other species under ICCAT management. Yellowfin stocks are fully exploited, possibly overfished, and fishing pressure is likely to increase without quotas in place. No one will propose quotas if the US doesn't, underscoring the urgency of getting our catch statistics straightened out as soon as possible.

Enhancing Survival of Released Billfish

ICCAT approved a non-binding agreement to explore ways to enhance survival of released billfish, including the use of monofilament leaders and a study of post-release survival. Attempts to make it binding, and to direct a scientific panel to develop recovery options for overfished blue and white marlin, were defeated, primarily due to the opposition of the Japanese delegates. Although some recreational members of the US delegation made this agreement their top priority, it is uncertain what additional regulations ICCAT could enact to reduce mortality in what is essentially a longline bycatch for most member nations. On the other hand, any swordfish or tuna regulations which reduce the amount of longline gear in the Atlantic, whether through allocations to more selective gear, prohibitions on longlining in nursery or spawning areas, or other strategies, would benefit billfish.

BOTTOM TRAWLING IS A DRAG

New Habitat Law Gives Fishery Managers More Control Over Destructive Gear

A new study suggests the heavy fishing trawls dragged over the sea bottom to net cod and other groundfish on Georges Bank may be as responsible for destroying New England's fisheries as years of unrestrained catches. Fortunately, 1996 amendments to the Magnuson Fishery Conservation and Management Act give fishery managers added clout to protect fish habitat from bottom trawling and other destructive activities.

The National Marine Fisheries Service has prepared guidelines to implement the new federal mandate to protect "essential" fish habitat, defined as "those waters and substrate necessary to fish for spawning, breeding, or growth to maturity." It also includes, according to the federal guidelines, the habitat of associated prey species as well as habitat not currently used, such as degraded areas in need of restoration (see *Saving Essential Habitat*, MB No. 77).

The Magnuson amendments clearly give NMFS and the eight Regional Fishery Management Councils a "louder voice" in preventing the pollution of coastal waters and destruction of physical habitat critical to the productivity of marine fisheries. Fishery managers must identify essential habitat for each fishery they manage, identify threats to the habitat, and develop conservation measures to protect it. NMFS and the councils may comment on any activity, proposed by federal or state agencies, e.g., permits to fill wetlands, but are required to comment whenever such activities may "substantially" affect essential habitat. Federal agencies receiving comments must respond in writing, outlining actions that will be taken to mitigate the damage or, if no actions are to be taken, explain why.

Although fishery managers still lack the power to veto harmful projects, they do have full authority to stop the adverse effects caused by fishing gear. In fact, they've always had this power - the South Atlantic Council successfully banned trawling over reefs and other live-bottom - but it has been used only rarely, primarily because of a lack of information to quantify the damage, and the influence of fishing interests on the councils. (Conservationists blocked an attempt to exempt fishing gear from Magnuson's habitat protections.) The new mandates should provide the former and help overcome the latter.

For fisheries which are the object of rebuilding plans, such as northeast cod and flounder, it'll be none too soon, according to a recent study published in *Reviews in Fisheries Science* entitled "The Impacts of Mobile Fishing Gear on Seafloor Habitats in the Gulf of Maine (Northwest Atlantic)." Trawling causes "significant alteration" to the sea floor, the authors conclude, exposing juvenile fish to greater predation and thus decreased populations. "The impacts of fishing gear have to be understood not simply in terms of removal of the targeted species," they write, "but also in terms of their impact on ecosystem productivity." With this understanding, managers will have to "balance (the need for) resource harvesting with maintaining habitat integrity."

° NOTES FROM ° UNDERWATER

THE LONGLINE AS METAPHOR (for the demise of large pelagics)

The US Atlantic swordfish plan was implemented way back in 1985. By then, longlining and overfishing had already driven out all but a handful of handgear fishermen. The Regional Councils tried for the remainder of the decade to add catch restrictions to the plan, but NMFS consistently denied them. Today's well-organized longline lobby has its roots in the fight against catch limits proposed in the form of what was then called Amendment One. They ultimately succeeded in convincing Congress to move swordfish management to NMFS in 1990 and prohibit the US from setting catches lower than those set by international bodies.

Thanks to the efforts of longliners - on the water and in Washington - the population of Atlantic swordfish has been in a free fall and may not hit bottom for several years. In the US fishery, 9 out of 10 fish caught are juveniles who've never had a chance to reproduce. Longliners discard 40% of all the swordfish they catch. Small swordfish are only a fraction of the total discards, which includes thousands of illegal or unmarketable tunas, sharks, marlins and other pelagic species.

Seven years after taking responsibility, NMFS is proposing its own Amendment One. Unlike the versions it rejected in the '80s, this one contains no conservation. Its sole purpose is to limit access to the swordfish fishery to a select group of longliners.

The NCMC supports limited entry but opposes any system that does not have a demonstrable conservation benefit. In fact, the NMFS proposal would hinder efforts to restore swordfish by institutionalizing a gear-type which has proven incompatible with effective management and the goal of sustainable fisheries. The longline fleet is responsible for overfishing swordfish and continues to impede recovery with its massive indiscriminate killing of immature fish. Yet NMFS would reward those same fishermen at the expense of handgear fishermen who've most suffered the consequences of overfishing.

The advent of longlining is coincidental with the decline of all large pelagics. To stay profitable, they've expanded their "target" species - from swordfish to bigeye and yellowfin tuna to bluefin to sharks and now dolphin-fish - as they leave depleted resources in their wake. Instead of admitting they can't control what they catch, they're now trying to pass off indiscriminate fishing as a legitimate "multispecies" fishery.

An amendment which enhances the chances of recovery and leads to a sustainable fishery for the future - the *only* reason to amend the swordfish plan - would phase out the use of longlines in favor of the return of the traditional harpoon and rod and reel fisheries.

TURNING THE TIDE

NCMC News and Activities

A MESSAGE FROM THE PRESIDENT

The Annual Meeting of the Board of Directors of the National Coalition for Marine Conservation was held January 17 at The Sailfish Club in Palm Beach, Florida. The board and staff reviewed major accomplishments in 1996 and set priorities for 1997, which will be the NCMC's 25th year working to conserve marine fish. The following is from President Ken Hinman's introduction to his Annual Report.

In 1990, the National Coalition for Marine Conservation declared fish conservation "An Environmental Priority for the '90s." We've played an important role in accomplishing this goal, by broadening the constituency for fish and drawing increased public attention to marine fisheries issues. The crowning achievement in this effort so far was the 100-member Marine Fish Conservation Network. Our four-year campaign culminated in 1996 with the successful passage of the Magnuson-Stevens Act, containing many of the provisions the NCMC advocated as vital to rebuilding depleted fisheries and addressing bycatch problems head-on.

The NCMC's Marine Fisheries Symposium series has focused the attention of policy makers on key issues. Our 1991 habitat symposium and 1993 symposium on the Magnuson Act were both influential in shaping changes at the federal level. In 1996, our 16th in the series raised international awareness of impending threats to fish populations in the Pacific and is now serving as the catalyst for enhancing ocean-wide cooperation.

As a founding member of the Ocean Wildlife Campaign, the NCMC turned up the heat on federal officials responsible for conserving tunas, billfish and sharks. Largely due to our efforts, the National Marine Fisheries Service in 1996 announced tough new measures to protect Atlantic sharks. We've also persuaded NMFS to seriously evaluate the potential of no-longlining zones, one of the first promising and most viable of the options for managing the destructive longline fisheries.

ICCAT lowered swordfish quotas in 1996 and adopted a new compliance agreement featuring an enforcement system advocated by NCMC. Unfortunately, after successfully getting ICCAT to adopt recovery plans, we were extremely disappointed when the US delegation abandoned that goal in favor of merely sustaining bluefin tuna at historically low levels.

In 1996, the NCMC received more press and media coverage than ever before, reflecting our concerted effort in this area. The annual *Marine Fisheries Congressional Report Card*, the first scorecard to focus on marine fish, is helping to put fish conservation on the political map. Continuing to get the attention of the media and politicians, while strengthening our alliances with other environmental and fishing organizations, will be crucial to our continued success in 1997 and beyond.

✓ NCMC, NMFS COME THROUGH FOR SHARKS

After two years of listening to scientists, conservationists and sport fishermen call for more stringent measures to protect Atlantic sharks, the National Marine Fisheries Service has finally proposed new rules which will cut the catch of large coastal sharks in half in 1997 and establish the first-ever limits on landing small coastal sharks. The NMFS action will stop overfishing and give severely depleted species, such as sandbar, dusky and blacktip, a chance to begin the long road to recovery, says the NCMC's Ken Hinman, a member of the NMFS Shark Operations Team who has worked closely with the agency to strengthen shark conservation.

The NCMC strongly backs the proposed regulations and is urging swift implementation of the new measures for the 1997 fishing season, which is already well underway. The new regulations will:

- reduce the commercial quota for large coastal sharks by 50% to 1,285 metric tons
- lower the recreational bag limit to two sharks of any species per vessel per trip
- prohibit commercial fishing for white, basking, whale, sand tiger and bigeye sand tiger sharks
- allow tag-and-release only sport fishing for great whites
- set a precautionary commercial quota for small coastal sharks of 1,760 tons in order to prevent a transfer of effort from the large coastal to small coastal fisheries.

✓ DATELINE: SHARKS

Ken Hinman was featured January 26 in a special shark segment of CNN's "Earth Matters." In February he was interviewed for a segment of "Dateline," slated to air on NBC in late March. In addition, NCMC's press release in support of new federal rules to conserve Atlantic sharks was picked up by the Associated Press and dozens of newspapers, all due to the hard work of Director of Communications Christine Wilkins.

✓ TAGGING TROPHIES

The NCMC Blue Marlin Trophies for 1996 went to top angler Damon Chouest and top captain Dave Noling. While the awards recognize exceptional efforts - Chouest and Noling tagged 129 and 210 fish, respectively - they are part of the AFTCO Tag/Flag Program, a national effort to encourage all fishermen to tag-and-release fish in a responsible and scientific manner. Tagged and recaptured fish provide valuable information on range, migratory patterns and growth rates. Although conventional tagging gives us only a portion of the big picture, it complements other research and helps scientists piece together information that can be used for better protecting these fish wherever they are found. [For information: Ben Secrest, Tag/Flag Coordinator @ (714) 660-8757]

✓ FISHERMEN, CONSERVATIONISTS VOICE OPPOSITION TO LONGLINING

NCMC Chairman Chris Weld was invited to attend a meeting with NMFS chief of fisheries Gary Matlock at the New England Aquarium in Boston on February 4. The meeting was organized by the Commercial Anglers Associa-

tion, representing New England's professional handgear fishermen (harpoon and rod and reel). Commercial and sport fishermen and conservationists expressed impatience with NMFS' failure to curtail the adverse impacts of longlining on swordfish and other pelagic fish. The focus of their collective anger is a plan for limiting entry to the swordfish fishery, which Weld called "a proposal being made merely to accommodate a group of longline fishermen." "The bottom line is that without conservation measures in this amendment, (the NCMC) has no interest in supporting (it)," Weld told Matlock. (For more on this topic, see *The Longline as Metaphor*, p. 7)

✓ COUNTING FISH

How do we really know how many fish are out there? Ken Hinman attended a Stock Assessment Data Workshop held by the Mid-Atlantic Fishery Management Council on January 13 in Philadelphia. The whole range of data collection, reporting and sampling were examined, as well as how they are used in estimating trends in stock size. The NCMC is concerned about enhancing the credibility of stock assessments. There is often a gulf between what assessments say and what fishermen say they see. It is well known, for instance, that some commercial tuna fishermen are convinced official studies showing the western Atlantic bluefin to be severely depleted do not reflect the true number of fish on the fishing grounds. On the other hand, some sport fishermen believe studies indicating striped bass are fully recovered are not supported by their own experiences on the water. It is crucial to find ways to bridge these gaps. This can be done by improving both the quality of information used and the way the results are presented to the public. Too often scientists fail to communicate with fishermen and even fishery managers, because of the lack of a common language.

✓ MARINE FISHERIES WATCH

The NCMC's regular feature in *SPORT FISHING* magazine, "Legislative Watch," has been renamed "The NCMC Marine Fisheries Watch." The column updates readers on important developments in marine fisheries management and legislation, with an emphasis on opportunities to weigh in and how public involvement positively influences decisions.

✓ OCEAN WILDLIFE CAMPAIGN

Ken Hinman and Christine Wilkins represented the NCMC at December and January planning meetings of the Ocean Wildlife Campaign, in New York and Washington, respectively. The six groups allied in the campaign - NCMC, New England Aquarium, Natural Resources Defense Council, National Audubon, Wildlife Conservation Society and World Wildlife Fund - reviewed major progress in conserving sharks, evaluated the outcome of the 1996 meeting of the International Commission for the Conservation of Atlantic Tunas, and planned joint activities for '97. The OWC also announced publication of *THE FORGOTTEN GIANTS: Giant Ocean Fishes of the Atlantic and Pacific*, by Marjorie Mooney-Seus and Gregory Stone of the New England Aquarium. In his foreword to the book, "Jaws" author Peter Benchley writes: "If we are to restore balance to our management of the sea's living resources, we must stop the thoughtless slaughter of its creatures. We must embark upon a campaign of sustainable

use instead of wanton exploitation." The Ocean Wildlife Campaign is funded by the Pew Charitable Trusts.

✓ ALL-RELEASE BENEFIT TOURNAMENT

We had so much fun last year, we're doing it again. The NCMC is hosting its Second Annual All-Release Benefit Billfish Tournament April 26-28 in Iztapa, Guatemala. Individual anglers or teams of 2-3 are welcome. Proceeds will go to support fish conservation. [For information: Christine Wilkins @ (703) 777-0037 / Fax 777-1107]

✓ RECREATIONAL FISHING ALLIANCE

Ken Hinman, a member of the Advisory Board of the Recreational Fishing Alliance, attended the group's first annual meeting February 12 in Miami. He was invited to make a presentation on shark conservation and, with other advisors, discussed yellowfin tuna, striped bass and habitat protection. Also, the RFA nominated Hinman to serve on a new federal panel being formed to explore ecosystem principles in fishery conservation and management, an approach which includes not only habitat protection but also maintaining healthy populations of both predators and prey.

✓ SOUTH ATLANTIC COUNCIL

Ken Hinman attended the South Atlantic Fishery Management Council meetings in Atlantic Beach, North Carolina on November 20-21. He discussed management of sharks and dorado (mahi mahi) with the councils' Highly Migratory Species Committee.

✓ NCMC BACKS SHRIMP AMENDMENT

The NCMC submitted comments February 17 in support of Amendment 2 to the South Atlantic Shrimp Fishery Management Plan. The amendment meets the mandate of the newly amended Magnuson Act, which requires all plans to contain measures to minimize bycatch, a provision NCMC strongly backed. The most critical element of the amendment is the requirement that all shrimp trawl nets be equipped with bycatch reduction devices (BRDs). We pointed out that effective bycatch reduction will enhance the conservation and management of numerous commercially and recreationally valuable fisheries in the southeast and Gulf of Mexico, where similar measures are proposed and supported by NCMC. We urged immediate approval before the beginning of this year's shrimping season.

✓ FUNDING FOR ADVISORY PANELS

The National Marine Fisheries Service is soliciting nominations for people to serve on new advisory panels to assist in managing Atlantic highly migratory species. Although NCMC staff and directors will participate in as many panels as possible, we have asked NMFS to find funding to reimburse panel members for travel costs. Although Congress did not appropriate any new money when it created the panels last year - there may be as many as five - that does not change the fact that interested and qualified individuals who have much to offer this process - members of the public, non-aligned scientists, etc. - will be forced to decline because of lack of funds. The result will be that only professional lobbyists will be able to participate fully, a formula that heavily favors the commercial fishing industry.

THE NCMC MARINE INDEX

YEAR OF THE SHARK. Sharks, sometimes called the wolves of the deep, merit our attention for a number of good reasons. Before the wildlife conservation ethic took hold in this country, we considered wolves vermin and tried to exterminate them from the wild. That was before we understood the critical role predators perform in nature. Today, we know better - or should. If we cause lasting damage to shark populations, we throw the marine environment out of balance, with unknown but, in the words of shark expert Dr. Sonny Gruber, certainly unhappy consequences. At the very least, we will forfeit any future benefit from shark fisheries; commercial, recreational or medicinal. The demand for sharks is rising as the numbers of traditional food fish drop due to overfishing. But sharks, because they reproduce in small numbers, more like the family dog than other fish, are even more vulnerable to fishing. Most sharks are caught as unwanted bycatch - on longlines, in gill nets, purse seines and shrimp trawls. Many are dead when discarded, while many live ones are mortally "finned" first. Some countries have started protecting coastal sharks, but for sharks on the high seas, there is virtually no regulation or even requirement to report catches, landings or discards. Because so many shark products - meat, fins, skin, oil, cartilage - are traded on the global market, and there are no international management regimes to regulate the supply, trade restrictions are needed to curtail demand.

SANDBAR

Carcharhinus plumbeus



With blacktip, dusky and other Atlantic "large coastals," sandbars are the target of commercial fishing; their fins are "preferred" for shark fin soup. NMFS is proposing drastic catch cuts beginning in '97 - once overfished, there's no easy way out. Now what we need is a recovery plan setting targets and timetables managers will stick to for the long haul. Rebuilding will have to rely on strict catch limits for the foreseeable future, but other measures, such as closing nursery areas to fishing, could be added later.

ATLANTIC SHARPNOSE

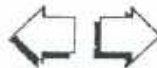
Rhizoprionodon terraenovae



Out of fear that fishing for large coastals will spill over into the "small coastal" fishery, NMFS set a precautionary quota for sharpnose, finetooth et al - although it's higher than the current catch. Small coastal sharks are fished by sport and commercial fishermen, but the biggest impact by far is bycatch in shrimp nets. We badly need an assessment to know how much fishing they can really handle.

BLUE SHARK

Prionace glauca



The "pelagic" sharks - blue, mako, thresher - are not known to be overfished, but we don't know what amount of catch is safe here either. They're taken in huge numbers on swordfish and tuna longlines. Longliners fishing in the northwest Atlantic reported catching over 50,000 blue sharks in 1993, twice their catch of swordfish. Unwanted, all were tossed overboard; nearly half were already dead, and we don't know how many others died soon after. Quotas won't help these sharks, because they're a bycatch. Getting longline hooks out of the water would.

SPINY DOGFISH

Squalus acanthias



Long a "trash fish" to groundfishermen, they were mainly useful for reckoning how many cod and flounder weren't in the nets. Now, codless fishermen are pursuing dogfish. Catches quintupled from 1989-94. Although a shark and vulnerable to overfishing, dogfish are managed separately. The Mid-Atlantic Council is in charge and is being pressed to develop a fishery management plan before there's trouble.

SHORTFIN MAKO

Isurus oxyrinchus



Will US regulations be effective for mako and other migratory sharks? If the question is, should we do more to protect sharks throughout their range, absolutely. We badly need a regional agreement with Mexico and other Caribbean Basin countries. We also need global restrictions on the trade in fins and other parts. But if the question is, shouldn't we only do what our neighbors do, absolutely not. That's not international leadership, that's mutually assured destruction.

PACIFIC SHARKS



California limits some shark fishing, but there's no federal plan in Pacific waters, even though finning is on the rise in Hawaii. The Pacific Management Councils should begin collecting data, including bycatch, and outlaw finning to control fishing mortality and waste while a plan is developed.

THE NCMC
OCEAN VIEW

MORATORIA

The ocean is resilient. It has amazing recuperative powers that enable the New York Bight to recover from decades as a sewage dumping ground. The striped bass, once on the verge of vanishing from the east coast, is back, maybe as strong as ever. Just as the sea punishes us for our trespasses, it rewards us when we give it a rest.

The striped bass is now being enshrined in the Successful Fisheries Management Hall of Fame, a lonely place. But if it is to be joined by others, we need to understand why the striper has returned in numbers not seen since the 1970s. The reason is simple, yet profound. We shut down the fishery.

Okay, it wasn't a complete moratorium, but it was damn close. Several key states called off fishing in 1984, including Maryland and thus most of Chesapeake Bay, the striper's breeding ground. The rest imposed size limits giving near total protection to five subsequent year classes until they reached spawning age. The results were dramatic. By 1989, reproduction in the bay had rebounded to historic levels and hasn't let up since.

If we'd done any less, we'd likely still be trapped in a tug-of-war between managers and fishing interests, where recovery is measured in decades, not years. Tally up the years spent "managing" northeast cod, flounder, bluefin tuna, red snapper, swordfish, *ad nauseum*, then look at how far we've come. Not very.

For sure, the striper moratorium was a sacrifice. No pain, no gain. But is it better to draw out the pain over many years, while we make incremental gains in the mistaken belief that this is in the interests of fishermen? That's what we usually do; tinker around with quotas and other measures that tend to keep fisheries in a perpetually anemic condition.

Ironically, the real potential for using moratoria as a management tool is in keeping fisheries healthy, not just in resuscitating ailing ones. How? By providing fishermen with the strongest possible incentive not to overfish. Here's how.

When defining overfishing for any species, biologists establish a "threshold," in minimum population size or maximum fishing mortality rate, that puts the stock in jeopardy. The idea is that if the threshold is ever crossed, it triggers strong corrective measures. In practice, these lines get trampled all the time in the race to catch as many fish as possible. What to do next is open to endless debate and negotiation.

To avoid approaching an overfishing threshold, managers set "targets," or optimum population sizes, and manage a fishery to stay at or near the target. In practice, the limits get pushed and the buffer between target and threshold shrinks until it disappears. But imagine if crossing the threshold automatically triggered an immediate closure of the fishery. It might be the end of overfishing as we know it. Fishermen would work with managers, not against them, every step of the way, to make sure we never get anywhere near that line.

Ken Hinman
Editor

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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
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Ken Hinman, *Editor*
3 West Market Street, Leesburg, VA 20176
(703) 777-0037/Fax 777-1107

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HEART AND SOUL

NMFS GUIDELINES ARE KEY TO CARRYING OUT CHANGES UNDER NEW FISHERIES ACT

When Congress passed tough new amendments to the Magnuson Act last year ("Victory at Sea," Fall '96), we celebrated a big victory for conservation but stayed sober, knowing that the real work lay ahead. Things will change, we said, "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 real work began in April, when the National Coalition for Marine Conservation and other veterans of the Marine Fish Conservation Network submitted joint recommendations to the National Marine Fisheries Service to assist in developing guidelines for implementing provisions of the new Sustainable Fisheries Act. The work took on added urgency in May when NMFS subsequently unveiled a draft of its guidelines, a first cut that, in our view, did not represent the kind of radical departure from business as usual we believe is called for in both the letter and the spirit of the law. A final draft was released for public comment in early August.

The guidelines are critical to effective implementation because they represent the Secretary of Commerce's interpretation of the National Standards, the "substantive heart" of the Magnuson Act with which all fishery management plans (FMPs) must conform. New or revised Standards to prevent overfishing, end overfishing and rebuild already depressed populations, and minimize bycatch are arguably the most important conservation measures in the statute. All FMPs must be amended by October 1998 to comply with the new rules, and the instructions the Regional Councils get from NMFS will let them know on what basis their actions will be judged.

"The guidelines are the heart and soul of the Magnuson Act," says NCMC President Ken Hinman. "By getting involved in the process of developing them, the NCMC and other members of the former Fish Network are helping ensure that the lasting changes we worked so hard for will actually mean more fish in the water in years to come."

Set Precautionary and Unambiguous Targets

The Sustainable Fisheries Act clearly calls for a dramatic shift in the way our fisheries are to be managed," Hinman points out. "We have to make sure the federal guidelines also make that dramatic shift. We cannot accept less, whether it is due to a misreading or a misrendering of the law. So we've been working with NMFS to make certain the final product accurately reflects what Congress intended."

On June 19th, the NCMC and several other conservation organizations hand-delivered a written, blow-by-blow critique of the NMFS draft guidelines to agency director Rollie Schmitt. A follow-up meeting with NMFS legal and scientific staff was held in July to discuss specific concerns.

As NMFS puts it, the guidelines are a "how-to" guide for the Councils (and for itself, when it comes to Atlantic highly migratory species). So above all else, it is imperative that the new provisions to stop overfishing and reduce bycatch be defined with as little wiggle room as possible. National Standard One is unchanged in that it requires conservation and management measures to prevent "overfishing" while achieving the "optimum yield" for each fishery on a continuing basis. But both of these terms are newly and more conservatively defined in the law, and how they are interpreted will determine if this, the principal goal of the Act, will be met.

The law states that the optimum yield can no longer exceed the biologically determined maximum sustainable yield (MSY) for any fishery. Limits on the total allowable catch of each species must be established in terms of maximum fishing mortality rate and/or minimum population size. The definition of overfishing contained in each FMP, and most importantly the fishing threshold that triggers preventative action, must be precautionary and unambiguous in order to satisfy the immutable mandate that fish populations be continuously kept at a level capable of producing MSY.

Under the new law, there can be no allowance for pulse or short-term overfishing, for any reason. Natural fluctuations in population sizes and changing environmental conditions will affect our ability to maintain populations at optimum levels without interruption. But NMFS must explicitly state that these uncertainties are to be accommodated by setting risk-averse reference points, not by giving fishery managers so much latitude that they actually permit overfishing.

The guidelines must also spell out the criteria for identifying overfished populations and rigorously lay out the steps to be followed to rebuild depleted fisheries within a specified time. "Perhaps not surprisingly, NMFS is fairly explicit about what to do when fisheries are overfished, but is fuzzier about what it expects fishery managers to do to *prevent* overfishing," says Hinman. "What the guidelines must do, and what Congress intended, is not only hasten rebuilding of already overfished populations, but prevent others from being overfished, too. Taking early action to prevent overfishing has always been the hardest thing for managers to do, but in the long run it's the most important and it's where they need the most guidance."

Avoiding Bycatch Must Be First Priority

Fishery managers also have been slow to adopt regulations to directly reduce bycatch, so NMFS must be clear about what is expected. New National Standard Nine requires measures in all FMPs to "minimize bycatch and, *to the extent bycatch cannot be avoided*, minimize the mortality of such bycatch." (emphasis added) The guidelines must state unequivocally that avoiding bycatch through changes in fishing practices is the preferred means to minimize bycatch, and that minimizing mortality of unavoidable catch is given priority over finding ways to use it.

The definition of "bycatch," also new, must not be limited to fish which are discarded for economic or regulatory reasons, a tendency displayed in a draft National Bycatch Plan released by NMFS in March. (see "Turning the Tide," p. 8) When bycatch is characterized in terms of discards, the solutions devised by managers will address disposition of the catch, either through broader utilization or changes in regulations to allow possession. Neither solution addresses the basic issue, which is unmanageable fishing mortality.

If NMFS uses discards as a surrogate for bycatch, it confuses cause and effect. Such confusion in the guidelines would focus the attention of fishery managers on what to do with bycatch instead of on improving selectivity and implementing other measures to avoid capturing non-target fish.

NCMC ASKED TO ADVISE ON ECOSYSTEM MANAGEMENT

William Fox, Director of the National Marine Fisheries Service's Office of Science and Technology, appointed NCMC President Ken Hinman to serve on a newly formed panel to study ecosystem approaches to fisheries conservation. The panel will assess how ecosystem principles are currently applied to marine fisheries research and management, and how these principles might be expanded in the future.

Known as the NMFS Ecosystem Principles Advisory Panel, the group of 20 experts (NCMC is one of only two conservation organizations represented) will review how marine ecosystem research is conducted and advise how the results of that research can and should be used to improve management of marine fisheries. The panel was established by the Sustainable Fisheries Act of 1996 and will produce a written report to Congress by October of next year.

Support for an ecosystems approach to fisheries is mounting, in part out of the belief that fish defy the conventional practice of treating fisheries as a collection of single species rather than a complex web of interrelated ones. Predator-prey interactions, for example, are often overlooked in setting allowable catches or developing new fisheries. Some fishing interests, on the other hand, are using multi-species management to excuse the use of non-selective fishing gear or to advocate fishing out "trash" species in order to increase abundance of more desirable ones.

"As long as ecosystem management makes sense but remains undefined, it can mean all things to all people and therefore be subject to abuse," Hinman wrote in last November's issue of *MARLIN* magazine ("All Creatures Great and Small"). "It should never be a reason to play god or manipulate parts of an ecosystem to create one more to our liking...Nor should it be an excuse to downplay the need for species-by-species catch limits.

"What it should mean is becoming more attuned to nature's rules and playing by them, with a heightened awareness of how the effects of overfishing single species reverberate throughout the ecosystem. Let's call it ecosystem conservation, wherein we manage fishermen and conserve species with more consideration for how it affects other species and, in some cases, other fishermen."

CUT BACK BY POPULAR DEMAND

Public Support Makes the Difference for Shark Conservation

When the National Marine Fisheries Service announced new, drastically reduced catch limits for Atlantic sharks earlier this year, it was a major victory for the NCMC, our partners in the Ocean Wildlife Campaign, and shark conservation. On April 7, NMFS cut this year's commercial catch of severely depleted large coastal sharks by 50%, lowered the sport bag limit for all shark species, set a precautionary quota for small coastal sharks, and prohibited any taking of five uniquely vulnerable species: great white, whale, tiger, sand tiger and basking sharks. These rules will remain in effect while a long-range recovery plan is developed by October 1998, as required by the re-authorized Magnuson Act.

The NCMC devoted a great deal of effort toward producing the strongest possible shark rule, beginning with last summer's

NMFS very likely would have done much less for sharks without such a strong show of support from the public.

meeting of the Shark Operations Team, where the NCMC's Ken Hinman represented the conservation community. The science presented to the shark advisory group supported at least a 50% reduction in fishing pressure to stop the decline of large coastals, including blacktip, sandbar, dusky and hammerheads. The NCMC subsequently called for a temporary closure of the directed fishery as the most risk-averse response, since the killing of sharks caught as bycatch in other commercial fisheries is not constrained by shark fishing regulations. Meanwhile, commercial shark fishermen lobbied NMFS to leave them alone. The tug of war was on.

In the end, NMFS acted responsibly, but it's only the beginning. "The new rules are the most important action to conserve sharks ever taken by the United States," says Hinman. "We expect the new limits to finally stop overfishing and end the long decline, as the public demanded. We can now get on with the task of putting together a rebuilding plan."

The Confidence to Do the Right Thing

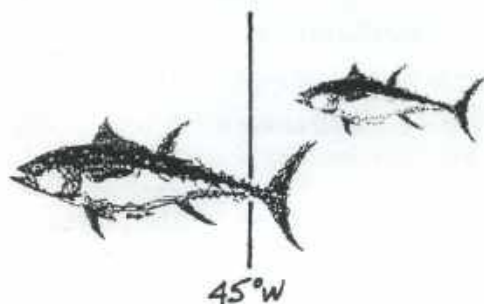
In fact, sharks, long the most feared and reviled fish in the sea, are benefiting, like few others, from broad public support. "From fishermen to environmentalists, everyone agrees that Atlantic shark populations are at a precarious state and fishing pressure needs to be reduced," declared NMFS chief of highly migratory species, Rebecca Lent. "After collecting comments from hundreds of fishermen and conservationists, we feel we've developed a rule that will avert overfishing."

Imposing drastic cutbacks on commercial shark fishermen who claimed the cuts would drive them out of business was a gutsy move for an agency not known for sticking its neck out. The new measures are desperately needed to stop

overfishing, as Lent points out, "before (shark populations) dwindle to the point where fishermen and the American public are left without this important resource." Even so, NMFS very likely would have done much less were it not for the strong public support the agency received.

The NCMC started working with the press in early December to get the message out, and dozens of newspapers in key coastal areas ran the story through January. We also sent out an action alert which, like the release, urged people to write to NMFS in support of a closure, and NCMC members responded. We helped place calls to action in several fishing magazines, too.

In addition, the NCMC and other members of the Ocean Wildlife Campaign singled out the Atlantic shark rule as a primary focus for collective action on large pelagics in late 1996. We met face to face with high level NMFS officials. We solicited support from members of Congress. We worked closely with sport fishing groups, such as the American Sportfishing Association and Recreational Fishing Alliance, and concerned shark scientists. As a result, the NMFS Highly Migratory Species Office was deluged with letters and phone calls in support of shark conservation. The same winning combination is now being brought to bear on efforts to restore shark populations to their former abundance.



STOCK ANSWERS

The Secret Is Asking the Right Questions

When the United States opted out of making the big quota cuts ICCAT scientists say are necessary to restore bluefin tuna in the western Atlantic, Commissioner Will Martin pretty much ruled out any US support for cuts in the foreseeable future, or at least until questions about the level of mixing between the western and eastern stocks are answered. Since the latest assessment shows the western Atlantic stock is stable, albeit at a severely depleted level, Martin believes the most "prudent" thing to do is "tread water" for a few years while we put our energy into new research.

The gap is widening between those who accept the International Commission for the Conservation of Atlantic Tuna's prevailing theory of two stocks with limited mixing as the best available science, and those who reject it as an outdated theory that is, if not disproven, then called into question by new information. As demonstrated at recent meetings of ICCAT, there is no way to reconcile the two positions under a coherent management strategy.

Because the issue remains unresolved, the debate about bluefin recovery - the Commission has a standing resolution to set catch limits that will return the stocks to mid-1970s

levels - is leading nowhere. Worse, it allows interest groups to pick and choose whatever theories fit their own agenda. The US commercial tuna industry, for instance, says the Atlantic-wide stock of bluefin is overfished because of uncontrolled fishing in the east, not the west. The catch in the west is only about 6% of the total Atlantic catch. If it's a single stock of fish, such a minimal withdrawal cannot possibly do any harm. They say the US quota should be increased because there are now plenty of fish on our side of the Atlantic - thanks to tight quotas imposed on US fishermen.

The same fishermen also contend that excessive catches of small tuna in the US angling category are to blame for slowing down the recovery. In other words, catches amounting to between 10-20% of the US quota, or 0.007% of the Atlantic-wide catch, are contributing to overfishing an Atlantic-wide stock. Confused? So are we.

Needed: An Integrated Research Program

A lot of stock structure research is going on, some of it with potential to provide some answers, but only if we agree on and articulate the questions we want to answer and then conduct our research with that goal in mind. Is it enough to gain further evidence of trans-Atlantic crossings? To get more refined estimates of the percentage of fish from either side that make the trip? Don't we also need to know on which side they originate and whether they make the trip to feed or to spawn? Are we managing to conserve distinct spawning populations, if they in fact do exist, or simply to ensure an abundant supply of fish on certain fishing grounds? Finally, what are the risks of managing one way versus the other?

At present, we have conventional and archival tagging programs underway, with the latter - capable of tracking where a fish goes between capture and re-capture - the object of a major tagging effort off Hatteras, North Carolina. We have genetics studies and microconstituent work, both looking for natural markers that might help distinguish migratory behavior. We have aerial surveys in New England and larval surveys in the Gulf of Mexico, one counting adult fish on a summer feeding ground, the other counting larvae on their spawning ground.

Unfortunately, there is little integration among these various studies. And while the researchers themselves appreciate the need to not jump to premature conclusions, some observers are not so careful. Already we've had aerial photos of bluefin appearing at tuna hearings and on Capitol Hill to influence quotas, and reports of archival tag returns used to argue stock theories.

The National Coalition for Marine Conservation is recommending NMFS, in conjunction with the scientific community, develop an integrated program to coordinate the various research efforts under a strategic plan. The first step is to decide what it is we want to know about bluefin stock structure; what it is we need to know about mixing rates and spawning site fidelity for purposes of improving conservation throughout the Atlantic.

If the US position is that nothing changes until the stock question is answered, let's make sure we don't just throw money at the problem to get new information if in the end we're still not going to agree on what it's really telling us. You can only "tread water" for so long without drowning.

BAD MEDICINE

NCMC Opposes Swordfish Limited Entry

When the National Marine Fisheries Service unveiled a proposal to limit entry to the east coast swordfish fishery, the reaction was not what the agency anticipated. Without a doubt, NMFS saw a freeze on fishing effort as innocuous, an idea everyone would endorse - if not enthusiastically, at least with silent acquiescence. Instead, the limited entry plan has had the unexpected effect of drawing attention to the destructive impact of longlining on the swordfish fishery and everyone but the active longliners - commercial handgear fishermen, recreational anglers, conservationists, the New England Council and several northeastern states - is lined up against it. Forget limiting access, they say, increase the number of fish.

The National Coalition for Marine Conservation submitted detailed comments on Amendment One to the Atlantic Swordfish Fishery Management Plan in April, informing NMFS that we cannot and will not support any limited access system that does not have a demonstrable conservation benefit. Moreover, we argued that the system proposed by NMFS, far from being harmless, may actually hinder efforts to rebuild the severely overfished swordfish fishery by institutionalizing a gear-type - the pelagic or drift longline - which has proven incompatible with effective management and the goal of a sustainable fishery.

The NCMC asked that NMFS revise Amendment One to include measures to stop overfishing, in particular the capture of immature fish - almost all swordfish are caught before they can reproduce - and begin rebuilding the population as required by new provisions of the Magnuson Act. The Act's new National Standard Nine requires that all FMPs, includ-

NMFS is treating the symptoms of a dying patient, when it should be curing the disease that's killing it.

ing the swordfish plan, be amended to minimize bycatch such as the incidental capture of juveniles. We have worked closely with other opponents of the Amendment to compel the addition of conservation measures, including the possibility of a lawsuit if NMFS goes ahead with its current proposal.

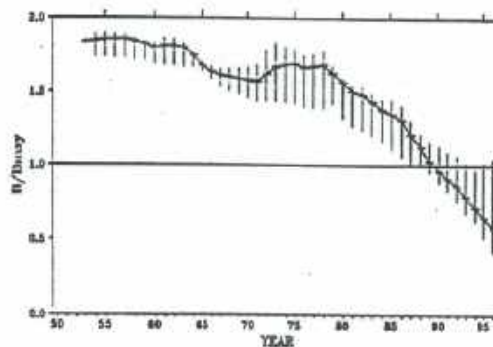
Swordfish Headed for 'Commercial Extinction'

In describing the present threats to the swordfish fishery, NMFS says the "US commercial swordfish fishery suffers from two primary problems: overfishing (particularly on immature fish) and overcapitalization (too many vessels)." Presumably the agency did not list these two problems in random order, but recognizes that overfishing is by far the more serious threat to the future of any fishery for swordfish, overcapitalized or not.

In fact, the agency itself warns: "If the north Atlantic stock continues to decline at the same rate it has since 1978 and particularly since 1986, the commercial fishery may not be viable in approximately 10 years. ICCAT's quota reductions

and the imposition of minimum size limits have not substantially changed the rapid rate of decline (from that of a healthy population to one approaching commercial extinction) during the 19 year period since 1978."

The figure below, from the International Commission for the Conservation of Atlantic Tunas (ICCAT), graphically depicts the decline in swordfish biomass-- steep and unyielding.



Despite the dire condition of the swordfish resource, Amendment One does nothing to prevent overfishing, while addressing exclusively the problem of overcapitalization. This is bad medicine. NMFS is treating the symptoms of a dying patient, when it should be curing the disease that's killing it.

Indiscriminate Killing of Juvenile Fish

Populations of swordfish along the Atlantic and Gulf of Mexico coasts have been so severely overfished that a once-thriving recreational fishery and a century-old commercial harpoon fishery are long dead. The average size of swordfish landed has declined from over 266 pounds prior to 1963 - an eight year old fish that could have spawned several times - to 90 pounds in 1995 - a fish three years old that would not spawn for two years. In 1995, 88 percent of the swordfish landed by the domestic commercial fishing industry were juvenile fish that had never spawned once.

Today's fishery is dominated by longlines, which are not species- or size-selective. Longliners cannot avoid capturing large numbers of small swordfish, including those below the minimum size limit of 41 pounds. Most of these fish are dead upon capture, resulting in a high incidence of dead discards. In 1994, 40 percent of the swordfish caught on longlines were discarded; 25 percent of the total catch were discarded dead. This is an intolerable waste, which the longline industry has shown itself unwilling or unable to avoid, as well as a serious conservation problem in that it maintains an unsustainable level of fishing mortality on immature fish. This mortality is contrary to the objectives of the ICCAT swordfish management program, which is intended to protect young fish in order to restore the adult spawning stock, currently only 58% of the population size needed to support the optimum yield.

The longline fleet is responsible for overfishing swordfish and continues to impede recovery with its indiscriminate fishing practices. Yet the limited access plan proposed by NMFS intends to reward those same fishermen by turning the fishery over to longliners at the expense of hand-gear fishermen who've been eliminated from the fishery through no fault of their own.



PROGRESS IN THE PACIFIC

The momentum produced by the 1996 Symposium on Conserving Highly Migratory Species of the Pacific Ocean, "Getting Ahead of the Curve," continues to accelerate, with significant progress being made on both the domestic and the international fronts.

The National Coalition for Marine Conservation, the Symposium's organizer, is acting as a facilitator and catalyst for bringing private and public groups together to implement the recommendations of the Symposium ("All's Not Quiet on the Western Front," Winter '97). On March 24th we hosted a meeting of fishing and conservation organizations in San Diego, attended by representatives of the Environmental Defense Fund, United Anglers of Southern California, Sport-fishing Association of California, Natural Heritage Institute, United States Tuna Foundation, Center for Marine Conservation, Natural Resources Defense Council and Pacific Ocean Research Foundation. The group discussed joint strategies for action at the national and international levels.

The Pacific Council (based in California) says it has no immediate plans to manage tunas, billfish and sharks beyond data collection. The Western Pacific Council (based in Hawaii), on the other hand, is actively managing its pelagic fisheries. The group reviewed issues in both regions, including quota setting, shark finning, longline bycatch, data needs, licensing and expanded observer coverage.

Because highly migratory pelagic species and fisheries overlap the jurisdictions of the Pacific councils, the Symposium recommended a meeting among representatives of the

Protect Swordfish With Area Closures

The US pelagic longline fleet, in recent statements to NMFS on swordfish and shark management, admits that their method of fishing does not and cannot select among pelagic species, or age classes within species, and that limits on incidental catches, such as the swordfish minimum size, only result in dead discards. The bykill of young swordfish, as well as marlin, sailfish, bluefin tuna, many species of sharks, mahi mahi, etc., will continue unrestrained as long as the longlines are in the water. They seem to be asking us to accept this, but we don't have to and we shouldn't. If the longliners are unable or unwilling to do anything about it, it is NMFS' responsibility to remedy the situation.

The NCMC supports open access to the swordfish fishery for all hand-gear fishermen - harpoon and rod and reel. We oppose limiting access to active longline vessels and recommend instead that the number of longliners be substantially

Pacific, Western Pacific and North Pacific Councils to coordinate data gathering, fisheries monitoring and management goals. We are pleased to report that all the parties agreed in June to convene such a meeting. Representatives of the three councils will sit down together in October, along with NMFS director Rollie Schmitten, the agency's southwest regional director Bill Hogarth, and the director of the Pacific States Marine Fisheries Commission. This meeting is a big step forward in establishing a consistent and coordinated policy for conserving large pelagic fish in US waters.

A New Regional Agreement

June was a good month for progress on the international scene, too. Implementation of the UN Agreement on Highly Migratory Fish Stocks, which requires countries to cooperate to conserve large pelagic fish on the high seas, was one of the priorities identified at the Symposium. Countries of the western and central Pacific region, along with major distant water fishing nations - the US, Korea, Japan, China and Taiwan - met in Majuro, in the Marshall Islands to discuss developing a management regime for the region's tuna fisheries. At present there is no management other than access agreements and fishing pressure is mounting.

The NCMC sent a joint letter (with NRDC and CMC) on June 4th to Mary Beth West, Deputy Assistant Secretary for Oceans at the US State Department and head of the US delegation to the Majuro meeting. We asked that our negotiating team give high priority to implementation of the precautionary approach and bycatch reduction provisions of the UN Treaty, and that data and reporting requirements apply to all pelagic species and fishing nations.

The results of the meeting were extremely encouraging. Under what will be known as the "Majuro Declaration," the Pacific Islands for the first time committed to getting a new agreement in place within three years, expanding on their existing access agreements to include management and enforcement along the lines of the UN Treaty. A Tuna Management Options Working Group was established to develop options for implementing the treaty's conservation provisions. The agreement covers half the world's tuna fisheries. We are hopeful it can be replicated in other areas, for other species.

reduced. An amendment to the swordfish FMP which enhances the chances of recovery and points toward a sustainable fishery for the future - in our opinion, the only way to improve the plan - should have an objective of phasing down the use of longlines in favor of the return of the traditional harpoon and rod and reel fisheries.

Furthermore, the NCMC continues to call for the immediate implementation of time and area closures to protect young swordfish on their nursery grounds. We identified these times and areas, using NMFS data, in previous recommendations on swordfish management ("The Time and the Place," Spring '96). In fact, our recommendation of nursery area closures was incorporated into an earlier version of the amendment under needed future actions, but was expunged from the final document. It's time for NMFS to quit the delays and move ahead with these and other measures that will hasten the recovery of Atlantic swordfish.

A GOOD SUMMER FOR BRDs

NMFS Backs Councils to Reduce Bycatch

The long and rancorous debate over shrimp trawl bycatch in the southern fisheries is nearing an end. The National Marine Fisheries Service has mandated the use of bycatch reduction devices (BRDs) in shrimp nets trawling federal waters from North Carolina to Texas. "We are very pleased with this action, which will save literally millions of fish every year from inadvertent death in the southern shrimp fisheries," says NCMC Chairman Chris Weld. NCMC has been advocating the development and installation of devices to allow fish to escape shrimp nets since 1986.

On April 21, NMFS approved an amendment to the South Atlantic Fishery Management Council's Shrimp Fishery Management Plan - an amendment supported by the NCMC ("Fins 'n' BRDs," Winter '97) - intended to reduce the bycatch of juvenile finfish, particularly weakfish and Spanish mackerel, by half. The amendment allows for fishermen to experiment with new or modified devices and gain certification for their use in meeting the council's bycatch reduction goals.

The Gulf of Mexico Council's amended shrimp plan, also backed by the NCMC, was approved on July 30. The escape devices in Gulf trawls, according to the council, will reduce by at least 50 percent the incidental capture of severely overfished red snapper. Shrimping with unmodified nets kills an estimated 35 million young snapper every year, or more than 80% of each new generation. Unmodified shrimp nets also kill billions of other juvenile fish, including croaker and mackerel, most of which are dumped at sea.

Because of early signs that the gulf plan would have rough going due to heavy resistance from within the shrimping industry - their lobbyists have successfully aborted past attempts to require BRDs - the NCMC in March posted an alert in our "Marine Fisheries Watch" section of SPORT FISHING magazine, urging readers to write NMFS in support of the bycatch amendment. On June 13, we wrote Southeast Regional Director Andy Kemmerer, pointing out that measures to minimize bycatch through avoidance, such as those contained in the council's proposal, will lead to a speedier recovery of the red snapper fishery; enhance the conservation and management of numerous commercially and recreationally valuable fisheries in the Gulf of Mexico; and satisfy the intent of Congress in amending the Magnuson Act last year, when it made bycatch reduction a national goal.

HMS CONSOLIDATION

Its Time Hasn't Come, But It May Be Here

The NMFS Highly Migratory Species Division, which manages large pelagic fish in the Atlantic, is reportedly moving to combine all tunas, sharks and swordfish under a single fishery management plan (FMP). Billfish, however, would remain under its own separate management system.

Consolidation is an appealing idea on the surface. It makes sense in many respects, since these fish are closely related ecologically and there is considerable overlap among the fisheries for each. The Western Pacific Council has included all pelagics under one FMP since 1990. From NMFS's viewpoint, a multi-species plan might seem more manageable and

less demanding in terms of time and personnel, which are both in short supply. Nevertheless, there is a very real concern that, as a practical matter, there is no way the Highly Migratory Species (HMS) Division of NMFS can pull this off. The division has prepared just one FMP in its seven years of existence (sharks) and enacted no plan amendments. Putting together an all-encompassing plan - incorporating the Atlantic swordfish and shark plans while starting from scratch with the tunas - is a gargantuan task.

Consolidation is not a new idea, but the recent impetus comes from the Sustainable Fisheries Act, which calls for creation of new advisory panels to help NMFS manage large pelagics. After assembling a billfish panel, the agency asked for thoughts on combining the rest into one panel advising on a new HMS plan. They got a mixed reaction. The NCMC, for one, questioned whether a single advisory body could do justice to all the issues surrounding the tuna, swordfish and shark fisheries, or give adequate representation to all the various interests in these fisheries.

A major shortcoming of HMS management has been inadequate attention to the billfish, shark and yellowfin tuna fisheries, while bluefin and swordfish dominate the agenda. Combining panels will only ensure that this situation continues. While some recreational interests apparently think separating out billfish from the others addresses their concerns regarding that fishery, segregating billfish from the deliberations of a larger HMS panel, where all the important decisions affecting large pelagics will be made, would ensure that billfish continue to be neglected.

Bad Timing

Developing a single HMS FMP is a task I don't want to see NMFS take on right now," says NCMC's Ken Hinman, whose been actively involved in large pelagics conservation for 20 years. "The timing is just plain bad. There are too many other things going on, too many serious problems that need instant attention, for the agency to stop and spend the foreseeable future revamping their entire management process. After all, it took them four years to do a shark plan."

The Sustainable Fisheries Act calls for all FMPs to comply with new standards to prevent overfishing, rebuild overfished stocks and minimize bycatch by October 11, 1998. Because swordfish, bluefin tuna and large coastal sharks (as well as marlin) are overfished, and bycatch is a serious problem throughout the pelagic fisheries, management plans for these fish will have to be prepared and/or amended to contain new overfishing criteria, strict rebuilding schedules, and measures to reduce bycatch. All within the next year.

This job will be hard enough without trying to come up with a new, multi-pelagics approach at the same time. We're at the point where a holistic approach to fisheries conservation is an appropriate goal, but there has been little thought given to how it might be implemented for large pelagics.

NMFS is admittedly trying to deal with a difficult situation. Congress never thought through the implications of the system it created for HMS in the Atlantic, nor has it given NMFS the necessary funds. But instead of NMFS looking for a new way to play a bad hand - consolidating time and financial resources is the chief motivating factor - it should be focusing on the more immediate tasks of ending overfishing and rebuilding the stocks. The approach NMFS is embarking on

will likely perpetuate the present unsatisfactory situation, where a few vested interests in the most commercially valuable fisheries will dominate the management process and delays in getting badly needed conservation measures, already intolerable, will grow longer.

TUNA-SAFE TUNA BILL

Efforts to address bycatch of marine mammals and endangered species in tuna nets, shrimp trawls and longlines, have always been way ahead of efforts to curtail the bycatch of fish. The federal government recently assembled so-called "take reduction teams" to propose ways to protect whales, dolphins and sea turtles from fishing gear, and the capture of seabirds on longlines has spawned efforts to protect them, but in each case fish bycatch has not figured into the discussions.

In at least one fishery, the singular focus on non-fish bycatch has actually increased the bycatch of fish. The tuna-dolphin issue is widely perceived as a success among environmentalists, fishery managers and tuna fishermen. Somewhere around 6 million dolphin (the mammals) are estimated to have been killed in tuna nets in the eastern tropical Pacific since the 1960s. Through a combination of factors, this number has been reduced to about 5,000 - 10,000 dolphins a year, and although a few groups are still pushing for zero kill, most consider this a major accomplishment - for dolphins, whose numbers are robust, and for bycatch reduction.

But is it? The biggest factor in protecting dolphins is fishermen not wrapping their massive nets around surface schools of dolphin, which, in the eastern Pacific, often means yellowfin tuna are swimming beneath. The alternatives to setting "on dolphin" are setting on logs or other free-floating objects, under which tuna and other marine animals congregate, or pursing the nets around free-swimming tuna schools.

As statistics compiled by the Inter-American Tropical Tuna Commission show, bycatch is a far more serious problem in fisheries setting on logs or schools. The following table compares bycatch estimates per 10,000 sets while fishing for tuna in 1993, using encirclement of logs, schools or dolphin.

<u>BYCATCH</u>	<u>LOG</u>	<u>SCHOOL</u>	<u>DOLPHIN</u>
Dolphin	25	8	5,000
Small Tuna	130,080,000	2,430,000	70,000
Mahi Mahi	513,870	2,100	100
Sharks	139,580	12,220	0
Wahoo	118,660	530	0
Sea Turtles	1,020	580	100

"Dolphin-safe" tuna may threaten populations of tuna as well as other species and do more harm to marine ecosystems. Keeping dolphin deaths to a minimum while escalating the slaughter of sharks, for instance - sharks and dolphin are both apex predators and equally vulnerable to overfishing because they reproduce in small numbers - is a trade-off which makes no environmental sense.

A bill passed by Congress in July will help. It keeps dolphin-safe labeling through 1999 but lifts the US embargo on tuna caught with dolphins in exchange for an agreement by Mexico and other countries to adopt more dolphin-safe methods of tuna fishing.

NOTES FROM UNDERWATER

WE DON'T OWE YOU ANYTHING (but since you brought it up...)

As Dave Barry likes to say, we're not making this up. At its recent annual meeting, the Blue Water Fishermen's Association unveiled a draft of a paper that purports to document the economic losses the US pelagic longline industry has suffered at the hands of government mismanagement of highly migratory species. Although its estimates are preliminary, Blue Water claims direct losses of around \$59 million since 1982. As far as we know, the association has no plans to present the US Treasury with a bill, they're just making a point.

And they do have a point. NMFS has mismanaged highly migratory species. But the complex and often inscrutable regulations fishermen operate under are in large part the result of manager's trying to deal with the fact that, because longliners can't control what they catch, most catch limits turn landings into discards.

Blue Water criticizes regulations requiring fishermen to discard dead fish: bluefin tuna in excess of incidental trip limits; all billfish; and sharks and swordfish hooked after seasonal quotas are filled. Interestingly, they don't mention undersize swordfish, arguably the most serious regulatory discard problem in the longline fisheries. Probably because it doesn't support their claim that NMFS ignores their requests for rules that reduce discards. The longliners lobbied for the swordfish minimum size and NMFS gave it to them.

The root cause of discards is the indiscriminate nature of longline gear, but Blue Water turns it around and blames NMFS for not accounting for the "multispecies" nature of their fishery. What they want, evidently, is for NMFS to let them keep and land whatever they catch, since they've shown no inclination or ability to avoid killing protected fish.

What is hurting the industry most dearly is the decline of the resources, not regulations. But it's costing other s dearly, too, particularly those fishermen driven off the water by overfishing.

The real bottom line is that the inability of longliners to self-regulate has contributed to the decline of public resources. It's created the need for spending millions of dollars of taxpayers money to run the management system they try to manipulate to their advantage - causing further declines and spending more of other people's money.

Instead of them presenting the government with a bill, it should be the other way around. NMFS should tally up what longlining has cost other fishermen and US taxpayers. For overfishing swordfish, billfish and sharks. For moving HMS from the councils to NMFS. (Oh, the irony!) For preventing US managers from being more conservative than ICCAT...

TURNING THE TIDE

NCMC News and Activities

✓ NCMC CONTRIBUTES TO HABITAT REPORT

The Atlantic States Marine Fisheries Commission recently published "Management of Atlantic Coastal Marine Fish Habitat," the proceedings of a workshop for habitat managers held in 1996. The book, which features a workshop summary written by the NCMC's Ken Hinman, is divided into the following chapter headings: Overview of the Fisheries Management Process; Existing/Creative Tools for Habitat Management; Implications of Identifying Essential Fish Habitat; Restoration or Enhancement Projects to Benefit Fisheries; Linking Habitat Loss to Fisheries Impacts; Review of Regional Habitat Issues; and What Kind of Information Do Habitat Managers Need?

✓ COUNCIL GRANTS NCMC REQUEST, TAKES UP DOLPHIN MANAGEMENT

The South Atlantic Fishery Management Council in April set about developing various options for managing the fisheries for dolphin fish, also known as dorado or mahi mahi. There are currently no federal regulations on dolphin fishing, either sport or commercial. However, concerns about increasing catches and the bycatch of billfish on gear set for dolphin - the NCMC raised these issues with the council at its November 1996 meeting - have prompted the council to consider what management measures may be needed. In response to the NCMC's request, the National Marine Fisheries Service provided the council with information on landings and bycatch prior to its April meeting, confirming a sharp increase in longline landings of dolphin beginning in 1994, with commercial landings at an all-time high. Possible actions will be reviewed at the council's August meeting.

✓ THE OCEAN: VAST, VITAL, VULNERABLE

Christine Wilkins, NCMC Director of Communications, participated in the International Year of the Ocean Messaging Workshop, sponsored by NOAA and SeaWeb and held on April 8-9 in Silver Spring, Maryland. Attendees brainstormed on messages, themes and slogans to raise public awareness about the importance of the oceans during 1998, designated by the United Nations as the Year of the Ocean. The NCMC is participating in the SeaWeb Ocean Response Network, a new source of information about ocean-oriented organizations and activities. Callers to the Network's toll-free line (1-888-4SeaWeb) will receive information about topics of interest to them and about organizations in their community where they may receive more information and take part in educational activities and events. SeaWeb is a project of The Pew Charitable Trusts intended to raise awareness of the world's oceans. If you're on-line, you can check their website at <http://www.seaweb.org>.

✓ LONGLINERS NEED NOT APPLY

Hundreds of fishermen and conservationists, up in arms over the prospect of up to 30 more longline vessels fishing off the coast of South Carolina and inflicting further damage on already depleted stocks of offshore fish, joined together to defeat a proposal to allow a Florida-based company use of a new state facility in Charleston Harbor. In doing so, they brought wider attention to the threat longlining poses to offshore fisheries up and down the coast. The City of Charleston was all set to accept an offer from Fisherman's Best of Florida to lease its brand new Maritime Center when local fishermen found out the company planned to give dock space to a fleet of longliners that would be setting their 30-mile lines for swordfish, mahi mahi and other pelagic species. Over 250 angry people turned out to protest at the first hearing in April. In the weeks and months that followed, the NCMC supplied anglers, city council members, local press and state officials with written and oral testimony about the adverse effects of longlines. The NCMC pointed out that the area off Charleston is a known swordfish nursery ground, an area we've recommended as a no-longlining zone to protect juvenile broadbill. In July, the mayor of Charleston, impressed by the wave of opposition, scrapped any plans to allow longliners. The city instead will consider leasing the facility to local, sustainable fishing interests.

✓ NCMC COMMENTS ON BYCATCH PLAN

In reviewing a draft plan for "Managing the Nation's Bycatch: Priorities, Programs and Actions for the National Marine Fisheries Service," the NCMC found serious flaws in both the way NMFS defines bycatch problems from a national perspective and in how it analyzes the issues in certain fisheries, including Atlantic highly migratory species.

"The most fundamental shortcoming in the draft plan is the focus on discards as a surrogate for the 'bycatch problem'," we said in June 28 comments. "This (focus) leads to determinations that regulations are a primary cause of the bycatch problem or that increased utilization is the answer, when in many cases, especially those where population status is a concern, neither is true. One result is that NMFS downplays the fact that certain gear types have a much higher level of bycatch and bycatch-related problems because of the non-selective nature of the gear, and that changes in fishing methods designed to avoid bycatch are much more effective than those specifically designed to reduce discards." We suggested new priorities and new language to conform with the goal of bycatch avoidance. In our detailed critique of the section on Atlantic Highly Migratory Pelagic Species, we cited "a lack of innovative thinking as far as actions that will actually result in bycatch reduction. It is not enough to recommend additional studies or analyses of current measures which have proven ineffective, or to recommend evaluating the potential of solutions NMFS has purportedly been evaluating for years."

✓ ALL-RELEASE BENEFIT TOURNAMENT

Seventeen anglers participated in the Second Annual Benefit Billfish Tournament to help support the NCMC's conservation programs, including those to protect billfish. Held

April 26-28, 1997 on the Pacific coast of Guatemala, the tournament was hosted by Miami-based Artmarina at their Fins 'n Feathers resort in Iztapa. Six teams - 5 American and 1 Guatemalan - competed for prizes aboard the *Intensity*, *Pelagian*, *Magic*, *Classic*, *Captain Hook* and *Obsession*. Strictly an all-release tournament, anglers targeted Pacific sailfish and marlin. Although marlin were raised and hooked, but they all got away. Donated prizes were awarded to first, second and third place anglers, as well as daily high point anglers and top three teams.

Catch rates were lower than expected during the tournament due to a storm that had just moved through, but that didn't stop the fishing or stem the enthusiasm. In addition to using conventional tackle, many anglers tried hooking sailfish on fly for more points, and several were successful. First place angler was Tim Choate aboard the *Captain Hook*, who caught 2 sailfish on fly during the 3 day tournament. Choate went home with a Randy Buck sculpture made especially for the NCMC. Second and third places went to two Ohio residents aboard the *Pelagian*: Dr. Seth Brown and Ken Pape. The *Pelagian* also finished as first place team with the help of third angler Jerry Gemeinhardt, also from Ohio. Framed Bill Boyce photos were awarded to the *Pelagian* anglers. Next year's tournament dates are April 18-20, 1998. For information contact Christine Wilkins at (703) 777-0037. Book early, because the boats fill up fast.



✓ NCMC, OWC DEMAND US REDUCE BLUEFIN DISCARDS

On May 15, the Ocean Wildlife Campaign blasted NMFS for implementing new bluefin tuna quotas for 1997 without a plan to reduce or eliminate discards, which have averaged 125 tons annually over the past several years. In 1995 (lastest data), 142 tons or an estimated 1,349 giant tunas were discarded. "Failure to implement a discard reduction plan prior to implementing the quota increase could result in a significant increase in bluefin mortality," warned campaign director David Wilmot. The US delegation to ICCAT justified a 134 ton increase in the allowable catch of western Atlantic bluefin in 1997 and '98 because it pledged to reduce discards and therefore keep the actual catch at recent levels. The OWC called on NMFS to delay the 1997 increase until a method of eliminating the discards can be developed, aired for public comment, and implemented. If no measures are enacted, the OWC will insist that discards in 1997 be deducted from the US quota in 1998.

In addition, the NCMC and other members of the campaign told US ICCAT Commissioner Will Martin that we hold him responsible for this "violation of both the 1996 ICCAT agreement and the public trust." "The US abandoned its goal of rebuilding the bluefin population to levels capable of sup-

porting maximum sustainable yield within 20 years in favor of maintaining the status quo. Now it is unlikely that even that severely comprised goal will be achieved," we wrote. "We believe that you, as the head of the US delegation to ICCAT, owe the public and conservation community an explanation." OWC members include NCMC, Natural Resources Defense Council, National Audubon Society, World Wildlife Fund and Wildlife Conservation Society.

✓ NEW COMPUTERS

The NCMC this summer replaced its outdated and underpowered office computer system. Funding for the badly needed new equipment and conversion of all files from our old system was generously provided by a grant from The Norcross Wildlife Foundation. "We don't know what 21st century technology will bring," says Director of Development Christine Wilkins, "but thanks to Norcross, the NCMC is now state of the art."

✓ ASMFC MEETING

Ken Hinman attended the July meeting of the Atlantic States Marine Fisheries Commission in Warwick, Rhode Island, to discuss future management options for striped bass and summer flounder (fluke). (see "Marine Index," p. 10)

✓ HINMAN RE-NAMED BILLFISH ADVISOR

The South Atlantic Fishery Management Council reappointed Ken Hinman to a three-year term as an advisor on billfish conservation. Hinman has served as chairman of the council's advisory panel since 1986. During his tenure, the panel helped the council develop the Atlantic Billfish Plan, persuaded NMFS to hold public hearings on billfish plan amendments in 1994-95, and developed a council recommendation in favor of time-and-area closures to reduce longline bycatch. The council recently disbanded its swordfish and shark panels, because NMFS is forming its own advisory bodies for all highly migratory species. However, the council is retaining the billfish group because it has been active and influential in affecting NMFS policy.

✓ THE GREAT GLADIATOR

NCMC board member Bill Akin of Montauk, New York is co-producing a film with Rennie Maslow about the demise of broadbill swordfish on the east coast. The NCMC is providing technical support. Akin hopes the film will help bring wider attention to the plight of this magnificent fish.

✓ SHARK FOLLOW-UP

The Ocean Wildlife Campaign held a press conference April 3 at the National Press Club in Washington, D.C., to announce and celebrate new measures to conserve Atlantic sharks. NCMC president Ken Hinman spoke at the conference, held in the National Press Club in Washington, D.C. Other speakers were campaign director Dave Wilmot and Mike Hayden, chairman of the American Sportfishing Association, which teamed with NCMC and OWC to persuade NMFS to enact the tough new rules. NCMC staffer Christine Wilkins attended a May 21-22 meeting of the NMFS Shark Operations Team and presented the NCMC's support for additional measures in 1998 to rebuild shark populations.

THE NCMC MARINE INDEX

NEAR AND DEAR. Nearshore species and the fisheries they support are a diverse and valuable lot. They include relatively sedentary shellfish; coastal travelers like bluefish and striped bass, the latter an anadromous species that spawns in rivers and matures offshore but is mainly found inshore; and forage species, such as sardines and mullet, that serve as prey for bigger animals, bait and food fishing. Nearshore fisheries, occurring mostly in state waters (0-3 miles from shore), are managed primarily by the states or by interstate compacts if the fish migrate across state boundaries, as many do. The striped bass has become the poster fish for interstate cooperation. A coastwide conservation plan has restored the fishery to a healthy condition. That the fish nearly disappeared first, and that it took a virtual cessation of fishing to turn things around, is sometimes forgotten. The landscape has changed, however. The 1984 federal law making the interstate striper plan binding on all Atlantic coast states has since been expanded to include other coastal migratories, such as weakfish, fluke and bluefish. But now the Atlantic States Marine Fisheries Commission, which oversees striped bass and the other migratory species on the east coast, is finding that managing a recovered fishery can be almost as challenging as a depleted one. Returning fishermen have caught up with the recovery and the Commission must now pull on the reins and maybe even cut catches.

STRIPED BASS



After undergoing successful rehab, the striped bass proudly wears the "recovered" tag. There may be as many fish today as there were before the decline. But with the fishery approaching its limit and managers preparing to cut fishermen off, allocation battles are heating up. The challenge now is to make sure we don't slip up and go off the wagon.

BLUEFISH



When striped bass went missing in the 1980s, the ubiquitous bluefish filled in. Now that stripers are back, bluefish are leaving. Why? Some say it's a natural downswing. Others say its competition from the abundant bass. Can blues and stripers co-exist in large numbers? Still others blame the lack of enough prey fish, such as mackerel and menhaden. Whatever the reason, there seem to be fewer every year and the ASMFC is seriously looking at lower creel limits for anglers and smaller quotas for commercial fishermen.

WEAKFISH



Severely overfished since the early '80s and once thought in danger of collapse, weakfish populations are showing signs of improvement, in some areas showing up in numbers (albeit small) not seen for years. Credit goes to the interstate management plan, which has limited angler catch and made some inroads in net bycatch. A significant bykill continues in North Carolina shrimp nets, even though excluder devices are mandatory. State officials expect a bigger drop in bycatch as use of the devices improves.

SUMMER FLOUNDER



When coastal trawlers pull in their nets, summer flounder and some are not. Bycatch is a real problem and management by quotas is creating horrendous amounts of discards in the mixed-species trawl fisheries. Fishermen say the problem is getting worse as the stocks improve. But ASMFC stock assessments show fishing mortality is still too high and a quota increase is not an option. Limits on the amount of trawling allowed might be.

RED SNAPPER



The snapper's dire condition was the impetus for a new law requiring trawlers to use BRDs from Texas to western Florida, but scores of other species will also benefit. Shrimpers resisted for years, fearing loss of shrimp, but commercial and sport reef fishermen should profit from less restrictive measures during the rebuilding period and ultimately much larger catches when the fishery is restored.

MULLET



The highly controversial Florida net ban is still being debated. Massive netting of mullet was a big factor in building support for the ban, and most everyone agrees mullet numbers have risen dramatically in just two years. Commercial fishermen say it proves rules in effect before the nets were yanked were working, but we'll never know how well. Those rules cut landings by 1/3 in 1994, whereas the net ban reduced them by 80%. And as long as populations of mullet, pompano and trout continue to improve, there'll probably be no looking back.

THE NCMC
OCEAN VIEW

ALLIANCES

In necessary things, unity; in doubtful things, liberty; in all things, charity. - Richard Baxter

Among the suggestions, questions and advice we received in response to our recent 25th Anniversary Member Survey was this: "We must deal with the proliferation of too many separate groups in marine conservation because there is only so much money to go around. We're great at overdoing things. Need more coordination and communication." For emphasis, the long-time NCMC member - he did tell us, "you're the best" - listed 11 national, state and local organizations, "etc., etc., etc."

To the query, "Are there too many organizations?," we must reply with a definite "Maybe." Yes, in the sense that the plethora of fishing and conservation organizations may confuse the public as to who's doing what for whom; if group goals and activities overlap and duplicate each other; and if it dilutes the pool of available members and charitable dollars to the point where it fosters competition among groups instead of cooperation.

No, in the sense that there can never be too many soldiers in the fight to conserve the marine environment. Most organizations tend to have certain identifiable strengths - policy, research, lobbying, grassroots organizing, education - things it does better than others and things it does less well. If it is honest with itself and the public, it fills a niche and excels within it. As an independent entity, it also has the freedom to take chances, to push the envelope, to be wrong.

When groups join their strengths and work together, they create a whole that is stronger than the sum of its parts. When they don't, each is weaker for it. And there is nothing more insidious than rivalry among groups that ostensibly share a common goal. After all, these aren't corporations vying for "market shares," but non-profits who by definition are not in it for themselves.

Happily, just as fish conservation is embracing a more holistic, ecosystem approach, so, too, is the conservation movement. Alliances such as the Marine Fish Conservation Network and Ocean Wildlife Campaign are the pudding that proves how effective these mixtures can be. The Magnuson Act would not contain the landmark conservation provisions it does had it not been for the Network. Coastal sharks would still be declining were it not for the Campaign. That doesn't mean individual groups wouldn't have been trying to achieve the same goals, they just wouldn't have had the same effect.

We are proud that the National Coalition for Marine Conservation helped organize both alliances. We believe in working with our allies; we don't need more enemies. An organization must check its ego at the door when it enters into an alliance, and that's not always an easy thing to do. But even if you don't always get the credit, you get to play an important role in achieving your goals. And that's what it's all about.

Ken Hinman, Editor

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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

Ken Hinman, *Editor*
3 West Market Street, Leesburg, VA 20176
(703) 777-0037/Fax 777-1107