



THE NCMC

# MARINE BULLETIN

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## SALMON OR DAMS WHICH WILL WE PRESERVE?

By Tim Hobbs

Salmon are significantly altering the landscape in the Pacific Northwest. As many of the once-abundant salmon runs continue to decline and are added to the list of threatened and endangered species, humans are being forced to change certain practices that negatively impact salmon.

A number of factors have contributed to the decline of salmon in the northwest, and they are often referred to as the "Four-Hs": Hydropower (dams), Habitat (changing oceanic conditions as well as destructive logging and ranching practices), overHarvest (both at sea and inland), and Hatcheries (hatchery fish compete with wild fish for limited food supplies and facilitate the spread of disease). One of these "Hs" is currently under heavy scrutiny by Federal agencies and the public alike: the series of four hydropower dams on the lower Snake River in eastern Washington State.

The Pacific Northwest has long been proud of the development of the region's hydropower, a clean, reliable source of energy. The Columbia and Snake River basin drains water from parts of Washington, Oregon, Idaho, California, Montana and Canada's British Columbia, and historically, salmon migrating upstream from the Pacific Ocean would spawn in tributaries in all of these areas. Today, construction of 26 major dams on these rivers and their tributaries hinders upstream passage for adults trying to reach spawning grounds as well as downstream passage for juveniles trying to make their way to the ocean.

While most salmon populations throughout the Northwest are in decline, the runs migrating through the Snake River, the Columbia's largest tributary, are in critical condition. In 1991, Snake River sockeye were listed as endangered under the Endangered Species

Act, and the following year, Snake River spring/summer chinook and fall chinook were listed as threatened. Three years ago, Snake River wild steelhead were also listed as threatened. Since being listed, the condition of all of these species has not improved. The Army Corps of Engineers, the federal agency responsible for the hydropower system on the lower Snake, has recognized the need for serious action to mitigate the problems these dams create for migrating salmon.

### Returning Rivers to their "Natural" State

The Corps is considering four options to improve salmon runs on the lower Snake. Three of the four options maintain the current system with varying degrees of improvements to the dams and fish transportation facilities. The fourth and most controversial action under consideration is breaching these dams, returning the river to a natural state from the series of slackwater reservoirs it is now. Breaching would be accomplished by removing one of the earth-rock wings on one side of the dams, channeling the river around the powerhouse and navigation lock.

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*"Let us face in time the fact that the ocean can be destroyed." - Thor Heyerdahl*

# OCEAN VIEW

## RESERVE JUDGMENT

Marine protected areas, also known as MPAs or marine reserves, are neither a panacea nor a pariah. Yet one would think they must be one or the other, given the rhetoric that surrounds this hot button issue.

The South Atlantic Fishery Management Council is considering the use of marine reserves, including no-take zones where no fishing by anyone is allowed, in managing the region's overstressed reef fisheries. The mere discussion of reserves is like a lightning rod, attracting environmental groups who embrace this approach unconditionally and fishing associations who fear it's the first step down a slippery slope toward the end of fishing as we know it.

In fact, marine reserves are a useful fishery management tool, one of many, appropriate in some instances, not in others. We should take the advice of a federal Ecosystems Advisory Panel: "MPAs offer promise as a means to implement the precautionary approach and mitigate the effects of fishing in an ecosystem. However, the utility of the approach depends on the way MPAs are defined and established." They might be wilderness areas where no uses are allowed, or ones where only a few specific activities are restricted, or something in between.

We suggest managers carefully define their conservation and management objectives before determining the characteristics of a given MPA," says the panel. And that's the problem. The issue is still being discussed at the conceptual level, almost as a philosophical debate. Are you for reserves (read no-take zones) or against them? At that level, we aren't likely to make much progress.

The council is moving very slowly on this issue, trying to sound everyone out first. We understand. It was burned on the issue of reserves once before, so badly it's taken them 10 years to come back to it.

Nevertheless, it's time for the council to clear the air and show people exactly what we're talking about here. We suggest they develop a specific marine reserve proposal, to address a well-documented problem, showing why and how it provides the best solution. If they can't come up with one, well, then the discussion's over. If they can, and it makes sense from a conservation standpoint, we and others will get behind it. Even the skeptics might be persuaded, but you've got to show them something.

**Ken Hinman, President**

January-February 2000

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*Founded in 1973*

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

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

THE NCMC  
**MARINE BULLETIN**

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## POWER, AND SALMON BE DAMMED

(CONTINUED FROM PAGE ONE)

These two features of the dam would be left in place and mothballed in case of future need.

Breaching would decrease dam-related mortality of juveniles migrating downstream, eliminating turbine strikes and decreasing the time spent in the reservoirs where the juveniles are subject to high predation rates. Returning the river to a freely flowing condition would also increase suitable spawning habitat by as much as 70% in the mainstem Snake for fall chinook. The only section of the Columbia River that flows freely, the Hanford Reach, now supports a vibrant wild population, and it is hoped a freely flowing Snake would also. Adult upstream migration may also be helped by dam breaching because, although all the dams have fish ladders, migrating adults sometimes exhaust themselves surmounting the long, unnaturally-flowing fish ladders that provide no place for rest.

There is much opposition, however, to breaching these dams. The four dams generate approximately 5% of the Bonneville Power Administration's (BPA) electricity, an amount that would be completely forfeited if the dams were breached. BPA supplies about half of the electricity produced in the Northwest, and the loss of power from the Snake River dams would slightly increase power rates from \$1-5 a month. The other main benefit of the dams is navigation; ocean-going vessels can use the slackwater reservoirs to travel from the Pacific Ocean all the way to Lewiston, Idaho, about 300 miles inland. Local farmers use the Snake River almost exclusively to transport their crops, mainly wheat, from the area. Losing the reservoirs as a result of dam breaching would force these farmers to use rail or truck to transport their crops, potentially increasing their costs by at least 6¢ to 21¢ per bushel, totaling \$24 million annually. Some farmers have irrigation pumps set in the reservoirs that would end up high and dry if the dams were breached. The costs of extending these pumps are estimated at \$11 to \$55 million.

Local opposition to breaching the dams runs extremely high. One farmer remarked at a recent public hearing that there would be a "revolt in Whitman County" (an adjacent county) if these dams were breached. Senator Slade Gorton (R.-WA) has vowed to prevent any dam breaching on the lower Snake while he is in office.

### The Best Chance for Recovery

For the salmon, however, breaching these dams provides the best chance for recovery. Opponents claim, however, that simply removing the dams does not guarantee recovery of the listed species due to the myriad other problems salmon face. The Corps is relying upon two different models developed by the National Marine Fisheries Service (NMFS) to analyze the effects of dam breaching on improving salmon runs, both projecting 100-years into the future. The first, titled PATH (Plan for Analyzing and Testing Hypotheses), indicates that dam breaching has the highest frequency of achieving the survival and recovery criteria of listed Snake River species of any option considered. After some criticism of the PATH model, the NMFS then developed the CRI (Cumulative Risk Initiative) approach. This model suggests that it is unlikely that any plan of modifying the lower Snake alone would recover the listed species. Opponents of dam breaching tout this as proof that extreme methods of improving salmon runs, such as dam breaching, are not necessary, and prefer instead to modify the current system with less extreme measures while concentrating on other problems as well.

The salmon populations are in such bad shape, however, that the CRI analyzes the effectiveness of different solutions as changes in "extinction risk." This term alone suggests that severe solutions are indeed necessary. Under existing conditions, according to the CRI projections, spring/summer chinook have a 33-88% percent chance at becoming extinct within 100 years while steelhead have a 93% chance. Even more alarming is that there is a 15% chance that some of these species could become extinct within just 10 years.

A more moderate option of major system improvements, but not breaching, slightly improves these chances. While dam breaching alone would likely be adequate to recover fall chinook and steelhead, the science is unclear whether increases in population necessary to recover spring/summer chinook could be achieved just through breaching.

At a recent meeting of the Oregon chapter of the American Fisheries Society, Oregon governor John A. Kitzhaber voiced his support for dam breaching, the only prominent local politician to support the controversial option thus far. At the same meeting, scientists of the chapter voted unanimously (103-0) to unequivocally support breaching. This vote is evidence of a trend within the scientific community in support of breaching. In 1999, 200 northwest scientists wrote to President Clinton and called for breaching the dams as the only sound solution to the salmon crisis. Conversely, farmers at a recent public hearing claimed

that breaching the dams was akin to treason, and rallied against interventions of the federal government into their lives.

When Merriweather Lewis and William Clark first encountered the salmon runs on the Columbia and Snake Rivers, the sheer numbers of fish stunned them. "This river is remarkably clear and crowded with salmon in many places," wrote Clark in 1805. Today, however, the runs are a fraction of what they once were. Thirteen species of salmon in the Columbia basin are ESA listed. While the decision making process continues, the salmon runs edge closer to extinction. The public may indeed be forced to choose between two honored symbols of the northwest: salmon, signifying the bounteous natural wonders of the region existing for eons; and dams, the massive concrete monuments to human pioneering and achievement, providing cheap transportation and hydropower. On the lower Snake, the two may be found incompatible in the end. Which one will we preserve?

## GROUNDBREAKING CONFERENCE SPOTLIGHTS OPEN OCEAN SHARKS

### *Conservationists Call for Action*

*At the Ocean Wildlife Campaign's request, NCMC staff member, Christine Snovell, served as the press liaison for the International Pelagic Shark Workshop. She worked for months pitching the story to the press, and on-site, set up interviews with workshop scientists for attending reporters. Her efforts helped secure major press coverage for the event, which included local TV stations, local radio, an Associated Press article that ran in many newspapers nationwide, and a segment on NBC's "Nightly News."*

The Ocean Wildlife Campaign hosted the International Pelagic Shark Workshop in Pacific Grove, California, February 14 - 17, 2000. 125 shark experts from 12 countries participated in the first of its kind workshop that examined the biology, population status, and current management of pelagic (open ocean) shark species around the world.

Pelagic sharks, such as blue, mako and thresher, are targeted by commercial and recreational fisheries worldwide and are killed in large numbers in fisheries targeting other species, such as tunas and swordfish. This workshop confirmed that limited abundance data are available for most important oceanic species and the status of virtually all populations remains unknown. The workshop also revealed a number of

new methods to better determine the health of shark stocks, which may allow scientists to strengthen pelagic shark stock assessments in the future.

The only species for which a complete assessment was available, the porbeagle shark in the northwest Atlantic, showed significant declines. The assessment estimates the populations at only 20% of its initial abundance. "We continue to ignore lessons from the past," said Ocean Wildlife Campaign (OWC) director, David Wilmot, Ph.D., "The porbeagle population, which is still recovering from severe overfishing in the 1960s, is declining again because of overfishing in the 1990s."

Conservationists attending the conference reached consensus that the current lack of information must not be used to justify continued inaction in the management of pelagic sharks. For example, the rapid increase of finning in the Hawaii based longline fishery continues to put pelagic sharks at risk. In addition, the workshop participants urged countries to implement conservation objectives of the recently adopted UN Food and Agriculture Organization's International Plan of Action for sharks.

"This workshop was a landmark event which explored, for the first time, the global population status of pelagic sharks. Much more is known about coastal sharks, but not the open ocean dwellers such as blue, mako and thresher sharks. Findings that came out of the workshop will serve as an important catalyst for future pelagic shark management," remarked the National Coalition for Marine Conservation's Christine Snovell.



Robert Hueter, Ph. D., director of the Center for Shark Research at Mote Marine Laboratory and a participant in the workshop, added, "This was the first important step on the road to understanding the status of these sharks in the world's oceans," said "We live in an era of overexploited marine resources and the need

to rebuild many, if not most, stocks of marine fish. The burden of proof that our fishing activities are not harming the resource must shift from fishery managers and scientists to fishermen."

The Ocean Wildlife Campaign is calling on the United States to continue leading international efforts to establish management for pelagic sharks, however, there is work to be done at home. The OWC also urged on the U.S. to establish domestic precautionary measures to insure the well being of pelagic sharks in all US waters.

The Ocean Wildlife Campaign is a coalition of Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and World Wildlife Fund. It was created to tackle the complex challenge of conserving and restoring large ocean fishes, including sharks, tunas, and swordfish. The Ocean Wildlife Campaign is generously supported by The Pew Charitable Trusts, The David and Lucile Packard Foundation.

## NEW LEGISLATION TO RESTORE AMERICA'S IMPERILED FISHERIES

*Mismanagement is Costing  
Taxpayers Millions*

On March 9<sup>th</sup>, U.S. Rep. Wayne Gilchrest (R-MD) joined with conservation leaders and fishermen to call on fishery managers to more vigorously enforce existing federal mandates to ensure the viability of the nation's multi-billion dollar commercial and recreational fishing industries. On the same day, Gilchrest, standing alongside members of the Marine Fish Conservation Network, unveiled new legislation to reauthorize and strengthen the Magnuson-Stevens Fishery Conservation and Management Act, which sets U.S. fisheries policy.

To underscore the need for more aggressive conservation policies, the Network, a nationwide coalition of fishing, conservation and scientific organizations, released a region-by-region tally of federal funds spent to date to offset the economic hardships resulting from mismanagement of the nation's fisheries. Taxpayers are paying millions of dollars in the form of vessel buy-outs and disaster relief due to fishery failures that were preventable, says the Network. The widely publicized collapse of

west coast groundfish stocks (see next story), which will cost fishermen \$11 million in lost revenues this year alone, is only the most recent example.

"Amendments to the Magnuson-Stevens Act four years ago were intended to end overfishing and return our marine fisheries to healthy levels," says National Coalition for Marine Conservation president Ken Hinman, a co-chair of the fish network backing Gilchrest's new legislation. "But the law hasn't created the sea change needed to rescue all of our imperiled fisheries."

The Fisheries Recovery Act of 2000, co-sponsored by Gilchrest and Rep. Sam Farr (D-CA) seeks to beef up the Magnuson Act's provisions designed to stop overfishing, reduce bycatch and protect habitat. H.R. 4046 would replace risk-prone management with a mandated "precautionary approach," especially when the condition of fish populations and the impacts of fishing and other activities are uncertain. It would create new clean fishing standards to hold fishery managers accountable for eliminating bycatch. And it would set in motion the first steps toward implementing a more ecosystems-based management approach, with emphasis on minimizing the impacts of fishing on forage species and critical habitat.



## GROUNDFISH DISASTER DECLARED

*"It Could Have Been Avoided,"  
Conservationists Charge*

At the end of January, Secretary of Commerce William Daley declared the Pacific groundfishery a disaster and sought to secure funds to provide economic relief to affected fishermen. Landings of these bottom dwelling rockfish have dropped to below half of the 20-year average, from 74,000 pounds annually to a projected 27,000 pounds this year. Fishermen will suffer an estimated \$11 million loss of revenue this year alone, according to a recent NOAA press release.

The National Marine Fisheries Service claims that the cause of the decline is undetermined, but is most likely because of "natural factors." This statement drew a harsh response from some organizations, however, that claimed the groundfish populations could have been sustained with proper fisheries management.

"This disaster could have been avoided if the National Marine Fisheries Service (NMFS) and the Pacific Fishery Management Council (PFMC), the agencies charged with managing marine fish stocks on the West Coast, had taken aggressive action to protect these fish species," said Lee Crockett, Executive Director of the Marine Fish Conservation Network. "It is the result of failed fisheries management."

NMFS claimed that there was a lack of scientific data available to manage these species. However, some of the most prominent groundfish species have been classified as "overfished" for the last three years, yet NMFS and the PMFC enacted no precautionary measures to protect these species.

Meanwhile, West Coast fishermen have expressed interest in buy out programs for their vessels or permits, and funding is being sought from Congress. "Our challenge now is to minimize economic and social impacts on fishing communities while protecting and rebuilding groundfish stocks," Secretary Daley commented. West Coast fishermen are seeking \$131 million as disaster relief, representing the upper range of the cost of restructuring the fleet.

"It's unfortunate that our government sat idly by while allowing these stocks to become depleted," said Tim Hobbs, NCMC Fisheries Project Director. "Now the taxpayers are forced to bail out the fishermen from a crisis that could have been averted long ago." Groundfish species are particularly slow to mature and reproduce, significantly drawing out any rebuilding timeframe.

## MEXICO CONSIDERS "EXPERIMENTAL" SHARK LONGLINING

There have been scattered reports recently about the intent of the Mexican government to issue permits to conduct pelagic longlining in Mexican waters. The plan calls for the issuance of 25-30 "experimental" permits to fish for sharks with longline gear out to 50 miles from shore. The permits would be valid off Mexico's shores in the Pacific, the entire Sea of Cortez, and in the Atlantic as well.

## NOTES FROM UNDERWATER

### A DIVERSIFIED PORTFOLIO

Right about the time last summer when NCMC filed its lawsuit over NMFS' failure to reduce bycatch of swordfish and billfish on drift longlines in its new Highly Migratory Species FMP, the longline industry filed its own suit. Blue Water Fisherman's Association et al v. Secretary Daley challenges nearly every aspect of the FMP affecting longline fishermen, including the only bycatch rule in the plan, a tiny June area closure off the mid-Atlantic coast.

What caught our eye in reading the brief was not the legal arguments presented by BWFA - although they're peculiar enough - but the way longline fishing is portrayed to the court. The word "spin" doesn't do it justice, but then that's not what they're after.

For example, in explaining that the fishery depends on a mixed harvest, without targeting any one fish, there's this: "The fishery's diversity ought to be its strength. Investment counselors recommend *diversified portfolios*. Farm management techniques advocate *crop rotation*. And fishermen have for years sought to buffer natural fish cycles by targeting a wide range of species - an *ecosystem-based approach* to sustained and sustainable fishing effort that has been tested through the centuries." (emphasis added)

Doesn't sound at all like the longline fishery we know, which catches up to 70 species of pelagic fish because the gear is indiscriminate, kills on average half the fish it hooks, whether wanted or unwanted, and discards a high portion of its catch because it can't avoid protected and prohibited species.

Throughout the document, BWFA complains that fishing limits force them to discard fish, which is what makes their gear look bad. We're hoping the judge can see that non-selectivity isn't diversity; that the indiscriminate taking of marine life isn't an ecosystem-friendly way to fish; and that bycatch isn't a creation of managers, but an inevitable result of fishing with longlines.

Sportfishing enthusiasts around the world have expressed grave concern over this proposal, worrying that such longline pressure could wipe out marlin, swordfish, and shark populations that make many Mexican ports popular fishing destinations. Many hotel owners in Cabo San Lucas are also reportedly appealing to the government not to grant these permits. Opponents of the permits claim that Mexico lacks the necessary regulations and law enforcement to properly oversee this experimental fishery. Bycatch concerns run extremely high, for as we have seen in the U.S. domestic longline fishery, marlin, sailfish, tuna, and juvenile swordfish are frequently taken (and discarded) with longline gear. One fisherman reported that a single longliner working off Magdalena Bay has been unloading in San Carlos approximately 8-10 tons of billfish every 6-8 days. Adding additional boats could make the marlin catch astronomical.

Increased fishing for sharks is also cause for concern, in light of the recent Ocean Wildlife Campaign's Pelagic Shark Workshop (see p. 4). Scientists here revealed that coastal shark populations could be down by as much as 80%, and additional longline pressure could further push these stocks towards complete depletion.

The brief comment period for this proposal has expired, but we are hopeful enough people responded in time to make the Mexican government aware of the potential impacts these permits could have. Healthy game fish stocks are of priceless value to Mexico's coastal tourism industry, and increased longline pressure could have international ramifications.

## COUNCIL REVISES SARGASSUM PROTECTION PLAN

### *Harvest Allowed, But Kept Minimal*

Under pressure from the National Marine Fisheries Service (NMFS), the South Atlantic Fishery Management Council modified its Sargassum Fishery Management Plan to permit a very limited harvest of the pelagic seaweed. The council's original plan, rejected by NMFS, would have phased out all harvest of this essential fish habitat by 2001 (see *Marine Bulletin* No. 86). The new measures, although allowing some of the seaweed to be taken, are considered so strict as to amount to a *de facto* end to commercial exploitation of sargassum.

The South Atlantic Council reaffirmed the critical need to protect sargassum in US waters because of its value as habitat for hundreds of marine species,

including fish important to southeastern commercial and sport fishermen. The revised plan prohibits the taking of sargassum anywhere but off the North Carolina coast, not during the July-October fishing season, and then only 150 miles from shore. An annual allowance of 5,000 pounds landed weight will be permitted. Anything above that is considered "overfishing."

"The council acted with protection of sargassum habitat foremost in mind," says NCMC president Ken Hinman. "We commend the council for its decision, not because we support any loss of sargassum, but because we recognize they acted under duress and wanted to get the strictest possible protections in place as soon as possible, something we all want."

### Preserve the Plan's Intent and Integrity

NMFS' insistence that some harvest be allowed is the result of political pressure on the Administration and Congress from powerful opponents of the essential fish habitat (EFH) provisions of the Magnuson Fishery Conservation and Management Act. The oil, gas and timber lobbies, without regard for sargassum or the fisheries that depend on it, worry that strengthening the authority of fishery managers to limit activities that damage habitat will ultimately threaten their industries. NMFS, in turn, feared that an "extreme" action such as giving full protection to sargassum would further incite EFH opponents to try and gut the law during the upcoming reauthorization.

The NCMC and other fishing and conservation organizations now worry that NMFS is gutting the law for them, sending the message to fishery management councils that even fishing operations that directly destroy habitat identified as essential to healthy fisheries must be permitted to continue. We are also concerned that allowing sargassum harvest in US waters, no matter how minimal, significantly weakens our ability to secure protections in international waters. The Sargasso Sea, where the preponderance of sargassum lies, is vulnerable to possible exploitation at unsustainable levels.

The NCMC is urging NMFS to approve the South Atlantic Council's sargassum plan as submitted, preserving its intent and integrity. The change from protecting sargassum as habitat to establishing a fishery with an allowable catch invites challenges that a higher catch level would be sustainable. We are calling on the agency to armor the very limited allowable take set by the council against any challenge, now or in the future, that would either increase the amount that can be harvested or expand the area in which it can be taken.

# THE NCMC MARINE INDEX

**A**s Time Goes By... more fish die, unnecessarily. Although longline bykill of juvenile swordfish, blue and white marlin, sailfish and numerous species of sharks has been a recognized and well documented threat to the recovery of these overfished resources for well over a decade, NMFS is only now on the verge of doing something about it. The agency's proposed time and area closures (see p. 9) are, considered on their own, severe. But so is the problem, made worse by years of neglect by fishery managers and stonewalling by longliners. The commercial take of billfish was prohibited 11 years ago, in 1989. A year later, the take of juvenile swordfish was declared illegal. In both cases, further action was recommended to reduce the incidental hooking and killing of these and other fish on pelagic longlines. For the first 6 years after gaining authority for managing Atlantic highly migratory species in 1990, NMFS did little more than implement inadequate international recommendations for billfish, swordfish and tunas. Fishery management plans (FMPs) inherited from the regional fishery management councils went largely unchanged. Now, NMFS is ready to do what it should have done years ago. What's changed? A new law requiring bycatch be reduced in all fisheries; an outpouring of public outrage; and a lawsuit. Has NMFS really changed? We'll know soon.

OCTOBER 1996



Congress amends federal fisheries law to require that all FMPs, including those for highly migratory species (HMS), feature measures to eliminate or avoid bycatch and bycatch mortality. Though the need and authority to reduce bycatch were already there, NMFS now has a mandate.

OCTOBER 1997



One year later. NMFS holds the first meeting of its newly assembled advisory panel to begin re-writing its HMS FMP. At the meeting, a top agency official declares the bycatch requirement among the most important.

OCTOBER 1998



Another year later. A Draft FMP is released to the public. In it is just one short, tiny area closure off south Florida. NMFS absurdly claims the expected 5% reduction in juvenile swordfish catch satisfies its legal mandate, then feigns surprise when a record 5,000 angry fishermen and conservationists demand they do more.

MAY 1999



More than 1 1/2 years after starting work on the FMP, NMFS is back to square one on bycatch. The Final FMP is unveiled, with the one small closure removed and replaced with a promise to get serious at a future date.

JUNE 1999



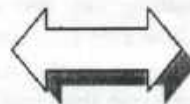
Believing a promise is a promise and enough time's been wasted, the National Coalition for Marine Conservation *et al v. Secretary of Commerce Daley* is filed in federal court, charging NMFS with violating the legal requirement to minimize bycatch. Negotiations result in a stay of the lawsuit in return for agreement to produce a Proposed Rule by December 15<sup>th</sup> and a Final Rule by May 1<sup>st</sup>, 2000.

DECEMBER 1999



NMFS surprises nearly everyone when it publishes in the Federal Register a proposal to close nearly 200,000 square miles of ocean in the south Atlantic and Gulf of Mexico to pelagic longlining for HMS.

MAY 2000



The deadline fast approaches. By then, it will be more than 2 1/2 years since NMFS began work on addressing a problem that's been on the THINGS TO DO: URGENT! list for over 10 years. Tick...tick...tick...

## NCMC SUPPORTS NMFS LONGLINE CLOSURES

*Urges Adding East Gulf Zone,  
Keeping Watch on Mid-Atlantic*

The National Coalition for Marine Conservation (NCMC), in written comments submitted to the National Marine Fisheries Service February 29<sup>th</sup>, applauded the agency's plans to limit the bycatch of swordfish, marlin and other threatened or endangered species adversely impacted by pelagic longline gear.

"We recognize this as a tremendous effort on the part of (NMFS)," says NCMC president Ken Hinman, "and we commend the agency for it."

The NMFS Proposed Rule would prohibit the use of pelagic longline gear to fish for highly migratory species year-round in the south Atlantic region and at certain times in the western Gulf of Mexico (see map). We urged NMFS to include these measures, along with some suggested changes, in a Final Rule no later than May 1, 2000, in order that these badly needed time-area closures can be implemented at the earliest possible date.

### Eastern Gulf Closure Needed, Too

While we believe the two areas proposed for closure will be effective at reducing bycatch of HMS and other non-target species, the NCMC noted some specific concerns and suggested ways to address them.

In examining the data for the closures in the Gulf of Mexico, we found that an area of high swordfish discards - the region from approximately 86°W to 84°W longitude by 29°N to 26°N latitude - has been overlooked. We believe it is essential that this northeast portion of the gulf be closed year-round. Although this area is punctuated with relatively little longline effort, in terms of numbers of hooks in the water, that effort has an extremely high juvenile swordfish bycatch that is discarded dead. Closing this area would not displace very much effort. Conversely, leaving this area open to possibly increased longlining effort has potential to increase interactions with swordfish, sailfish and large coastal sharks.

NCMC believes the area proposed for closure off the southeast US coast is extensive enough, and encompasses known areas of high swordfish and billfish bycatch, that it will make a significant

contribution to reducing bycatch of HMS and other endangered and overfished species.

### Suggestions for Monitoring and Follow-Up

We are concerned, however, that NMFS prepare for the possibility that the amount of bycatch reduction necessary to protect these species might not be achieved. Additional closed areas in other regions, not considered in the NMFS analysis, could be necessary in the future for two reasons: 1) to further reduce bycatch of some species that would benefit from additional closed areas, and 2) to protect other species susceptible to bycatch on the borders of the closed areas.

NCMC called on NMFS to implement a comprehensive monitoring program to evaluate the effectiveness of the time-area closures. Once the closures are implemented, movements of the fleet and changes in fishing patterns, including displacement of effort from the closed areas into open areas and the effect on bycatch, should be watched closely. If and when it is determined that additional action is necessary, NMFS

should take such action immediately.

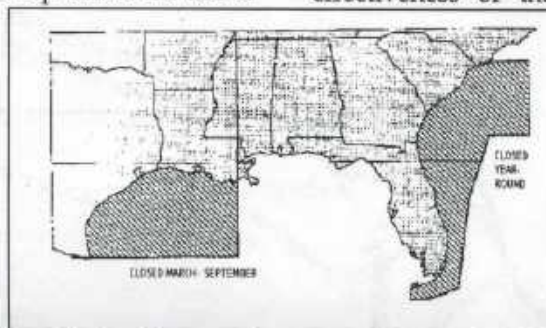
In this regard, we urged NMFS to begin now to make provision for adding an additional closed area in the Mid-Atlantic Bight, should it become necessary. NCMC is concerned about the potential impact of displacement of fishing effort into this area.

### Keep Mid-Atlantic Closure in Reserve

The Mid-Atlantic Bight is a productive fishing area, both commercially and recreationally, with already high levels of bycatch. An examination of the NMFS data shows high discards of bluefin tuna, marlin, swordfish, marine mammals and turtles in this area with effort at current levels. Of major concern is the effect of pelagic longline gear on increasingly depleted white marlin populations. The only known summertime range of white marlin is the Mid-Atlantic Bight, specifically from North Carolina to Massachusetts.

We tend to agree that substantial displacement into this area is not likely, since the mid-Atlantic region is already crowded with longline vessels and gear. Nevertheless, an effort shift remains a real possibility and, given the potential for increased interactions with species of concern, NMFS must be prepared to respond in a timely and effective manner. If it is determined

*(continued on back page)*



## DOGFISH STILL WAITING FOR THEIR DAY

### Commerce Dept. Stalls Management of Totally Unregulated Fishery

Fishermen targeting spiny dogfish don't seem to know what they want. On the one hand, they say they want to keep fishing for dogfish, which are processed and imported to the British fish-and-chips market. But they oppose the catch restrictions scientists say are needed to avert an imminent collapse of the stocks their fishery depends on.

Not only do they ignore the obvious connection between rebuilding and the chance for any future for this fishery, dogfishermen, many of whom are out of work cod fishermen, argue against proposals to increase the population of dogfish on the grounds that too many of these small sharks in the ocean is a bad thing. One might conclude that

to them, dogfish are simply a way of staying in business until the cod come back, meanwhile they're ridding the sea of an undesirable species.

Fishery managers don't seem to know what they want, either. Dogfish were designated overfished in April of 1998, after a few short but intense years of new fishing effort that took a big bite out of the adult population. Within a year, the New England and Mid-Atlantic Fishery Management Councils had submitted a joint fishery management plan to stop overfishing and begin rebuilding the quickly disappearing population of dogfish which, like other sharks, mature at a late age and reproduce in small numbers.

The Secretary of Commerce approved the councils' plan last September, but postponed implementation of the recommended catch restrictions. Some New England congressmen blocked the measures, supposedly because of uncertainties about the true condition of dogfish, but really on behalf of angry fishermen. Then the New England Council took advantage of the delay to change its mind about what

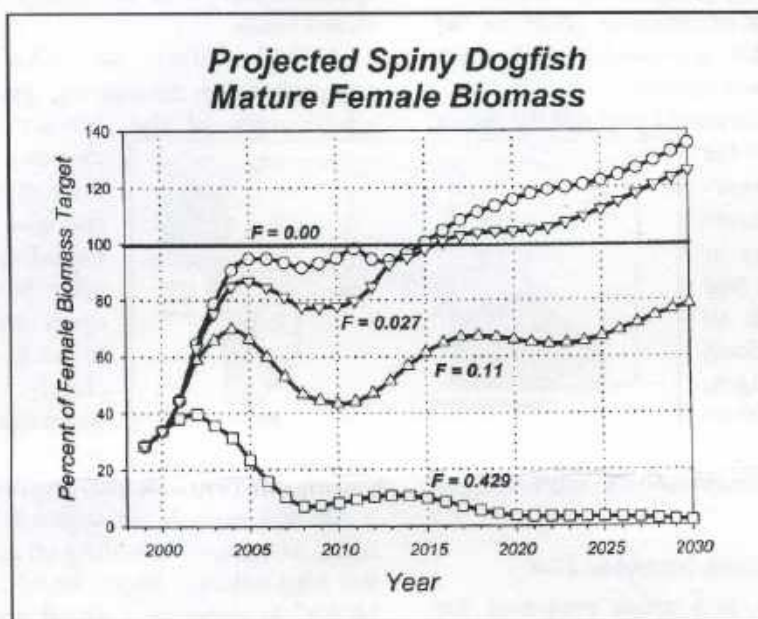
it had perviously agreed to, and now supports a substantially weaker version of the original plan.

### Secretary Urged to Implement Original Plan

Commerce Secretary William Daley, citing the new differences between the councils, has continued to delay regulation while requesting the two bodies work toward an accord. Meanwhile, the dogfish fishery remains totally unregulated. The total allow-able catch in the plan's first "exit" year was to be 22 million pounds, then dropped down to 2.9 million pounds in the second fishing season, which begins May 1<sup>st</sup>. With no restraints on fishing, the current fishing mortality

rate (0.429) is 15 times the level recommended in the plan (0.027). If fishing continues at this rate, according to the latest scientific information presented to the councils in March, the population of breeding-age females will crash in just a few years (see graph).

The Mid-Atlantic Council, responding to the continued deterioration of the resource, voted to stick with the original plan and ask the Secretary to impose a 2.9 million pound



annual quota, with a 300 pound trip limit. But a week later, the New England Council approved a quota of 12-15 million pounds with a 7,000 pound trip limit. Even under the Mid-Atlantic quota, rebuilding to the target level would take up to 15 years, while we're looking at a 40-50 year recovery under New England's.

Following the councils' decisions and noting the continuing rift between them, Secretary Daley gave them until April 3<sup>rd</sup> to try once again to come to terms. If they are unable to break the impasse, which seems certain, the secretary will have to choose a side. The NCMC, which testified before a joint meeting of the two councils' dogfish committees in March, has written the secretary urging him to implement the original plan immediately.

If the secretary does that, there is little doubt it will have a devastating effect on the fishery. But so has that fishery had a devastating impact on dogfish, so much so that these sharks are on the brink of collapse. Fishing at unsustainable levels for any longer will only hasten that day.



# TURNING THE TIDE

*NCMC News & Activities*

NCMC MARINE BULLETIN - 11

## **DOLPHIN PLAN READY FOR PUBLIC HEARINGS**

The South Atlantic and Gulf of Mexico Fishery Management Councils have approved a draft Fishery Management Plan for Dolphin and Wahoo, which will be presented to the public for comment at hearings in May and June. The plan, a pro-active attempt to prevent an expansion of fishing effort that could result in overfishing, is designed to maintain both recreational and commercial catches at recent levels. The NCMC, which is represented on the South Atlantic Council's dolphin/wahoo advisory panel, has been working toward adoption of such a plan for several years.

Management options include bag limits and/or minimum sizes for sport fishermen, commercial trip limits, and an historical allocation of about 90% of the dolphin catch to anglers. Increases in commercial landings by pelagic longliners targeting dolphin sparked the move to prevent overfishing. At a February meeting, the South Atlantic Council also voted to include, as part of its plan, a prohibition on the use of pelagic longline gear to catch dolphin within any time or area closure closed to the use of that gear in the swordfish and tuna fisheries (see p. 9).

## **NCMC BOARD ELECTS NEW OFFICERS FOR 2000**

The Board of Directors of the National Coalition for Marine Conservation, at their Annual Meeting January 28<sup>th</sup> in Palm Beach, Florida, elected officers to lead the organization into the new millenium. They are: Chairman, Christopher M. Weld of Boston, Massachusetts; Vice Chairman, John W. Heyer of Bay Head, New Jersey; President, Ken Hinman of Leesburg, Virginia; and Treasurer, Mary Barley of Islamorada, Florida.

## **CHESAPEAKE BAY PROGRAM MOVES TOWARD ECOSYSTEM MANAGEMENT**

NCMC president Ken Hinman was an invited participant in a Chesapeake Bay Issues Roundtable February 7-8 in Annapolis, Maryland. He spoke on Applying Ecosystem Principles to Multi-Species Management. The roundtable, sponsored by the

Alliance for Chesapeake Bay, is part of an effort by the Chesapeake Bay Program, a partnership of federal and state agencies, to develop a long-range plan for managing the east coast's largest coastal watershed. A draft agreement, called Chesapeake 2000, calls for adopting a multispecies approach to fisheries management, including predator-prey interactions, by 2005 and incorporating fisheries plans into an ecosystem framework by 2007.

## **COASTAL DRIFT NETS STILL AT LARGE**

In January, NCMC submitted comments on a NMFS proposal to grant Exempted Fishing Permits to participants in the bonito coastal drift net fishery to harvest Atlantic tunas (other than bluefin). NMFS recently outlawed the use of drift nets to catch tuna and swordfish, but does not have authority over using the large gill nets to catch bonito. Because this fishery has a bycatch of several species of tuna, the agency proposed allowing a small amount of landings of fish that would otherwise be discarded. Expressing concern over permitting yet another means of harvesting bigeye, albacore and yellowfin tunas, whose status is of increasing concern, Fisheries Project Director Tim Hobbs wrote: "If the agency allocates these permits, we implore you to consider very stringent guidelines." He noted that the coastal drift net fishery accounted for ½% and 1% of total tuna landings in 1996 and 1997, respectively. NCMC asked that landings from drift nets be examined in no less than 6 months of issuance of permits and, if landings have increased to more than 1% of the total, the permits be immediately revoked. We also asked that the fishery be monitored to ascertain the amount of bluefin discarded. NCMC is currently reviewing data on the remaining drift net fisheries on the Atlantic and Pacific coasts, with emphasis on bycatch of threatened species, and will present a summary and call for action in the next Marine Bulletin.

## **NCMC WEIGHS IN ON LONGLINE BILLS**

Legislation has been introduced in Congress that would establish time-area closures to pelagic longlining in return for an offered buy-out of impacted vessels and restrictions on the ability of domestic fishery managers to take additional actions to regulate U.S. longliners in the future. NCMC submitted testimony for a Feb. 8<sup>th</sup> hearing by the House Subcommittee on Fisheries. We also met with fisheries subcommittee chair Rep. Jim Saxton (R-NJ) in January to discuss ways these bills, which feature numerous unacceptable provisions that favor continued longlining, could be improved.

## NCMC SUPPORTS NMFS CLOSURES

*Continued from page 9*

that additional measures to reduce bycatch and incidental catch are indeed necessary - that is, if monitoring indicates an increase in fishing effort in terms of numbers of hooks and/or an increase in bycatch - a mid-Atlantic closure should be swiftly implemented as a framework measure.

We stressed in our comments that any management strategy, especially a new one such as time and area closures in the longline fisheries, demands that fishery managers have the ability to analyze and modify it to adjust to unknown effects. Also, other stocks whose status is currently not overfished or unknown (such as pelagic sharks) will likely need some measure of protection from longlining in the near future. The need for flexibility and adjustment is inherent in any rule of this nature.

### Buying Out Displaced Effort

Finally, NCMC responded to the NMFS request for opinions on the potential buy-out of vessels adversely impacted by the time-area closures. Several bills being considered in Congress couple longline time and area closures with a buyout of impacted vessels. We do not support this course of action. The NMFS is allowed to construct a buy-out for the purposes of effort reduction, under Section 312(b) of the Magnuson

Act, if necessary to achieve conservation and management objectives.

✦ In this situation, we believe that such vast closure areas, including the additional areas suggested above, will be sufficient to reduce effort. However, if it is required, it should be done as a follow-up action by NMFS under the Magnuson Act. Economic relief, if deemed necessary, can be accomplished through subsequent congressional action.

A vessel buy-out must be considered only *after* implementation of the closures. This will accomplish two objectives: 1) avoid further delays in implementing this badly needed action, and 2) allow a proper assessment of the extent of effort reduction and/or economic relief needed. We urged that finalization of this rule proceed without stipulations of a vessel buyout. Any such program can only be effectively implemented, as a conservation measure, after the fishing patterns have changed as a result of the closures.

A representative of the longline industry substantiated the rationale for this approach when he stated in February 8<sup>th</sup> testimony before the House Fisheries Subcommittee that "assumptions about effort displacement cannot be tested or confirmed until [the bill] is implemented and the fishery is prosecuted for at least one season." While he was referring to legislation, the same can be said of NMFS regulatory action. Likewise, given the uncertainties about the true effect of the closures on vessel fishing activities, assumptions about economic impact cannot be tested or confirmed until the time-area closures are implemented and the fishery is prosecuted for at least one season.

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THE NCMC

# MARINE BULLETIN

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## TWO TRAINS RUNNING

### *Congress Races to Derail Administration's Longline Closures*

By Ken Hinman

#### Track 1 - Federal Regulation

The National Marine Fisheries Service postponed issuing sweeping new regulations to reduce swordfish and billfish bycatch from May 1 until mid-summer. The additional time was needed, according to the agency, to collect more comment on the economic impact of the nearly 200,000 square miles of no-longlining zones in the South Atlantic and Gulf of Mexico it first proposed last December. NMFS also suggested the possibility of closing a 33,000 square mile area in the eastern Gulf, a known swordfish nursery ground.

While the National Coalition for Marine Conservation is not happy with yet another delay in implementing these long-awaited protections, we took the opportunity to emphasize that the substantial conservation benefits to be obtained from the proposed closures outweigh, *economically and legally*, any short-term impacts to longline fishermen.

Litigation by NCMC and other plaintiffs has been stayed pending issuance of a Final Rule on or before August 1. Members of Congress intent on pre-empting NMFS action with legislation, therefore, are now in the stretch run of their race to get a bill passed before the Administration's rule comes out (see "Track 2 - Legislation"). The NCMC is working both tracks to make sure that, whoever crosses the line first, we get the strongest conservation possible.

*(continued on page 3, column 1)*

#### Track 2 - Legislation

On the surface, it would seem hard to oppose a bill called the "Atlantic Highly Migratory Species Conservation Act." But as we examine the bill more closely, we see a lot less conservation and a great deal of mischief.

The bill in question - S. 1911, sponsored by Senator John Breaux (LA) and HR 3390, by Rep. Billy Tauzin (LA) - is the product of an agreement between the US longline fishing industry and a trio of sport fishing groups. But NCMC and many others in the recreational fishing and environmental communities have serious problems with a number of its provisions. For months, we've been recommending ways to amend and improve what we believe is a misguided, ineffective and ultimately harmful approach to mitigating the damage caused by longline bycatch of billfish, swordfish, sharks and other overfished or threatened pelagic species, such as turtles and birds. So far, however, our concerns have been either disregarded or unsatisfactorily addressed (see "Notes from Underwater," p. 6).

On April 13, the Senate Commerce Committee hastily approved S. 1911, without considering dissenting views. In a strongly worded letter to members of the Senate, the NCMC, Recreational Fishing Alliance, and other national and state fishing organizations, companies, fishing magazines and

*(continued on page 3, column 2)*

**"Let us face in time the fact that the ocean can be destroyed." - Thor Heyerdahl**

# OCEAN VIEW

## POSSIBILITIES

*Thought's the slave of life, and life's time's fool,  
And time, that takes survey of all the world,  
Must have a stop.* - William Shakespeare

We spend most of our days buried in our work. Good work, we believe; if not making the world a better place, then at least a small corner of it. Weeks, months, even years pass by at a pace that quickens as we grow older. If only there were more hours in the day, we grumble. If only we knew.

When a colleague dies, it forces us to take a step off the pace and think. In the case of a legend like Frank Mather (page 7), who passed at the age of 89, it can actually inspire us. Contemplating Frank's long and productive life, we see our own possibilities.

But what do we think when we lose a colleague in the prime of life? Eleanor Dorsey died on May 17, suddenly and shockingly, from brain cancer discovered just a month earlier. A lifelong advocate for conservation, her life was cut tragically short. She was 51. She leaves her husband and two young children.

Ellie left an indelible mark. Working as a staff scientist with the Boston-based Conservation Law Foundation from 1988-98, she played a critical role in getting the New England Council to face up to restoring depleted stocks of cod and haddock. A CLF lawsuit in 1991 forced the council to agree to a deadline for rebuilding, a turning point for more than groundfish.

Addressing a 1993 NCMC symposium on the Magnuson Act, Ellie argued for "putting teeth in the Act's mandate to prevent overfishing" by requiring that all plans feature a measurable definition of overfishing and a recovery timetable. These groundbreaking recommendations eventually found their way into the 1996 Sustainable Fisheries Act.

More recently, Ellie, a consultant now, giving her more time to spend with her family, helped the Marine Fish Conservation Network draft its critique of SFA implementation, "Lost at Sea." She was always striving to raise the bar. We were working together again, writing the report of NCMC's recent workshop on predator-prey management, when she died.

We never know when our work will be interrupted - for good. The good work of Ellie Dorsey, like that of Frank Mather, will live on. But if she could, she'd urge us to give in more often to the little interruptions, to slow things down long enough to see the possibilities.

**Ken Hinman, President**

March-May 2000

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*Founded in 1973*

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

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

### THE NCMC MARINE BULLETIN

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## TRACK 1 - REGULATION

(continued from page 1)

### Legally Bound, Economically Sound

In prior testimony in support of the extensive longline time-area closures, the NCMC stressed the measurable conservation benefits. In our most recent statement, we pointed out that government analyses of the potential economic impacts of the proposed closures mistakenly concentrate on the immediate adverse impacts to some longline vessels, grossly downplaying the vast, long-term economic benefits that will result.

The proposed NMFS closures would substantially contribute to rebuilding healthy populations of species adversely impacted by longline gear. When billfish, swordfish, shark and tuna stocks are healthy again, recreational and commercial fishing opportunities will be enhanced and new money will pour into coastal communities from Maine to Texas. Marinas, tackle shops, charter boats, boat dealers and manufacturers, and a host of other connected industries would profit, restoring the health of the nation's marine industries.

NCMC also argued against shrinking the closed areas in the Final Rule. In its request for comment, NMFS states that smaller area closures would lessen the economic impacts to longline fishermen. "While this may be true," NCMC wrote, "the primary purpose of time-area closures is to provide legally required, needed conservation benefits to certain depleted fisheries. Shrinking the closure areas, or enacting smaller alternative areas, will not accomplish the goals of this rule.

"Insofar as the larger closed areas are practicable, they must be imposed despite any short-term economic impacts that could occur," we noted, citing recent case law. "The District of Columbia Circuit Court of Appeals recently held (*NRDC v. Daley*) that conservation concerns outweigh concerns about the potential economic impacts of fishery regulations." The court rejected a lower court's assertion that requirements to stop overfishing conflict with the need to consider immediate economic impacts. Instead, the court held that NMFS "must give priority to conservation measures" under the Magnuson Act, stating that "[i]t is only when two different plans achieve similar conservation measures that the Service takes into consideration adverse economic consequences" when choosing among options.

Achieving meaningful bycatch reductions in the Atlantic HMS fisheries is going to result in, if not

(continued on page 4, top of column 1)

## TRACK 2 - LEGISLATION

(continued from page 1)

clubs restated our opposition to this legislation in its current form.

### NCMC Criticizes Bill, Recommends Changes

The Breaux bill is purposefully designed to be the first and last domestic action to manage the U.S. pelagic longline fishery," warns NCMC president Ken Hinman, "but it will leave numerous problems in this fishery unresolved."

After carefully reviewing the bill, including minor changes made at the committee mark-up, we are concerned that the level of conservation resulting from the proposed area closures will be minimal. The reduction in longline fishing effort as a result of the bill's costly, poorly conceived buyout is likely to be insignificant. These shortcomings are compounded by language in the bill that ties the hands of fishery managers, limiting the ability of NMFS to respond to these or other problems and take corrective action.

NCMC strongly opposes S. 1911 (and HR 3390) for the reasons summarized below, after which we offer our suggestions as to how the bill must be improved:

- ♦ **The bill unduly and unnecessarily restricts the future ability of NMFS to monitor the effectiveness of the area closures and respond in a timely fashion to address unanticipated increases in bycatch, shifts in effort, or other threats to rebuilding these overfished species.**

Section 12 prohibits NMFS from expanding the time and area closures for a period of at least 4 years (except in certain "emergency" situations). We believe this prohibition on future action not only violates the

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### **"S. 1911 is misguided, ineffective and ultimately harmful."**

*Coalition of recreational fishing and conservation groups*

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public's trust in the management system created by Congress under the Magnuson Act, but would seriously undermine the effectiveness of time and area closures in addressing bycatch in the longline fisheries. As discussed below, the bill's closed areas and buy-out provisions would have an uncertain and possibly minimal effect on bycatch and overall longlining effort. Further corrective action may be needed depending on the effectiveness of the closures and changes in fleet

(continued on page 4, column 1)

require, adverse impacts to the longline fleet. Here, the statutory conservation requirements to impose practicable bycatch minimization measures such as the larger closed areas must be met despite economic impacts," since the purpose of the conservation measures is to achieve long-term economic benefits overall.

## TRACK 2 - LEGISLATION

(continued from page 3)

behavior. Tying the hands of fishery managers for the foreseeable future will ensure that problems will continue to take place. This means that even more severe action will be required later.

NCMC supports the regulatory action currently proposed by NMFS and pending final implementation. If, however, legislation were to preempt regulatory action, we recommend excluding any restrictions on follow-up action, and instead including language instructing NMFS to monitor and evaluate the effectiveness of the time and area closures and to take additional measures as appropriate to meet the bycatch and rebuilding mandates of the Magnuson Act.

- ◆ The time and area closures in the bill will not be effective in reducing bycatch of overfished marlin and swordfish.

The proposed closures cover areas where there is minimal pelagic longline fishing effort.

The inadequacy of the closed areas is particularly apparent when compared to the closed areas proposed by NMFS (see maps superimposing the respective closures over longline fishing effort in 1997, the most recent year for which those data are available).

In fact, the bill's closures in the Gulf are clearly drawn to leave the vast majority of longlining

undisturbed. In an April 5 letter to the Senate Fisheries Subcommittee, NMFS administrator Penny Dalton noted that, according to her agency's analyses, the Gulf of Mexico closures in S. 1911 will effect "very little longline fishing effort" and "would reduce billfish bycatch generally *less than one percent*." (emphasis added) By comparison, the NMFS closures in the Gulf are estimated to reduce bycatch by 10 to 15 percent.

The bill's south Atlantic closure, Ms. Dalton points out, specifically near the area of the Charleston Bump (off South Carolina), "may be too limited ...to address the inter-annual variations in the movement of the Gulf Stream and the resulting bycatch associated with that oceanographic feature." The NMFS proposed closure in this area seeks to protect bycatch species

where the longline fleet is operating, whereas S. 1911 leaves much of the Charleston Bump open to continued longlining.

In addition, the bill leaves the Mid-Atlantic region, a known area of high incidental longline catch of overfished white marlin, open to continued fishing and the likelihood of increased effort and resulting bycatch. The NMFS proposal also neglects this area, however, as we noted above, regulatory action would permit fishery managers to monitor fishing in the Mid-Atlantic and other offshore areas and take appropriate additional measures as needed to ensure bycatch reduction and the rebuilding of these overfished species. S. 1911 would not.

We recommend that any legislated time and area closures in the South Atlantic and Gulf of Mexico mirror those contained in

the NMFS proposal, and add a summer closure (June-August) in the Mid-Atlantic Bight.

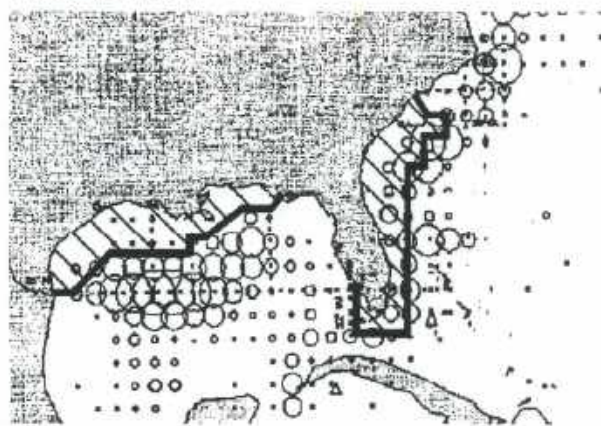
- ◆ The buy-out provisions in the bill will result in a minimal reduction in overall longline fishing effort.

(continued on page 5)

NMFS Proposal



S. 1911/HR 3390



The swordfish vessels eligible to be bought out of the longline fishery, as identified in the legislation, include a number of vessels that have been only marginally active in the fishery in recent years. On the other hand, the buy-out would leave over 300 vessels with active permits to longline for tuna, swordfish and sharks. With no reductions in quotas for targeted species, and no restrictions on the effective fishing effort of the remaining fleet, bycatch problems in the open areas, particularly in the Mid-Atlantic region, could be exacerbated. (NMFS does have the authority under the Magnuson Act to implement a Vessel Capacity Reduction Program, although it has not included such a buy-back program in its current proposed rule. The agency could, however, institute such a program should it find, after monitoring and evaluating changes in fleet behavior and the effectiveness of its area closures, that it is necessary to do so.)

We recommend that any legislation featuring a voluntary buy-out of pelagic longline vessels do so as part of a Vessel Capacity Reduction Program, and that the buyout be extended to all vessels holding either a directed or incidental swordfish limited access permit.

## FISHERIES RECOVERY ACT OF 2000

### *Network Supports Gilchrest Bill*

A series of fisheries disasters and a recent government estimate that overfishing is at a record high have convinced legislators to take aggressive steps to fix America's marine fisheries.

Responding to a growing concern that implementation of the 1996 Sustainable Fisheries Act (SFA) is not living up to expectations, Congressman Wayne Gilchrest (R-MD) introduced a bill in March to end overfishing, protect fish habitat and rebuild overfished stocks. The bipartisan Fisheries Recovery Act (H.R. 4046) would reinforce and strengthen the conservation provisions of the Magnuson Fishery Conservation and Management Act, the legislation which governs all federal marine fisheries.

To emphasize the timeliness of Gilchrest's bill, the Marine Fish Conservation Network, a coalition of 97 environmental organizations, fishing associations and marine science groups, tallied the national costs of disaster relief resulting from fisheries mismanagement. According to the Network, U.S. taxpayers have paid more than \$160 million since 1994 to mitigate the disastrous economic impacts of management failures in New England, Alaska and the west coast. Congress is currently considering another \$421 million in aid.

"Taxpayers are having to cast a life line to fishermen and their families because federal fishery managers have repeatedly failed to ensure the sustainability of the fisheries on which we all depend," said Lee Crockett, the Network's executive director. "What's worse is that those in charge of our fisheries still aren't doing what they must under the law to prevent future fishery disasters."

"The vast majority of America's fishermen are trying to fish responsibly, but they are receiving mixed signals from fishery managers," says John Pappalardo,

## The Marine Fish Conservation Network



a Massachusetts fisherman and spokesman for the Cape Cod Commercial Hook Fishermen's Association, a Network member. "Fishermen, consumers and taxpayers are paying the price for this kind of reckless mismanagement."

### Closing Loopholes in the SFA

When Congress passed the SFA in 1996, it enacted strict new conservation mandates to stop overfishing immediately, rebuild overfished stocks, minimize bycatch, and protect fish habitat. The SFA requires NMFS to work with the regional fishery management councils to ensure that management plans meet SFA standards. Yet reports published last year by the Network found that NMFS approved the vast majority of the plans submitted to the agency, even though they failed to fully satisfy the new requirements. Even as NMFS approved the plans, the agency's own scientists were preparing to report to Congress that overfishing levels in the US were at an all time high. They also would report in October 1999 that they did not know the status of nearly 75 percent of the nation's "managed" fish stocks.

"The Sustainable Fisheries Act was a good piece of legislation," Crockett says, "but it has a few loopholes that some fisheries managers have exploited to avoid making tough decisions. The Fisheries Recovery Act spells out the conservation mandates in a way that can't be ignored."

Specifically, Gilchrest's bill would:

- **Eliminate overfishing of all species** and prohibit the overfishing of weaker fish stocks in mixed stock fisheries.
- **Make bycatch avoidance a priority** by requiring the councils to develop bycatch reduction targets and schedules to reach those targets.
- **Better protect essential fish habitat (EFH)** by requiring the councils to ensure that new fishing gear or practices will not adversely affect EFH before granting permits to utilize such gear or practices in a given area.
- **Establish mandatory fishery observer programs** to provide the reliable data necessary to manage marine fish.
- **Conserve marine ecosystems** by beginning the development of comprehensive "fisheries ecosystem plans".
- **Ensure precautionary fisheries management** by requiring the councils to adopt measures that err on the side of conservation when fisheries data are unreliable, uncertain or incomplete.

Representative Sam Farr (D-CA) and 12 other Congressmen from both parties have joined Gilchrest as cosponsors of the Fisheries Recovery Act.

"We applaud Rep. Gilchrest and his colleagues for acting swiftly to make the kinds of changes necessary to rebuild and restore our imperiled fisheries," says the NCMC's Ken Hinman, a co-chair of the Network. "All of the Network's members are urging Congress and the public to support this important legislation and let the fish come back."

### How You Can Help

The Sustainable Fisheries Act passed because it had strong, bipartisan support—over 300 representatives and 99 Senators voted for it. If the Fisheries Recovery Act is to be enacted, it will need similar Congressional support. You can help by writing or calling your Representative and Senators. Many legislators are not aware that America's fisheries are in trouble again. Let them know that there are still significant problems with fisheries management and urge them to cosponsor the Fisheries Recovery Act, HR 4046.

There is a sample letter on the Network web site ([www.conservefish.org](http://www.conservefish.org) - "hot issues") that you are welcome to copy in part or in full. You will also find a more detailed summary of the Fisheries Recovery Act on the Network site.



## NOTES FROM UNDERWATER

### FORFEIT

A year ago, several sport fishing groups announced they were giving up on NMFS and pursuing a deal with the U.S. longline industry to address the problem of bycatch in the swordfish and tuna fisheries, through jointly backed legislation (see Track 2, page 1). The course they chose was met with some suspicion, but even more so, apprehension about turning regulation over to Congress.

The stock rebuttal was that the bill's sponsors were less interested in preserving a management process than in conserving fish. Fair enough. But as time passed, serious questions about their legislation emerged, making it clear we would not get nearly the conservation we were promised. And the main reason? The process.

Congress holds NMFS to a painstaking plan development process. To guarantee compliance with the law, the agency must carefully document and justify everything it does. To ensure accountability, it must involve all affected interests in the decision-making. If it fails in any respect, its actions are subject to review by the courts.

Not so Congress. Sponsors of the legislation have told us that, because it is the product of a private agreement that cannot be renegotiated by outside parties, its most basic provisions are not subject to change. As a result, fishing and conservation groups not party to that deal have been locked out, frustrated in their attempts to challenge the bill, change it or even get the facts behind it.

Just imagine if NMFS had presented its plan, take it or leave it, dismissing its constituent's concerns. The agency's director would be called before a Senate committee so fast it would make her head spin. What we're asking, and what we've been asking all along, is for those who gave up on NMFS not to give up on the rest of us, and let us participate in crafting a legislative solution without being asked to leave our opinions at the door. Fair enough?

## FRANK B. MATHER GONE AT 89

Frank Mather, an emeritus director of the National Coalition for Marine Conservation, was the first to blow the whistle on the overfishing of bluefin tunas in the Atlantic. Nevertheless, he may be better known as the organizer of the Cooperative Game Fish Tagging Program in 1954 that in succeeding years provided scientists with much of what is known today (and frequently ignored) of the migratory routes of all the major species of highly migratory fish, especially tunas and swordfish.

Alarmed by enormous catches of juvenile bluefin by the U.S. purse seine fleet in the mid-1960s, Mather, then a lone voice in the wildlife conservation wilderness, called attention to the inevitable effect of overexploiting tuna stocks in the western Atlantic Ocean. His warnings, echoed by the fledgling NCMC, ultimately convinced Congress that the U.S. should join the International Convention for the Conservation of Atlantic Tunas (ICCAT).

Mather served as a scientific adviser to ICCAT until his retirement in the late 1980s. His independence and absolutely inflexible integrity frequently caused resentment and embarrassment to government and industry scientists, whose arguments and findings too often reflected the political and economic bias of their employers. Not only was he immune to the pressures imposed by bureaucratic and commercial members in the U.S. ICCAT delegations, he was articulate and outspoken in his criticism of the junk science frequently advanced in support of positions he knew to be wrong-headed and potentially very harmful. In private, his commentary concerning those he considered to have sold out to industry was fiery and decidedly unprintable.

### Weld Remembers a Friend and Mentor

Frank was a giant in a dark corner," says NCMC chairman Chris Weld of Mather. "It's a pity that he has never been properly recognized for the tremendous contributions he made. He had an uncanny ability to spot the exact point where scientific reality ended and bureaucratic obfuscation took over.

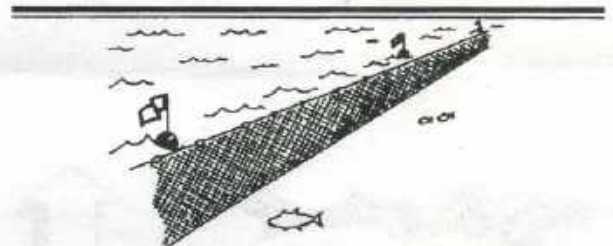
"Along with Hal Lyman and Dick Stroud, his mentoring of Frank Carlton and me [co-founders of NCMC in 1973] had much to do with the shaping and direction of the Coalition. Stroud and Lyman provided the 'corporate memory' and political know-how of fisheries conservation, but it was Frank who put a sound scientific foundation under our policies. His advice was invariably pithy and to the point, and

his predictions concerning the consequence of management actions were nearly always on the mark.

"I will miss Frank not only in the context of NCMC and our shared goals as conservationists, but also as a wonderful fishing companion. He was a superb angler with a fly rod or a stump puller, but mostly he was just plain fun to be around."

## SMALL SCALE DRIFT NETS AT-LARGE

In the early 1990s, international concern erupted over the use of large-scale drift gill nets, the multi-mile long "curtains of death" marked by an obscenely high level of bycatch. Spurred by an international call to action from the United Nations, the U.S. eliminated these nets from our waters - almost. The existing regulations are overly broad and, in fact, created a loophole that allows widespread use of smaller drift gill nets, often termed coastal drift nets, that are typically less than 1.5 miles long. These smaller nets are used to target a variety of species in U.S. waters: bonito, bluefish and monkfish in the Atlantic, swordfish in the Pacific, and sharks on both coasts.



Source: Western Pacific Regional Fishery Management Council

An initial investigation by Fisheries Project Director Tim Hobbs indicates that "small-scale" drift nets have a similar amount of bycatch per mile as the larger nets banned years ago. "We've begun a comprehensive inquiry to all eight fishery management councils, asking each to supply information on the drift net fisheries in their jurisdiction," says Hobbs. This includes: number and type of drift net fisheries in each region; what fishery management plans cover the effected species; is there a standardized reporting system, including observers, to assess the amount and types of bycatch; and what regulations, if any, are in place to minimize bycatch or bycatch mortality.

NCMC helped secure a prohibition on drift netting for swordfish on the east coast. Based on the results of our national survey, and using current legal requirements to minimize bycatch in all fisheries, we will work with the councils to reduce the adverse effects of drift nets wherever they are being used.

**Significant Others:** All species play a critical role in shaping and structuring the ecosystems they live in, inducing a predictability and balance achieved through millennia of evolution. It is incumbent upon fishery managers to understand, account for and address inter-relationships among species in making wise management decisions. Relationships among keystone predators and key or "significant" prey are paramount among these considerations. Fishing that reduces abundance of either affects the others in measurable ways; those effects must be understood and factored in when setting allowable catch levels. We know that the removal of one species from fishing can and does affect other species in the ocean. What we might call "ecosystem overfishing" occurs when reducing one component adversely impacts another, or precipitates unknown or unpredictable changes in the food web. Predators of the removed species may suffer from reduced growth, survival, and reproduction if alternate prey are not available. Prey of the removed species may become more abundant and more long-lived because of reduced predation. The size of such effects on predators and prey depends on the strength of the interaction with the removed species. Where predator-prey interactions are strong, such effects can reverberate throughout the ecosystem in what is known as a "trophic cascade." When fishery managers fail to take these inter-relationships into account, or act on unscientific misperceptions, the result can be disastrous for humans, who are a part of the ecosystem, too.



Menhaden are important prey for striped bass in Chesapeake Bay, especially during the summer and fall when recently-spawned rockfish are growing. The current high harvest - most of it reduced to fish meal - may not be compatible with the recently restored abundance of stripers or rebuilding of overfished bluefish, another key predator. The closed world of menhaden management, long controlled by the industry, is finally being scrutinized, the fishery's place in the big picture re-assessed.



The spiny dogfish has gotten a double-whammy from codfishers, who target them as a source of income while awaiting the return of their money fish, meanwhile ridding the sea of an "undesirable" they claim gobbles up too much cod and other more valuable fish. On their behalf, New England's fishery managers tried to block a federal plan to protect over-exploited dogfish, despite studies showing adult cod prey on their own more than the small sharks do. Fortunately, the Secretary of Commerce resisted the pressure and recently adopted rebuilding measures.



As fishermen fish down the food chain to exploit "under-utilized" species such as squid and herring, it raises serious questions about how this might impact the effectiveness of recovery efforts for large pelagic predators, such as swordfish and bluefin tuna. Fishery managers now set catch limits for squid and other forage fish, but they aren't leaving enough in the water for non-human predators.



The decline in numbers of horseshoe crabs is alarming. These ancient sea creatures are killed by the millions for bait to catch lobster, conch and eel. The crabs' eggs are a vital food source for migrating shore birds. They also provide medical information for human immunology and eye research. Atlantic coast states adopted a joint plan to lower catches, but some states, Virginia foremost among them, are still allowing catch levels to be set based on the needs of the bait fishery.

## OCEAN ZONING?

### *Needed: A Defined Process for Designating Marine Reserves*

The concept of Marine Protected Areas, also known as marine reserves, as a fisheries management tool is a hot topic of discussion right now. Overfishing, and the continued failure to satisfactorily control this widespread problem, is driving support for the use of reserves, including no-take zones.

Unfortunately, as we noted in our last issue of the *Marine Bulletin* ("Reserve Judgement"), the ongoing debate tends to polarize the issue, as a result holding up a constructive process for developing MPAs. The National Coalition for Marine Conservation believes the time is ripe for a more focused discussion to define the purpose of MPAs and to describe a process for developing and establishing areas of special protection in the ocean.

The MPA concept embraces a range of options and should not immediately be perceived as simply establishing areas where all forms of fishing are prohibited. Time and area closures create a type of marine reserve, designed to achieve a specific purpose; for example, to reduce the damage of indiscriminate fishing practices. In these closed areas, certain activities are prohibited in order to afford protection that cannot be achieved through traditional regulatory measures alone, such as rules on what can be caught and how much.

We believe reserves, with the exception of special "ecological preserves" for research, should be considered as a solution to a specific problem or to achieve a specific purpose and designed with that goal in mind. No-take reserves are one type of MPA, and if we arrive at this option, it should be through a considered and scientifically based process.

#### Not a Panacea

First, a cautionary note. Proponents of MPAs like to point to our country's National Parks and Wilderness Areas and argue that similar kinds of "preserves" are needed in the ocean. The underlying assumption is that the parks and wilderness system has been an effective way to conserve ecosystems on land. Before we seek to replicate this type of "zoning" at sea, however, we must ask ourselves if we really want management of our oceans to mirror a system wherein we give extraordinary protection to a few prescribed areas while allowing helter-skelter land-use beyond their borders.

Vast areas of land in this country are overrun with development, from sprawling metropolitan and

suburban areas to poorly managed grazing, mining, and forestry practices in more rural areas. The system of National Parks and Wilderness Areas has only resulted in isolated pockets of nearly pristine wilderness surrounded by relatively uncontrolled human development. Undeveloped areas outside this system remain vulnerable to potential misuse or abuse. Would such a system be adequate to maintain and propagate our vast marine ecosystems?

We should be concerned, too, that the limited use of MPAs, and any false sense of security they might engender, could lead to the continuation of environmentally degrading activities outside of the protected areas, such as has occurred on land. In fact, some of the literature produced by the regional councils has used as a selling point the fact that less restrictive fishing regulations throughout the fishery could be considered if reserves are established.

Finally, the broad applicability of reserves where *all* fishing activities are prohibited - so-called no-take reserves - is frankly questionable. We can safely predict that campaigns to close areas to all fishing will be contentious and victories hard-won, so that such reserves will ultimately be few in number and relatively small in size. Their utility as a fishery management tool, therefore, may be limited.

Having said that, the NCMC believes that no-fishing reserves can be valuable for research purposes and to define a benchmark marine ecosystem useful to compare and evaluate human impacts in similar areas. We support scientifically selected ecological preserves for these purposes. We believe the Gulf Council's proposed reserve in the Dry Tortugas is a unique reef fish spawning area that would provide valuable research opportunities and serve as a solid ecological benchmark. We support a total fishing prohibition in the limited areas proposed for closure in the Tortugas.

#### Goal-Oriented Use of Reserves

Development of MPAs should be a bottom up process beginning with identification of sensitive areas where species or critical habitats need protection and ending with the specific regulations necessary to provide that protection, not visa versa. Up to this point, discussion of MPAs has tended toward a top down approach. In other words, the process begins with the idea that a no-take reserve might benefit many species and habitats that have been adversely impacted by overfishing and moves from there. Or doesn't move at all. Using such a top down process virtually guarantees the limited use and ineffectiveness of MPAs as a conservation tool.

If the purpose of a reserve is to mitigate the effects of fishing activities, those specific activities should be

described and assessed through a defined process. Those activities that are demonstrated to have adverse impacts, which catch-based management measures are not equipped to control, should be prohibited. If a reserve, developed through this bottom up approach, prohibits all fishing, then such a blanket prohibition can be justified. If there is no need to exclude certain fishing activities not demonstrated to be harmful or unmanageable, a no-fishing regulation is likely to undermine the credibility of this kind of management concept.

Whether we are talking about excluding commercial fishing activities or recreational fishing activities, the NCMC prefers that activities be restricted or prohibited strictly on the basis of their causing a demonstrable problem. Identifying problem activities should be the governing criteria for prohibitions in an MPA. In the same way, we do not believe that all user groups should be excluded from an MPA simply to achieve "fairness." The only truly fair MPA is one where problem activities are restricted and benign activities are not.

#### Criteria for Developing MPAs

Three basic questions should be the basis for determining the boundaries and fishing restrictions in a Marine Protected Area. These are:

1. Are there species, site-specific aggregations or habitats that need special protection, and are traditional management measures unsuited and unable to provide the needed protection?
2. What are the boundaries of the specific geographic area where significant problems exist and where a reserve would be most effective at providing needed conservation for an adversely impacted species or habitat?
3. What specific activities, fishing or non-fishing, are causing adverse impacts to the species or habitat in this area? What specific activities, fishing or non-fishing, are not causing adverse impacts to the species or habitat in the area?

Providing answers to these questions, using the best scientific information available, will facilitate the development of fair and effective reserves. In addition, any MPA regulations should:

- Include measurable criteria upon which the effectiveness of the reserve can be judged and evaluated.
- Be subjected to periodic review and to a restoration timetable, including the possible sunset of any regulations that could be lifted if targeted goals are reached.

In conclusion, we believe Marine Protected Areas can serve as a useful tool for effective marine fisheries conservation if properly employed. We believe it is important to define and adhere to an agreed upon development process for any future MPAs, and the criteria outlined above should serve as a basis for formulating such a process.

## WHAT IS AN NCMC FELLOW?

The National Coalition for Marine Conservation recently inaugurated a new program to honor individuals and companies who demonstrate a superior commitment to conservation of our ocean's living resources, by making a substantial contribution to advance the NCMC's marine conservation programs.



NCMC "Fellows", in addition to gaining the satisfaction of enabling the NCMC to protect and improve the future of our ocean fisheries, will:

- ✓ have an opportunity to meet with staff and board members at our Annual Meeting and a special Fellows Reception;
- ✓ receive exclusive periodic reports on NCMC activities;
- ✓ be invited to provide input on NCMC programs; and,
- ✓ receive any NCMC product, merchandise item (posters, art prints, etc.) or publication free of charge.

For information on how to become a Fellow, write us or contact Christine Snovell directly at (703) 777-1449.



# TURNING THE TIDE

## NCMC News & Activities

The National Coalition for Marine Conservation recently restructured its conservation programs under five primary program areas. These are:

- ◆ **Bring Back the Big Fish.** Restoring and conserving the ocean's giant fish: billfish, swordfish, tunas and sharks.
- ◆ **Conserving Marine Ecosystems.** Expanding traditional single-species management to an ecosystem-based approach.
- ◆ **Fisheries Reform.** Promoting pro-active laws and policies governing the utilization of marine resources.
- ◆ **Ahead of the Curve.** Identifying opportunities to prevent overfishing and advocating precautionary management.
- ◆ **Resources and Education to Conserve Fish.** Informing and educating the public with the latest information and newest ideas on current marine conservation issues.

In future issues of the *Marine Bulletin*, we will report NCMC news and activities in the "Turning the Tide" section in each of these program areas.

### BRING BACK THE BIG FISH

Under *NCMC et al v. Secretary Daley*, our lawsuit against NMFS over bycatch in the tuna and swordfish fisheries (filed on our behalf by the Ocean Law Project, a project of Pew Charitable Trusts), a stay in the court proceedings was extended until August 1, while NMFS sought public comment on an additional longline area closure in the Gulf of Mexico (recommended by NCMC) and the economic impacts of the closures. The Final Rule is now due on or before August 1 (see lead story in this issue). NCMC distributed an Action Alert to our members, plus numerous fishing clubs and associations, via the mails and the Internet. NCMC Action Alerts – this was our fourth since NMFS began work on new regulations to conserve billfish, sharks and tunas – have elicited an extraordinary response, resulting in hundreds of letters and faxes in support of longline area closures.

NCMC is also involved in a variety of activities aimed at improving pending legislation linking area closures to a buy-out in the longline fishery. NCMC has worked with a broad coalition of groups, providing analyses of current bills (S. 1911/HR 3390 backed by the longline industry) to allies and members

of Congress, documenting serious flaws in three main areas: 1) the areas closed will not be nearly as effective as those in the NMFS rule; 2) the voluntary buy-out will have a minimal reduction in fishing effort at a high price; and 3) restrictions on future management options would prevent needed follow-up action. NCMC is assisting in the crafting of an alternative bill that would expand the closed areas, establish a Vessel Capacity Reduction Program designed to reduce effort in the longline fleet, and allow monitoring, evaluation and follow-up as required by the Magnuson Act. Such a bill, if introduced, would garner broad support among the sport fishing and conservation communities and provide leverage for blocking bad legislation like S. 1911 that could pre-empt the NMFS rule.

NCMC is also working towards adoption of an international marlin rebuilding plan this fall. We are designing a model recovery program, recognizing the need for international area closures and other innovative strategies to conserve marlin and other species taken mainly as commercial bycatch. We will work with our partners in the Ocean Wildlife Campaign to advance this program within the U.S. delegation to the International Commission for the Conservation of Atlantic Tunas, which meets this November.

### CONSERVING MARINE ECOSYSTEMS

NCMC is completing work on the report of its Predator-Prey Workshop and plans a summer publication. The workshop's recommendations are already producing results. In part due to NCMC efforts to advance predator-prey and ecosystem management in the Chesapeake Bay region, including numerous meetings with staff of NOAA's Chesapeake Bay Program. The CBP will hold a workshop in July to begin assembling a Fisheries Ecosystem Plan for the Bay's fisheries. This plan could serve as a model for other plans nationwide. NCMC's Ken Hinman has been invited to participate in the workshop, scheduled for July 12-13 in Annapolis, Maryland.

### FISHERIES REFORM

Most of the Marine Fish Conservation Network's recommended amendments to the Magnuson Act are contained in the Fisheries Recovery Act (H.R. 4046), introduced recently by Reps. Gilchrest (R-MD) and Farr (D-CA). The bill has 14 co-sponsors in the House. (see page 5) We are also monitoring reauthorization bills being drafted by other Members of Congress and submitting comments.

## AHEAD OF THE CURVE

NCMC's 4-year efforts to enact a pro-active fishery management plan to keep dolphin and wahoo populations healthy is nearing fruition. A draft plan is currently out for public comment, and it is anticipated the plan will be completed and submitted to the Secretary of Commerce before the end of the year. NCMC president Ken Hinman, a member of the South Atlantic Council's dolphin/wahoo advisory panel, will attend a September council meeting to review public comments and help the council finalize the plan.

Following on the South Atlantic Council's recent submission of a U.S. plan to severely restrict harvest of sargassum weed and protect it as essential fish habitat, NCMC now will work with the Administration to advance the movement of this issue onto the international agenda. One avenue is for the U.S. to present a Plan of Action to the UN's Food and Agriculture Organization, similar to the recently adopted Shark Plan of Action, whose purpose would be to establish the Sargasso Sea in the Atlantic Ocean as an area where direct harvest of sargassum weed is either prohibited or tightly restricted.

## RESOURCES AND EDUCATION FOR CONSERVATION

Each issue of Sport Fishing magazine features The NCMC **Marine Fisheries Watch**, where we alert the magazine's readers to current issues and how they can have an impact. The June edition is on Drift Gill Nets.....Ken Hinman's **Fisheries Front** column in Salt Water Sportsman magazine's June issue is titled "Let the Fish Come Back," about the upcoming reauthorization of federal fisheries law and the need to get serious about rebuilding the nation's marine fisheries..... The July issue of Marlin magazine features color versions of the maps NCMC created comparing the competing longline closures proposed by NMFS and Congress. Text was supplied by our Fisheries Project Director Tim Hobbs.....The NCMC's fourth biannual **Congressional Marine Fisheries Report Card**, where we rate lawmakers up for re-election on what they've been doing for the fish and fishermen, will appear in a fall issue of Sport Fishing.....Early planning is underway for the next **Marine Fisheries Symposium**, slated for 2001, on overhauling the federal fisheries management system.

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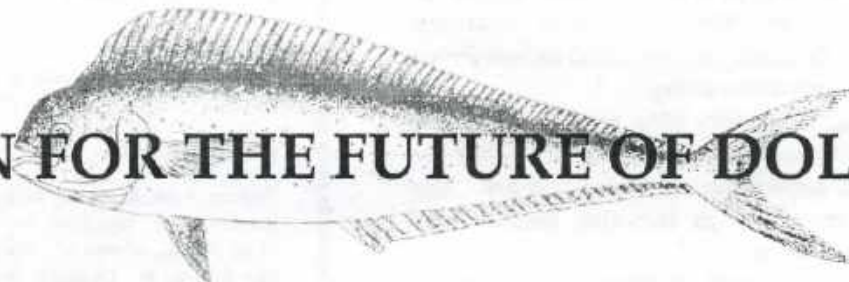
# MARINE BULLETIN

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## A PLAN FOR THE FUTURE OF DOLPHIN



Adoption of new, precautionary fishery management measures for Atlantic dolphin and wahoo - a goal the National Coalition for Marine Conservation set four years ago - is finally nearing fruition. The South Atlantic Fishery Management Council, the lead council on a 3-council plan, floated a draft Fishery Management Plan (FMP) at hearings in May and June, and will convene its Dolphin/Wahoo Advisory Panel on August 2-3 to review public comment. The panel will make recommendations to the council for final action at its September meeting.

The Gulf of Mexico and Caribbean Councils also expect to take final action in early fall. All of which means the councils' joint dolphin/wahoo FMP is likely to be submitted to the National Marine Fisheries Service for approval at the end of the year to be implemented in 2001.

"We are pleased with the councils' development of a proactive management plan for this important fishery," says NCMC president Ken Hinman, a member of the South Atlantic Council's Advisory Panel. "There are still a few issues to resolve, but it looks like we'll be getting out ahead of the curve on this one, preventing overfishing instead of waiting until it happens."

### Preserve the Traditional Sport Fishery

The NCMC has been advocating for dolphin conservation measures since 1996, when we saw a discernable change in the fishery for dolphin that did not bode well for the future. A staple of the southern recreational fishery, dolphin are targeted by a small number of commercial trollers, but also caught as

bycatch in the pelagic longline fisheries. In the mid-1990s, about 20 longline vessels, whose catch of swordfish and sharks was dwindling due to overfishing and tighter regulations, began to set their lines for dolphin. As commercial landings jumped to all-time highs, and the traditional sport sector continued to expand, we saw the potential for a replay of what's happened to so many other fisheries in the past - if something weren't done to prevent it.

Now, the foundation for maintaining a healthy fishery for dolphin (along with wahoo, although these relatively uncommon fish are not under much pressure from either sport or commercial fishermen outside the Caribbean), is being put in place. In written comments submitted to the South Atlantic Council on July 7 and later to the Gulf and Caribbean Councils, the NCMC voiced its support for most of the "preferred alternatives" recommended in the draft FMP. We did differ with the council on several specific issues, however.

*(continued page three)*

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- PROGRESS ON ECOSYSTEMS MANAGEMENT page 11

*"Let us face in time the fact that the ocean can be destroyed." - Thor Heyerdahl*

## UNLESS AND UNTIL

When Congress amended the Magnuson-Stevens Act in 1996, it removed a major tool from the fishery management toolbox by declaring a 4 year moratorium on the implementation of any new Individual Fishing Quota (IFQ) programs. The time out on this controversial concept is set to expire September 30<sup>th</sup>. But the subject of IFQs, a system of awarding exclusive shares of the catch to individual fishermen or vessels, is no less contentious today.

Proponents and opponents alike tend to approach the issue with almost religious zeal. IFQs are either the savior or the devil, depending on whom you ask. The rest of us are somewhere in between, neither true believers nor non-believers.

The prestigious National Academy of Sciences, asked by Congress to do a non-partisan study, recommends the moratorium not be extended. It does, however, cite ways to increase the effectiveness of IFQs, as both a conservation and economic tool. Some see this as giving fishery managers the green light. Others are urging lawmakers to proceed with caution, unconvinced that poorly designed IFQs won't concentrate the catch in the nets of a few big operators, giving them windfall profits and more power over the management process.

We believe the Marine Fish Conservation Network, whose membership of over 100 fishing and conservation groups spans the whole spectrum of feelings about IFQs, has the right approach. The Network is calling on Congress to extend the moratorium, *unless and until* it adopts specific national guidelines to govern all IFQ programs.

According to the Network, Congress should enact legislation to ensure that individual quotas remain publicly owned and revocable; that IFQ programs (and the shares they bestow) be of a set duration, not to exceed 5 years, after which they are subject to independent review; decisions to renew be made based on providing "additional and substantial conservation benefits" to the fishery; allocations be limited to prevent excessive consolidation and to protect small scale operators; and all administrative costs be recovered, including observers for enforcement.

Many advocates of IFQs say they support such standards. In our view, it makes sense to adopt them first, rather than simply trust that such a radical change in the way we manage our fisheries will not be abused.

**Ken Hinman, President**

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*Founded in 1973*

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

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

### THE NCMC MARINE BULLETIN

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## DOLPHIN CONSERVATION

(continued from page one)

One of the fundamental elements of the plan is putting a ceiling on the recreational and commercial catches of dolphin. In order to preserve the traditional recreational nature of this fishery, the NCMC favors allotting 87% of the catch to anglers and 13% to commercial fishermen, a split that reflects the historical average. We also support the proposed prohibition on the sale of recreationally caught fish, limiting sale to vessels with commercial permits.

The sport catch should be limited by a daily bag limit of 5 dolphin per person. Although this is the most conservative bag limit under consideration, it is high enough to provide plenty of meat for anglers. The typical six-pack charter vessel would be able to retain 30 fish per day, and this amount should be sufficient to satisfy customers. In addition, a conservative bag limit would allow individual participation in the sport fishery to remain high or even grow without the total catch exceeding recent levels.

The council did not recommend a minimum size, but NCMC advocates a 24-inch (fork length) minimum for dolphin (none for wahoo), applied to both the recreational and commercial fisheries, because it would give most fish a chance to reproduce before being removed from the population. While setting a 24-inch limit will not prevent interactions with smaller fish, most of the catch of these fish can be avoided. Dolphin frequently school with fish of similar size, allowing fishermen encountering a pod of small fish to relocate. Many small dolphin are caught by a technique known as "bailing," where a school is kept near the boat while fishermen pick off fish one by one. Instituting the minimum would discourage fishermen from setting up to "bail" a school of undersized fish.

### Cap the Commercial Fishery

Recreational fishermen account for nearly 9/10s of the dolphin catch. Anglers are willing to accept constraints on how many fish they can land, both to conserve the fishery and in exchange for the kind of strict limits necessary to keep the potentially-explosive commercial sector in check.

The NCMC recommends establishing a 500-pound commercial trip limit for both dolphin and wahoo. The council recommended a range of 1,000-5,000 pounds in its draft plan, but we think a 1,000-pound limit is too high to effectively discourage pelagic longliners from directing effort at dolphin.

After examining the impacts of a 500-pound trip limit on the commercial sector, we find that the

commercial rod-and-reel catch in New England and the mid-Atlantic would not be affected, while south Atlantic trollers would see about a 6% reduction in landed weight. The commercial fishery that would take a substantial hit is the swordfish longline fishery, which does not traditionally target dolphin and wahoo, has the greatest potential for overfishing on a localized or stock-wide basis, and brings with it a high level of bycatch of non-target species.

Prior to 1994, longline catch of dolphin was routine but minimal overall. One of the goals of the dolphin/wahoo FMP is to preserve the traditional composition of the fishery, and pelagic longlines are not traditional gear. Recognizing that there is some unavoidable bycatch of dolphin and wahoo, a 500-pound trip limit should be more than adequate to allow longliners to harvest fish caught incidentally while discouraging them from targeting these fish. On the other hand, setting a trip limit above 500 pounds would encourage longliners to fish in aggregations of dolphin, resulting in higher catches and discards when trip limits are reached.

### Exclude Large Longliners

From the outset of plan development, in fact, NCMC has advocated excluding pelagic longlines as allowable gear in the dolphin fishery; not just because of that fishery's potential for increasing fishing effort, but also because of the well-known and well-documented bycatch problems associated with this gear. These problems would be exacerbated, according to the South Atlantic Council's own research, should longliners make their sets closer to shore in hopes of maximizing dolphin hook-ups.



Wahoo

We advocate removing "surface longlines" as an allowable gear in the FMP. Because this definition includes pelagic longlines (whose average set is 24 miles long), it effectively permits all longline vessels operating throughout the South Atlantic, Gulf and Caribbean to participate in the fishery. Pelagic longliners should be allowed to harvest only incidentally caught dolphin and wahoo under a very strict trip limit. The council has taken tremendous steps to develop an FMP to preempt dolphin/wahoo population declines and to maintain the traditional,

sustainable harvest of dolphin. Encouraging a targeted pelagic longline fishery for these species is inconsistent with the purposes and goals of a pro-active FMP.

The South Atlantic Council reports that "the commercial longline fishery for dolphin in the Atlantic consists of 3 or 4 longline vessels that direct effort on a regular basis off the coasts of North and South Carolina." These vessels typically fish shorter lines (less than 6 miles in length) with smaller hooks, set along weedlines or temperature breaks and haul back immediately, with relatively little bycatch. The council should make a distinction between these smaller longlines with short soak times and pelagic longlines, and allow only the former.

As one of the groups that encouraged the council to prohibit the use of pelagic longlines to catch dolphin or wahoo in any area closed to the use of that gear to conserve swordfish, sharks and billfish, we were extremely pleased this measure was made the council's preferred alternative. The National Marine Fisheries Service's area closures to reduce longline bycatch of swordfish and billfish (see page 9) could be undermined if the council allows longlines to fish for dolphin. We wholeheartedly support this measure, although we would prefer that the councils specifically prohibit pelagic longlines as an allowable gear type for dolphin/wahoo altogether.

Finally, we stressed to the council the importance of aggressively monitoring catch levels and stock status over the next few years to determine the effects of the FMP and to better understand the dolphin and wahoo populations and their relation to the health of the fisheries they support. Diligent monitoring will ensure that the full benefits of the proactive management measures in this plan are realized.

## HOUSE PASSES ANTI-SHARK FINNING BILL

*Senate Action This Year is Uncertain*

Leading conservation groups applauded the US House of Representatives for passing the Shark Finning Prohibition Act (HR 3535) on June 6 by a landslide vote of 390 to 1. Introduced by Rep. Randy "Duke" Cunningham (R-CA) and co-sponsored by 37 of his fellow House members, the bill is a big leap forward in the effort to ban the wasteful practice of shark finning – the slicing off of a shark's valuable fins and discarding the carcass at sea.

"The overwhelming support for the bill clearly demonstrates Congress' intolerance of wasteful and destructive practices which threaten the health and

sustainability of this nation's living marine resources," commented Russ Dunn, Assistant Director of the Ocean Wildlife Campaign. "Mr. Cunningham deserves high praise for championing this important issue."

Shark fins are the principal ingredient in shark fin soup, an Asian delicacy that can sell for \$100 a bowl. Shark finning has been banned in US Atlantic and Gulf of Mexico waters since 1993, but the practice has taken off in recent years in the western Pacific. From 1991-98, the number of sharks killed solely for their fins increased by an alarming 2500% in waters near Hawaii. Despite widespread concern among the public, conservationists, government officials, fishermen and scientists, the Western Pacific Fishery Management Council (WesPac) has steadfastly refused to ban the practice. Representatives from the National Marine Fisheries Service have testified in support of anti-finning action by Congress.



"Normally we don't encourage Congressional intervention in fishery management decisions, but in this case Congress did the right thing," remarked NCMC president Ken Hinman. "We and other members of the Ocean Wildlife Campaign begged WesPac to enforce federal bycatch laws and put an end to finning, but they stubbornly refused to do their job. Sharks are too vulnerable to keep at risk while council bureaucrats dawdle."

"We applaud the House for taking a solid step forward to address this egregious problem," remarked Sonja Fordham of the Center for Marine Conservation. "We urge the Senate to similarly respond to the American public's outrage over finning and immediately follow up with complementary action."

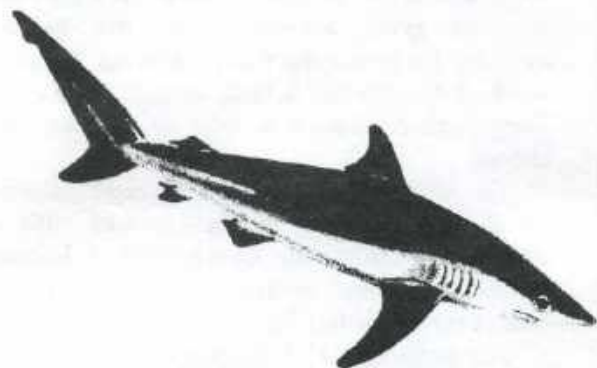
The Shark Protection Act (S. 2831), co-authored by Senators John Kerry (D-MA) and Ernest Hollings (D-SC), was introduced in the Senate shortly after passage of the House bill. While support for the measure seems strong, passage is uncertain given the few workdays left in the truncated election-year Congressional schedule.

## SHARK STATUS REPORT

### *New Data Suggest Some Improvement*

Recent survey data suggest that sandbar sharks are beginning to recover. New information regarding the most overfished species of shark in the Atlantic Ocean was presented at the June 2000 meeting of the American Elasmobranch Society.

Dr. Jack Musick, who heads up shark research at the Virginia Institute of Marine Science, has been



Dusky shark

conducting longline surveys in the Chesapeake Bight since 1974. His team monitors the abundance of sharks such as sandbar, tiger, sandtiger and dusky. Sandbar and dusky sharks, once abundant in Atlantic coastal waters, are now the two most depleted species. A federal shark management plan was implemented in 1993 and subsequently revised to provide stringent control of the commercial and sport catch.

Musick's survey shows an increase in numbers of sandbar sharks, however, they are juveniles. It remains to be seen whether the current fishing mortality rate is low enough to allow these young sharks to survive several more years until they reach maturity. Musick's guess is that fishing mortality is still too high, and more conservation is needed.

For the sandtiger and tiger sharks, the data indicate overfishing has stopped, but there has been no apparent increase in population size. The dusky shark's prognosis is worse. Data show the dusky population has not even stabilized yet. Dusky sharks are active swimmers and die easily when kept on a fishing line, especially a longline that soaks for hours. Because hook mortality is so high, few can be released alive, contributing to continued decline despite tougher catch limits. Musick observes that the last time his research team saw an adult female dusky was in the late 1980s.

- Christine Snovell, NCMC Staff

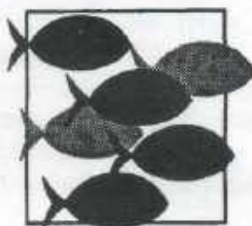
## SNOWE BLIND

### *Misguided Bill Would Gut SFA*

New legislation in the US Senate threatens America's fisheries and ocean ecosystems, according to a coalition of 100 fishing associations, environmental organizations and marine science groups. Soon, the Senate will consider a bill (S. 2832) introduced by Senator Olympia Snowe (R-ME) which the Marine Fish Conservation Network claims would significantly weaken fish conservation standards and jeopardize the recovery of America's ailing fisheries.

"Almost half of the nation's assessed fisheries are overfished, and many species are so badly depleted that scientists estimate they will take decades to recover," says Lee Crockett, executive director of the Network, citing recent fisheries collapses in Alaska, the West Coast and New England. "This isn't just a coastal issue - we're talking about the oceans that Americans everywhere love. Given the fact that many of the nation's fisheries are getting worse rather than better, now is not the time to weaken fisheries conservation."

"I want my kids to be able to fish, and this piece of legislation puts their heritage in danger," adds Mike Nussman, vice president of government affairs at the American Sportfishing Association, a Network member organization. "Some methods of commercial fishing do more damage to the ocean bottom than any



The  
Marine  
Fish  
Conservation  
Network

other human activity, and this bill would give them free reign in the essential areas where fish breed, feed and grow. It's a recipe for disaster." Nussman explained that dredges and weighted nets dragged behind powerful commercial trawlers have an effect on the sea-bottom often compared to clear-cutting or bulldozing.

### **Bill Jeopardizes Stock Recoveries**

In 1996, Congress recognized that America's fisheries were in serious trouble and passed the Sustainable Fisheries Act, which revamped the law governing America's marine fisheries, the Magnuson-Stevens Act. The new law enacted strict new conservation mandates to stop overfishing immediately, rebuild overfished stocks, minimize the unintended killing of non-target

fish and other marine life, and protect essential fish habitat. Now, Sen. Snowe's reauthorization bill proposes to undermine the Magnuson-Stevens Act by abandoning protection for essential fish habitat, blocking the use of impartial "fisheries observers", and limiting the scientific data available for sound fisheries management.

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## **Snowe's bill would gut and fillet the Magnuson-Stevens Act, throwing all of our hard work overboard.**

*NCMC President Ken Hinman*

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On top of that, it would allow fishery managers to stretch out rebuilding schedules for overfished stocks indefinitely in order to minimize any negative effects on fishing interests.

"Snowe's bill guts and fillets the Magnuson-Stevens Act," warns the NCMC's Ken Hinman, a co-chair of the Network. "Many of the nations most important species are still in bad shape, and the only thing that's bringing them back is solid conservation measures. This bill throws all of that hard work overboard."

Meanwhile, the House of Representatives is considering a bipartisan Magnuson-Stevens reauthorization bill introduced by Reps. Wayne Gilchrest and Sam Farr (H.R. 4046) and co-sponsored by 18 other Representatives. Their bill, the Fisheries Recovery Act, contains strong measures to end overfishing, eliminate the killing of non-target species, and protect fish habitat. The Network has endorsed the House bill, calling it "America's best bet for healthy, sustainable fisheries."

## **CALIFORNIA DREAMIN'**

### *Pacific Council Considers Longlines as Alternative to Gill Nets*

**F**or commercial fishermen working Pacific waters off California, it's practically open season on swordfish, tuna, sharks and even marlin. Unlike the Atlantic, there are currently no federal management measures in place to regulate fishermen targeting highly migratory species, meaning no trip limits, no quotas, and no minimum sizes. Although the state of California prohibits the use of longlines, using drift gill nets to catch these species is a widespread and totally legal fishing practice.

## NOTES FROM UNDERWATER

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### **STORM WARNING**

One of this summer's blockbuster movies, "The Perfect Storm," tells the tragic tale of the Andrea Gail and its ill-fated crew. The film has received good reviews from the fishing industry for its accuracy in portraying the hard work of commercial fishing, arguably the most dangerous profession a man or woman can choose.

The Hollywood lights shine sympathetically on the swordfishers, as they should. It's a tragedy in the classic Greek form - human flaws, implacable nature and fate merge to bring about disaster. Real people died.

The sword boat of the story is a longliner. Not a few conservationists have noted the movie gives the impression longlining catches nothing but swordfish, with the odd shark thrown in for dramatic effect. (In fact, fishing the Grand Banks, where the story unfolds, typically catches more sharks than anything.)

But that's not the story being told here, and to quibble about bycatch misses the film's real message, which is at the root of its tragedy. The Andrea Gail must fish hundreds of miles from shore. The captain and crew not only opt to stay out in bad weather, but actually move farther off to the Flemish Cap in search of enough big broadbill to make the trip worthwhile.

Swordfishing used to be a coastal fishery, when New England's fishermen could work near shore, with harpoons, a few months of the year and land tons of big fish. That's before it got fished out, leaving mostly fish too little to keep to be caught by longline vessels too small to move to distant waters.

The closure of swordfish nursery grounds to longlining will cut by half the tens of thousands of small fish killed and discarded each year. It will help rebuild the depleted population faster. And ultimately, it will make swordfishing in the future a safer and more profitable way to make a living.

Fortunately, this free-for-all has reached the beginning of its end as the Pacific Fishery Management Council commences development of its first federal management plan for Pacific highly migratory species. The use of drift gillnets in the Pacific has recently come under intense public scrutiny and, as a result, the council is considering a proposal to phase-out the use of drift gill nets in favor of alternative gears that fish more selectively.

The council's answer to the search for a more selective gear type? Pelagic longlines! A tag team maneuver where drift gill nets are pulled out and longlines are thrown in. The council feels that longlines could be a viable alternative to drift gillnets, catching the same targeted species but without the intolerable bycatch associated with the big nets. Despite overwhelming evidence of longline non-selectivity, which was the basis for California's own longline restrictions (which, incidentally, would be overruled by council action), members of the team developing this management plan indicate they have no reason to believe that problems with longlines in other parts of the world will necessarily manifest off the west coast. In the council's view, longlines in the Pacific can be fished selectively.

#### Lesser of Two Evils?

The NCMC wrote to the Pacific Council in July, cautioning against this scheme. "We support the goal of phasing out the use of drift nets," wrote Fisheries Project Director Tim Hobbs. "However, in our view, any plan that would increase the number of pelagic longlines in our nation's waters will only lead to the further degradation of our imperiled marine ecosystems."

With our comments we also provided copies of NCMC's 100-page report on longline fishing, **OCEAN ROULETTE: Conserving Swordfish and Sharks and other Threatened Fish in Longline Infested Waters**. After objectively analyzing every possible option for managing longline gear, we concluded that the only way to reduce longline bycatch is to remove the gear from the water, either where it is doing the most damage or altogether. There is simply no way to fish with a longline and avoid high amounts of bycatch.

It is unfortunate that the Pacific Council is failing to learn from past mistakes made by others, especially now when the debate over longline gear in the Atlantic has finally come full-circle. Environmentalists, recreational fishermen, resource managers, and even the longline industry have now accepted the realization that the only way to avoid longline bycatch is to get the gear out of the water. Yet the Pacific Council is so far ignoring the conclusion reached from

a quarter-century of longline management in the Atlantic and would blindly proceed with a plan for the Pacific that will surely have the same results: depleted fisheries and endangered species. It is the same gear targeting the same species, and it will be just as indiscriminate.

What exactly can we look forward to in the Pacific? "I can assure you with the utmost certainty that increasing the number of longline fishing operations in the Pacific will only lead to increased stock depletions, increased fishery collapses, conflicts with traditional commercial and recreational fishermen, increased economic failures, increased government bailouts, and more lawsuits. None of these results will benefit our country," Hobbs told the Pacific Council.

The NCMC is teaming up with the Recreational Fishing Alliance and other groups to fight the proposal to increase the number of longline operations in the Pacific. The Pacific Council must learn that a "selective longline" is nothing but an oxymoron, and the decision must be made not only to halt the increase in longline use but to get this gear out of the water completely. We are presented with a unique opportunity, a clean slate on which to craft management measures that will actually conserve our fisheries, and we have years of experience to guide us. This time around, let's get it right.

## SNAKE RIVER DAMS WILL STAY - FOR NOW

### *Breaching Considered Last Resort*

In the January-February *Marine Bulletin* (No. 87), NCMC reported on tough decisions facing the Pacific Northwest on whether to remove four hydropower dams on the Snake River in Washington State to aid recovery of endangered species of salmon. In July, the Clinton Administration unveiled its Northwest Salmon Recovery Plan, and removing the dams was not on the list of preferred alternatives.

Salmon fishermen and environmentalists were disappointed that dam breaching was not selected at this time, but are at least relieved that the option was not removed from the table completely, as industry supporters wanted. The Administration made it clear that dam breaching would be considered if other measures to aid salmon recovery are found ineffective. The plan will be evaluated in five, eight and ten years, effectively postponing any consideration of dam breaching for at least a decade. Some experts fear that the salmon runs of the northwest may not have that much time left.

# THE NCMC **MARINE INDEX**

**M**arlins Are an Endangered Species," read the headline in the July 23<sup>rd</sup> edition of *The Washington Post*. The article was about the likely demise of the Florida baseball club, not the billfish. Although Atlantic blue and white marlin are so overfished they might be considered "endangered" in most senses of the word, the strict legal definition under the Endangered Species Act up to now has allowed few marine fish to be listed as such (salmon being one of the few). On that list, however, are a number of marine animals on the brink of extinction, including ones that are in that precarious state because of fishing activities. A rash of recent decisions, in fact, are demanding drastic curtailment of certain kinds of commercial fishing in order to rescue these endangered species. In turn, these decisions are provoking new attacks on the ESA. At press time, rumors abound of a possible Congressional rider, attached to an omnibus appropriations bill, that would exempt fisheries from ESA obligations. Such a move would not only be disastrous for the species in jeopardy, it would also block measures that would offer significant protections to overexploited fish.

## STELLAR SEA LION



Sea lion numbers in the Gulf of Alaska and Bering Sea have plummeted nearly 90% since 1970, a disappearing act that coincides with the development of huge trawl fisheries for groundfish. Essential feeding areas were identified 7 years ago, but heavy trawling in these areas has continued, sweeping up pollock and other key prey species. NMFS was sued by enviros for failing to prepare a "biological opinion" under the ESA to assess the trawling-sea lion connection. In response, a federal judge recently ordered NMFS to halt all trawling in areas that are critical habitat for Stellars until the agency comes up with a plan under which fishing and the sea lions can co-exist.

## SEA TURTLES: ATLANTIC



NMFS did do a "biological opinion" for the impacts of pelagic longlining on endangered turtles, and it could prove devastating to the longline industry. It concluded that longlining is "likely to jeopardize the continued existence of loggerhead and leatherback sea turtles." The estimated 200+ turtles killed on longlines each year is high enough to cause continued decline in a population already on the edge. NMFS is looking into ways to protect the turtles, and the industry is likely to cooperate, considering what happened in the Pacific.

## SEA TURTLES: PACIFIC



The Pacific leatherback is at even more risk than its Atlantic cousin, and longlines are the reason. After NMFS was sued for dragging its feet on protective measures for 15 years, a federal judge in Hawaii district court virtually shut the U.S. longline fishery down. He close a million square miles of ocean to longlining, limited the number of days they could fish to a fraction of what they'd been, and required every boat to carry an observer.

## PACIFIC SALMON



Taking on multi-million dollar fishing interests and their powerful lobbyists looks like child's play compared to going up against the industries threatening wild salmon: hydropower, timber, ranching and farming. A new recovery plan, viewed as inadequate by some because it leaves critical spawning runs blocked by dams, may be challenged in court.

## NMFS IMPLEMENTS LONGLINE AREA CLOSURES

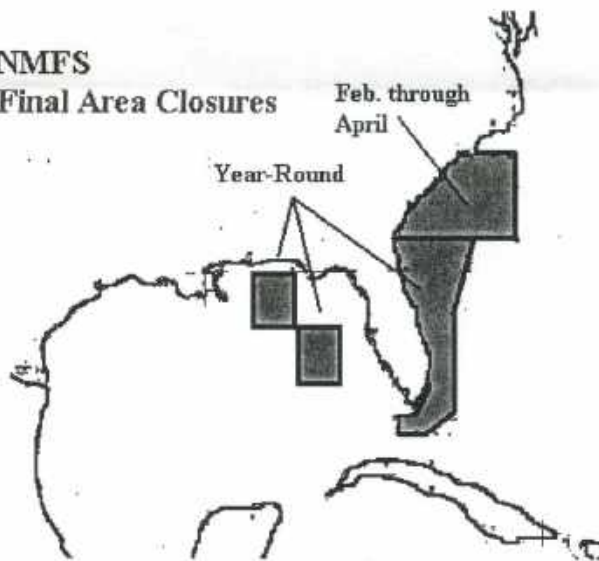
### *Landmark Conservation Zones*

### *Get Final Okay*

The National Marine Fisheries Service announced on August 1<sup>st</sup> what many have been waiting years to hear - final approval of extensive no-longlining zones to protect threatened species of fish that migrate near our coastline. The long-anticipated federal regulations close waters off the southeastern coast of the United States and in the eastern Gulf of Mexico to fishing with drift longlines.

The National Coalition for Marine Conservation applauded NMFS for taking strong action. "These large conservation zones are a major step toward curtailing the damage done by the multi-mile, multi-hook longlines," said NCMC president Ken Hinman. "Closing the known swordfish nursery grounds and surrounding areas to indiscriminate longlining will give needed relief to overfished swordfish, sailfish and coastal shark populations, hastening their recovery."

### NMFS Final Area Closures



A year ago, the NCMC teamed up with the National Audubon Society and Natural Resources Defense Council and, along with help from the Ocean Law Project (funded by Pew Charitable Trusts), filed suit against NMFS for failing to take action to reduce longline bycatch, as the federal law requires. All parties agreed to a stay in the case as long as NMFS published a Final Rule on or before August 1. NCMC and the other plaintiffs reserved the right to re-activate the lawsuit after that date depending on the composition of the Final Rule.

### Swordfish is the Big Winner

The NMFS plan closes approximately 133,000 square miles of US waters to longline fishing. (see map on page 10) Beginning November 1, a 33,000 square mile area in the Gulf of Mexico known as the DeSoto Canyon will be off limits to longlining year-round. Starting next February, waters from the North Carolina/South Carolina border to the Florida Keys will also be closed to longlining. The so-called Charleston Bump area will be shut down from February 1 through April 30 each year, and waters off Florida's east coast will be closed all year. In addition, beginning in September, the use of live-bait by commercial longline fishermen is prohibited in the Gulf of Mexico to further reduce catches of billfish, such as blue and white marlin.

*(continued page ten)*

### SAXTON INTRODUCES IMPROVED LONGLINE LEGISLATION

In June, Rep. Jim Saxton of New Jersey upped the ante by introducing a longline area-closure bill. If Congress should act between now and the end of this year's session to overturn the NMFS regulations via its own legislative solution, Saxton's bill, H.R. 4773, offers by far the largest conservation benefits of any legislation introduced to date [with the exception of Rep. Sanford's (SC) bill to prohibit all longlining].

HR 4773, in fact, addresses the key flaws NCMC identified in Sen. John Breaux's bill (S. 1911), which is backed by the longline industry (see *Marine Bulletin* No. 88). It adds a large area closure in the Mid-Atlantic Bight (New York to North Carolina); extends a buyout offer to all permitted longline vessels; ensures a measurable reduction in fishing effort by transferring the amount of swordfish quota caught by bought-out boats into the more sustainable handgear fisheries; and, instead of restricting follow-up management measures as S. 1911 would do, requires NMFS to monitor the closures and take additional action as necessary.

Anglers and conservationists should commend Rep. Saxton for working tirelessly to develop his alternative legislation. By doing so, he has raised the bar above that set by the Breaux bill. Now that NMFS has acted, as many thought it would not, there is no reason to accept conservation strictly on the industry's terms.

The no-longlining zones encompass known swordfish nursery grounds, areas the NCMC identified as early as 1996 when we first began pushing for time and area closures to reduce the obscenely high bycatch and discard of juvenile swordfish.

Many longliners, the "swordboats" portrayed in the book and movie, "The Perfect Storm," are forced to travel hundreds of miles offshore to find marketable fish because they've been fished out in near-shore waters. The swordfish catch in southern coastal waters is primarily juveniles, and sometimes more than half of them are below the legal size.

Longline fishermen are required to discard swordfish under 33 pounds, an international rule adopted to discourage them from setting their fishing gear in areas where small swordfish concentrate. Because the closures in the NMFS plan cover many of these so-called nurseries, longline bycatch of juvenile swordfish is estimated to decrease by as much as 42%. The closures should also achieve sizable reductions in the bycatch of other pelagic species, notably large coastal sharks and sailfish. (see chart below)

#### Plan Comes Up Short for Billfish

In terms of conserving swordfish, the NMFS plan will significantly reduce the bycatch of undersized fish and should substantially contribute to rebuilding the stock," observes Tim Hobbs, NCMC Fisheries Project Director. "Where the plan falls short, unfortunately, is in reducing bycatch of marlin."

The NMFS plan is a very solid first step, but it just doesn't go far enough to take longline pressure off severely depleted blue and white marlin populations. In the Atlantic, marlin numbers are at all-time lows, largely as a result of widespread longline fishing. Government scientists estimate that less than one-fourth of healthy populations remain.

Because longlining will continue in the western Gulf of Mexico and off the mid-Atlantic and northeast coasts, the NCMC will continue to press NMFS to increase observer coverage on the longline fleet to monitor the effectiveness of the newly adopted closures, and to take additional measures to reduce bycatch of marlins.

We should point out, however, that the reduction in billfish bycatch is about the same as that projected from the closures in Sen. Breaux's "longline buyout" bill (S. 1911), an alternative backed

### STUDY: LONGLINES ENDANGER SEA TURTLES

More fuel was added to the fire in late June when NMFS released a "biological opinion" on the impact of pelagic longlining on loggerhead and leatherback turtles, as required under Section 7 of the Endangered Species Act. The conclusion? Continued operation of the longline fleet jeopardizes the existence of these endangered sea turtles.

The agency must develop a plan to reduce the hooking of turtles by 75% no later than September 30<sup>th</sup>. Among the options are closing the Grand Banks from July through December, and a whole host of gear modifications and changes in fishing practices that can be shown to effectively avoid interactions with turtles.

by the longline industry that also leaves most of the Gulf of Mexico longlining as well as the mid-Atlantic region untouched. Thankfully, a far superior piece of longline legislation has been introduced by Rep. Saxton of New Jersey (see box on page 9).

NCMC will continue its efforts to make time and area closures as effective as possible, through the regulatory and legal processes, while working to ensure that any legislation enacted by Congress is at least as effective as the NMFS rule while not handcuffing the agency against needed follow up action.

In summary, as a result of the imminent NMFS regulatory closures, the Saxton bill, and the emerging turtle "situation" (see box above), the prospects for seeing permanent, sizable reductions in the amount of longlining and its associated bycatch are excellent. We've been waiting a long time to say that, and we like the sound of it.

The next step is ramping up to this November's meeting of the International Commission or the Conservation of Atlantic Tunas. ICCAT is considering adoption of an Atlantic-wide recovery plan for blue and white marlin. Commercial longline bycatch is the number one source of mortality throughout the range of these migratory fish. We'll describe NCMC's innovative plan for international recovery in the next issue.

#### REDUCTIONS IN LONGLINE BYCATCH RESULTING FROM NMFS AREA CLOSURES

Swordfish	Sailfish	Blue Marlin	White Marlin
-42%	-30%	-12%	-6%



# TURNING THE TIDE

*NCMC News & Activities*

NCMC MARINE BULLETIN 11

## [BRING BACK THE BIG FISH]

### A GIANT LEAP FOR FISHKIND

It was a long road to achieving the conservation benefits that will come from new longline area closures (see page 9), and NCMC was there every step of the way. We helped form the Marine Fish Conservation Network which successfully passed the Sustainable Fisheries Act in 1996, requiring rebuilding plans for all overfished species and made bycatch reduction a new legal mandate. This in turn compelled NMFS to go to work on new management plans for Atlantic tunas, swordfish, sharks and billfish, including measures to reduce longline bycatch. We researched longline management options and set out specific recommendations for area closures. We worked with our partners in the Ocean Wildlife Campaign to promote a Comprehensive Bycatch Reduction Strategy. We put out Action Alerts to marshal public support. We acted as advisors to the Give Swordfish A Break campaign, which brought unprecedented media attention. When NMFS offered only a promise of doing something, we filed a lawsuit for violation of the SFA. Meanwhile, we continued to analyze proposed area closures, make recommendations, build support and....on August 1<sup>st</sup>, our hard work paid off. The closed areas soon to be implemented mirror those we proposed at the beginning of the process. We keep saying this is only the first step, but it's really a giant leap.

## [CONSERVING MARINE ECOSYSTEMS]

### WORK ON ECOSYSTEMS-BASED MANAGEMENT MOVES FORWARD AT A STEADY PACE

NCMC president Ken Hinman participated in a July 12-13 workshop sponsored by NOAA's Chesapeake Bay Office to begin preparing a Fisheries Ecosystem Plan (FEP) for Chesapeake Bay. The workshop was a direct outgrowth of the NCMC's own predator-prey workshop held at the end of 1999. We encouraged CBO to consider the bay ecosystem as a

model for putting together a template for FEPs, as recommended in the Report of the Ecosystems Principles Advisory Panel (on which Hinman served), for possible use by management bodies in other regions.

Provisions for requiring all Regional Fishery Management Councils to work toward developing FEPs are included in Rep. Wayne Gilchrest's bill to amend the Magnuson-Stevens Act (H.R. 4046). These provisions were drafted by NCMC and subsequently endorsed by the Marine Fish Conservation Network. And a bill introduced in July by Sen. John Kerry (MA) would require NMFS to develop guidelines for FEPs followed by Council development.

## [FISHERIES REFORM]

### CONGRESSIONAL REPORT CARD

The NCMC's 4<sup>th</sup> election-year "Congressional Marine Fisheries Report Card" will be published in the October 2000 issue of Sport Fishing magazine. The feature article accompanying the report card (19 key senators and representatives are profiled and graded) focuses on Congressional intervention to help or hinder implementation of the 1996 amendments to Magnuson-Stevens Fishery Conservation and Management Act and the current reauthorization of the Act, plus other related legislation.

## [RESOURCES & EDUCATION]

### NCMC TAGGING AWARDS, TOURNAMENT NEWS AND FISH-FRIENDLY ARTISTS

In our ongoing efforts to encourage anglers to participate in live-release fishing and tagging programs to gather scientific information on fish behavior, NCMC awarded trophies to the captains and anglers who tagged the most fish during 1999 in several categories. The Pacific Bluefin Tuna Captain's Trophy went to Captain Norm Kagawa of San Diego, California for tagging 19 fish. The Blue Marlin Captain's Trophy went to Captain Dave Noling of Boerne, Texas, for releasing 167 tagged marlin. The Blue Marlin Angler's Trophy was awarded to Sam Jennings of Palm Beach Gardens, Florida, who tagged and released 82 fish. Congratulations!... For the first time, NCMC has been named a beneficiary of the Mid-Atlantic \$500,000 Tournament in Cape May, New Jersey. Our staff is helping coordinate the prize raffle, with proceeds to be shared by NCMC, the International Game Fish Association and Recreational

Fishing Alliance (because of our demonstrated ability to work together effectively). Our friends in the fishing business and art world have been very generous in donating prizes on our behalf and we are looking forward to a lucrative fundraising event.....NCMC expanded its outreach to many of the big fish tournaments on the east and gulf coasts this summer, thanks to a grant from the Yamaha Contender Miami Billfish Tournament. We are filling 10,000 tournament angler bags with brochures and a special *Bring Back the Big Fish!* program update to spread the news about our conservation efforts.....Artist Steve Goione has agreed to donate to NCMC the proceeds from the sale of prints from an original painting commissioned by board member John Heyer. The painting will depict four threatened pelagic fish: white marlin, dusky shark, bluefin tuna and swordfish. Salt Water Sportsman magazine has already agreed to give us advertising space in its holiday issue.....On a similar note, Carey Chen is doing his part for swordfish conservation by contributing the proceeds from the sale of his print, "Nighttime Broadbill," to the NCMC. The exclusive offer and a short bio are now up on our website, [www.savethefish.org](http://www.savethefish.org), on the Gallery page.

## [AHEAD OF THE CURVE]

### TWO THUMBS UP, ONE DOWN

As we note in our lead story this issue, the proactive Dolphin/Wahoo Fishery Management Plan we've been working on for several years will be completed this fall and submitted to NMFS by the end of the year. In the meantime, the South Atlantic Council (lead council on the dolphin plan) expects to submit its revised FMP for Pelagic Sargassum in late August or early September. The sargassum plan will prevent commercial harvest from threatening the productivity of this essential fish habitat in US waters. In the course of our survey of drift gill net fisheries in US waters, NCMC ran into a good news/bad news situation on the west coast. While the Pacific Council is looking at phasing out the use of drift nets in its offshore fisheries for swordfish and sharks, it's considering replacing it with longlines (see story on page 6).

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FOR MARINE CONSERVATION  
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THE NCMC

# MARINE BULLETIN

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August - October 2000

No. 90

## SAVING MARLIN TOPS ICCAT AGENDA

The International Commission for the Conservation of Atlantic Tunas (ICCAT) will entertain proposals on how to rebuild Atlantic blue and white marlin at its meeting November 13-20 in Marrakech, Morocco. With the latest information on the dreadful condition of marlin populations in hand - white marlin, especially, are in clear danger - the task of rebuilding, postponed for years, takes on a brand new urgency.

"Saving marlin through ICCAT is going to be a real challenge," notes National Coalition for Marine Conservation president Ken Hinman. "Other countries do not value billfish as we do. To most fishermen, catches of marlin are just a byproduct of commercial fishing for more marketable species."

Blue and white marlin are caught primarily as bycatch in commercial fisheries targeting tuna and swordfish; 96% of total landings in 1998, according to data reported to the ICCAT Standing Committee on Research and Statistics (SCRS), were taken incidental to other fisheries. For this reason, innovative measures - beyond standard quotas and size limits that control only what is kept, not what is caught - are necessary to avoid billfish bycatch and achieve sufficient decreases in overall fishing mortality.

The NCMC - joined by our partners in the Ocean Wildlife Campaign, including National Audubon Society, Wildlife Conservation Society, Natural Resources Defense Council, Center for Marine Conservation and World Wildlife Fund - is calling on the United States delegation to make establishing a marlin rebuilding program its number one priority at the upcoming ICCAT meeting.

### NCMC Proposes Marlin Recovery Plan

In meetings with US Commissioner Rollie Schmitt and in testimony before the US Advisory Committee, the NCMC presented a comprehensive framework for an international marlin recovery program. To be effective, the rebuilding package should feature the following elements:

☐ Set a goal of restoring blue and white marlin populations within 10 years or as short a time as possible, with at least a 50% probability of rebuilding to MSY in the agreed upon time frame.

US law requires that overfished species be restored to the population level capable of producing their maximum sustainable yield (MSY) in no less than 10 years or as soon as possible. Amendment One to the Atlantic Billfish Fishery Management Plan (May 1999) sets a national goal of obtaining international agreement on a 10-year rebuilding plan for blue and white marlin.

*(continued on page 3)*

### SPECIAL ICCAT 2000 ISSUE

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*"Let us face in time the fact that the ocean can be destroyed." - Thor Heyerdahl*

THE NCMC  
**OCEAN VIEW**

**LEADERSHIP AT HOME  
AND ABROAD**

Balancing the need to conserve highly migratory fish with both domestic and international action has always been a difficult challenge. Nowhere is there a bigger gap between the two than with billfish. Beginning in the late 1980s, the United States has taken profound steps - both voluntarily and by law - to conserve these magnificent fish. Most of the other major fishing nations have done little or nothing and, as best we can tell, could not care less.

And so we find ourselves, in this the "year of the marlin" at ICCAT, faced with the task of persuading the rest of the world to do as we do and join us in doing even more. In one sense, our negotiating position is stronger than ever. We are not just taking the initiative and proposing conservation, as we often do; we can demonstrate leadership: our commercial fishermen release all marlins, dead or alive; our anglers release over 90% alive; we've closed large areas to longlining to give billfish and other species added protection.

The balancing act will be this: In negotiating new conservation measures for the entire Atlantic, the US must be credited for what we've already done, even as we show we are willing to do whatever it takes to rebuild the marlin fisheries that are so important to us.

When the Administration enacted time-area closures to reduce longline bycatch this summer, it noted that "US leadership is a prime negotiation tool at ICCAT" and that by convincing other countries, through our example, that bycatch can be minimized, our domestic actions "may have a significant impact on Atlantic-wide rebuilding of overfished HMS stocks."

Unfortunately, the US longline industry, with the support of several prominent sportfishing groups, is backing legislation that could permanently tie the hands of the US. It has a fair chance of passing Congress even as ICCAT meets in Morocco in November. The bill, S. 1911, would exempt US longliners from future restrictions on where and when they can fish, leaving such decisions up to ICCAT.

The Administration opposes this change in the balance of power, warning that it would not allow the US "to respond to most fishery related conservation concerns until they have reached crisis proportions." If Congress ignores this warning and limits our authority here at home, US leadership will be greatly diminished abroad.

**Ken Hinman, President**

August - October 2000

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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:

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

THE NCMC  
**MARINE BULLETIN**

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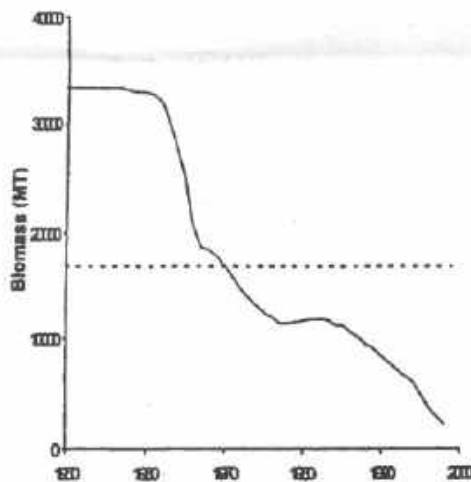
## MARLIN RECOVERY PLAN

(continued from page one)

According to the 2000 ICCAT stock assessment, blue and white marlin are still seriously overfished, having declined to low levels of 40% and 15% of MSY, respectively. Current fishing mortality for blue marlin is about 4 times the rate associated with a sustainable fishery. White marlin are being fished at 7 times the sustainable rate. The population trajectory for white marlin is absolutely frightening (see chart below), suggesting that the species could go extinct in a matter of years if nothing is done.

Notwithstanding the dire condition of these billfish, because of their relatively rapid growth rates, blue and even white marlin populations can be recovered to MSY levels- if ICCAT member nations adopt an aggressive rebuilding strategy that will reduce fishing mortality by a sufficient amount.

### WHITE MARLIN ARE DISAPPEARING



The number of white marlin, whose sharp decline since the mid-1980s is charted above using ICCAT data, is fast heading for the x-tinct axis.

- Reduce total Atlantic-wide catches (landings plus discards) of marlin by the amount of mortality reduction the ICCAT SCRS determines is necessary to achieve the agreed upon recovery target.

Based on the new stock assessment and after reviewing the effectiveness of recent conservation

### ELEMENTS OF A RECOVERY PLAN

- *Establish a goal of rebuilding to MSY within 10 years or as soon as possible.*
- *Reduce Atlantic-wide catches (landings plus discards) by the percentage of mortality reduction scientists say is necessary to rebuild in the agreed upon time frame.*
- *By 2002, identify time-area prohibitions and fishing changes to minimize fatal interactions with marlin on the high seas.*
- *Implement ICCAT-recommended closed areas and/or gear changes by 2004.*
- *Require the release of live marlin caught on longlines (and other gears that take a bycatch).*

measures, ICCAT should determine the amount of mortality reduction necessary to rebuild both blue and white marlin to the MSY population level within 10 years or as soon as biologically possible. If, for example, that reduction amount is 60%, then member countries should be required to reduce total catches from recent years by no less than 60%.

- Charge the SCRS to identify time-area closures and gear modifications to minimize fatal interactions with marlin, to be reported to the commission at the 2002 meeting with a recommendation for action.

ICCAT adopted a 1999 resolution calling on the SCRS to develop time and area closures and gear modifications to reduce the catch and mortality of undersized swordfish by 2002. This resolution comes as recognition that, without such closures or changes in fishing, juvenile swordfish will continue to be killed on longlines and either landed, in violation of the minimum size, or discarded dead in compliance.

A similar fate will befall blue and white marlin if there are no measures in the rebuilding plan designed to avoid bycatch mortality. Therefore, ICCAT should instruct the SCRS to identify billfish bycatch "hot spots" as potential closed areas, as well as review possible changes in gear and/or fishing practices, and report back to the commission in 2002. The commission should encourage member countries to implement time-area closures in national waters when data are available to identify coastal hot spots.

- Implement ICCAT/SCRS recommended closed areas and gear changes by 2004.

A resolution that countries voluntarily respect closed areas in national and international waters is not enough. ICCAT must require that members avoid fishing in these areas during the specified times. ICCAT should begin working toward getting member

countries to equip their vessels fishing on the high seas with vessel monitoring systems (VMS) so that closed areas can be enforced.

**□ Require the release of live marlin caught on longlines (and other gears that take billfish incidentally).**

A 1995 ICCAT resolution promoted live release of marlins caught on longlines. (Longlines account for approximately 70% of the billfish bycatch Atlantic-wide, according to ICCAT). A 1997 resolution promoted the use of monofilament leaders on longlines to facilitate live release. The effectiveness of these voluntary measures in reducing billfish mortality is unknown.

The conservation benefits of live release are well established, particularly in the US recreational fisheries, where over 90% of billfish are released alive. In the US longline fisheries, 40-50% of marlins are reported as dead discards. If this survival rate can be extrapolated to the international longline fleet, then live release could hypothetically reduce marlin mortality on longlines by 50% or more.

As long as it remains legal to land marlins, however, the release of live fish is left to the discretion of the crew. The market value of the fish is more likely to determine its fate than an unenforceable conservation measure. A substantial level of at-sea observer coverage would be required to enforce it.

Notwithstanding enforcement problems, a requirement that live billfish be released in that condition could result in a significant reduction in fishing mortality, especially if it is required in combination with a substantial reduction in total allowable landings as recommended above.

## ARE ANGLERS KILLING TOO MANY MARLIN?

*NMFS is Wrong to Say More Regulations are Needed*

by *Tim Hobbs*, Fisheries Project Director

According to the National Marine Fisheries Service, anglers in the US killed too many marlin last year, making our country out of compliance with international conservation measures. How can US recreational fishermen, who have a long history of self-imposed conservation and a borderline obsession with catch-and-release, possibly be charged with thwarting international marlin recovery efforts?

In 1997, responding to growing concerns about the decline of blue and white marlin populations in the Atlantic, ICCAT asked each member country to reduce marlin landings by at least 25% by the end of 1999. Foreign longline fishermen targeting swordfish and tuna reported the great majority of marlin landings, and such a measure meant these longliners would be forced to retain less of the marlin caught as bycatch.

US commercial fishermen, on the other hand, are already prohibited from keeping Atlantic billfish (although our longliners discard thousands dead or dying each year). So the burden of reducing US marlin mortality fell squarely on the shoulders of recreational anglers that take relatively few marlin to begin with, mainly in tournaments and in the rare pursuit of world records.

In order to adhere to the ICCAT rule, NMFS last year increased existing minimum sizes to 99 inches for blue marlin and 66 inches for white marlin. In September, the agency announced that the higher size limit had failed to reduce blue marlin landings by 25% and that a further increase in the legal size might be necessary to comply with ICCAT. According to NMFS, recreational landings of white marlin dropped by about 50%, whether measured in numbers of fish or total weight. But blue marlin numbers fell only 15%, says NMFS, and if measured by total weight landed, there was an estimated increase of 1%.

### NMFS Own Data Show Angler Compliance

The data used to evaluate compliance, however, do not support such a conclusion. To begin with, these regulations were supposed to be implemented before the start of 1999, but weren't in place until May 24. Therefore, fish were killed that otherwise would have been released. If the regulations had been in place all year, according to the government's own study ("An Evaluation of U.S. Billfish Landings in 1999 Relative to 1996," by NMFS scientists Mark Farber and Arietta Venizelos), the number of fish landed would have decreased by 32% (not 15%), well within the ICCAT requirement. (Because the number of blue marlin actually landed by recreational anglers is so small, a few fish make a big difference in these percentages).

Secondly, the number of tournaments reporting marlin landings to NMFS rose by 34% from 1996 to 1999. This does not mean that overall fishing effort for marlin increased, but rather an increase in recorded effort; some tournaments didn't report to NMFS in 1996 but did in 1999 due to new mandatory reporting rules. If we look at the number of fish landed *per unit of fishing effort* in 1996 vs. 1999, as we should, the number of blue marlin landed was reduced by 35%.

Finally, the ICCAT recommendation states only that a minimum 25% reduction in landings must be achieved. It does not specify whether this means reducing the overall number of fish taken or the total weight of fish caught. Although the Farber and Venizelos study analyzes both numbers of fish and total weight landed to determine if the goal was met, NMFS seems to be judging compliance strictly on weight of fish landed. Landed weight may be a fair measure of mortality in commercial fisheries, but in the recreational billfishery, it makes less sense.

A minimum size restricts catch to the larger fish in a population. Increasing the legal size has the effect of increasing the average weight of fish landed. Not surprisingly, NMFS scientists estimate that the average weight of blue marlin landed rose by almost 100 pounds, resulting in a 1% increase in the total weight of blue marlin landed by the recreational sector in 1999.

The number of fish killed by anglers is a far better indicator of changes in total fishing mortality. And lowering fishing mortality, after all, is the purpose of the ICCAT recommendation.

### US Anglers Aren't the Problem

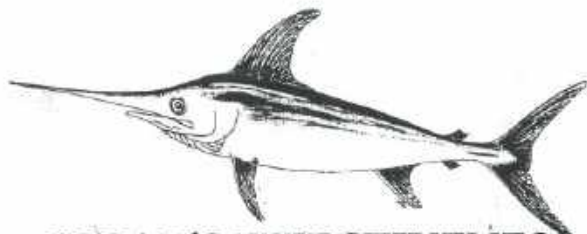
Just how many blue marlin are recreational fishermen killing? From 120 tournaments in 1996, the number of blue marlin landed was 208. In 1999, 161 tournaments registered 177 blue marlin taken. By comparison, US longliners discarded dead well over 5,000 blue and white marlin in 1996.

NMFS needs to re-examine the data before imposing any further restrictions on the recreational sector. Measures have been implemented to comply with the ICCAT recommendation, and the data clearly show these measures to be effective.

The importance of establishing this fact cannot be overstated, and the NCCM has gone to great pains to impress the US delegation. Frankly, we find it troubling that NMFS would choose a flawed interpretation of the data to find the recreational sector out of compliance, especially when reporting non-compliance to ICCAT could undermine our negotiations at this year's meeting, where additional regulations on foreign fleets will be on the table.

The US should report that, not only did we significantly surpass the recommended reduction for white marlin, but also had we gotten full implementation of our regulations at the beginning of 1999, the U.S. would have reduced the number of blue marlin landed by 32%. If there is any issue of non-compliance, it is a matter of delayed implementation. The regulations themselves, which have been in full

force since May of 1999, are demonstrably sufficient to satisfy the U.S. obligation.



## ICCAT'S EFFECTIVENESS IN MANAGING ATLANTIC SWORDFISH

NCCM President Ken Hinman was invited to present an assessment of ICCAT's swordfish conservation program during a special symposium at the August annual meeting of the American Fisheries Society. Based on the symposium, the AFS Marine Fisheries Section will produce recommendations on improving ICCAT's effectiveness.

Less than a year ago, ICCAT did something it had never done before, something new, something good. It adopted a swordfish rebuilding program. But ICCAT did it in a way that, while suggesting new possibilities, reminds us of why the international commission has such a poor track record in conservation.

The objective of the ICCAT convention is to maintain stocks of fish at levels that permit taking the maximum sustainable yield (MSY). Six (6) species of fish under its jurisdiction are overfished, most of these well below the MSY level. (see Marine Index, page 8) One of these fish is the swordfish.

The 1999 stock assessment by ICCAT's Standing Committee on Research and Statistics put the north Atlantic population at 65% of MSY. Swordfish is not the most depleted of ICCAT-managed species, but because, unlike the tunas, swordfish do not travel in schools, a population this small, and composed mostly of juveniles, is extremely scarce as far as fishing is concerned.

To underscore this point -- the value of the US commercial swordfish fishery was, according to the National Marine Fisheries Service, approximately \$34 million in 1989, before the ICCAT conservation program began. In 1996, it had fallen to \$18 million dollars, or by nearly one half (47%).

### A 25 Year Rebuilding Plan?

At the 1999 meeting, ICCAT implemented a swordfish rebuilding program. Such a rebuilding program, with a target recovery date, is unprecedented, because although a so-called

rebuilding plan was adopted for bluefin tuna a year earlier, it was a sham (lowering, as it did, the recovery target in order to avoid reducing catches).

According to the ICCAT agreement, the objective is to rebuild north Atlantic swordfish to the MSY population level within 10 years. Sounds like a reasonable goal, doesn't it? But consider. If the stock is rebuilt by 2009 - and ICCAT scientists give it less than half a chance - it will actually be 20 years since the commission first responded to the sharp decline in swordfish numbers.

It'll be a 25-year rebuilding effort if you consider that ICCAT didn't react until at least 5 years after US fishery managers noted all the classic signs of overfishing: a steady decline in size of fish; catch rates falling as effort rose; movement of the swordfish fleet further and further offshore as traditional coastal fisheries - harpoon and rod and reel - disappeared.

25 years. For a prolific spawner and fairly fast growing fish that could, NMFS estimates, be restored to MSY with just a 3-year moratorium on fishing, that's abysmal - and embarrassing.

25 years and that's if we're lucky. Despite a stated goal of achieving MSY within 10 years, "(w)ith greater than 50% probability," the total allowable catch (TAC) set by ICCAT is higher than the fishing mortality level the SCRS advised in order to provide at least a 50% chance of recovery.

Moreover, the TAC - shared by Spain, the US, Canada, Japan and others, in that order - is only set for the first 3 years of the plan. After a new assessment in 2002, quotas will be renegotiated. There are no guarantees, and the recovery could take much longer.

### Rules Stay Behind the Downward Curve

ICCAT's first swordfish management measures were adopted in 1990 and implemented the following year. Fishing effort was cut by 15% and a minimum size was imposed to protect 1 and 2 year old fish in order to replenish the declining spawning stock.

The reduction in catch was not nearly severe enough, and the size limit - 55 pounds live weight or 50 inches lower jaw fork length - afforded only limited relief for juvenile fish. The predominant commercial gear in the fishery Atlantic-wide is the pelagic longline, meaning that without a change in fishing patterns or practices - which did not occur - small swordfish would continue to be hooked with a high incidence of mortality.

In the US fishery alone, on average more than 30,000 swordfish were caught and discarded dead each year from 1992-98. Spain and other countries did not report discards, meaning just that - they were not

## NOTES FROM UNDERWATER

### NOT THE ONLY GAME IN TOWN

ICCAT plainly gains its legitimacy from the lack of an alternative. Never mind that the commission's record conserving the big fish of the Atlantic is atrocious. Where ya gonna go? Who ya gonna call? "The only game in town" isn't exactly a ringing endorsement, but it's the most commonly heard defense of ICCAT before its critics.

True, there is no other international management body to turn to. But there *are* other ways to seek relief. We've used them successfully in the past and will use them again in the future - possibly the very near future.

In 1992, frustrated with ICCAT's repeated failures to rescue bluefin tuna, environmentalists petitioned for a CITES listing. The threat of intervention by the Convention on International Trade in Endangered Species was real enough to prompt the US, Japan and others to promise that ICCAT would do better. The following year, the commission cut bluefin quotas in half.

The lack of ICCAT action to save Atlantic swordfish led to consumer action in the US. Say what you will about the boycott's effect in the marketplace; the media attention alone helped embarrass our leaders into making a recovery plan their top goal at last year's meeting.

Now the plight of marlin takes center stage. Is ICCAT the only game in town? No. The latest stock assessment took care of that. If the commission fails to take aggressive action this month, white marlin will be a serious candidate for listing under the Endangered Species Act.

But the ESA would effect only US fishermen, since Atlantic marlin are already banned from sale in our markets. Listing as a protected species under CITES, however, could end the sale of marlin worldwide.

These are not idle threats. In fact, it is almost certain they will come into play if ICCAT continues to think of itself as the only game in town, rolls the dice and craps out once again.

reporting them - or they were landing and marketing small swordfish in violation of the ICCAT agreement. An independent investigation by TRAFFIC/World Wildlife Fund confirmed the latter in a report released last year. Ironically, US and Spanish fleets were killing about the same percentage of small swordfish whether they complied with the size limit or not.

From the beginning, ICCAT recognized that additional measures might be needed to avoid small fish, including time and area closures, but left it up to member countries to use them or not. None did. And even though reported discards put fishing mortality over the recommended catch level in most years, ICCAT did not require they be deducted from quotas.

As a result of the initially weak attempts to address overfishing, and subsequent catch reductions that always managed to stay behind the downward curve and thus failed to arrest the decline, the north Atlantic swordfish population continued to fall sharply, hitting bottom in the late 1990s at 58% of MSY.

### Discards Counted, Closed Areas Considered

ICCAT finally took the bull by the horns at last year's meeting. Several historic actions were taken, all of which hold promise for future conservation of all of ICCAT's overfished species. Each of these initiatives originated with the US delegation.

The first was adoption of what must be labeled a *bona fide* recovery plan, featuring as it does a specific goal and timetable, in spite of the risky start-up and uncertainties I cited earlier.

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*Recent improvements notwithstanding,  
ICCAT will not have any credibility  
until it actually rebuilds a stock of fish.*

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Second was agreement to deduct discards from the total allowable catch (before divvying it up among the fishing fleets). This was a significant accomplishment. For the first time, ICCAT quotas will account for *all* sources of mortality, not just landings. In addition, it provides a badly needed incentive for fishermen to avoid concentrations of small fish. The burden will gradually be shifted to individual countries with high discards, i.e., each year a larger percentage of the total discards will be deducted from responsible country quotas rather than taken off the top.

Third was a directive to ICCAT's scientific panel to study the use of time and area closures to conserve juvenile swordfish. This last bears further discussion.

The SCRS reported in 1999 that "the observed high recruitment in recent years (age 1 in 1997 and 1998)

should allow for increases in spawning biomass in the future and a more optimistic outlook, *if these year classes are not heavily fished.*" (emphasis added) The success of the rebuilding program will be greatly improved if fishing fleets avoid small fish mortality, rather than simply count it against their quotas.

The November 1999 agreement came in the midst of US domestic proposals to close swordfish nursery grounds to fishing with longlines. Indeed, it bolstered the case for such action. Because of the risks involved in the slow start on the rebuilding path as described earlier (plus the risk of continued overages, ~ 10%/year), stock recovery within the 10-year time frame will benefit substantially from additional protection of juvenile fish.

### US Leadership is Key

I want to preface my list of recommendations for improving ICCAT's effectiveness by pointing out that US leadership at ICCAT is undisputed. Most of ICCAT's conservation initiatives originate within our delegation. By the same token, most of the bad initiatives occur with our complicity.

In my view, it has always been US action here at home, first, that has led to success abroad. The Administration recently recognized this fact. The following is from the August 1 Final Rule closing swordfish nursery grounds to longline fishing:

"While NMFS agrees that unilateral management action by the US cannot rebuild overfished HMS stocks, the US has been a leader in conservation of HMS resources and has taken many management actions (e.g., the time/area closures) to show the international forum our willingness to take the critical steps necessary to conserve these stocks. US leadership has been used as a primary negotiation tool at ICCAT. The swordfish rebuilding program adopted by ICCAT in 1999 was based in large part on the rebuilding plan outlined in the HMS FMP. To the extent that the US can use time/area closures and other bycatch reduction management strategies to convince other ICCAT member entities that bycatch can be minimized, the actions contained in the final rule may have a significant impact on Atlantic-wide rebuilding of overfished HMS stocks."

### Recommendations

Despite taking action last year to implement measures many of us have been calling for since 1990, ICCAT will not have any credibility until it actually rebuilds a stock of fish. So far it's only been adding to its list of overfished species and has yet to remove one. What it does in the coming years will be the real test.

*(continued on page 9)*

# THE NCMC MARINE INDEX

**On ICCAT's Watch.** Contrary to popular belief, ICCAT does not stand for International Commission to Catch All the Tunas. The International Convention for the Conservation of Atlantic Tunas, which established the management body we know affectionately as ICCAT, was signed in 1969. From that year on, the stated purpose of the commission has been to maintain stocks of fish at population levels that permit taking the maximum sustainable yield (MSY). Thirty years later, six of the species of fish under ICCAT's jurisdiction are overfished, most of these well below the MSY level. Beginning in 1998, the commission began developing rebuilding plans for its depleted fisheries. Within the lowered expectations we have for ICCAT, that's momentous step. But turning and facing in the right direction is just the first move. Real progress will only be evident when we start moving, and then when we actually reach our goal - fisheries restored to healthy and sustainable levels.

## BLUEFIN TUNA



The senior member of the club. Twenty years of management have finally stabilized the population. After bottoming out at 13% of MSY, the western Atlantic bluefin is now estimated at 19%. On its way up it's passing the eastern stock, also at 19%, but on its way down. Fishing in the east remains essentially unregulated.

## WHITE MARLIN



Now down to a mere 15% of MSY, white marlin takes over the western bluefin's long-held title as Most Depleted Fish. While schooling tunas still show up in large concentrations, these billfish just aren't there. How bad is it? Bad. Catches are down 44% since 1996 and, guess what, it's not because fishermen are trying to avoid them.

## SWORDFISH



The broadbill is in the lead to become ICCAT's first success story. At about 2/3s MSY and rising, and the object of the commission's only real recovery plan so far, north Atlantic swordfish could be back in the black by the end of the decade. All ICCAT has to do is resist pressure to relax fishing controls. But if that were easy, ICCAT wouldn't be in the mess it's in.

## BIGEYE TUNA



Following in the tradition of its big brother bluefin, bigeye are currently at around 60% of MSY and falling fast. The catch is mostly juveniles, despite a minimum size adopted in 1980. Since 1991, in fact, the percentage of undersize fish in the catch has been steadily increasing, to more than half of all fish taken in recent years.

## BLUE MARLIN



Went from 25% of MSY in '96 to 40% in this year's new assessment. No, there aren't any more fish; in fact, blue marlin are being caught 4 times as fast as they can reproduce. What's changed is the estimate of what size population is recoverable. In other words, the rebuilding target is now closer, but we're moving away from it at a faster pace.

## SAILFISH



The western stock is at 62% of MSY, while its eastern cousins are faring a bit better. These assessments are really out of date, though, mainly because the data are so poor. Scientists suspect not only poor reporting of landings, but also large but unknown amounts of dead discards.

## ICCAT AND SWORDFISH

(continued from page seven)

- ↳ Emend the quotas in the 1999 rebuilding plan to abide by the stated objective of achieving a greater than 50% chance of recovery within 10 years.

It took ICCAT the first 10 years of swordfish management just to stop overfishing, because countries, including the US, were unwilling to cut back enough. To allow rebuilding to stretch out beyond another 10 years would be inexcusable. But there's nothing in the present ICCAT agreement to prevent that from happening.

- ↳ Assert even stronger US leadership in conserving swordfish and other HMS, including the US unilaterally reducing its TAC in accordance with the above recommendation.

The US obligation to conserve swordfish is equal to our share of the north Atlantic catch, which is a little less than a third (29 percent). Actually, I'd argue that it's more than that, since what we know of swordfish migration patterns suggests limited interchange between the stocks we fish here in the west and those the Spanish fish. But I'll get to that issue next.

The US should be a leader, not a follower. If ICCAT adopts a rebuilding plan that is too risky, or is unlikely to achieve recovery within 10 years - as required under US law - then our responsibility is no less if others deny theirs. We should act as aggressively as we can, by lowering our share of the swordfish catch to what it should be to have a higher certainty of rebuilding in 10 years. Lowering quotas that ICCAT has set too high doesn't necessarily mean US fishermen would bear more than their fair share of the burden of conserving a shared fishery. It means we would ensure that we do *our* share - no more, no less. We are only asking our own fishermen to do what they would be required to do under the kind of international agreement we all say we want. We would not be bearing the whole burden of recovery, just doing our part.

- ↳ Review Atlantic swordfish stock structure.

Although ICCAT passed a resolution in 1999 asking the SCRS to review swordfish stock structure - the SCRS has cited "uncertainty" as to stock structure for years - it only considers north/south or total Atlantic hypotheses, not division of the stocks east/west.

Among the evidence suggesting we and the Spanish are fishing on, if not entirely separate, at

least relatively discrete stocks of fish for management purposes: the lack of trans-Atlantic tag recaptures (from 1961-96, 8,825 fish marked, nearly all in the west, 267 recaptured, with an average of 2 years at liberty, nearly all in the west); and the fact that in the 1970s, the western Atlantic swordfish fishery rebounded during the US mercury moratorium.

- ↳ Use more innovative management measures, including time and area closures and gear modifications for longlines.

Longlines are the predominant gear in the Atlantic swordfish fisheries, and longlining requires controlling inputs, not just outputs, i.e., where, when and how the gear is used. In 1999 ICCAT recommended the SCRS study the use of time-area closures to protect juvenile swordfish, but it should not stop at identifying areas and making recommendations. It should implement appropriate area closures and require that ICCAT members respect them.

- ↳ Improve reporting and enforcement.

Too many members of ICCAT interpret "reduce reported landings" as "report reduced landings". Although there is a sense that compliance with ICCAT recommendations is improving, based on country reports, we have little means of ground-truthing these reports. On the other hand, non-compliance in some fisheries remains flagrant.

**VMS:** We should work toward universal use of Vessel Monitoring Systems on high seas vessels of member nations, especially if future management is going to rely on time-area closures.

**Observers:** We should work to attain enough international observers to provide a statistically significant sample of the Atlantic-wide fleet.

**Sanctions:** ICCAT has shown a willingness to use trade sanctions to enforce its recommendations on non-members and smaller, less politically powerful members (such as Belize, Honduras and Panama). The real test of ICCAT's use of sanctions will come when they are applied against countries like Spain, Italy or Japan.

## WHO'LL BE THE NEXT IN LINE?

ICCAT was formed to "conserve tunas and tuna-like species," but thirty years of "management" has seen the near collapse of bluefin stocks, followed by overfishing of bigeye, with yellowfin waiting on deck. Will ICCAT reverse this trend while there is still time

to save bigeye and yellowfin, or will these two fish end up in the tank with bluefin?

### Bigeye and Yellowfin: Following Down?

The commission is best known - notorious, really - for the ongoing bluefin tuna debacle. But what of the other tunas under its care? Unfortunately, things seem to be following a familiar course.

While ICCAT does not consider the stock of yellowfin to be overfished at this time, its scientists note that fishing mortality has reached a point that cannot be sustained and has warned against letting catches increase. Bigeye tuna are a different story. Scientists estimate the stock is currently down to 60% of what it should be (slightly worse off than swordfish, for a comparison), and bigeye continue to be caught faster than the population can replenish itself.

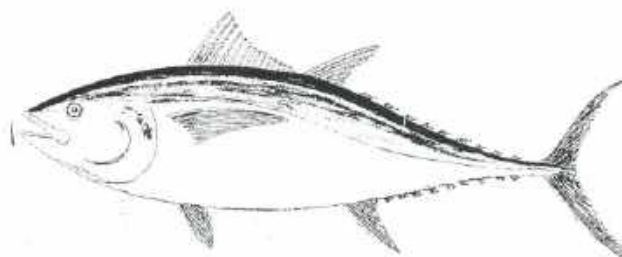
Overfishing of bigeye, and likely future overfishing of yellowfin, can be traced to the same beginnings as the bluefin decline - concentrated netting of juveniles. Yellowfin and bigeye spawn in the Gulf of Guinea and then move closer toward the coast of Africa as juveniles, joining schools of skipjack tuna. It is here that purse seine vessels from a number of countries pluck vast schools of tuna from the sea.

Fishermen in the US think of bigeyes as 300-pound brutes roving the ocean in "wolfpacks," but ironically, most are harvested *en masse* when they're about the size of a football. ICCAT has set a minimum size for yellowfin and bigeye at 7 pounds. However, strict application of the size limit for these two species would mean the loss of catches of adult skipjack tuna, too. In other words, in order to maximize the harvest of skipjack, many countries overlook the fact that these purse seiners are also catching millions of undersized bigeye and yellowfin tuna. In fact, 65% of all bigeye caught in the entire Atlantic in 1994 weighed less than 7 pounds. It is little wonder the bigeye stock is quickly being depleted, and the yellowfin stock is on the verge of being overfished.

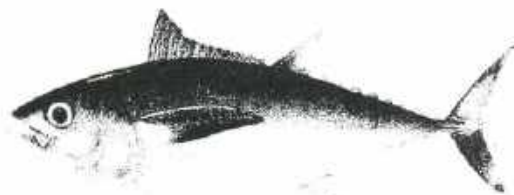
### FAD Fishing

In the Gulf of Guinea, the majority of tuna are caught near Fish Aggregation Devices, or FADs, either a natural or introduced floating object around which tuna congregate. ICCAT has identified fishing on FADs as a problem because they attract juvenile tuna, and has taken measures to restrict this fishing practice. Fishing away from FADs is proven to significantly reduce capture of juvenile tuna. But not all countries are observing the prohibition and the juvenile catch remains high.

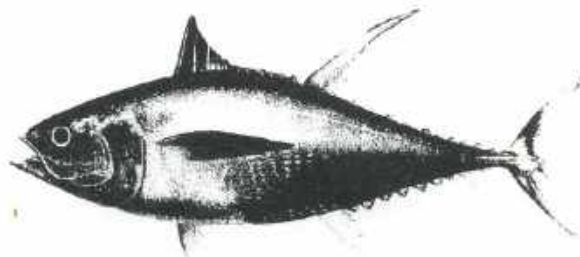
What the international community has to realize is that the area in which this netting occurs is a major spawning and nursery ground for yellowfin and bigeye tuna. Purse seining in this region is having a



Bluefin - Gone



Bigeye - Going



Yellowfin - Next?

major impact on tuna populations Atlantic-wide, because large numbers of juveniles are being removed from the population year after year. Dick Stone, former chief of NMFS' Highly Migratory Species Division and now a fisheries consultant, believes that if purse seine fishing in the Gulf of Guinea were severely curtailed or eliminated, both bigeye and yellowfin tuna populations could thrive. In other words, if ICCAT would simply enforce the minimum size, overfishing could be prevented. But time is running out. Each year that passes is another lost opportunity. Will the stocks have to hit bottom, as bluefin did, before ICCAT takes this problem seriously?



# TURNING THE TIDE

*NCMC News & Activities*

NCMC MARINE BULLETIN 11

## [CONSERVING MARINE ECOSYSTEMS]

### NCMC WORKS WITH COUNCIL ON FISHERIES ECOSYSTEM PLAN FOR THE SOUTH ATLANTIC

The South Atlantic Fishery Management Council invited NCMC president Ken Hinman to address its Habitat and Environment Committee on August 29-30 in Charleston, SC. Hinman was asked to present a summary of the Ecosystem Principles Advisory Panel's Report to Congress; review pending federal legislation to implement the panel's recommendation to prepare Fishery Ecosystem Plans; and discuss the NCMC's work on integrating management of predator and prey species. At the conclusion of the meeting, the committee voted to recommend that the Council prepare a **Fishery Ecosystem Plan for the South Atlantic region**. The Council adopted the recommendation in September, making it the first regional fishery management council to begin working toward ecosystem-based fisheries management.

## [BRING BACK THE BIG FISH]

### NCMC CONTINUES LAWSUIT OVER BILLFISH BYCATCH

The NCMC was pleased with the Final Rule issued by NMFS on August 1, establishing longline time-area closures in the south Atlantic and Gulf of Mexico. These closures should provide substantial reductions in longline effort and bycatch of juvenile swordfish, large coastal sharks and sailfish. But even as we applauded NMFS for this historic action, we noted that bycatch reductions projected for blue and white marlin are too small. Consequently, we have re-activated our lawsuit against the agency on 3 counts. Joining us in the litigation, which will be handled by attorneys for the Ocean Law Project, is National Audubon.

The three counts we are seeking relief on are:



- failure to develop a standardized bycatch reporting methodology, including the use of **increased observer coverage** to ground-truth self-reporting by longline vessels, to monitor and evaluate bycatch;
- failure to adequately analyze and assess the use of time-area closures to **further minimize bycatch of marlins, in particular in the Gulf of Mexico, Mid-Atlantic Bight and Caribbean**, and to analyze and assess other management measures including changes in gear and fishing practices;
- failure to minimize bycatch mortality of blue and white marlin to levels necessary to meet the U.S. obligation to rebuild these overfished stocks.

## [AHEAD OF THE CURVE]

### DOLPHIN PROTECTIONS APPROVED

On September 21, the South Atlantic Council gave final approval to a **new Fishery Management Plan for Dolphin and Wahoo**. The FMP, part of a joint plan with the Gulf of Mexico and Caribbean Councils, will be submitted to the Secretary of Commerce by the end of the year, for implementation in 2001. The measures in the South Atlantic's FMP, while not everything the NCMC asked for, should be effective in preventing overfishing and preserving the traditional, recreational/small-scale commercial character of the fishery. The plan establishes a conservative cap on the commercial fishery, sets bag limits and size limits for the sport fishery, restricts recreational sale, and prohibits longlining for dolphin within areas closed to protect highly migratory species.

## [FISHERIES REFORM]

### MAGNUSON ACT REAUTHORIZATION

The 106<sup>th</sup> Congress prepared to recess in November after focusing most of its attention on the impending expiration of the 4-year moratorium on **Individual Fishing Quotas**. The moratorium is likely to be extended for 2 years in order to give lawmakers time to develop national standards to govern the awarding of any exclusive fishing shares.

## [RESOURCES & EDUCATION]

Ken Hinman's "Fisheries Front" column in the November Salt Water Sportsman discusses **ocean wilderness and fishing** in "Marine Reserves: Can They Work?"...NCMC was invited to write the guest editorial for the Big Game Fishing Journal. "A Giant Leap for Fishkind" appears in the Nov/Dec issue... The **Norcross Wildlife Foundation** awarded NCMC a grant to produce an educational folder on the organization's conservation programs.

August - October 2000

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**and SIGN UP A FRIEND**

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THE NCMC

# MARINE BULLETIN

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## A GOOD YEAR FOR THE FISH

All the hoopla aside, the start of a new millenium is really no more significant than any other flip of the calendar. We just expect, unreasonably perhaps, that something momentous should happen. And yet when we look back on the year 2000 - without expectations now, only perspective - we have to conclude that it *was* a banner year after all.

As you'll read in this retrospective issue of the **Marine Bulletin**, the National Coalition for Marine Conservation (NCMC) scored a number of big victories for the fish last year, solid achievements that will mean more fish in the water for years to come.

It was a year of firsts in restoring the big fish of the Atlantic. ICCAT embraced the first-ever Atlantic-wide rebuilding plan for billfish. Here at home, NMFS took its first serious steps to reduce longline bycatch of juvenile swordfish and other overfished pelagics.

It was a year of rare, precautionary action, too. The Fishery Management Councils conceived a plan to keep populations of dolphin (mahi mahi), and the fisheries they support, in robust condition. To halt an ominous upsurge in shark finning in the Hawaiian longline fishery, Congress outlawed the practice, giving sharks swimming in U.S. waters a safe haven from the global fin trade. Sargassum weed, floating habitat for numerous sea creatures, was placed off limits to virtually all commercial harvest.

And, it was a year of innovation. The heretofore abstract notion of ecosystems-based fishery management moved a long stride closer to becoming a reality, as a pair of federal management bodies took up the challenge to expand their management plans to consider multispecies interactions.

The NCMC was at the forefront of efforts to achieve each of these victories, and each one advances the cause of conservation in a different way: setting a long depleted fishery on the road to recovery; curtailing the use of non-selective gear to reduce bycatch; heading off overfishing before it almost certainly occurs; preventing the loss of invaluable marine habitat; and, last but not least, fostering cutting-edge approaches to marine conservation.

Each is the result of years of planning and persistence on our part, using NCMC's trademark formula for success: identifying problems and potential threats; alerting and educating the public and responsible government officials; researching, analyzing and recommending solutions; and networking with like-minded fishing and environmental groups.

In 2001, we will continue doing what we do best, building on past successes, while expanding into new areas. Among these will be a growing presence in the Pacific. In addition, as an outgrowth of our ecosystems work, we'll be actively involved in conserving such key prey species as menhaden, mackerel, herring and squid. New challenges await, and thanks to *all* of our supporters, we're ready to meet them.

### 2000 ANNUAL REPORT

#### Inside

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- ANNUAL FINANCIAL REPORT Page 9
- 2000 HONOR ROLL OF SUPPORTERS Page 10
- TURNING THE TIDE Page 11-12

*"Let us face in time the fact that the ocean can be destroyed." - Thor Heyerdahl*

# OCEAN VIEW

## CREATING SUSTAINABLE FISHERIES

According to NOAA's Annual Report on the Status of U.S. Fisheries in 2000, there are now 75 rebuilding plans in place for overfished species. These plans range from the ambitious to the ambiguous, and 17 stocks still lack any blueprint for recovery. Still, we are undeniably turning the corner. The critical process of restoring America's ailing fisheries to sustainable levels is underway.

But a critical element of this process is being overlooked, and it's one that we must begin to address now. We don't have a collective clue as to what "sustainable" means in terms of who tomorrow's fishermen will be, how they will fish or to what end. Without such a vision, the age-old conflicts may conspire to deny us a healthy marine ecosystem, as they have in the past.

The Atlantic's highly migratory species fisheries are a case in point. For nearly four decades, these fisheries have been dominated by non-selective and unsustainable methods of fishing. We cannot envision maintaining these fish populations at sustainable levels without significantly altering the very character and dimension of the fisheries directed at them.

If we do not establish what sustainable fisheries look like, and take pro-active measures to foster the creation of such fisheries, we risk rebuilding them only to have the cycle of overfishing, bycatch, user conflicts and declining fisheries begin again.

The time to start fostering this vision is sooner, not later. Once any fishery is restored and catch quotas are allocated, it will be too late. The participants will be established and will not be disenfranchised. The time to have this discussion, and to make these important decisions, is during the rebuilding period, while the fisheries are in transition.

Fishery managers, immersed in the immediate task of rebuilding, are not now engaged in this challenge. For its part, the fishing industry is focused on near-term impacts of rebuilding and vessel buy-outs that are designed to compensate fishermen, not reconfigure the fleet to any particular end.

The NCMC in 2001 will seek to act as a catalyst for this new initiative, opening the dialogue and working to develop a process for undertaking the transition to sustainable fisheries as a fundamental part of every rebuilding plan.

**Ken Hinman, President**

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*Founded in 1973*

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

### THE NCMC MARINE BULLETIN

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## BRING BACK THE BIG FISH

*Restoring and conserving  
the ocean's giant fish: billfish,  
swordfish, tunas and sharks*

### LARGE AREAS IN US WATERS CLOSING TO LONGLINING ♦

Beginning on March 1, 2001, large areas of U.S. coastal waters will be off limits to commercial longlining. The closed areas, directly off the coasts of South Carolina, Georgia and Florida, are roughly equivalent in size to the total area of those three states, or about 133,000 square miles.

The National Marine Fisheries Service estimates prohibiting fishing with multi-mile, multi-hook longlines in these bycatch "hot spots" could save



thousands of juvenile swordfish, large coastal sharks and billfish each year. The closed areas, along with a ban on the use of live-bait by longliners throughout the Gulf of Mexico, are projected to reduce bycatch of juvenile swordfish by up to 42%, sailfish 44%, large coastal sharks 43%, blue marlin 15% and white marlin 9%.

The significance of this action cannot be overstated. These time-area closures are the long-awaited first step toward reining in the widespread use of indiscriminate longline gear that has plagued our offshore fisheries for decades.

The National Coalition for Marine Conservation worked long and hard on a number of fronts to make these closures a reality. In fact, the chain of events leading to the first longline closures to reduce fish bycatch can be traced to 1994, when we co-founded the Marine Fish Conservation Network, an alliance of over 100 fishing and conservation groups with one goal -- putting real teeth into federal fisheries law. The fruit of the Network's labors was passage of the Sustainable Fisheries Act (SFA) in 1996, among other things making bycatch reduction a new legal mandate. NMFS was forced to produce new conservation measures for the overfished and bycatch-plagued fisheries Atlantic swordfish, sharks, billfish and tunas.

NCMC staff exhaustively researched a range of longline controls - culminating in our enormously influential 1998 report, *Ocean Roulette* - and put forth specific, science-based recommendations for closing areas of the highest bycatch; areas that ultimately formed the basis for the new federal closures.

We joined with our allies in the recreational fishing community to produce a groundswell of grassroots support. We worked with our partners in the Ocean Wildlife Campaign, bringing the weight of major environmental groups to our common cause, and we acted as consultants to the national "Give Swordfish A Break" consumer campaign, drawing unprecedented media attention.

Ultimately, when NMFS acknowledged the need for "large and effective" closures but failed to act, we filed suit, charging the agency with violating the bycatch standards of the SFA. As a result of our lawsuit (*National Coalition for Marine Conservation et al v. Secretary Daley*, filed on our behalf by attorneys with the Ocean Law Project), NMFS agreed to follow through by a date certain - August 1, 2000. The two Gulf closures took effect last November, while the South Atlantic area closures were postponed until 2001 to accommodate effected fishermen.

### LEGAL ACTION CONTINUES TO BETTER PROTECT MARLINS ♦

In late August, we amended our complaint against NMFS seeking additional protection for billfish. Although we are pleased with the conservation benefits to swordfish, large coastal sharks and sailfish resulting from the area closures, we are not satisfied with the projected bycatch reductions for blue and white marlin, two of the most seriously overfished pelagic species.

Projected reductions in bycatch of the two marlins are inadequate to achieve the U.S. share of an Atlantic-wide rebuilding effort. Under our amended lawsuit,

we are seeking: 1) increased observer coverage of the longline fleet; 2) analysis of bycatch hotspots in the western Gulf, Mid-Atlantic Bight and the northern Caribbean; and 3) fuller consideration of changes in gear and fishing practices throughout the fishery.

### **ICCAT KEEPS HOPE ALIVE FOR MARLIN ♦**

The International Commission for the Conservation of Atlantic Tunas (ICCAT), on the heels of a 1999 recovery plan for swordfish, agreed on an Atlantic-wide program to try and rebuild severely overfished blue and white marlin populations in 10 years. The ICCAT plan drastically limits the number of billfish the Atlantic's fishermen may land over the next two years. In November 2002, the effectiveness of the new catch limits will be evaluated and adjusted, as necessary.

From now on, marlin caught by longline or purse seine that are alive when brought to the boat must be released that way. Landings of blue marlin must be reduced by 50%, while landings of white marlin must be cut back by 67%. (These cuts do not apply to U.S. anglers, whose landings are capped at recent levels.) Together, mandatory release of all live marlin and big cuts in the number brought to dock - two of the three elements NCMC viewed as key to rebuilding - should greatly reduce fishing pressure. But given the dire condition of billfish - white marlin are at only 15% of the target rebuilding population and dwindling fast - it may not be enough. The third needed element, international area closures to minimize fatal interactions on marlin spawning and nursery grounds, will be considered at a future meeting.

The NCMC helped draft the Ocean Wildlife Campaign position on marlin, including a Model Recovery Plan. In a meeting with head U.S. ICCAT commissioner Rollie Schmitt, we presented the components of the plan while insisting that the U.S. make marlin its number one priority in 2000. We testified before the U.S. advisory committee and worked with members of the committee and the U.S. delegation. We sent out an action alert urging letters to the Administration in support of U.S. leadership in obtaining a strong marlin recovery program.

Faced with all-time population lows for both marlins, and even a possibility of whites going to extinction in a few years, the pressure was on the US delegation to bring home a strong plan and it did. It isn't everything we wanted, but it does take a significant step forward with immediate measures to sharply reduce marlin mortality. Now, we are focusing on making sure ICCAT sticks to its guns and takes additional steps, as needed, in 2002.

## **CONSERVING MARINE ECOSYSTEMS**

*Expanding traditional single-species  
management to an  
ecosystem-based approach*

### **U.S. TO END COMMERCIAL HARVEST OF SARGASSUM ♦**

The harvest of sargassum, the yellow-brown weed often found floating in mats on the ocean surface and home to hundreds of species of marine fish, invertebrates, turtles and mammals, will be prohibited when new regulations approved in 2000 are put in force.

Concentrations of sargassum weed are found on the continental shelf off the southeastern U.S. (on the edge of the Sargasso Sea), where the abundance of fish important to American fishermen is directly related to the abundance of this seaborne habitat. Last year, the South Atlantic Fishery Management Council designated sargassum as "essential fish habitat" and, at the urging of NCMC and others, developed a plan to protect it from commercial exploitation. Although a minimal harvest is permitted, it is so small it serves as a *de facto* prohibition on taking sargassum, effectively heading off a commercial market in the U.S.

NCMC persuasively argued that allowing U.S. vessels to harvest sargassum would set a dangerous precedent and might encourage other nations to commence harvesting on the high seas. Now, by getting the U.S. to take a precautionary approach at home, we've established the foundation for convincing other nations to do likewise. Although the vast majority of this critical ocean habitat lies in international waters, beyond our jurisdiction, what happens there has a significant impact on fishing here at home. Gaining international protection for the Sargasso Sea is next.

### **FISHERY MANAGERS TAKE ON ECOSYSTEM PLANS ♦**

Giant strides were made toward implementing an ecosystem-based approach to managing marine fisheries when a pair of federal management bodies, at the urging of the NCMC, decided to begin work on ecosystem plans for Chesapeake Bay and the South Atlantic. Their plans could serve as models for ecosystem initiatives nationwide.

NCMC has been the leading force in advancing ecosystem-based fishery management. Since our 1999 "Workshop on Integrating Management of Related Predator and Prey Species," we've made great progress. Among the recommendations produced by the workshop were that fishery managers: 1) in the short term, make changes in existing fishery management plans to consider the effects of fishing one species on other species in the food web (i.e., predator-prey interactions); 2) begin devising Fishery Ecosystem Plans (FEPs) to serve as overarching guidance for future management decisions; and 3) make long-term changes in federal law, to facilitate movement of all national and regional management bodies away from single-species management toward ecosystem-based management.

In laying the groundwork for our workshop, NCMC president Ken Hinman (a member of the NMFS Ecosystem Principles Advisory Panel and a co-author of its April 1999 Report to Congress) held numerous meetings with representatives of the Regional Fishery Management Councils and NOAA's Chesapeake Bay Program. Representatives from these organizations participated in our workshop and returned to their respective organizations and took concrete actions to implement the workshop's recommendations.

The Chesapeake Bay Program (CBP) co-sponsored an Issues Roundtable in February, with the results to help formulate "Chesapeake 2000," the long-range plan for managing the resources of the east coast's largest and most productive estuary. Hinman joined a panel on "Applying Ecosystem Principles to Multispecies Management" and encouraged CBP to consider the bay ecosystem as a model for a Fishery Ecosystem Plan. In July, the CBP held its own Chesapeake Bay Fisheries Ecosystem Plan Workshop to begin the process of developing a plan. NCMC participated in that workshop, too.

The South Atlantic Fishery Management Council, also as an outgrowth of the NCMC workshop, has begun work on developing a Fishery Ecosystem Plan (FEP) for the South Atlantic Bight. Hinman again was invited to make several presentations to the Council's Habitat and Environment Advisory Panel in August: on the Ecosystem Principles Advisory Panel's Report; on the NCMC workshop; and on pending legislation designed to mandate ecosystem-based fishery management. The panel voted at that meeting to recommend to the full council that it begin developing an FEP for its region (North Carolina to the Florida Keys). The council approved the recommendation at its September meeting.

Two major management bodies have now set out to incorporate ecosystem principles, including predator-prey issues, into their fishery policies. These are significant accomplishments, because these two institutions have reputations for progressive thinking about environmental issues as they relate to fisheries and therefore what they do will be influential with other institutions.

Finally, NCMC actively promoted long-term changes in federal law to foster ecosystem-based fishery management. Through our involvement with the Marine Fish Conservation Network, an alliance devoted to reforming our national fisheries law, the Magnuson-Stevens Act, we were instrumental in making conserving marine ecosystems a key goal in the Network's agenda. The Network drafted legislative language incorporating our recommendations, requiring fishery managers to consider predator-prey interactions in fishery management decisions and mandate Fishery Ecosystem Plans for all regional council jurisdictions. This language was incorporated into the Fisheries Recovery Act of 2000. In the Senate, similar language was added to a bill subsequently introduced by Sen. John Kerry (D-MA). Both bills will be re-introduced in the 107<sup>th</sup> Congress (2001-2).

## AHEAD OF THE CURVE

*Identifying opportunities to prevent overfishing and advocating precautionary management*

### PRO-ACTIVE CONSERVATION TO KEEP DOLPHIN POPULATIONS HEALTHY WILL TAKE EFFECT IN 2001 ♦

NCMC scored a major win this year in successfully guiding the development of management measures to protect dolphin and wahoo populations before overfishing sets in and depletes them. Over four years of work by NCMC paid off when the South Atlantic Fishery Management Council, in cooperation with two other regional councils, finalized a Fishery Management Plan that enacts measures to preserve the currently healthy status of dolphin and wahoo. The plan caps both commercial and recreational catches head off overfishing and maintain the traditional allocation of 87% to recreational and 13% to

commercial fishermen, including a lid of 1.5 million pounds on the expanding commercial sector.

Anglers will be subject to bag limits and size limits and can't sell their catch without commercial permits. Commercial vessels have trip limits and must abide by the size limits, too. Since much of the impetus for the plan was fear of an expanding longline fishery, the use of pelagic longline fishing gear to target dolphin or wahoo in any area closed to longline fishing for swordfish, tunas and sharks is prohibited. Trip limits also were imposed to discourage commercial fishermen from using large-scale, multi-mile longlines to target dolphin.

The South Atlantic Council finished developing dolphin/wahoo management measures for its jurisdiction in September, and is now working with the Caribbean and Gulf Councils to help finish their plans. The entire package should be ready for NMFS approval in early 2001.

NCMC helped initiate preparation of a pro-active dolphin FMP in 1996 and we've been closely involved in its evolution every step of the way. The measures in the South Atlantic's plan, while not as conservative as we would have liked - the bag limits could be lower, the size limits higher, and commercial fishermen and charter boats off North Carolina get off easy - should be sufficient to prevent overfishing and preserve the traditional, recreational/small-scale commercial character of the fishery that has co-existed for years.

## CONGRESS OUTLAWS KILLING SHARKS FOR THEIR FINS ♦

After a two-year fight to safeguard shark populations from a booming fin trade in the western Pacific, President Clinton in December signed legislation to prohibit shark finning - the practice of slicing off a shark's fins and discarding its carcass at sea - in all US waters.

Most sharks are caught accidentally in commercial fisheries for other species, and if it weren't for the bounty on their fins, most would be released alive. This new law will directly save the lives of thousands of sharks now being killed in the Hawaiian longline fisheries.

The NCMC helped sound the alarm over increasing catches of sharks for their fins in 1997. Shark fins are the principal ingredients in shark fin soup, an Asian delicacy that sells for as much as \$100 a bowl. Each year, tens of thousands of sharks are killed just for their fins in the U.S. Pacific. (Finning was outlawed in Atlantic waters in 1993.) In 1998, the number of sharks finned in the waters surrounding Hawaii topped 60,000. Sharks are especially susceptible to overfishing

because they generally grow slowly, mature late and produce a small number of young.

We called on the Western Pacific Council to prohibit finning and set conservative catch quotas for all sharks. When the council balked, we and our partners in the Ocean Wildlife Campaign, in particular the Center for Marine Conservation and National Audubon, sought help from Congress. Arguing that federal law clearly requires that shark bycatch be minimized, and that finning is the cause of most shark mortality, the OWC approached Rep. Randy Cunningham (R-CA) and worked with him to develop legislation to end the scourge once and for all. Cunningham took the lead in the House, where the bill passed overwhelmingly before Senators John Kerry (D-MA), Ernest Hollings (D-SC), and Olympia Snowe (R-ME) put their weight behind it in the Senate.

Because of the ban on shark finning, sharks will be much safer in all U.S. waters. But because the threat posed by the soup-fin market is global, the OWC is pushing the issue with international fisheries bodies in the Atlantic and Pacific.

## NCMC WORKS TO CONTAIN WEST COAST LONGLINE FISHERY ♦

In the midst of NCMC's battle to reduce longline bycatch in the Atlantic, we learned that the Pacific Fishery Management Council is, of all things, seriously considering a proposal that would permit longline fishing vessels to operate off the west coast. We jumped into action, immediately working to prevent the introduction of this destructive gear, which is currently banned from the EEZ off California through state law. But the Pacific Council, now drafting the first-ever management plan for Pacific highly migratory species off California, Oregon and Washington, could overturn that.

Why would they do it? Presently, drift gill nets are the predominant gear used to catch swordfish and thresher sharks. These nets are under attack for their high bycatch of marine mammals and sea turtles, and the Council, faced with phasing the nets out, is looking into alternatives. The Pacific Council will draft a management plan by March and finalize it by September 2001.

Beginning last spring, NCMC supplied council members and their advisory teams with information on the unmanageability of longlines as commonly used, and attended meetings to testify against them. We are supporting an indefinite moratorium on the introduction of longlines into the Pacific HMS fisheries. Meanwhile, in order to determine the appropriateness of a longline fishery, we are calling for

a government-regulated study to determine whether or not longlines are capable of operating in the Pacific fisheries in a sustainable manner and with a minimal amount of bycatch. (see "Turning the Tide," page 11) Our position is now backed by environmental groups, recreational associations on the west coast, and commercial hand-gear fishermen.

## **FISHERIES REFORM**

*Promoting pro-active laws and policies governing the utilization of marine resources*

### **FISH NETWORK WORKS TO DEFEND SUSTAINABLE FISHERIES ACT, CLOSE LOOPHOLES** ♦

The Fisheries Recovery Act (HR 4046), a bill to renew and reform the nation's fishing laws, racked up 40 co-sponsors from both sides of the aisle, beginning to build the kind of bipartisan support that moved the Sustainable Fisheries Act amendments through Congress in 1996. But the legislation was stalled when the first full year of debate on reauthorizing the Magnuson-Stevens Fishery Conservation and Management Act ended with legislators still feeling each other out and jockeying for position.

The Fisheries Recovery Act, sponsored by Rep. Wayne Gilchrest (R-MD) - newly appointed chair of the House Fisheries Subcommittee - had the full backing of the Marine Fish Conservation Network, which worked with the congressman in crafting his bill. Introduced last spring, HR 4046 was instrumental in setting the terms of debate over changes to the Magnuson Act. A number of the reforms in Gilchrest's bill were picked up in other legislation, in particular John Kerry's (D-MA) Senate bill.

NCMC, through a seat on the Network's Advisory Board, worked closely with other Network members to develop specific reforms for consideration by Congress, most notably in the areas of bycatch and ecosystem-based management. We will continue to play a key role as bills are prepared for reintroduction in the 107<sup>th</sup> Congress.

### **NEW IFQ PROGRAMS LIKELY TO COME WITH NEW STANDARDS** ♦

In the final days of the 106<sup>th</sup> Congress, federal lawmakers extended the 4-year-old moratorium on the establishment of new Individual Fishing Quota (IFQ)

programs another 2 years. IFQs parcel out shares of fishery resources to individual fishermen or vessels, instead of setting overall catch quotas and allowing a free-for-all until the limits are reached. IFQs could be helpful in the management of some fisheries, reducing effort and giving incentives to fish responsibly. But concerns have been raised by many fishermen and conservationists that privatizing of publicly-owned fisheries could be abused without clear standards.

The Marine Fish Conservation Network urged Congress to keep its moratorium in place until such time as national conservation standards are enacted. The Network's position is a consensus of 100 fishing and conservation organizations, representing a wide range of views on IFQs. The Network's members collectively agree that legislation establishing strict guidelines for the implementation of such programs is essential to ensuring that privatization truly enhances the conservation and management of our nation's marine fisheries, rather than simply establishing and consolidating "ownership."

The NCMC supported the Network's position because it is in line with the one we established back in 1993, when IFQs were first being promoted as a remedy in U.S. fisheries. Our issue paper, *The Crowded Sea*, was in fact one of the earliest calls for national standards to guide the use of IFQs and featured numerous recommendations, many of which are included in the Network's position statement.

### **BAD LONGLINE LEGISLATION DIES IN CONGRESS** ♦

Longline industry-supported legislation (S. 1911) that would have overturned the NMFS time-area closures and substituted an inferior plan failed to pass during the last session of Congress. While the bill was introduced with the laudable goal of reducing longline bycatch also using time-area closures, we were convinced it would do more harm than good to our offshore fisheries due to the inclusion of several menacing provisions.

The bill was touted by its supporters, among them several recreational fishing groups, as superior to the NMFS regulations because it contained similar area closures plus a buyout of up to 68 longline permits, ostensibly to reduce effort in the longline fishery. The closed areas, however, differed in significant ways, and our analyses indicated they would be less effective than the NMFS closures, especially in the Gulf of Mexico, where very limited longline fishing actually occurs within the area slated to be closed. The closures off the east coast, too, were drawn to skirt pockets of heaving fishing. A minimal mid-Atlantic closure was

added at the 11<sup>th</sup> hour to bring that region's anglers aboard, but it was too small, both spatially and temporally, to result in significant benefit.

The bill's buyout, too, was seriously flawed, putting, as it would, only a small dent in overall fishing effort. Many of the vessels eligible to sell their permits are no longer fishing, have been sold, or have relocated to the Pacific. Poorly conceived buyouts, at no small cost to the taxpayer, have repeatedly failed at reducing total effort. In this case, the vast majority of the longline fleet would remain intact and stronger, economically as well as politically.

But by far the biggest drawback to S. 1911, as far as NCMC is concerned, was restrictions on the ability of NMFS to implement any additional area closures that, combined with other provisions in the bill, would render the government unable to do any more to reduce longline bycatch of marlins, sharks, swordfish or tunas. Questions about the effect of the bill's closed areas and effort reduction made a moratorium on future action just plain dangerous.

The Clinton Administration strongly objected to this language (Section 12), too, saying it would not allow NMFS "to respond to most fishery related conservation concerns until they reached crisis proportions, and then would further delay action until an extensive consultation process [including with congressional committees] was completed." In fact, it was the stubborn refusal of S. 1911's sponsors to rescind this provision that ultimately killed the bill.

Straightforward legislation with area closures *cum* buyout (but *sans* limits on NMFS authority) likely would have been enacted last year. Since that was how the bill's purpose was portrayed from the outset, why did its backers let it die over the infamous Section 12? Because it was designed (purposefully, by the longline industry) as a final step. It is not true that what the longline industry wanted in exchange for being shut out of certain coastal waters was compensation to the effected vessel owners. What they wanted more than anything else, it became painfully clear, was legislation that would put an end to domestic action against longlining, legislation that would trump the requirements of other laws, in particular the bycatch mandate in the Magnuson Act.

NCMC steadfastly opposed S. 1911, not because we are against a buyout *per se*, but to prevent passage of a bill whose first step toward fixing the problem of longline bycatch in our waters was just too small to let it be the last step.

So throughout the year, as we closely monitored the progress of longline legislation, we produced a number of issue papers and letters highlighting problems and recommending changes and

improvements where appropriate. We worked with Rep. Jim Saxton (R-NJ), chair of the House Fisheries Subcommittee, to craft a better bill (HR 4773), one that would provide more conservation than the NMFS rule, not less; removed effort from the fishery, not just permits; and leave the door open to future action. The longline industry and their allies chose an all or nothing strategy and went down with it.

## RESOURCES & EDUCATION

*Informing and educating the public with  
the latest information and newest ideas on  
current marine conservation issues*

### NCMC GETS THE WORD OUT ♦

Folks on the Hill were paying attention to the NCMC's 2000 **Congressional Marine Fisheries Report Card**, published in the Sept/Oct issue of *Sport Fishing* magazine. A number of aides whose bosses were or weren't pleased with their grades got in touch with us, affording us an opportunity to discuss how important strong support for conservation is to their recreational fishing constituents.

We continued to reach thousands of anglers through Ken Hinman's bimonthly "Fisheries Front" column in *Salt Water Sportsman*, on such topics as protecting sargassum, defending the Sustainable Fisheries Act, international marlin conservation, marine reserves, and the emerging threat of longlining off California. The NCMC "Marine Fisheries Watch," in each issue of *Sport Fishing*, updated and alerted readers on critical management issues.

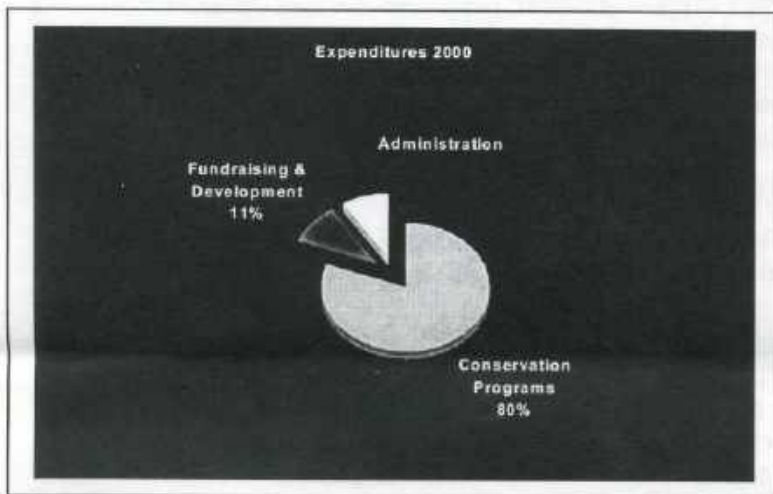
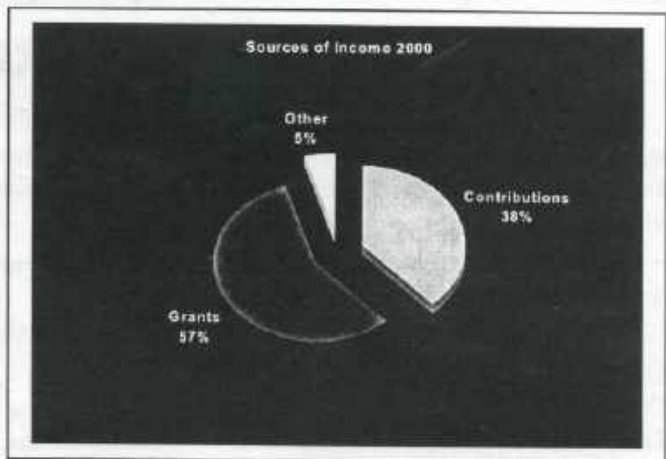
Action Alerts were sent to NCMC members and participating fishing clubs regarding the NMFS longline closures, marlin recovery at ICCAT and longline legislation. We released an 11-page Issue Paper, "Time and Area Closures in the U.S. Atlantic Pelagic Longline Fisheries: Regulation or Legislation," at the start of the 2000 Congress.

Our anti-finning shark posters sold well off our website, [www.savethefish.org](http://www.savethefish.org), supporting the year-long and successful campaign to ban shark finning. The average number of hits at the site, which features news releases and action alerts, has increased 25-fold since mid-1999.

NCMC staff were invited to make presentations at a number of conferences throughout the year and to participate in various workshops, on subjects ranging from strengthening international fisheries treaties to sustainable fisheries in the Caribbean Sea.

# FINANCIAL SUMMARY 2000

Each year, the National Coalition for Marine Conservation strives to put as much as possible of every dollar received into programs to conserve marine fish. While the organization's overall budget grew by 28%, we continued to dedicate at least 80 cents of each donated dollar directly to our conservation activities.



The three charts on this page break down (a) NCMC sources of income during the past year, showing share of funds received from contributing members and supporting foundations (above); (b) how the funds were spent, divided among conservation programs, fundraising and development, and administration (left); and, (c) how funds were allocated among our various conservation programs (below).

The NCMC's conservation activities focus on five main program areas:

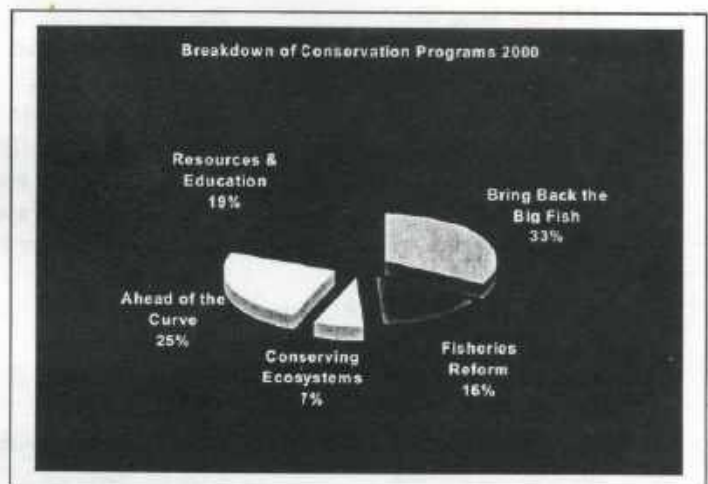
***Bring Back the Big Fish.*** Conserving billfish, swordfish, tunas and sharks in the Atlantic & Pacific Oceans.

***Fisheries Reform.*** Participation in the Marine Fish Conservation Network and promoting positive changes in fisheries law and policy.

***Conserving Marine Ecosystems.*** Advancing an ecosystems-based approach to management, emphasizing conservation of key predator and prey species.

***Ahead of the Curve.*** Identifying and promoting pro-active measures to prevent overfishing and protect habitats and to set important precedents.

***Resources & Education.*** Publications, newsletters, website, action alerts, posters, brochures and issue papers.



## HONOR ROLL 2000

The NCMC's members, supporters and benefactors share in every victory, every concrete achievement we make that results in more fish in the sea and a brighter future for salt water fishing. Each contributor, large and small, makes all we do possible. The past year was one of our most successful ever, and for that, we thank you.

The following individuals, clubs, companies and foundations merit special mention for their generosity during 2000.

### *Project Grants*

The **Surdna Foundation** ...For a grant to expand the capacity of the NCMC's conservation programs.

The **Curtis & Edith Munson Foundation**.....For funding our efforts to "Bring Back the Big Fish."

The **Norcross Wildlife Foundation**...For grants to enhance our office computer system and to produce new educational materials.

The **David & Lucile Packard Foundation**...For their support of NCMC participation in the Ocean Wildlife Campaign's efforts to protect the ocean's giant fish in the Pacific.

The **Mostyn Foundation**...For support of our efforts to conserve billfish and other large pelagics.

The **Yamaha Contender Miami Billfish Tournament**...For outreach to tournament anglers.

The **Vinaiya Foundation**...In support of NCMC conservation programs on the Pacific coast.

### *Unrestricted Grants*

Grants of general support were received from: The Knight Vision Foundation, the Louis & Helen Meyer Foundation, the WJS Foundation, the Cox Charitable Trust, and the A.P. Kirby, Jr. Foundation.

### *Fellows*

William D. Akin

Guy Billups

John M. Cleveland

Sandra T. Kaupe

Andrew Sabin

Stanley J. Arkin

Charles Brashears

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Arne S. Youngberg, MD

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James A. Donofrio

Fort Pierce Sportfishing Club

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South Florida Fishing Club

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Mr. & Mrs. Sheldon V. Brooks

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Sampo, Inc.

Eddie Smith, Jr.

Matt Stoelker

John C. Walton

Christopher Winans



# TURNING THE TIDE

*NCMC News & Activities*

NCMC MARINE BULLETIN 11

## NCMC BACKS EMERGENCY ACTION FOR DOLPHIN

At the request of the South Atlantic Council, NCMC wrote the Secretary of Commerce in December supporting the council's request for emergency action to enact portions of the Dolphin/Wahoo FMP pertaining to fishing with pelagic longline gear. The FMP approved by the council last fall features a prohibition on longlining for dolphin or wahoo in areas closed by NMFS to protect swordfish, billfish, tunas and sharks. Because two closures in the council's jurisdiction are set to take effect on March 1, but the dolphin plan will not be ready for Secretarial approval by then, it is necessary to implement the measure on an emergency basis to ensure complete exclusion of longline fishing gear from the closed areas.

## OCEAN WILDLIFE CAMPAIGN GOES WEST

NCMC and the other 5 groups that make up the Ocean Wildlife Campaign met in Palo Alto, CA in December to solidify our position on the Fishery



Management Plan for Highly Migratory Species being prepared by the Pacific Fishery Management Council. Among the positions agreed on is a policy on new gears in the

fishery, which is in response to a proposal on the table to allow development of a pelagic longline fishery. The OWC position is two-fold:

1. Impose an indefinite moratorium on the introduction of new gears, including pelagic longlines, into the Pacific HMS fisheries unless and until it can be conclusively shown that such fishing gear(s) can operate in a sustainable manner with a minimal amount of bycatch mortality.
2. Implement a research program to determine the appropriateness of a pelagic longline fishery targeting Pacific HMS. The purpose of the research program - as distinct from an experimental fishery - would be to test various

fishing methods (e.g., short sets and soak times, circle hooks, various baits) to produce the lowest possible level of bycatch, and to provide the council with the information necessary to determine whether and/or under what circumstances to permit pelagic longline gear in the HMS fisheries.

NCMC Fisheries Project Director Tim Hobbs and OWC Director Dave Wilmot presented the campaign's position at a January meeting of the council's plan development team. NCMC will make further statements at the full council meeting in March, when a draft plan will be approved for public hearings.

## NCMC INTERVENES IN SUIT TO OVERTURN AREA CLOSURES

NCMC and National Audubon (NAS) filed a motion to intervene in a lawsuit filed by Fisherman's Best, brought on behalf



of longline vessel owners in Florida and seeking to void federal rules closing offshore waters to longlining to reduce bycatch. The judge granted our request in January, giving us standing to respond before the court to our opponents' claims. NCMC and NAS previously filed the case compelling the government to issue the closure rule at issue in the longliners' complaint. When the closure rule came out, we amended our own complaint to seek additional protections for billfish. Our case has since been consolidated with a case brought by The Billfish Foundation that also seeks more protections for billfish. The relief Fisherman's Best seeks is to overturn the closures, which would undercut the remedy already secured in the first round of the NCMC/NAS case and potentially delay or undermine any additional protection for billfish. The outcome of these cases, therefore, is intertwined.

## HOBBS ADDRESSES CARIBBEAN CONFERENCE

NCMC's Tim Hobbs was invited to participate in a panel discussion concerning sustainable uses of natural resources at the 24th Annual Miami Conference for the Caribbean and Latin America in December. The main topic of discussion was the conflict between the increase in business as the countries in this region enter the era of globalization and the need for a healthy environment and sustainable resource extraction. Natural resources are

often sacrificed for short-term economic gains, Hobbs noted, stressing the fact that maximizing economic profit and resource sustainability are *not* mutually exclusive but often build on each other, such as with catch and release sportfishing.

### **NCMC CALLS FOR AN END TO DELAYS IN REQUIRING VESSEL TRACKING DEVICES**

NCMC urged NMFS to implement its already approved requirement for vessel monitoring systems (VMS) onboard Atlantic pelagic longline fishing vessels as expeditiously as possible, and no later than March 1, when time-area closures are scheduled to take effect for U.S. EEZ waters from South Carolina to the Florida Keys. "NMFS has delayed this requirement too long already," wrote NCMC president Ken Hinman. "Meanwhile, time-area closures essential to the conservation of our Atlantic highly migratory species are going unenforced."

The conservation benefits of VMS are indisputable, and tied inextricably to time-area closures in the pelagic fisheries. There is simply no alternative means to enforce these closures, we pointed out. We supported requiring satellite-based VMS throughout the Atlantic fleet of longliners, because time-area closures are in force (or pending) in every region of the Atlantic where the U.S. fleet is active: in the Gulf of

Mexico, Florida East Coast and Charleston Mound to conserve juvenile swordfish and other pelagic species; the Mid-Atlantic Bight to reduce bycatch of bluefin tuna; and the Grand Banks to reduce interactions with sea turtles.

VMS are an inexpensive as well as effective means of tracking longline fishing activity. We asked that the costs of installing and maintaining the devices, minimal as compared to other standard gears and fishing technologies, be born by the vessel owner as a cost of doing business. The use of VMS is expanding as a means to monitor a number of marine fisheries. If the government were to purchase VMS for the pelagic longline fisheries, as the industry wants, it may result in similar requests from other U.S. fisheries currently required to purchase the devices, a funding commitment NMFS would be hard pressed to fulfill, ensuring limited use and weakening enforcement.

Finally, we noted that VMS are being looked at as a means of collecting data and tracking vessels as part of international conservation programs on the high seas. ICCAT has a standing resolution encouraging contracting parties, including the U.S., to implement a vessel monitoring system for vessels catching Atlantic highly migratory species.



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