THE NCMC

MARINE BULLETIN

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TAKING THE BAIT

Do Climbing Squid Catches Threaten Recovery of Predators?

by Tim Hobbs, Fisheries Project Director

Management actions taken recently at home and abroad are bringing some hope to the future of big fish in the Atlantic Ocean. International scientists point to small increases in the number of juvenile swordfish and two strong year classes of bluefin tuna as the first signs of rebuilding for these long-overfished populations. Conservation measures adopted last year for blue and white marlin hopefully will begin to turn things around for these severely depleted species, too.

Unfortunately, fishery managers are neglecting what may be the single most important factor, after controlling fishing mortality, to successfully rebuilding healthy populations of these top ocean predators - making certain the available food supply is sufficient to restore and sustain them.

Squid are a chief component of the diets of each of these large offshore pelagics. Two species of squid are found in U.S. waters: *Illex*, called short-finned or summer squid; and *Loligo*, known as long-finned or winter squid. Commercial fishermen using bottom trawls catch both species at different times of the year (hence the "winter" and "summer" appellations) on continental shelf and slope waters.

The Mid-Atlantic Fishery Management Council regulates the catch of squid under its Squid, Mackerel and Butterfish Fishery Management Plan (FMP). While squid stocks appear to be healthy and well managed, at least in the traditional single-species sense, fishing in recent years has produced the highest catches on record, and the trend seems to be increasing (see graph on page 3).

The National Coalition for Marine Conservation (NCMC) is concerned about the future abundance of squid and its role in efforts underway to rebuild highly migratory species such as swordfish, marlin and bluefin tuna, as well as inshore species like dogfish, bluefish and cod, all of which prey on *Illex* and *Loligo* squid.

Removing the Safety Net

The annual *Loligo* quota is set at a level below its maximum sustainable yield (MSY) to provide a buffer to guard against overfishing. Early this year, the Mid-Atlantic Council decided that the buffer zone was "too conservative" and should be lessened to provide more annual quota to squid fishermen. This decision was based on information showing that *Loligo* rebound from an overfished condition faster than previously thought possible and that a large buffer zone is not necessary to prevent overfishing. The Council is also considering management measures

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

THE NCMC
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A NEW TAKE ON NO-TAKE

More than 160 marine scientists recently signed a statement endorsing the use of no-take reserves as a means of protecting over-exploited fish stocks. The scientists were stimulated by a new study that concluded reserves produce more fish, bigger fish and a greater variety than nearby unprotected areas. One of the scientists, Dr. Jane Lubchenco, declares "(i)t is no longer a question of whether to set aside fully protected areas in the ocean, but where to establish them."

We welcome any news that moves the current debate forward. So far we're getting nowhere, as increasingly polarized factions line up either for reserves or against them. Environmentalists tend to overstate the potential of reserves, by which they usually mean no-take zones, as if they're the answer to all our problems. Fishing groups over-react to this kind of rhetoric as if their right to fish is at stake. Both sides are considering legislation to either speed up or slow down the implementation of no-take zones.

Lubchenco is right. It *is* time to move toward the *judicious* use of marine reserves. But where to establish them is only the last in a series of questions, beginning with the most crucial - what are we trying to protect, and from what? We previously offered criteria for selecting and designing reserves (Marine Bulletin No. 88). In order to move the dialogue forward, we suggest a new take on the way reserves are presented:

- **Forget the 20 Percent Solution.** The oft proclaimed goal of putting 20% of the ocean off limits to fishing is arbitrary and only reinforces suspicions that the effort is *not* science-based. Drop it.
- **Define Your Terms.** Reserves, or marine protected areas, encompass a range of restrictions, a total ban on fishing being just one option. Yet people often use either term when they mean no-take. It's confusing. Say what you mean.
- **Use the Council Process.** The Magnuson Act already allows fishery managers to designate areas where fishing is limited or even prohibited. Marine reserves, and the criteria for using them, should be established by fishery managers, not Congress.
- **Fit the Solution to the Problem.** The chief rationale for reserves is the failure of regulation. For reef fish, the case for no-take zones is pretty compelling. But that doesn't mean fishing for king mackerel and dolphin swimming above ought to be off limits, too, since they are among the few success stories in fisheries management.

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AS GO SQUID, SO GOES...

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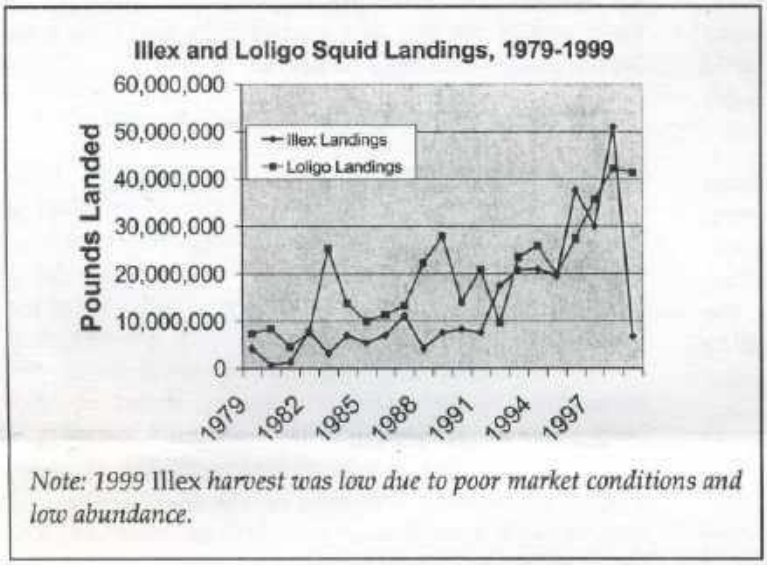
which could have the effect of increasing the amount of *Loligo* kept as bycatch in other fisheries (though still within the portion of quota originally set aside as a bycatch allowance). Collectively, every management action now under consideration would increase *Loligo* fishing mortality, justified by the Council's belief that the squid are more abundant and resilient to overfishing than previously thought.



Note: 1999 Illex *harvest was low due to poor market conditions and low abundance.*

Squid are an annual species, meaning that only one year-class exists at a given time, a condition the Council recognizes for its precariousness. When determining the amount of annual quotas, it is assumed that squid have an extremely high natural mortality rate and only a small portion of the total stock is allocated to harvest.

Illex squid are not now overfished, according to the most recent stock assessment, but are fully exploited and overfishing is recognized as a possibility. *Illex* are managed under a limited entry program initiated in 1997 to hold fishing effort below the level necessary to harvest the annual quota. In 1998, however, the *Illex* quota was exceeded, demonstrating that "the harvest capacity of the vessels which qualified [for the limited entry permit] substantially exceeds the level necessary to harvest the long-term sustainable yield for *Illex*," according to the Council.

OVERFISHED STATUS OF KEY SQUID PREDATORS

(% of healthy levels - MSY)

White Marlin	15%
Bluefin Tuna	14%
Blue Marlin	26%
Albacore Tuna	47%
Bigeye Tuna	60%
Sailfish	62%
Swordfish	65%

A False Sense of Security

While Mid-Atlantic Council members and scientists maintain that both squid fisheries are well managed, overconfidence in the current management regime and lack of vigilance for emerging problems could have serious ramifications for our pelagic ecosystem.

We are in a situation today where one squid fishery is fully exploited (*Illex*) and the other is being squeezed for every extra pound of quota (*Loligo*). If this is not a problem now, it may be because virtually every population of squid predator is seriously depressed (see table below). It is not surprising that squid populations seem to be healthy and resilient at a time when natural mortality is probably at an all-time low.

Although the status of many squid predators remains deplorable, rebuilding is underway and, for some species, beginning to show results. Rebuilding these fisheries, however, is going to require an abundance of squid, as well as other forage fish.

NCMC is concerned that the increasing trend in squid landings, the determination that old regulations were "overly conservative", the annual-species nature of squid, the fully exploited nature of the squid fishery, and the propensity of fishery managers to increase fishing mortality – all at a time when natural mortality will almost certainly be on the rise – creates the potential to deplete squid populations and hamper rebuilding of other Atlantic species.

Now more than ever, fishery managers must pay careful attention to the critical ecological role of squid and other prey species that comprise a significant part of the diet of other species and thus directly impact the populations of those species. We must take every precaution to ensure that careless management does not compromise rebuilding efforts now underway.

The NCMC is urging the Mid-Atlantic Council to consider the ecological relationships between squid and all major predators, with an emphasis on how these relationships might be changing as rebuilding plans are implemented, and for the Council to factor this analysis into future decision making. ❑

METHYLMERCURY IN MARINE FISH

by Charles J. Moore

NCMC asked Charles Moore, Office of Environmental Management, South Carolina Department of Natural Resources, to write the following article for the Marine Bulletin to provide readers with a comprehensive understanding of an issue receiving increased attention. Mr. Moore recently completed an exhaustive study of the literature on the presence of methylmercury in the marine environment and its effects on wildlife and human health. He is organizing a symposium on the subject April 9-10 in Charleston, SC. The scheduled keynote speaker is Senator Patrick Leahy (VT), a sponsor of the Mercury-Safe Seafood Act, which would require stricter standards for allowable mercury levels in fish.

In January 2001, the United States Food and Drug Administration (FDA) advised all pregnant women and women of childbearing age not to eat shark, swordfish, king mackerel or tilefish and no more than 12 ounces per week of other fish. At the same time, the United States Environmental Protection Agency (EPA) issued a national advisory that pregnant women, nursing mothers, women who may become pregnant, and young children should limit consumption of freshwater fish from non-commercial sources to six ounces per adult or two ounces per child a week.

High levels of mercury in fish, like king mackerel, is causing public health concerns and may threaten fisheries.

The number of health advisories issued by state health agencies across the U.S. concerning the consumption of freshwater and marine fishes because of high methylmercury contained in their edible tissues has risen dramatically in recent years. These state and federal advisories mandate that the issue of methylmercury in the environment be thoroughly examined and understood by all.

In July 2000, the National Research Council (NRC) of the National Academy of Sciences published a report, "Toxicological Effects of Methylmercury". This report indicates that American children of women that consume large amounts of fish and seafood during pregnancy may be at special risk of brain and nerve damage resulting in neurological problems, including learning disabilities. Low-dose prenatal exposure to methylmercury from maternal consumption of fish has been associated with poor performance on neurobehavioral tests, particularly on tests of attention, fine motor function, language, visual-spatial abilities and verbal memory. They also found evidence in humans and animals that methylmercury levels even lower than those associated with neurodevelopmental effects can have adverse effects on the developing and adult cardiovascular system (blood pressure regulation, heart-rate variability, and heart disease). This report confirms the EPA's minimal risk level for methylmercury of 0.1 micrograms per kilogram of body weight per day as a scientifically justifiable level for the protection of public health.

Many Species Exceed Safe Levels

The United States Congress requested the NRC study be conducted prior to the establishment of new, more stringent levels for mercury emissions from coal-burning power plants. Methylmercury (MeHg) is a worldwide pollutant originating largely from the burning of fossil fuels, primarily in the generation of electrical power. The amount of mercury in the atmosphere is estimated to have increased by 200-500% since the beginning of the Industrial Revolution. It is estimated that should all anthropogenic (human) sources of mercury pollution be eliminated, it would require more than 50 years for methymercury in fish to return to pre-industrial levels.

Methylmercury is a potent neurotoxin that can cause birth defects, learning disabilities, blindness, paralysis, loss of muscular control and death. Methylmercury bio-accumulates through the food chain with the primary source of and risk to human health being the consumption of fish. Methylmercury in many freshwater and marine fish has been documented at levels that exceed those generally agreed upon by federal agencies (EPA and FDA) to constitute a health risk that should be limited or avoided by man.

Pregnant women, women of child bearing age (15-44 years of age), and children aged 12 years and under are of special concern. Eating ten grams (a quarter cup) of fish a day with an average

FISH WITH HIGH LEVELS* OF MERCURY

- King Mackerel
- Spanish Mackerel
- Swordfish
- Tilefish
- Large Tunas
- All Sharks
- Spotted Seatrout

* Exceeds federal action level

mercury concentration of 0.1 to 0.15 ppm is up to twice the average EPA recommended reference dose; at a 1.0 ppm level the mercury intake range could be 6 to 12 times the exposure recommended by EPA.

There is a general misconception that commercially harvested fish cannot be sold (seafood markets, restaurants, etc) in this country if it contains more than the FDA action limit of 1.0 ppm of mercury. FDA's lack of sampling methylmercury content in marine fish and seafood, as well as the policy of focusing on time-weighted exposures rather than on exposures from an individual meal or fish, makes it impossible for an individual to determine his or her potential level of exposure. Many states do not have adequate programs to examine and document methlymercury contamination in marine fish and other wildlife.

No effective national education campaign exists for focusing on a factual and realistic evaluation of the dangers in consuming certain types of freshwater and marine fish and seafood, particularly in regards to that consumed by children under 12 and by women of childbearing age. Federal and state mercury advisories that have been issued are poorly reported, generally ignored by the public and fail to adequately warn of the combined effects of consuming various types of meals containing mercury contamination. Such health advisories are primarily based on river systems and the number of meals that should not be exceeded for various types of individual fish species. Few advisories, if any, indicate that if an individual receives or exceeds the recommended reference dose by eating one type of fish containing methylmercury, such as a large mouth bass or a tuna-fish sandwich, all other fish containing methylmercury should be avoided. ❑

TURTLES & FISHING CLASH

Turtles and fish have been swimming side by side in the ocean for millions of years. But because mother sea turtles must leave the water and come ashore to lay their eggs, the numbers of the ungainly saltwater reptiles have been decimated through loss of coastal nesting beaches and poaching of their eggs. Six species are on the United States endangered species list: leatherback, loggerhead, green, hawksbill and Kemps and olive ridley.

After hatching, baby turtles scramble to the surf and paddle furiously out to sea. The lucky few that make it to offshore sanctuaries, like the Sargasso Sea, will spend years growing up in deep water. When they mature - the loggerhead, for example, is thought to reach maturity between 17 and 35 years of age - they move into coastal waters. Every 2-3 years (it varies by species) the females come ashore to breed.

While the United States has made significant progress reducing the threats from loss of nesting habitat and direct hunting, the greatest threat to the remaining turtles is incidental take in nets and on hooks set to capture fish. Near shore, they are trapped in shrimp trawls and tangled in gill nets. Offshore, they get hooked on pelagic longlines.

The convergence of certain types of fishing and the fate of turtles is now what acting National Marine Fisheries Service (NMFS) director Bill Hogarth calls "one of the biggest issues the agency has to face over the next several years." NMFS recently held a pair of workshops on ways to reduce turtle mortality in the gill net and longline fisheries. NCMC staff, recognizing how closely the fate of all sea life is tied to efforts to modify non-selective fishing practices, participated in both meetings.

Last year a federal judge restricted longlining in a million square mile area of the north Pacific to protect leatherback turtles. NMFS, after determining that longlining jeopardizes the survival of Atlantic leatherbacks and other species, temporarily closed 55,000 square miles on the Grand Banks and is exploring additional measures. Drift netting for sharks was banned for a month this spring from Georgia to south Florida because of record catches of nesting turtles. And the large mesh offshore gill net fishery for winter flounder and monkfish is being curtailed off Virginia and North Carolina due to record strandings of turtles suspected of drowning in the nets.

The landscape of fishing may change because of interactions with turtles. To the extent it means cleaning up destructive fishing practices, it promises to benefit a number of fish populations, too. ❑

NCMC TELLS PACIFIC COUNCIL "NO" ON LONGLINES

Fisheries Project Director Tim Hobbs attended a meeting of the Pacific Fishery Management Council in Portland, Oregon March 6-8 and testified on behalf of the National Coalition for Marine Conservation's concerns about proposals to permit an expanded longline fishery for tuna, swordfish and sharks off the west coast. He was joined in opposing pelagic

longlining by the Ocean Wildlife Campaign, The Billfish Foundation and United Anglers of California.

The Pacific Fishery Management Council is developing options for its new Highly Migratory Species Fishery Management Plan to take to public hearings this summer or fall. The NCMC has been working with the council, including members of its Plan Development Team and Advisory Panel, to include measures that will prevent overfishing. Chief among these recommendations is a moratorium on pelagic longlining in the Pacific, until it can be conclusively demonstrated that it will not adversely impact the fishery resources or traditional fisheries.

THE NCMC POSITION

The National Coalition for Marine Conservation (NCMC) is opposed to allowing drift longlines under the new Fishery Management Plan for Pacific Highly Migratory Species being developed by the Pacific Fishery Management Council.

The burden of proof must be placed squarely on longliners to demonstrate they can fish in a sustainable manner with a minimum of bycatch mortality. The history of this indiscriminate gear, as it has been commonly used elsewhere, argues strongly that it cannot.

The Pacific Council is developing the first federal regulations to govern fishing for tuna, swordfish, billfish and sharks in the U.S. 200-mile zone off the west coast (California to Washington). Presently, drift longlines, the predominant gear used worldwide in the commercial fisheries for swordfish and high-value tunas (e.g., bluefin and bigeye), are prohibited by California state law. Very limited longlining is permitted in Oregon, although the gear is not currently being fished. These state laws prevail throughout the EEZ in the absence of federal regulations.

Swordfish, tunas and sharks are currently caught recreationally by rod-and-reel and commercially by harpoon, trolling, pole-and-line and drift gill net. Because of serious problems with drift nets killing mammals and sea turtles, the Pacific Council is entertaining a proposal from the commercial sector to let fishermen with net permits switch to longline gear. Well aware of the reputation of the longline as a non-selective gear itself, the industry has proposed introducing longlines as an "experimental" fishery.

Longlines Are Being Removed Elsewhere

The answer to the drift net problem is not to substitute another method of fishing that has its own dismal record of indiscriminate destruction of marine life," says NCMC president Ken Hinman. That record is well known and well documented. Because of the unmanageable bycatch of juvenile fish of the target species, and non-target species such as marlins, coastal and pelagic sharks, giant bluefin tuna, endangered seabirds and turtles, over a million square miles of ocean have been closed recently to longlining. For the Pacific Council to "buck this trend toward removing longlines from the water, go against history and open the door to this patently unsustainable method of fishing," Hinman warns, "would be the epitome of risk-prone management."

No means of minimizing the high level of incidental capture and mortality of non-target fish, whether voluntarily or through regulation, has been successful, other than removing the gear from the water when and where it is doing the most damage. In fact, this was the conclusion of a lengthy study and report published by the NCMC in 1998, entitled "Ocean Roulette: Conserving Swordfish, Sharks and Other Threatened Pelagic Fish in Longline-Infested Waters

If longlines were permitted to expand into the Pacific HMS fishery and it followed the pattern exhibited in other fisheries, overfishing will occur. The council will be forced to try and reduce fishing mortality to prevent overfishing of species caught on longline or to rebuild depleted populations. But the non-selective, multi-species nature of longlining will not allow mortality to be controlled. Quotas and minimum size limits will fail, instead turning a large portion of the catch into dead discards. The Council will ultimately be forced to begin removing the gear from the fishery, but only after it has jeopardized the future for other fishermen.

This is not speculation, it is history. "Let longlines in," Hinman warns west coast fishery managers, "and you'll spend the rest of your careers trying to get them out." ❑

TURNING THE TIDE

NCMC News & Activities

NCMC DEMANDS HELP FOR OVERFISHED MARLINS

NCMC has asked the National Marine Fisheries Service (NMFS) to reveal its plans to further reduce the bycatch of billfish on pelagic longlines. Amendment 1 to the Atlantic Billfish Fishery Management Plan states that, in addition to the longline time-area closures recently implemented (which primarily benefit swordfish, sailfish and coastal sharks), "(f)urther research is needed to develop a workable time and area closure strategy to reduce Atlantic billfish bycatch" and that "(s)cientifically-based studies are needed to determine the impact of various gear types (e.g., circle hooks) and fishing practices (e.g., soak times, length of gear, time of day) on bycatch and bycatch mortality of billfish."

"With the assurance that 'NMFS will incorporate additional measures into the Atlantic billfish bycatch reduction strategy as new information becomes available'," says NCMC president Ken Hinman, "the agency concedes the need for additional action." NCMC filed a brief in federal district court on February 23rd in our ongoing lawsuit against NMFS seeking more help for white and blue marlin, two of the most threatened Atlantic species.

It has been 12 years since the original billfish plan was enacted, declaring at the time (1989) that among "the most critical long-term research needs" is to "(i)nvestigate ways of reducing billfish bycatch in the longline fishery through time/area closures or through changes in gear or fishing methods." Based on the amount of research conducted between 1988 and 1999, it is reasonable to assume that, without prompting (i.e., legal action), little if anything will be done in this area. Indeed, almost 2 years after the amended FMP was enacted (April 1999), no research plan has been developed.

A hard look at ways to reduce billfish bycatch on pelagic longlines must be taken and it must be done now. "NMFS' response to the problem of pelagic longline bycatch of billfish is what it has always been – more research," says Hinman. "That's no longer good enough." ❑

CONGRESS OF RECREATIONAL FISHING CONVENES

NCMC staff participated in the second gathering of leaders from the recreational fishing community seeking to establish a forum for regular dialogue and closer cooperation. The meeting took place in Miami just before the annual boat show on February 14th. Recognizing the benefits of advancing a unified front on issues affecting the recreational fishing community, representatives of a broad range of organizations put aside past differences to find areas of consensus and agreement. After some initial debate on how best to achieve enhanced cooperation, everyone joined a lively discussion of a number of issues facing the recreational fishing and conservation communities. Topics of discussion included upcoming political appointments, such as who should head NOAA and NMFS under the Bush Administration; the use of marine protected areas; and assessing the true extent of the economic impacts of recreational fishing. Most participants seemed pleased with the meeting. "This congress has great potential as a forum to discuss and debate important issues facing the recreational community," remarked Fisheries Project Director Tim Hobbs, who represented NCMC. The next meeting is scheduled for later this spring. ❑

BOARD WELCOMES NEW MEMBERS

Sabrina Kleinknecht of Leesburg, Virginia and John Pratt of Hobe Sound, Florida were unanimously elected to serve 3 year terms on the Board at the NCMC Annual Meeting January 12th. Ms. Kleinknecht is a lifelong angler with a background in oceanographic sciences and a Trustee of the Knight Vision Foundation. Mr. Pratt is a resident of both New England and Florida, with extensive knowledge of the Gulf of Maine fisheries in particular. Both were welcomed by the Board for the new energy and expertise they will add to the organization's leadership as we move ahead into the 21st Century. ❑

WEBSITE GETS NEW LOOK, REGULAR UPDATES

If you haven't visited our website lately, check it out! We hope you like the new design and that you find things easier to locate. Visit www.savethefish.org regularly, because NCMC staff keep the site up to date with the latest press releases and action alerts. ❑

WHERE ARE WE GOING NOW THAT WE'RE THERE?

Lingering Questions About Striped Bass

By all accounts, the population of Atlantic striped bass is recovered. But what must we do to maintain a healthy population, and have we attained the kind of fishery we want?

The stock assessment for the year 2000 showed a population above the level achieved in 1995, the year the fishery was officially declared "recovered," but the lowest level since 1996. While the four-year decline seems to be leveling off, the erratic population trend seems to suggest that we don't quite have a handle on management of this important species.

Fishery managers, for instance, are still trying to determine at what level to set the target stock size, or long-term maximum sustainable yield (MSY). In the meantime, the 1995 "recovered" level is being used as a proxy for MSY. Some members of the Atlantic States Marine Fisheries Commission – the interstate body in charge of managing this coastal fish – believe that recovery efforts have been so successful we've achieved a stock size at carrying capacity and that environmental conditions are unable to support a larger population. The recent population trend might support this theory, i.e., the stock overshot the optimum level in 1996, decreased in subsequent years and is now leveling off.

Even though the historical striped bass population was larger than today's, they say, deteriorated environmental conditions along the coast, including Chesapeake Bay (where they are known as rockfish), will not allow rebuilding to historical levels.

There is unquestionably some level of population size that the environment could simply never support. But it would be complacent and possibly irresponsible to accept that the 1995 proxy level is "as good as we can do." If prevailing environmental conditions are limiting the number of striped bass, shouldn't we at least consider setting our sights higher and taking action to improve those conditions?

The questions about striped bass that are confronting fishery managers argue for taking a more ecosystems-based approach. A favorite in the striper's diet - menhaden - is heavily fished and not around in the numbers it once was. The resurgent population of hungry bass, not finding enough menhaden, is filling its collective belly with other prey, such as young blue crab. The crabs, the most valuable commercial species in the Chesapeake, are already in decline because of overharvesting. But bay watermen want to reduce the number of rockfish and ease restrictions on crabbing. It could be that human-caused declines of some prey species - menhaden, anchovy, shad - are causing a "natural" decline in others. Are there too many striped bass, or too few other species? That's a fundamental question we need to answer before we concede anything. ❑

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A HARD ACT TO FOLLOW

With passage of the Sustainable Fisheries Act (SFA) five years ago, Congress changed the course of marine fisheries management. With legislation to renew that law now being considered by the nation's lawmakers, what will they do for an encore?

The SFA - amendments to the Magnuson-Stevens Fishery Conservation and Management Act of 1976 - made a number of landmark changes to how fishing is regulated. Among them are new rules holding government officials accountable for rebuilding depleted fisheries, minimizing catches of non-target species and protecting live bottom and other marine habitats from the effects of fishing gear.

Implementing the revamped fish act has not been easy. To begin with, the amount of new work laid on fishery managers (and the rest of us!) is daunting. Over 75 recovery plans have been prepared for overfished stocks, with more to come. New requirements to clean up messy fishing practices are putting the spotlight on wasteful, indiscriminate fishing in every region of the country. Assembling information on habitats that need protection - the effort ponderous and the results voluminous - is focusing attention on a long list of environmental threats.

Most reasonable people agree that the SFA was a positive and necessary response to an overfishing epidemic spreading out of control. Notwithstanding, decades of mismanagement and neglect by government officials and fishing industry leaders have imposed an enormous burden on the fishery management system. Most of the hard work is still ahead of us. Is the system up to the task?

Changing the Law Only Half the Battle

The Marine Fish Conservation Network has accused the National Marine Fisheries Service (NMFS) and the eight Regional Fishery Management Councils of widespread failure to implement the law's stricter conservation and management standards. These failures, documented in reports pointedly entitled "Missing the Boat" and "Lost at Sea," are delaying the nation's return to healthy and sustainable fisheries, according to the Network. They have also spawned a flood of lawsuits by Network members, among them commercial and sport fishing groups and environmental organizations.

Litigation from industry groups unhappy with what fishery managers have done, as opposed to what they haven't, is at an all-time high, too. In fact, there are currently 130 cases pending against the government, more than twice the number in the docket when the SFA was enacted in 1996.

NMFS complains that the new wave of lawsuits is making a tough job even more difficult and time consuming. Others say an overly prescriptive law invites legal action. But still others - the National

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INSIDE

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

THE NCMC
OCEAN VIEW

CLASSIFYING FISH AS MAJOR AND MINOR IS BUSH

When the National Marine Fisheries Service released its Status of the Stocks Report for 2000, the agency for the first time divided the 860 evaluated fish stocks into two categories, "major" and "minor." Major stocks, according to NMFS, are those with landings above 200,000 pounds a year.

The motive behind this classification is transparent. The agency has been criticized following each annual report, not only for the fact that a consistently high percentage of stocks whose condition is known are overfished (now 47%), but also because we don't even know the condition - good or bad - of more than two-thirds of the total. (Of 19 stocks listed as unknown in 1999, nine are now categorized as overfished.)

"Approximately 83 percent of unknown or undefined stocks are categorized as minor," says NMFS, "which means they have limited landings or low economic value." In other words, even if they are overfished or approaching an overfished condition, they're not worth worrying about.

First, it's wrong to presume that fisheries with limited landings are not economically important. The most obvious exception is the recreational fishery for billfish, which is enormously valuable even though anglers land less than 200,000 pounds of marlin and sailfish a year. In addition, some now "minor" stocks would be major if they weren't depleted by overfishing or loss of habitat. Others might move up from the minors as new fisheries develop which, as we know, can happen quickly.

NMFS disclaims any implication that so-called minor stocks are less valuable ecologically or that they won't make an effort to assess them. But that's exactly the message they're sending. At a time when we are moving toward a more ecosystem-based approach to fisheries management, this is extremely unwise.

As it is, some in the fishing industry are asking Congress to amend the law and permit overfishing of "minor" stocks if it means maximizing yields from more commercially valuable ones. Such a short-sighted approach ignores the interdependence of these species and is a recipe for ecological disaster. It doesn't help for the fisheries service to play into this fraud, even if inadvertently.

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Coalition for Marine Conservation among them - see the public's increasing recourse to the courts as a sign that the management system is broken; that poor implementation, not the law *per se*, is at the root of many of our problems.

The SFA is a very good law. No doubt, it can be improved upon. A number of these improvements are featured in the list of amendments proposed by the Fish Network. Nonetheless, it is becoming increasingly evident that reforming the law is only half the battle. If the war is to be won, we must also reform the management system.

We believe the focus of the current congressional review of federal fisheries stewardship should not be limited to merely fine-tuning the law, but should also feature a thoughtful and thorough evaluation of the institutions responsible for implementing federal fisheries management. It's been a long time since we've stepped back and assessed the structure, composition and performance of NMFS and the Regional Councils.

In fact, frustration with the slow pace of restoring the nation's fisheries is at such a level that some Network members are talking about remedies as radical as scrapping the Council system and as facile as moving NMFS out of the Department of Commerce. Neither, in our view, is the answer. But clearly we are at a crossroads. We need leadership we can trust to take us where we've agreed, as a nation, we want to go. It's definitely time to consider systemic changes, both modest and far-reaching, to see if there isn't a better way to get there. ❑

CONSERVATION IN A FISH-EAT-FISH WORLD

Report Cites Need to Synchronize Management of Predators and Prey

The damage caused by overfishing goes far beyond depleting valuable commercial and sport fish, warns a new report by the National Coalition for Marine Conservation. Removing too many of one species can adversely effect others in the food web. What we call "ecosystem overfishing" threatens not just our goal of building sustainable fisheries, but the balance and health of entire marine ecosystems.

In a report released in May, **Conservation in a Fish-Eat-Fish World**, the NCMC calls on state and federal fishery managers to begin moving away from single-species management toward an integrated, multi-species approach that considers interactions among related predators and prey. The purpose of the report, according to NCMC president Ken Hinman, is to provide managers with guidance as to what predator-prey information is needed and how it should be used in the real world of making fishery decisions, particularly in harmonizing otherwise incompatible management goals.

"A more ecosystem-based approach is a natural outflow of our increasing knowledge of the ocean and our expanding circle of concern for all marine species," says Hinman. "It's a natural progression in the evolution of fisheries management. It's time is now."

Concerns are Mounting

Management decisions are already being influenced by perceptions about the nature and extent of ecological relationships. "Management based on misperceptions is dangerous," Hinman warns. "What we need is a process that people can understand and believe in."

A number of predator-prey relationships are receiving increased attention, underscoring the need to outline a process for conserving related species and managing the fisheries that capture them. The resounding success in rebuilding striped bass along the Atlantic coast, for instance, has been followed by worries that the newly resurgent "rockfish" are finding too little to eat because harvests are too high on one of its most important forage species, menhaden. In Chesapeake Bay, the problem is compounded by fears the low availability of menhaden is causing stripers to increase consumption of blue crabs, already in low supply due to over-harvest.

Scientists have also raised concerns about removing so many of the ocean's apex predators - sharks, billfish and the big tunas - weakening an entire tier at the top of the food chain and causing disruptions down to the ecosystem's foundation. A related concern is increased catches of squid, herring and other forage species that make up a critical part of the diet of these and other overfished species and how it might effect efforts to restore their numbers.

Initiative Needs Drive and Direction

The NCMC urges fishery managers to use the authority they now have to make changes in existing fishery management plans (FMP) and account for the effects that fishing has on others species in the

food web. The report offers a template for a step-by-step process for synchronizing management of related predator and prey species under each FMP. It also includes recommendations specific to the management of striped bass, menhaden and associated species.

For the long-term, we recommend a number of changes in federal law to facilitate movement of all national and regional management bodies away from single-species management toward ecosystem-based management, including development of "ecosystem plans' to serve as overarching guidance and a context for future fishery management decisions.

"We are committed to moving management of the nation's fisheries toward a broader, ecosystem based approach," says Hinman. "We hope this report will provide drive and direction to this important initiative."

The 28-page report was made possible with grants from the Curtis & Edith Munson Foundation, Donald Slavik Family Foundation and Yamaha Contender Miami Billfish Tournament. Copies are available at a cost of $5 to cover shipping and handling. ❑

DELAYS UNDERMINE RECENT NMFS ACTIONS

A Report from
NCMC Fisheries Project Director Tim Hobbs

After getting large areas of ocean closed to indiscriminate longlining, a national ban on shark-finning, a start on an international marlin recovery program and other critical measures to conserve and protect highly migratory species, the NCMC has been closely monitoring the implementation and enforcement of the new measures. Unfortunately, the National Marine Fisheries Service is so far doing a poor job. In April and May, NCMC staff attended public hearings and meetings with NMFS officials to relay our dissatisfaction and get the agency moving.

Delay #1: The Southeast Longline Closures

A year-round closure to longline fishing off Florida and an annual three-month closure off Georgia and South Carolina approved by NMFS last summer were supposed to take effect February 1, 2001. Under pressure from southern longliners, NMFS postponed the starting date of the closures until March 1. Then, after the long-awaited closures officially took effect, NMFS surprisingly proposed extending the closure off Georgia and South Carolina - covering the area known as the Charleston Bump - by one or two months (through May or June) to recoup some of the conservation benefits forfeited by the delay.

NCMC strongly supported the extension on the grounds that swordfish, billfish and shark populations desperately need relief from indiscriminate longlines. Since the longliners were unexpectedly allowed to continue fishing during February - not only on the Charleston Bump but also off the entire Florida east coast - the combined economic impacts and conservation gains from the closures would be significantly reduced from 2001 projected levels. An extension of the Charleston Bump is a reasonable and practicable measure to reduce longline bycatch.

Unfortunately, NMFS withdrew the proposed rule to extend the closure, claiming the economic impacts to longliners outweighed any potential conservation gains. NCMC lambasted the agency for a lack of any credible rationale for the withdrawal and accused NMFS of bait-and-switch, issuing the proposal to placate conservationists, with no intention of seriously considering an extension. (For more, check out Notes from Underwater at www.savethefish.org).

Delay #2: Emergency Dolphin Rule

The South Atlantic Council knew that its recently completed Dolphin/Wahoo Fishery Management Plan would not be in force before the southeastern longline area closures. So the council in December asked NMFS to take emergency action to implement a provision that prohibits longline fishing for dolphin or wahoo in any areas closed to swordfish and tuna longlining. NCMC urged NMFS - at public hearings, in writing and meetings with agency officials - to approve the request ASAP to maximize the benefits of the closed areas this year. We cited Council concerns that three categories of longliners may fish for dolphin: vessels willing to forfeit their swordfish permits because they can't move to open areas; vessels that did not qualify for the swordfish limited access permits but are geared to longline; and any vessel over 30 feet capable of gearing up to longline for dolphin. Initial reports suggest that 2001 could be a banner year for dolphin fishing, increasing the temptation to longline and likelihood of a bycatch of billfish and sharks. At press time, NMFS had not acted but assured NCMC the emergency rule would be completed by the end of June.

Delay #3: Vessel Tracking Systems

Vessel Monitoring Systems, or VMS, are essential tools for enforcing area closures. NMFS regulations require VMS on all pelagic longline vessels, but the requirement has never been enforced. The longline industry sued the agency, claiming it was unreasonable to make all vessels buy the devices, no matter where they fish. NMFS agreed to reconsider whether VMS are necessary for all longline vessels.

NCMC pointed out that time-area closures are in force in every region of the Atlantic where the U.S. fleet is active: in the Gulf of Mexico, Florida East Coast and the Charleston Bump to conserve swordfish and other pelagics; the Mid-Atlantic Bight to reduce bycatch of bluefin tuna; and the Grand Banks to reduce interactions with sea turtles. After taking additional public comment, NMFS made its case before the judge, and a ruling is pending.

Delay #4: Deadline Missed for Finning Regs

NCMC and other members of the Ocean Wildlife Campaign (OWC) have been monitoring the development of regulations to enforce the *Shark Finning Prohibition Act*. The new law requires NMFS to develop an enforcement plan no later than June 20. After inquiries revealed the agency was way behind schedule, the OWC in May issued a statement urging NMFS to intensify its efforts surrounding development of the implementing regulations and do whatever is necessary to meet the statutory deadline. In response to our criticism, and subsequent calls from the Act's congressional sponsors, NMFS officials pledged to have the regulations ready no more than 4-6 weeks past the deadline.

Other Issues

"Directed Bycatch" of Bluefin

Longliners have long complained that government regulations force them to discard too many dead bluefin tuna. Depending on where longliners fish, they are allowed to keep only so many bluefin based on how much targeted catch (yellowfin, swordfish, etc.) they have on board. These regulations were implemented years ago to prevent what NMFS described as a "directed bycatch" of the very valuable but seriously depleted fish. Once again, because their target catches are at an all-time low, the longliners are pressuring NMFS to allow them to keep more bluefin.

NCMC commented that relaxing the landing restrictions on bluefin, if done improperly, would only encourage longliners to lay their lines for them. Allowing a longline vessel to land more bluefin could, by itself, make a trip economically viable, creating a directed fishery. NMFS is expected to issue a proposed rule adjusting the bluefin tuna landing requirements for longliners. We'll be working to make sure new regulations intended to reduce discards do not increase the incidental catch.

Enforcing the Recreational Marlin "Quota"

For 2001 and 2002, U.S. anglers are allowed to land only 250 marlin (blue and white combined) per year. The U.S. ICCAT delegation agreed to cap recreational landings at recent levels as part of the new Atlantic-wide marlin conservation program. Up to now, all blue and white marlin landings reported to NMFS are from over 100 tournaments. . (The agency has always presumed the non-tournament landings to be "insignificant.") In 1999, these tournaments reported 177 blue marlin and 36 white marlin landed, totaling 215 fish. In 2000, the numbers were even lower: 116 blue marlin and 8 white marlin landed, totaling 124.

How NMFS implements the ICCAT recommendation, however, could negatively impact future U.S. efforts to keep the international rebuilding effort on track. To enforce the 250 fish "quota," the agency feels compelled to step up its surveys and reporting requirements to make absolutely sure that every marlin is counted. Should NMFS discover sources of marlin landings not previously documented, and conclude that more than 250 marlin are landed this year or next, the agency would not only require additional regulations to further restrict the catch, it could report the U.S. out of compliance with ICCAT's billfish program.

NCMC strongly endorses efforts to better quantify the recreational catch. But if the accounting methods are revised, we can't compare the new numbers against the cap, since it was based on an old measure. Since the intent of the ICCAT agreement was to limit U.S. landings at recent levels, the new methodology would have to be applied retroactively to determine what recent levels actually were.

U.S. anglers have shouldered the burden of and been the sole driving force for marlin conservation in the Atlantic, and anglers have reduced their kill of marlin by well over 90%, mostly through voluntary measures. For the U.S. to report itself in violation of the ICCAT rebuilding program, when in fact our landings have not increased, would do nothing for the resource while undermining our ability to get other nations to take the next steps in marlin stock rebuilding that will be decided in 2002. ❑

FLUKE FLAK

The Difficulties of Managing a Fishery on the Rebound

The Atlantic States Marine Fisheries Commission blinked. On April 3, members of the interstate body voted to lower the 2001 limit on summer flounder from 20.5 to 17.9 million pounds. In doing so, the ASMFC was lauded by environmentalists, thanked by the National Marine Fisheries Service, and scorned by recreational fishermen.

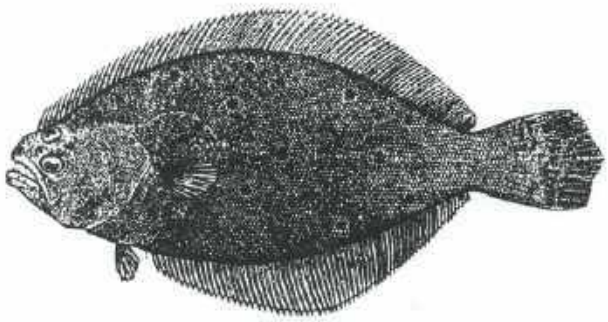
The states share management of summer flounder, or fluke, with the Mid-Atlantic Fishery Management Council. The council was forced by NMFS to lower its own allowable catch to 17.9 million pounds under the terms of a lawsuit won by four environmental groups. Higher quotas, the court decided, would violate the law since they provide less than a 50% chance of rebuilding the overfished population within 10 years.

For months, the ASMFC refused to go along, arguing a higher catch allowance met the conservation needs of the resource and, unlike NMFS and the council, it was not bound by the court's interpretation of a federal law that does not govern fishing in state waters. NMFS, on the other hand, is; and, given the states' position, threatened to shut down fishing beyond three miles to offset the higher catches that would be permitted in state waters.

Needless to say, the prospect of a federal closure made a lot of people nervous, particularly commercial fishermen who do most of their fishing offshore. All of a sudden, they joined NMFS and the environmental groups in leaning on the ASMFC to capitulate. Sport fishermen, who do almost all their fluke fishing in state waters - and nearly half of that off New Jersey – were left alone in urging the commission to stand firm. It didn't. Each state must redo its regulations on fishing for summer flounder and sport fishermen fear the stricter limits will end their season early this year, costing fishing-related industries millions of dollars.

Dispute Over Pace of Recovery

The sports' complaint results from a festering frustration that they get about 40% of the flounder



Summer Flounder

catch in a fishery they say used to be mostly recreational. And a belief that the population is in better shape than the latest assessments show. Of course, that's what all fishermen say when faced with limits they don't want. But many on the ASMFC and the Council agree and anticipate that future science will confirm fluke are further along on the recovery curve than we think.

Some in the recreational community have directed their anger, not at the government, but at the environmentalists whose lawsuit forced the issue. But the court made the right decision, the only one it could make in this instance. The plan that was overturned projected only an 18% chance of rebuilding summer flounder in the prescribed 10 years, based on the best information available. To let such a low standard stand would make a mockery of the Sustainable Fisheries Act's rebuilding requirements that now apply to 92 overfished stocks around the country.

The problem is not the law, or the court's interpretation, but how it's implemented by fishery managers. Admittedly, they are in unfamiliar territory. Erring on the side of the resource, and the sacrifices that demands from users, is easier to justify when the science is behind a decline and we're trying to stop overfishing. It's tougher to close fisheries when things are improving, which implies past sacrifices are paying off, yet fishermen feel like they are being punished.

Plans Should Reward Conservation

Rebuilding programs require long-range planning, with more than a target and timetable for reaching it. Typically, managers back load regulations, phasing in the pain over time rather than starting aggressively. Politically, this makes sense. But it also practically guarantees that, not only will they have to ratchet down on catch limits later, the limits needed are likely to be even stricter than anticipated.

Several ways have been suggested to reward fishermen for conservation as the fishery rebounds.

- Establish benchmarks to measure progress, along with triggers to respond at each juncture
- Front load the rebuilding plan with aggressive management measures, so that a stock response can be detected as early as possible and regulations phased down
- Set rules for fixed management periods, e.g., 3 years, to give fishermen some predictive ability and stability instead of possibly radical changes every year

Each of these elements requires that we be more conservative from the outset. That's the trade off, but it's worth it. Rebuilding would get easier as it progresses, not harder, ensuring public support for staying the course. ❑

TURNING THE TIDE

NCMC News & Activities

A CHALLENGE FOR THE CHESAPEAKE

At the invitation of the Chesapeake Bay Commission, NCMC made a presentation on "The Challenge of Multispecies Management" at the Commission's May 11 meeting in Stevensville, MD. The Commission, composed of legislators and policy makers from Virginia, Maryland and Pennsylvania, is grappling with a range of issues associated with multispecies management for the Bay region, from understanding predator-prey dependencies to implementing innovative conservation strategies. NCMC president Ken Hinman was asked to address the latter issue. Copies of our new report, "Conservation in a Fish-Eat-Fish World," were distributed to the commissioners and served as the basis for a very productive discussion.

NCMC TO COUNCIL: DON'T SQUANDER SQUID

NCMC urged the Mid-Atlantic Council to develop a plan for considering predator needs of squid and other forage species. On May 10, the Mid-Atlantic Fishery Management Council voted to modify the quota setting procedure for *Loligo* squid, allowing a further increase in catch beyond what is already a historical high. NCMC asked the council to delay its decision pending a review of growing predator demands for squid and determination of the optimum forage population. Although the Council approved the more liberal catch rules – presented as part of a package of changes to the Squid, Mackerel and Butterfish FMP - NCMC's presentation and request sparked a lengthy discussion of squid's role as a prey species for numerous overfished predators and the acknowledged need for a council process for dealing with these issues in the future.

HINMAN INVITED TO ADDRESS HOUSE FISHERIES SUBCOMMITTEE

Rep. Wayne Gilchrest (R-MD), chair of the House Subcommittee on Fisheries Conservation, Wildlife and Oceans, invited NCMC president Ken Hinman to testify at a June hearing on Ecosystem-Based Fishery Management. The congressional panel is holding a series of hearings on changes in federal law needed to improve fisheries management. Other witnesses at the hearing will be Dr. Bill Hogarth, head of NMFS; a pair of NMFS scientists working on ecosystem issues, Drs. Steve Murawski and Pat Livingston; Dr. Larry Crowder from the Duke Marine Lab; and Dr. Dave Fluharty, chair of the Ecosystem Principles Advisory Panel. Hinman, who also served on the ecosystems advisory panel, will speak for NCMC as well as the Marine Fish Conservation Network, advocating changes to enable managers to address predator-prey and other ecological issues in their plans.

SHRIMPERS TRY TO PASS THE BUCK ON BYCATCH

NCMC weighed in against the Texas Shrimp Association's petition to drastically reduce red snapper quotas in order to make up for the failure of excluders to reduce snapper bycatch in shrimp trawls. Catch allowances for fishermen in the Gulf of Mexico snapper fishery were set with the expectation that the use of bycatch reduction devices (BRDs) would cut the shrimp trawl bycatch in half. Shrimping is by far the largest source of mortality for overfished red snapper. Because the use of BRDs is estimated to have lowered bycatch by only 27%, Texas shrimpers petitioned NMFS to make up the difference – and stay on track on the snapper rebuilding plan - by cutting the directed catch by another 6 million pounds.

"The shortfall of BRDs in reducing red snapper bycatch, combined with the apparent overages in recreational harvest, could make meeting the red snapper rebuilding goals impossible," wrote NCMC Fisheries Project Director Tim Hobbs in a May 18 letter. "While NMFS and the (Gulf) Council should ensure that the directed fisheries are staying within their quotas, it is quite clear that the main problem facing red snapper stocks is...shrimp trawling. Virtually shutting down the directed fisheries for the sole purpose of allowing indiscriminate shrimp trawling to continue is patently unfair and would violate National Standards 1, 8, and 9 of the Magnuson-Stevens Act. If additional regulations are necessary to adhere to the red snapper rebuilding plan, we ask NMFS to embrace the obvious solution of reigning in shrimp trawl bycatch."

LONGLINE BYCATCH CASE MOVES TO NEXT PHASE

NCMC, Audubon and the Ocean Law Project completed the briefing schedule on our joint lawsuit over marlin bycatch. On May 25, the final

legal briefs were filed in federal court by the parties involved in litigation over regulations to reduce longline bycatch. NCMC intervened in a suit brought by commercial longliners seeking to overturn the time-area closures recently implemented by NMFS. In addition to defending these closures as legal and necessary - as far as they go - we amended our original complaint and asked for NMFS to go further to conserve blue and white marlin, as well as implement more effective monitoring of bycatch in the longline fishery. The next phase, oral arguments before the judge, is not yet scheduled.

FISHING Vs. ENDANGERED SPECIES

Saving turtles saves fish, too. That's the theme of Ken Hinman's "Fisheries Front" column in the June Salt Water Sportsman. "The ocean, it seems, isn't big enough for turtles and some types of commercial fishing," he writes. "Indeed, the two are on a collision course of late, pitting some of the oldest creatures on earth against one of the oldest professions." The Endangered Species Act is forcing the government to crack down on a number of commercial fisheries that jeopardize the survival of loggerhead, leatherback and other turtles, among them shrimp trawling, coastal gill netting and pelagic longlining. "What we do to protect turtles from indiscriminate fishing practices could have a great spillover effect and save lots of fish, too," Hinman points out.

DECISION ON WEST COAST PELAGICS PLAN DUE SOON

Conservationists again ask Pacific Council to consider longline moratorium. For the past four months, the Ocean Wildlife Campaign and its six member organizations (including NCMC) has repeatedly asked the Pacific Fishery Management Council to include a moratorium on pelagic longlines among those presented to the public in the draft plan for U.S. West Coast-Based Fisheries for Highly Migratory Species. But while an industry proposal for an exploratory/experimental longline fishery has been included in preliminary drafts, our option has not. OWC's "Option 5" would impose an indefinite moratorium on longlining until completion of research to test ways to fish the gear with a minimum of bycatch. "The only outstanding question with respect to longline fishing gear is not whether the gear is capable of catching (tunas and swordfish), but whether or not this gear can be modified so that the enormous bycatch problems associated with its use can be avoided," the groups told the Council in May. "This question must be answered before the Council even considers expanding the use of longlines on the West Coast." If the council fails to include the OWC's option, its member groups will "actively and aggressively" seek a permanent ban on longlining. ❑

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THE NCMC

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THE WAITING GAME

After all is said and done,
more is said than done. - Anonymous

When the National Marine Fisheries Service produced Amendment 1 to the Atlantic Billfish Fishery Management Plan (FMP), the agency acknowledged the shortcomings of its plans to protect billfish. The conservation accorded blue marlin, white marlin and sailfish was to come as a residual benefit of time-area closures implemented through the Atlantic Highly Migratory Species FMP, with these primarily directed at minimizing longline bycatch of small swordfish on the broadbill's coastal nursery grounds.

"Further research is needed to develop a workable time and area closure strategy to reduce Atlantic billfish bycatch," NMFS advised. In addition, "(s)cientifically-based studies are needed to determine the impact of various gear types (e.g., circle hooks) and fishing practices (e.g., soak times, length of gear, time of day) on bycatch and bycatch mortality of billfish." With the assurance that "NMFS will incorporate additional measures into the Atlantic billfish bycatch reduction strategy as new information becomes available", the agency conceded the need to do more for these severely overfished pelagic species.

It has been over two years since the amended Billfish FMP was finalized in April 1999. Since then, the time-area closures in the HMS FMP have been implemented. Because these closed areas are projected to provide significant relief from indiscriminate longlining for juvenile swordfish, sailfish and some sharks (reductions from 30-42%) with only minimal bycatch reduction for blue and white marlin (6-12%), the National Coalition for Marine Conservation continues to pursue promised follow-up action through ongoing litigation and other means.

"It is evident from statements in the FMP and subsequent NMFS action that marlin conservation will be mostly coincidental," says NCMC president Ken Hinman. The U.S. pelagic longline fleet kills an average of 3,500 Atlantic blue and white marlin each year, according to NMFS. "Billfish bycatch reduction was plainly an afterthought. We will not accept that. If direct measures to reduce longline interactions with marlins were not taken due to insufficient studies, we expect the agency now to make exploring further conservation measures a priority."

Billfish Await Their Turn

NCMC wrote the chief of the Highly Migratory Species Division in February to ask what is being done to determine the potential of time-area closures and/or fishing gear modifications to reduce bycatch of Atlantic billfish. After a follow-up inquiry, we were told the agency is actively pursuing ways to reduce bycatch on longlines. However, it will wait and evaluate the effectiveness of the current closures before

(continued on page 3)

INSIDE

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

THE NCMC
OCEAN VIEW

A FARR-SIGHTED BILL

On July 19th, Congressman Sam Farr introduced the Fisheries Recovery Act of 2001. Farr's package of amendments to the Magnuson-Stevens Act would close loopholes that permit overfishing to continue despite a clear national mandate to end it. The bill makes the primary purpose of federal fishing rules to maximize ocean resources, not simply manage individual species for their maximum yields.

"We need more effective, forward-thinking measures to conserve America's ocean resources for fishermen, fishing communities, and future generations," proclaims the California democrat. "The Fisheries Recovery Act will launch a 'new era' of science-based management, and chart a consistent, commonsense course to conserve our ocean wildlife."

At the heart of the new legislation is a requirement that fishery managers consider how fishing impacts the ocean food web by preparing Fishery Ecosystem Plans. This ground-breaking initiative recognizes what ecologists already know - that relieving fishing pressure on an overfished stock will not automatically return it to an abundant level if species interactions are not taken into account. (see page 3)

Farr bolsters his case for reform by citing new findings that 31 U.S.-managed fish species are either listed by the government as endangered, candidates for listing, or considered vulnerable by the American Fisheries Society. Add this to the fact that over 100 of our fish stocks are overfished, more than when the Sustainable Fisheries Act was passed 5 years ago. To be sure, a number of stocks are improving because of rebuilding efforts; but clearly, others are getting worse.

The NCMC commends Rep. Farr and the 20 far-thinking congressmen who've joined him as original co-sponsors of the Fisheries Recovery Act. The bill is similar in many ways to an identically titled bill introduced last year by Rep. Wayne Gilchrest (R-MD). Gilchrest is now the influential chair of the House Fisheries Subcommittee.

As we said in "A Hard Act to Follow" (MB No. 93), reforming the law is only half the battle. Government mismanagement is not simply the result of following imperfect instructions. The system (NMFS, councils) needs reform, too. Meanwhile, we support the Fisheries Recovery Act, because it reinforces what's good in current law, strengthens it where necessary, and encourages us all to think outside the box.

Ken Hinman, President

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THE WAITING GAME

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deciding on "further measures to reduce interaction rates or enhance survival of released fish."

Wait for what? To see if these measures are really as ineffective for marlins as NMFS expects them to be, under the best case scenario? As for the NMFS study plans, we demanded specifics; a complete accounting of ongoing research. What we got is a laundry list of every research project the agency is aware of that is remotely related to either billfish or longlining. Almost no new research actually tests ways to reduce bycatch.

Of the eleven projects described, only two deal with longline bycatch of billfish, and one is just a proposal - to assess the use of pop-up satellite tags to estimate post-release survival of blue marlin - that is still pending with an unknown completion date. If this work is in fact funded and carried out, and it is similar in scope to a previous recreational study by the same researchers, then it may be expected to demonstrate only the potential for using this technology. Additional studies will be needed to produce information that could actually be used to alter longline fishing practices and thereby reduce bycatch mortality. This route is both slow and costly, with uncertain usefulness.

The other project compared survival of fish caught with J-hooks versus circle hooks in the Venezuelan tuna longline fishery. The usefulness of this study for billfish is questionable, to say the least, since most of the billfish encountered in the study were during the first fishing trip, "which utilized only J-hooks." Therefore, the conclusion of "higher catch and survival overall on circle hooks" - 69% to 58% - is not applicable to billfish based on this study. No further research is planned.

The remaining nine projects are either of doubtful value to reducing longline bycatch or bycatch mortality, or are so unrelated as to insult our intelligence. Three are turtle bycatch studies being passed off as billfish research. Two are simply annual reports on bycatch statistics that are required by ICCAT and the Magnuson-Stevens Act. Two are studies of recreational billfishing. One is an already completed mapping of the Charleston Bump area currents (presumably applicable to our inquiry because longlining is now prohibited there from February - April). And the last is the decades-old cooperative gamefish tagging program. The return of conventional tags has never shed any light on either rate of survival or ways to enhance it.

Studies Ignore Most Viable Methods

Nowhere is there anything that could be described as what NMFS calls an "Atlantic billfish bycatch reduction strategy." Aside from the use of circle hooks, the two components most widely recognized as having the greatest potential for reducing interactions (time-area closures) and increasing post-release survival (limited soak times) are missing from the research agenda entirely.

NMFS states that current regulations reduce billfish bycatch "to the extent currently practicable," but that additional measures will be taken "as new information becomes available." We can anticipate one type of new information. An evaluation of the current time-area closures will indicate they are inadequate to reduce billfish bycatch. Without a concerted effort to uncover additional, practicable means of reducing bycatch, regardless of how effective or ineffective current measures are found to be, NMFS may conclude that what it's already done reduces bycatch "to the extent currently practicable."

We won't allow that to happen. So we are in court working to force improved monitoring of the longline fleet, including additional observers, and new analyses aimed at reducing bycatch of blue and white marlin. And we are looking at the potential for legislation to deal with billfish conservation. We've made tremendous progress over the last two years in curtailing longline bycatch, but as long as some species remain in jeopardy, our work isn't done. ❑

ECO FAQ's

Frequently Asked Questions About Ecosystem-Based Management

By Ken Hinman, President
From his testimony before the House Fisheries Subcommittee, June 14, 2001

In 1996, Congress directed the National Marine Fisheries Service to establish an Ecosystems Principles Advisory Panel to review and recommend the use of ecosystem principles in federal marine fisheries management. As a member of that panel, and since publication of the panel's Report to Congress in 1999, I have spent considerable time writing and traveling to meetings and workshops, in an effort to promote its recommendations. In my conversations with policy makers, fishery managers and

congressional aides, the three most frequently asked questions are:

(1) Do managers want to manage fisheries on an ecosystem-basis?
(2) Can they do it? and
(3) Will they do it? More specifically, how will they do it?

The short answer to the first question is, yes. Indeed, they have already begun. The state and federal agencies that co-manage the fisheries of Chesapeake Bay are in the initial stages of developing a multispecies ecosystem plan for the bay's living resources. The South Atlantic Fishery Management Council, which oversees many valuable commercial and sport fisheries from North Carolina to the Florida Keys, has also started this process.

Both fishery scientists and managers recognize the need to address ecological factors. I emphasize the word need because the question is not really, do fishery managers want to do this; they don't have a choice. Ecosystem-based management is gaining increased interest and attention precisely because the effect that fishing for one species has on other, related species is at issue in a number of current fishery management debates.

Ecosystem Concerns Already Shaping Decisions

The return of striped bass along the Atlantic seaboard has prompted worries that there aren't enough menhaden and other prey species to support a robust population. The heavy harvest of horseshoe crabs for bait fisheries has raised fears that their depleted numbers leave shore birds without enough fuel (crab eggs) to complete their long migrations. Some northeast fishermen argue against conserving dogfish because they think the small sharks prey on more valuable codfish. Questions have been raised about the ecosystem effects of removing so many of the sea's top predators (swordfish, tuna, billfish, and shark), 27 of which are on the government's overfished list. A related concern is how increasing catches of squid, herring and mackerel will affect the recovery of the large pelagic species that depend on them for food.

The reality is that ecosystem-based management will occur – already is occurring – shaping not only perceptions about the wisdom of management decisions but also the decisions themselves. In these and other debates, fishermen and conservationists are demanding action, sometimes conflicting. Unfortunately, sound responses have been hampered by questions or misperceptions about the nature and extent of predator-prey interactions, inadequate or unavailable data about them, and most of all, the lack of an established process for taking inter-species relationships into consideration.

We are obliged to make sure that ecological issues are addressed correctly, based on science and agreed upon goals, adhering to a process that we can understand and believe in. So it is not a question of whether we take on this challenge, but how. The species-by-species approach cannot address certain critical issues and problems that will no longer be ignored. The most dangerous course is the one we're on now, forced as we are to deal with these issues, but with no guidance as to what information is needed and, most importantly, how it should be used in the real world of making fishery management decisions.

The next frequently asked question is, can we manage on an ecosystem basis, at least in an informed and effective manner? Again, the answer is yes. The body of information available to fishery scientists and managers is large and constantly expanding. Most recently, the new bycatch and essential fish habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act have prompted the gathering and synthesis of available information on a wide range of species and habitats, from a broad range of sources.

There is an immensity of raw data out there that has not been synthesized or analyzed for ecosystem-based management purposes. There are also new tools for ecosystem modeling, such as ECOPATH and ECOSIM, into which this data can now be plugged. In many instances, there is adequate information - if made available to fishery managers – along with the modeling tools necessary to predict fundamental ecological responses to fishing removals, and to make informed decisions that might minimize the adverse impacts of fishing on trophically-related species.

Ecosystem-based management is an ambitious goal, and we will never know or understand everything about how fisheries operate in an ecosystem context. But as the Ecosystem Principles Advisory Panel stressed, this is not an acceptable excuse to delay implementing this new approach. Significant relationships are known and understood. We know enough, right now, to ask the right questions, identify the critical information and information needs, and establish a context for considering what we know and applying it to fishery management decisions.

Ecosystem Plans Are a Supplement, Not a Substitute

As I said earlier, some fishery management bodies are already taking the first tentative steps toward an ecosystem-based approach. They already have the

authority and the discretion, without any changes to current law, to consider predator-prey relationships and species interactions in fishery management plans. They are not explicitly required to do so, however, nor are they provided with guidance as to how.

Recommended Changes in the Law

What Congress needs to do, therefore, is provide both drive and direction to this process. By that I mean, amending the Magnuson-Stevens Act to require that the National Marine Fisheries Service and the Regional Fishery Management Councils

(A) carefully consider the effects of fishing each species on other species in the food web, and
(B) begin devising Fishery Ecosystem Plans to serve as overarching guidance and a context for future management decisions.

Congress should require that all Fishery Management Plans (FMP) be reviewed and revised to consider predator-prey interactions, assess how associated species are affected by fishing allowed under each FMP, and establish conservation and management measures that will protect associated species and their respective roles in the ecosystem as well as the integrity and sustainability of the ecosystem overall. This will require determining the effects of fishing on the food web, setting optimum population levels to account for ecological factors, and justifying total allowable catches with respect to interspecies relationships.

Fishery Ecosystem Plans, or FEPs, are not intended as a substitute for Fishery Management Plans, but rather a means to augment their effectiveness. The FEP would be an umbrella document which would include information on the structure and function of the ecosystem each region's managed fishing activities are occurring in, so that fishery managers are aware of the potential impacts of fishing on the various components of the ecosystem, as well as how changes in the ecosystem might affect certain fisheries. The FEP would also establish indices for measuring ecosystem health. Councils would continue to employ FMPs as the primary regulatory vehicle for managing marine fisheries, however, each council FMP should be required to demonstrate that its objectives and conservation and management measures are consistent with the findings and recommendations of the FEP. We also urge Congress to authorize sufficient new funds to assist NMFS and the councils in applying ecosystems principles to fisheries research and management. ❑

GRAND BANKS CLOSED TO LONGLINE FISHING

NMFS To Conduct Research

Reaffirming a preliminary finding from last August, NMFS recently concluded that U.S. longliners are helping drive two species of sea turtles to extinction in the Atlantic. Such a decision, known as a "jeopardy finding," demands swift action be taken under the Endangered Species Act to reduce the interactions between the problem activity and the endangered specie. In this case, NMFS plans on closing off a large swath of the northwest Atlantic to longline fishing. The entire Grand Banks—the popular distant water swordfishing grounds featured in *The Perfect Storm*—are likely to be closed because of the large numbers of sea turtles found there.

With a few exceptions, that is. During the next three years, NMFS will be conducting research aboard longline vessels to explore various gear modifications for their potential in reducing the number of sea turtles entangled or hooked by the gear. NMFS plans on working cooperatively with up to eight or nine longline vessels, each making six Grand Banks trips between August 2001 and December 2002 - about one and a half seasons. NMFS considers a longline "trip" to consist of 15 overnight sets, totaling over a month at sea since it takes two weeks to travel to and from the fishing grounds. At present, there are less than 10 longline boats still fishing the distant waters anyway, and six one-month trips is probably all those vessels would take in one and a half seasons. So it seems that, as far as actual longline fishing effort goes, little will change even though the Grand Banks will be technically closed to longlining. The longliners have filed suit to overturn the closure nonetheless.

The good part, however, is that at long last NMFS is finally conducting actual research into gear modifications to reduce longline bycatch that might yield useful results. NMFS plans to test different longline baits, such as using mackerel or blue-dyed squid instead of the natural squid normally used. Also up for examination is whether or not the placement of the hook along the mainline has any impact on

bycatch. While all of these modifications are targeted at reducing sea turtle bycatch, there's always a chance the researchers might find a treatment that has implications for other bycatch species as well, such as marlins or sharks. Each trip also will have 100% observer coverage, something many conservation and recreational fishing groups have demanded for quite some time to mitigate underreporting of bycatch—a problem NMFS acknowledges.

XXXXXXXXX

NCMC urged NMFS and the research team to be thorough while collecting data so as not to forego collection of any information that might later be useful in finding ways of reducing bycatch of other species or in designing future bycatch reduction research programs. There is apparently some evidence that blue-dyed bait reduces the number of sea turtles caught while actually increasing swordfish catch. While this may sound great (especially for longliners), NCMC is concerned that increases in swordfish catch might also mean increases in other bycatch, such as severely overfished white marlin, thus offsetting the benefits of using blue-dyed squid to help turtles. It will be important to anticipate the effects of any gear modification on all species caught by longlines—not just sea turtles—before these modifications are mandated fleet-wide.

NCMC supports study of gear modifications to find practical and effective methods of reducing longline bycatch of turtles. But NMFS should not stop there, and should consider similar projects specifically targeted at reducing bycatch of blue and white marlin and sharks, as NMFS claimed it would two years ago when the Highly Migratory Species Fishery Management Plan was implemented. (See related article, page one) ❑

SHARKS SOLD OUT

NMFS Allows Continued Overfishing On Depleted Stocks

Large coastal sharks - blacktip, tiger and sandbar, among others - are in serious trouble. The latest stock assessment shows that, collectively, only about a third of healthy populations remain and they're still being caught over six times faster than the populations can reproduce. Yet despite this grim outlook, NMFS opened the fishery on July 1 with a quota that is expected to further deplete the population.

The level at which to set the commercial quota of large coastal sharks (LCS) has been under debate in a Florida district court since 1998. NMFS says that the quotas were set based upon dismal stock assessment results and were designed to begin rebuilding the populations. Not surprisingly, commercial fishermen claim that the science is flawed and that NMFS set the quota so low as to purposely put them out of business. The two sides reached a settlement agreement whereby the contested stock assessment would undergo three independent peer reviews. If the science was found to be valid, the new, lower quotas to promote rebuilding would be instituted, and if the science was flawed, the older, higher quota would prevail. The reviews were supposed to be completed this spring, well in advance of the start of the fishing year.

In a string of unfortunate blunders, however, NMFS managed to delay the peer reviews by several months so as to miss the goal of completing them before the fishery was to open. Most unbelievably, the agency somehow altered the terms of the peer reviews, possibly making them void if they don't adhere to the settlement agreement (meaning they would all have to be redone, taking months). NMFS has repeatedly angered the judge overseeing the case by appearing utterly incompetent, making it difficult for the agency to assert its case effectively.

The fishing season began on July 1 and, due to these mistakes, NMFS had little choice but to open the fishery under the old, unsustainable quota. It is anticipated that the fishermen will fill the quota in less than a month and the population of large coastal sharks will be reduced even further from the abysmal state it's currently in. It is especially unfortunate because this was one case where NMFS actually set out to implement an effective rebuilding plan, one strongly backed by conservationists.

NCMC and the Ocean Wildlife Campaign expressed outrage over this situation, but little could be done this year to rescue sharks this year from NMFS' bungling of the whole affair. We are now working to finally resolve the issue before next season. ❑

TURNING THE TIDE

NCMC News & Activities

REP. SAXTON RESSURRECTS LONGLINE BILL; HOBBS TO TESTIFY

Rep. Jim Saxton (R-NJ) introduced H.R. 1367, a bill to control longline fishing in U.S. waters similar to the one he championed during the last session. The bill leaves the existing NMFS area closures to longline fishing intact and, to further reduce marlin bycatch, adds two annual one-month area closures in the mid-Atlantic bight and an annual five-month closure in the western Gulf of Mexico out to 500 fathoms. NCMC believes the two Mid-Atlantic closures should be extended, both spatially and temporally, to provide more substantial benefit to white marlin. Also, the Gulf closure is identical to the one that appeared in last year's bills, when it was criticized for being limited to an area where few longliners actually fish.

Saxton's bill includes a voluntary buyout that would be offered to the entire fleet, as well as a cap on the number of sets longliners can make in the Mid-Atlantic bight near current levels to ensure fishing effort is not displaced there. The amount of swordfish quota caught by bought-out vessels would be transferred to the handgear categories (harpoon, rod and reel). The bill would also establish an ongoing research program to examine gear modifications and other methods of reducing longline bycatch. The bill would not restrict the Secretary's authority to implement additional measures on longliners, one of the major problems with prior bills.

Fisheries Project Director Tim Hobbs will testify before the House Subcommittee on Fisheries August 2, giving NCMC's recommendations for improvement. While Saxton's bill needs a few alterations, NCMC is working closely with the congressman to make these changes and to guard against efforts by the longline industry to insert undesirable provisions, like those that made last year's bills unacceptable. Rep. Saxton has committed long hours and expended a large amount of political capital trying to deal with the problem of longline bycatch in our waters and should be commended for his efforts.

PACIFIC COUNCIL ALTERS COURSE ON HMS MANAGEMENT

At its June meeting, the Pacific Fishery Management Council balked at the size of the still-growing management plan for west coast highly migratory species and decided to break down the document into two parts: one covering the bare minimum of management actions required by law; the other listing optional measures the Council could consider separately. While NCMC objected to this idea, concerned that implementation of the optional measures--many of which are already long overdue--would be delayed possibly for years, it is likely that the Council will indeed address several major issues in the first wave of management action.

The most contentious of these issues is the industry proposal to introduce pelagic longlines off the west coast for targeting swordfish, tuna and sharks as an alternative to the drift gillnets used now. For over a year, NCMC, working with our partner organizations in the Ocean Wildlife Campaign, has opposed this proposal based upon the well-documented detrimental effects of longline fishing in other parts of the world. NCMC is urging the Council to include an option in the draft management plan that would prohibit the introduction of longlines unless and until methods can be developed to reduce bycatch to acceptable levels. Our option is slated for inclusion in the draft the Council will send out for public comment, due for completion in October.

DRIFTNETS THREATEN STRIPED MARLIN OFF CALIFORNIA

While the Pacific Council develops a management plan for west coast pelagics, a potential threat is emerging to the striped marlin population off southern California. According to NMFS, the drift gillnets mentioned above are jeopardizing the future existence of Pacific sea turtles. NMFS is considering time/area closures off central and northern California that would ban the nets during times of high turtle concentration. The trouble is that, to continue fishing, the netters might move their operations to open areas off southern California. Unfortunately, that's exactly where striped marlin are concentrated. NCMC warned the California Department of Fish and Game and NMFS of the potential damage to the striped marlin population that could occur from an increase in drift netting. NMFS is considering alternative closures that could provide the same

benefits to turtles without causing large shifts of fishing effort that could increase marlin bycatch.

HINMAN CONTINUES AS FISH NETWORK CO-CHAIR

In June, NCMC president Ken Hinman was re-elected a co-chair of the Marine Fish Conservation Network. The annual meeting of the Network, an alliance of 110 fishing and conservation groups working to reform federal fisheries policy, took place June 5th in Washington, DC. His fourth consecutive one-year term will coincide with a major push by the Network to amend and reauthorize the Magnuson-Stevens Fishery Conservation and Management Act by the end of the 107th Congress (2001-2).

MID-ATLANTIC COUNCIL TO FORM ECOSYSTEM COMMITTEE

NCMC has been closely following recent management actions of the Mid-Atlantic Council concerning *Loligo* and *Illex* squid to ensure enough of these important prey species are being left to support the rebuilding of several overfished species that depend on them for food. At present, both of these stocks seem to be healthy and fairly well managed, but NCMC is concerned that the depleted status of predator species might be giving a false sense of security about the health of squid and the future ability of squid stocks to provide an adequate forage base for rebuilding predatory species.

After repeated letters and visits from NCMC staff urging the Council to ensure its was correctly evaluating the role of squid in the ecosystem when considering management actions, the Chairman of the Mid-Atlantic Council, Dr. Jim Gilford, declared he would form an Ecosystem Committee and Advisory Panel to assist the Council in dealing with ecosystem issues in the future. Gilford preliminarily named NCMC President Ken Hinman to a spot on the Advisory Panel.

NCMC ATTENDS AES MEETING

NCMC staff member Christine Snovell attended the annual meeting of the American Elasmobranch Society (AES), July 5-10, 2001. The latest research on biology, reproduction and habitat of cartilaginous fish is presented at this meeting by member scientists. A significant portion of this year's meeting was devoted to issues relating to habitat of juvenile sharks. Studies revealed important nursery areas for many commercially important species. In addition, the conservation committee of AES passed several resolutions to lend their support to conservation efforts for the smalltooth sawfish, barndoor and thorny skate, and spiny dogfish. Full stories will appear in the next *Marine Bulletin*. □

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THE NCMC

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BLUEFIN AGAIN

New Studies Highlight Need for Additional Action

Since the results of a new study on bluefin tuna migrations were reported in the journal *Science* this summer, there have been a host of smug pronouncements from U.S. fishermen; as if their long-held contention that there is but one stock of bluefin in the Atlantic is now proven true and that their long-standing demand for more quota now should be met. But that's not what it says.

The article in question, "Migratory Movements, Depth Preferences, and Thermal Biology of Atlantic Bluefin Tuna," (*Science*, 17 August 2001), describes the results of research done by a team led by Dr. Barbara Block of Stanford University. Bluefin caught in the western Atlantic were outfitted with archival tags and/or satellite-linked "pop-up" devices to trace their movements over extensive periods of time. While many fish remained in the west, some of them had migrated to the eastern Atlantic or Mediterranean Sea. A few traveled back and forth within the same year.

Since 1982, the International Commission for the Conservation of Atlantic Tunas (ICCAT) has assumed separate eastern and western breeding populations in its stock assessments and established a different management regime for each half of the ocean. Block *et al* conclude that "mixing between the two management units exists at a higher level than ICCAT has incorporated into...stock assessments." Does that mean only one stock? No. "(M)ovements to distinct breeding grounds (in the Gulf of Mexico and eastern Mediterranean) are apparent, suggesting a mixing of stocks on feeding grounds and a separation to distinct breeding localities."

In other words, more of these nomadic giants traverse the Atlantic than previously thought – or possibly more than they used to – and many fish found off the U.S. east coast are also vulnerable to fishing by fleets in the eastern Atlantic. "Further assessment of stock status should evaluate the new information," the authors recommend, "and reassess the management strategies applied to Atlantic bluefin tuna." Does that mean we can increase fishing pressure in the west? No. "Importantly," says Dr. Block, "our data indicate that bluefin are sorting to distinct breeding grounds (east and west) where efforts to protect the breeding populations should be increased."

U.S. fishermen, who've long challenged the wisdom and effectiveness of managing one stock of bluefin in isolation from the other, are vindicated in that this new information underscores the need to rein in overfishing in the east. The U.S. ICCAT delegation should insist on it. It also demands new rules for sorting out and controlling catches in the central Atlantic.

(continued on page 3)

INSIDE

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

THE NCMC
OCEAN VIEW

THE STORY THAT WASN'T

Amidst the rash of grisly shark attacks this summer, it wasn't easy being an advocate for more sharks in the water. Although you'd think the sharks would have had no shortage of lawyers coming to their defense - you know, professional courtesy and all.

It's no joke to the people who were maimed or killed. A shark attack may be far less likely than taking a direct hit by lightning, but when it happens, it is a sudden and violent reminder that nature, as Lao Tzu said, is not human-hearted.

Sharks were all over the news for weeks and the press wasn't favorable. But as **Washington Post** outdoor writer Angus Phillips noted, "(h)umans kill 100 million sharks a year while sharks kill an average of eight people. That's 12 ½ million to one. If sharks had TV and newspapers, wouldn't they have a story?"

The real question is - do *we* even have a story? Despite three fatal encounters over a brief period, the two dozen or so shark bites in 2001 is not unusual. As this information came in from shark experts, the news stories gradually took on a less sensational, more balanced tone.

That didn't stop some commercial fishermen from exploiting the situation, feeding reporters the idea that limits on shark fishing were directly responsible for a rise in attacks since 1994. One widely circulated broadside made an elaborate case linking the higher rate of reported shark bites in Florida – where most occur – to conservation measures enacted in 1993.

There are several obvious flaws in this argument. First, no regulations could cause an almost instantaneous resurgence in the number of sharks. Because of their protracted life cycles, shark populations rebound very slowly. Biologists say even that may not be happening. Second, most of the attacks in Florida are attributed to bull sharks and other species that were never a target of commercial fishing. Finally, the trend in Florida shark bites is identical to the trend elsewhere in the world, where shark fishing has been on the rise throughout the '90s and is largely unregulated. These trends – up or down - are not an index of shark numbers. The best science tells us those numbers are low for many species due to overfishing.

The next time a reporter asks us why we think there are more shark attacks, we'll say: "Because they're mad as hell and they aren't going to take it anymore!" Now *there's* a story.

Ken Hinman, President

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BLUEFIN AGAIN

[continued from page one]

But more than that we cannot say. Not yet, anyway. As Dr. Block observes, we don't know if what we're seeing are fish of western origin wandering east to return at a later date, or fish of eastern origin who are visiting the west to feed. Given the gloomy assessments for both stocks, neither scenario gives cause for relaxing conservation efforts on either side. ❑

TALKING BIG FISH DOWN UNDER

The International Billfish Symposium

by Ken Hinman

In Cairns, Australia for the Third International Billfish Symposium, I spent an evening in the nearby Queensland forest at a private 90-acre preserve established to protect a family of cassowary, a rare ostrich-like bird. Despite its endangered status – there are just a few thousand left on the continent - much of the land the large, flightless bird inhabits is unprotected and gradually being lost to suburban development. The cassowary chicks, when they reach maturity, will be forced by their parents to leave home (the preserve) to make their way in an increasingly dangerous world. The biggest threat to their survival comes on the dark roads at night. Three cassowaries were killed by cars in the week before my visit.

I was struck by how the plight of this big bird is not unlike that of the animals that had brought about 110 of us to Cairns – the marlins, swordfish and sailfish. While it is helpful and necessary for individual nations to set up conservation zones in their home waters, the fish remain vulnerable to largely unregulated fishing when they venture outside these artificial boundaries. Whether our goal is rescuing a species from extinction or rebuilding depleted populations to healthier levels, we must enlist the help of our neighbors.

This international symposium was the third in a series of infrequent but highly important gatherings that began in 1972. The National Coalition for Marine Conservation organized the Second International Billfish Symposium in Hawaii in 1988. The principal sponsors of the August 19-23, 2001 symposium were the Australian Fisheries Research and Development Corporation and Department of Agriculture and Fisheries. The Billfish Foundation, based in the U.S., acted as international host body.

Comparing Notes from Around the World

Thirteen years is a long time between conferences on any topic. But billfish research is such a low priority worldwide – much of the information is gathered by piggybacking on studies of the tuna fisheries – that new information emerges at a snail's pace. Each billfish symposium, therefore, serves a critical need. It brings together scientists, managers, fishermen and conservationists from around the globe – this year's meeting attracted representatives from 22 countries - to share findings and compare notes. The papers presented help synthesize the latest data and constitute the state of the art. There were numerous presentations on the biology of the fish and the fisheries they support (as well as those they are inadvertently caught in). We heard reports on research and fishing activities from virtually everywhere billfish are found, including the Indian Ocean, Bermuda, Venezuela, Baja California, the Mediterranean and the Arabian Gulf.

Cairns was a logical choice as the site for this symposium. The south Pacific waters around Australia and nearby New Zealand teem with several types of marlin, spearfish and swordfish. The charter boat fishery for black marlin alone is worth an estimated $40 million dollars a year (~$21 m U.S.) to the local economy. In terms of sheer volume of landings, the fisheries in the Pacific dwarf those of the Atlantic.

I think the Pacific venue, however, explains why the symposium was a little heavy on research and light on management. Because of the relatively better condition of Pacific billfish populations (or perhaps the reliance on inadequate or outdated data, or maybe the lack of any organized oversight), the management discussions were more subdued than they would have been had the symposium been held at a venue in the Atlantic, where all species are designated overfished and fishing is under tight regulation. But even though we were talking big fish as far away from the north Atlantic as you can get on this planet, the Atlantic's troubles with billfish managed to provide the symposium with its only moments of controversy.

Research in the Techno Age

Most of the advances in billfish science are coming in two areas: genetics research and new tagging technology. Both promise revelations about stock structure. The jury, however, is still out on how much we can expect to learn.

Here's some of what we know and what we don't. Two of the most closely related billfish – striped marlin in the Pacific and white marlin in the Atlantic – exhibit very distinct DNA patterns. The striped marlin has a

variety of genotypes throughout its range, while the white marlin is more uniform. The lack of genetic divergence would seem to indicate more gene flow within the white marlin population, however, a very low level of exchange is enough to prevent divergence and it could have taken place eons ago. In fact, there is no evidence of more (or less) stock structure within the more genetically diverse striped marlin population. Indeed, researchers emphasize that finding genetic heterogeneity (variety) does not necessarily indicate stock structure (i.e., sub-populations) nor does genetic homogeneity necessarily mean a single stock. So what does it mean? Now, I may be exhibiting my own genetic deficiencies in not comprehending this highly complex subject, but I've been watching these studies since the early 1990s and I've yet to appreciate their usefulness in discerning stock structure in any way that would allow us to assess the relative effectiveness of regional versus ocean-wide conservation efforts.

The information produced by pop-up archival tags, on the other hand, is more straightforward, although it too is not conclusive. Like all tagging studies, the significance of the results is directly linked to sample size. Conventional "mark-recapture" tagging has had very small recovery rates (<2%), which can indicate the potential range of the species, but not stock structure. To date, most recaptures have occurred in the area of release, with a small number reclaimed a great distance away. From such small samples, one might surmise regional residence with long range migrations the exception, but we don't have enough returns to reach that conclusion.

Low sample sizes are a problem with pop-up tags, too, so far limiting their utility for making conclusions about stock structure (see "Bluefin Again," front page) But the return of information per tag is high because this method doesn't require that the fish be recaptured. The devices are programmed to release from the fish after a pre-determined period of time, float to the surface and transmit data to a satellite. They've been used successfully to track the movements of fish for up to nine months. Most importantly, because the recovered data are not just a record of movement from point A to point B but everywhere in between, the results can be very revealing about a fish's life style, behavior and preferred habitat. Pop-up tags can also be useful in measuring post-release mortality of fish caught on both rod-and-reel and longline gear, essential to gauging the effectiveness of conservation programs relying on the release of live fish.

A Challenge to Atlantic Marlin Assessments

One keynote speaker, reinforcing the need to improve our understanding of billfish and our impact on them, declared that "uncertainty about the science breeds uncertainty about management measures." True enough. But it is also true that management measures tend to spawn a search for uncertainties to call unwanted fishing regulations into question.

In a presentation reviewing stock assessments for the world's billfish, a Japanese scientist reported that, according to studies done in the 1990s, all Atlantic billfish are considered over-exploited; that blue marlin in the Indian Ocean are deemed fully-exploited on the basis of evaluations not updated since the 1970s; and that the most recent assessments for Pacific billfish were done for the 1988 billfish symposium. Indeed, absent a Pacific-wide body to collect data and provide oversight, these symposia are virtually the sole impetus for making these periodic reviews.

But the take home message of his talk was that billfish stock assessments are inherently unreliable because of the difficulty of measuring trends in catch-per-unit-effort (CPUE) in longline fisheries that target other species and sometimes alternate those targets. He cited the recent ICCAT estimates for blue and white marlin, which show both species at dangerously low levels (and, not incidentally, have prompted strict new regulations on longliners, including the Japanese). His country's longliners, he pointed out, switched from targeting yellowfin and bluefin to bigeye tuna in the 1980s, which meant setting their hooks deeper, where they may be less available to marlin. One of his colleagues followed with a paper suggesting we cannot use the longline CPUE as an index of abundance without first delineating the habitat (including feeding depth) of billfish and the efficiency of longlines in hooking these fish at different depths and in varying water temperatures.

The presentations were works-in-progress, planting the seeds of doubt, with the arguments not yet fully formed. One scientist responded that his work suggested most billfish take the bait as the gear is being set or retrieved - that is, moving vertically through the water column - and therefore depth of set may be less of a factor in catch rates than was being proposed. Another challenged the idea that billfish do

not feed at the greater depths. Based on what we know now about billfish habitat preference and longline efficiency in different configurations, we are not likely to improve upon the current assessments without engaging in a long-range research project that may or may not alter the results.

Which seems to be precisely what the Japanese are asking us to do; or rather, will likely be asking ICCAT to do at next year's stock assessment meetings, after which the commission will be developing a long-range rebuilding plan for billfish. The tactic is not a new one; avoiding regulations by highlighting uncertainties in the science. In the interests of improved science, asking these questions is the responsible thing to do. But in the management arena, where the precautionary approach must prevail, it cannot be used as a stalling tactic to permit longliners to continue business as usual. Especially when we're dealing with fish whose condition, according to the best available science, has prompted a petition for listing under the Endangered Species Act (see "Are White Marlin Going Extinct?" p. 9).

Curtailing Longlines Remains the Key

Longlining, which catches and kills more billfish than all other methods of fishing combined, was mentioned in the majority of papers presented at the symposium. And yet, the issue was not addressed head on. As we've learned over and over again, conserving billfish means controlling longlines, not merely accommodating them and taking their quirks into account. I'd have liked to have seen an entire panel devoted to a closer examination of methods for minimizing longline bycatch mortality as well as research needs in this area. Outside of a brief discussion of the U.S. longline time-area closures – delivered by a government representative who didn't come across as all that enthusiastic about what her agency had done – there was no such discussion.

Longlining, as a top marine conservation issue, is inescapable. At the tip of the Otago Peninsula in southeastern New Zealand is the only mainland colony of albatross in the world. All others are on remote, uninhabited islands, hundreds or thousands of miles from the nearest human habitation. This one, however, is just 50 miles from a city of over 150,000 people. Ironically, it is not on land that this colony of Royal albatross has to fear man but, like billfish, sharks, tunas and turtles, the danger lies at sea, where the giant birds spend 80 percent of their lives.

Circumnavigating the southern oceans, touching land only as long as it takes to nourish their young, the albatross must feed in the open ocean. Too often the fish they pursue are attached to longline hooks that are not pursuing them, yet take their toll nonetheless. Thousands of albatross and other endangered seabirds die in this manner every year. It resembles, even more, the plight of the animals that brought so many of us to Cairns. ❑

NCMC TESTIFIES ON LONGLINE BILL

HR 1367 Would Enact Additional Time/Area Closures and a Buyout

By Tim Hobbs, Fisheries Project Director
Excerpts from his testimony before the House Fisheries Subcommittee, August 2, 2001

The current state of highly migratory species in the Atlantic is deplorable, largely due to the widespread use of pelagic longline fishing gear. Pelagic longlines are highly indiscriminate in the number, size and type of marine species they catch, and produce high rates of mortality, a combination that makes this gear especially detrimental to the offshore marine ecosystem.

For years, NCMC has urged the National Marine Fisheries Service (NMFS) to implement a comprehensive bycatch reduction program to reduce longline bycatch of all impacted species through a suite of time-area closures. At long last, NMFS published Amendment 1 to the Highly Migratory Species Fishery Management Plan (HMS FMP) on August 1, 2000, which closed 133,000 square miles to longline fishing, either seasonally or year-round. NCMC fully supports the NMFS closures. Under NMFS estimates, these closures, which are now fully implemented, will reduce longline bycatch of juvenile swordfish by up to 42%, large coastal shark bycatch by up to 43%, and sailfish bycatch by up to 44%. These reductions are substantial and will provide significant benefits to the rebuilding efforts of these overfished species.

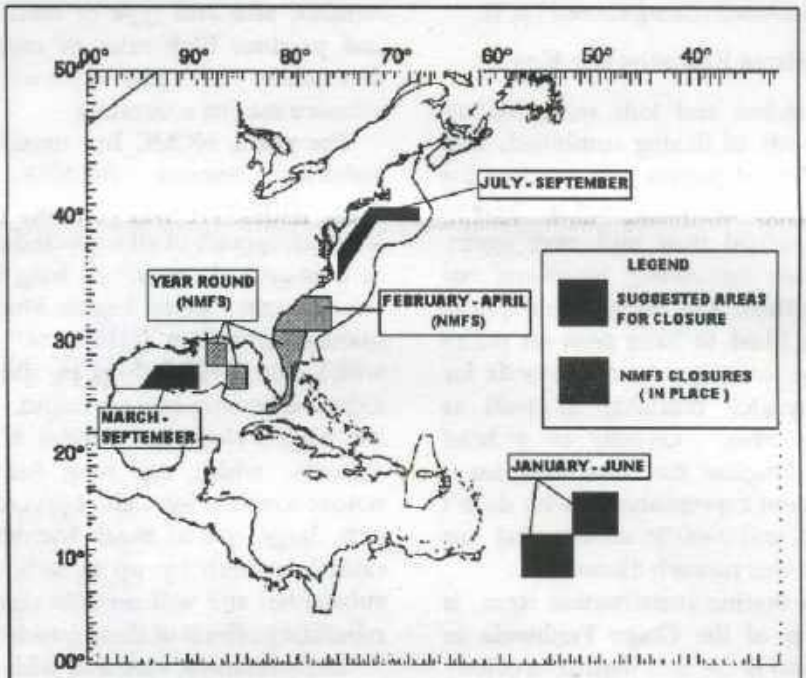
Unfortunately, blue and white marlin only receive a residual benefit from the NMFS closures and estimates of bycatch reduction for these species are, at best, a meager 6-12%. This fact is made worse because blue and white marlin are by far the most overfished of the Atlantic highly migratory species. The most recent ICCAT stock assessment estimates blue marlin at 40% of healthy population levels (MSY) and white marlin at a mere 15%. Clearly, more action must be taken to stop the decline of these important species. Additional time-area closures to longline fishing in U.S. waters should be implemented to achieve a level of bycatch reduction for blue and white marlin commensurate

with the level of relief provided to swordfish, sharks and sailfish from the closures now in place.

We are aware that one of the primary objectives of Mr. Saxton's bill (HR 1367) is, in fact, to achieve additional conservation for blue and white marlin. We fully support this goal and we look forward to working with Mr. Saxton and the Subcommittee towards achieving it. At this time, however, while we support the intent of this legislation, we do not feel the bill as currently drafted goes far enough in securing the needed level of conservation for overfished blue and white marlin.

Closures Need Expanding

HR 1367 would leave the existing longline closures promulgated by NMFS (August 1, 2000) in place and would implement additional closures to achieve a higher level of conservation. We fully support this course of action. The NMFS closures were developed through the established fishery management process, have been thoroughly reviewed and commented upon by the public several times, and are based on the best scientific data available. Previous legislation addressing longline fishing in U.S. waters would have rescinded these area closures, an act we feel would be entirely inappropriate. As stated above, the conservation benefits of these closures to certain highly migratory species are significant.



Recommended Future Longline Time/Area Closures
To Protect Blue and White Marlin (based on NMFS bycatch maps)

The Mid-Atlantic Bight is an area where white marlin are known to congregate during the summer months. HR 1367 proposes two annual time-area closures to longlining in this region: a 40-day closure covering approximately the 100- to 1,000-fathom depth contours from the Hudson Canyon to the Poorman's Canyon; and a 30-day closure covering approximately the 100- to 1,000-fathom depth contours from the Washington to the Norfolk Canyons.

NCMC concurs that white marlin are concentrated in these areas at these times. However, we believe that both of these closures are of such limited scope, both spatially and temporally, as to provide little benefit to white marlin. We are concerned that displaced longline fishing effort concentrated on the fringes of these small closures could negate the conservation benefits achieved by them. We believe the mid-Atlantic closures in HR 1367 must be expanded to achieve a greater level of conservation for white marlin.

HR 1367 would also close an area in the western Gulf of Mexico from the shore out to 500 fathoms, from the U.S./Mexico border to approximately Cape San Blas, Florida. This is exactly the same closure that appeared in previous legislation. Unfortunately, there is very little longline fishing occurring in this area and, therefore, closing it would do little for conservation. In fact, in an April 5, 2000 letter to Senator John Kerry last year, then-Assistant Administrator for NOAA Fisheries Penny Dalton stated that this same closure would only result in a reduction in billfish bycatch of "generally less than 1%." This closure will accomplish little in achieving the objectives of this legislation.

There are, however, areas in the Gulf of Mexico with higher levels of bycatch that should be considered for closure. NMFS originally proposed a seasonal closure in the western gulf that was expected to reduce billfish bycatch by up to 15%.

There are several other documented areas of high blue and white marlin bycatch, such as in the northern Caribbean, which should also be considered for potential closure. I would be happy to work with Mr. Saxton and the Subcommittee in obtaining and reviewing studies and data showing longline bycatch in all of these areas (see map above).

Buyout of Longline Vessels

NCMC could support a properly structured buyout of U.S. Atlantic pelagic longline vessels either to

reduce longline fishing effort or to compensate fishermen demonstrably impacted by the time-area closures, having derived a substantial portion of their income from an area now off-limits to fishing. A buyout for the purposes of effort reduction should focus primarily on removing active vessels from the fishery, with addressing latent fishing effort and preventing reinvestment into the fishery important, but secondary, goals. Removing active vessels from the fishery provides immediate relief to overfished stocks.

Vessels accepting a buyout for compensatory reasons must be able to demonstrate a significant, adverse economic impact directly resulting from recently enacted time-area closures. This can be achieved through appropriate qualification criteria.

Transferring Swordfish Quota

We strongly support Section 12 of HR 1367, which would transfer the portion of the U.S. swordfish quota caught by bought-out vessels from the longline to the handgear (harpoon, rod and reel) categories. Harpooning swordfish is a traditional fishery that first started in the late 1800s. Contrasted with longlines, fishermen using harpoons or rod-and-reel take only large, mature fish with absolutely no bycatch, thus avoiding the two major problems with pelagic longlines. The selectivity of harpoon fishing is why this fishery was sustainable for over 100 years.

The objectives of the Highly Migratory Species FMP implemented by NMFS in 1999 include restoring both the traditional harpoon fishery as well as the traditional recreational fishery, participation in both of which has dwindled in recent years as the swordfish stock declined from unsustainable fishing practices.

NCMC strongly supports a transition from the use of pelagic longlines to more sustainable and selective fishing gears, such as harpoon or rod-and-reel. Time-area closures to longlining are necessary to protect juvenile swordfish (and other fish) while stocks recover, but a shift to more sustainable gears is necessary as we begin to rebuild these stocks, as we do not believe the swordfish fishery can be sustainable, especially in an ecosystem context, if longlines (as commonly fished) are the primary gear used.

Gear Modification Research

Methods of modifying the way longlines are fished to reduce bycatch have been discussed for years, but so far, few gear modifications have actually been tested to determine whether or not they hold any promise for reducing bycatch. We need to determine, once and for all, whether any modifications exist that could be adopted to reduce bycatch. We would support legislation mandating NMFS to conduct a comprehensive research program to test various gear modifications for their bycatch reduction potential. We envision a research program that would test, among other things, the duration of soak time, length of the mainline used, or various hook types to determine potential for reducing bycatch.

Conducting this research is essential for the future management of these species, both in U.S. waters and internationally, for we must fully assess all options at our disposal for reducing longline bycatch. The value in conducting this research lies not only in finding modifications that would presumably allow longline fishing to continue in U.S. waters, but in finding an exportable method of bycatch reduction that could be adopted by foreign fleets as well. This research would also help determine whether or not we must rely upon time-area closures as the sole method of reducing bycatch.

NCMC is highly supportive of Rep. Saxton's efforts to further reduce longline bycatch and we commend him for providing the leadership necessary to tackle these issues. We will continue to work with him and the rest of the Fisheries Subcommittee to achieve additional conservation measures for blue and white marlin. ❑

SHARK NEWS

In July, NCMC's Christine Snovell attended the annual meeting of the American Elasmobranch Society, where member scientists reported on new findings in the biology, reproduction, and habitat of sharks and other cartilaginous fish. Her report follows.

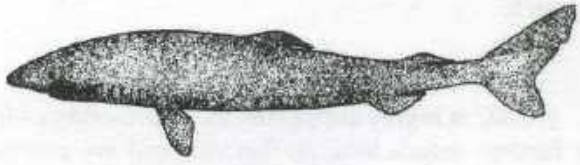
Northern Gulf of Mexico is Important Shark Nursery Area

At the annual meeting of the American Elasmobranch Society (AES), scientists reported that the northern Gulf of Mexico is an important shark nursery for many commercially and recreationally important species. In one particular study, sampling occurred off the coast of Mississippi and Alabama from October 1997 to September 2000. Based on catches of neonates and juveniles, this area was found to be a nursery area for at least 9 species of shark. Most notably, the Mississippi Sound and waters surrounding the barrier islands serve as important habitat for neonates and juveniles of all 9 species. The

most abundant were sharpnose, blacktip, and finetooth sharks. Other species found were bull, bonnethead, blacknose, scalloped hammerhead, spinner and sandbar shark. An interesting finding in this study was that catch-per-unit-effort (CPUE) was highest in the year 2000. Although it is too early to see a trend, hopefully this offers promise for some of these overfished populations.

New Insights About the Greenland Shark

Spearheading research efforts on the Greenland shark in the frigid Arctic, scientists revealed interesting new information about the feeding habits of this unusual resident shark. Greenland sharks are large (14-22 feet in length), quite sluggish, and found in areas such as this study site under polar icefloes. They are generally found with a parasitic copepod attached to their eyes which some believe may cause blindness.



Despite their sluggish nature, the shark is apparently able to capture large and active prey. One such item is marine mammals, especially seals. Researchers tracked 6 sharks off northern Baffin Island in Canada to determine if vertical and horizontal movements were indicative of seal hunting behavior. It was always thought that these animals lived mostly near the ocean floor. Data results showed that sharks in this study had no apparent depth or temperature preferences. In fact, one shark never ventured near the ocean bottom and spent all of its time at or near the surface. Researchers concluded that these sharks might actively hunt seals just below landfast ice.

AES Passes Resolutions To Help Conserve Sharks

The American Elasmobranch Society (AES) maintains a Conservation Committee dedicated to offering support to shark conservation efforts. At the most recent meeting, AES passed the following resolutions:

- ❖ to encourage NMFS to list the smalltooth sawfish as endangered under the Endangered Species Act. Once a fairly abundant species, populations have reportedly declined by over 90% and are now found only in small pockets of the US southeast.
- ❖ to encourage the New England Fishery Management Council to expedite the fishery management plan (FMP) for skates, including overfished barndoor and thorny skates. The plan was due in March of this year and the council has yet to make it a priority.
- ❖ to encourage NMFS to facilitate the review process for all large coastal shark populations. Last year NMFS settled a fishing industry lawsuit by agreeing to subject the 1998 large coastal shark population assessment to an independent scientific review, and act in accordance with the results. The review process was subsequently compromised, and now there must be a second, new review before adjustments are made to fishing regulations.
- ❖ to encourage the Atlantic States Marine Fisheries Commission to adopt coastwide FMP for overfished spiny dogfish that is in line with the federal plan. Emergency regulations are in place from Maine to Florida, but Massachusetts, a top dogfishing state, has asked to be allowed more than twice the federal quota of 4 million pounds per year in their state waters. ❑

PUNISHING CONSERVATION

Council Defeats Purpose of Catch-and-Release Fishing

By Tim Hobbs

Recreational anglers have a long-standing tradition of conservation, most evident in the growing popularity of catch-and-release fishing. This conservation ethic is passed on from one generation to the next, often through parents who encourage their children to release fish they will not use for the good of the resource. One would think that those responsible for managing our nation's fisheries would appreciate and cultivate such an attitude. Think again.

Despite its overfished condition, the Atlantic bluefish stock will be opened up to greater commercial harvest than usual in the next season. The reason? As it turns out, recreational anglers have done such a good job of encouraging release of bluefish that more than 70% of those caught are let go alive. As a result, there are more bluefish in the water than fishery managers expected. Since the recreational sector was not even close to killing all the fish allocated to it, the Mid-Atlantic Fishery Management Council decided to

give some of those released fish - six million pounds, to be exact - to harvest by the commercial sector.

Maximizing the benefits from our fisheries should be the long-term goal of management. But allowing commercial fishermen to benefit from sacrifices made in the name of conservation by recreational fishermen is wholly unjustified. Imagine the thousands of anglers that released a bluefish they caught, believing they were doing the right thing by helping to rebuild an overfished stock. Imagine all the parents who encouraged their children to release a bluefish to fight another day. And then imagine those same fish being carted off to the fish market because fishery managers decided that leaving them in the water, regardless of the overfished condition of the stock, was a "waste."

A larger question begs from the bluefish issue, however. Does the council indeed have the right to negate the efforts of thousands of individual citizens, each of whom made a conscious choice to release a fish to help rebuild the stock in lieu of taking it home for the table? The council's authority, after all, comes from the citizens of this country.

NCMC supports increasing catches if a stock can biologically accommodate it or if it's determined that the fishery is healthier than previously estimated. But this case is an exception. The reason there are more fish is because recreational fishermen, correctly believing the stock to be overfished, decided to speed the stock's recovery by releasing an unprecedented 7 of every 10 bluefish they caught. And then the council takes these savings, banked in the name of rebuilding, and doles them out to the commercial sector. The Council is required by law to rebuild the bluefish stock as quickly as possible, but the Council's action will lengthen the recovery horizon.

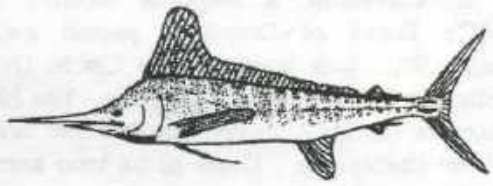
Such an action might change the message conservation-minded anglers pass on to the next generation. Maybe instead of "catch and release," it will be "use it or lose it." Is this the attitude our nation's fishery managers want to encourage? ❑

ARE WHITE MARLIN GOING EXTINCT?

NMFS Asked to List Fish Under ESA

The Biodiversity Legal Defense Fund, assisted by fisheries biologist Jim Chambers, filed a petition with the National Marine Fisheries Service in early September asking the agency to declare Atlantic white marlin (*Tetrapturus albidus*) threatened or endangered under the Endangered Species Act (ESA). Citing the best science showing an extreme decline in the population, most recently plummeting to a mere 15% of healthy levels and still heading downward, the petitioners propose that serious action must be taken by NMFS to prevent a risk of extinction.

According to the law, NMFS has 90 days to respond and indicate whether it thinks the petition is worthy of reviewing. If NMFS does determine the biological condition of the species warrants consideration under the ESA, the agency then has one year to decide whether or not to list white marlin as either endangered (in imminent danger of extinction) or threatened (likely to become endangered in the foreseeable future). Without any delays, the earliest the agency would be likely to make a listing is 2003.



The petitioners cite indiscriminate drift longline fishing as the cause of decline. Longline operations for tuna and swordfish take this small variety of marlin unintentionally. The petition asks NMFS to enact large-scale time/area closures in order to reduce white marlin bycatch substantially. Although the petition notes the extraordinary efforts on the part of anglers to release 99% of the billfish they catch, it is not clear at this time what, if any, additional restrictions might apply to the recreational white marlin fishery, including the handful of big game fishing tournaments that target marlin along the east coast. Ultimate decisions on what actions would be necessary to halt the white marlin's decline would be made by NMFS, if and when it decides the fish merits listing.

The question of the moment, however, is whether or not the biological condition of white marlin justifies a listing under the ESA. If NMFS concludes a listing is warranted it will be because the stock is truly at risk of extinction. If that determination is made, the U.S. will be obliged to do everything within its power to protect these fish. NCMC will be anxiously awaiting NMFS' determination, as will many others.

Oceanic fish like white marlin - highly migratory with no discreet habitat, a relatively prolific spawner - are rarely considered for listing. Only one marine fish is now listed: the slow-moving, homely smalltooth sawfish. Due to the marlin's transoceanic movements, actions of many countries have contributed to their decline. U.S. longliners often use this fact as a reason to thwart attempts to conserve these species in domestic waters. Such arguments carry little weight when dealing with the ESA, however, as the law makes no

distinction between the migratory abilities of species that are endangered. Analogous cases might be those of loggerhead and leatherback sea turtles, species that are far ranging but nevertheless classified as endangered and protected under U.S. law. While the turtles have been listed for many years, NMFS only recently took the bold action of closing down 3 million square miles of ocean to longliners in order to protect them (see June–July 2001 *Marine Bulletin*: Grand Banks Closed to Longline Fishing). ❑

JACK CLEVELAND

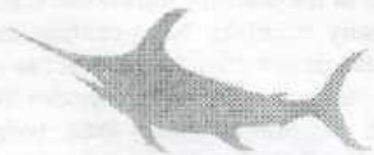
John M. Cleveland, a longtime member of the NCMC's Board of Directors, passed away on September 9th. Jack lived in New Castle, Delaware with Elly, his beloved wife of 43 years. The National Coalition for Marine Conservation has lost one of its most loyal champions. Those of us who knew him have lost a great friend.

Jack was a lifelong fisherman and already a committed conservationist when I was still in grade school. But first and foremost, he was an educator. He was a teacher and coach at Greenwich Country Day from 1948-58. For the next four years he coached the University of Pennsylvania ice hockey team. He was headmaster of Upland Country Day School from 1963-1981. He served as Director of Athletics and taught Latin. He was the author of three books on two of his passions, hockey and fishing: Growing Up Through Hockey, The Albatross Fleet and Mangrove Tarpon. Jack donated all of the proceeds from sales of the latter two books to support the NCMC's conservation work.

Whenever something he saw in our newsletter or another fishing magazine piqued his interest, Jack would give me a call to discuss it. I'm going to miss those conversations. He asked my opinion more than he gave his own, but I invariably felt like I understood the issue better after we'd talked. He had a way of zeroing in on what's really important.

Last May I interviewed Jack for an article I was writing (see box to the right). I wanted to let people know about someone special. I had no idea, then, that I would be writing a eulogy. (Donations may be sent to The John M. & Ellen B. Cleveland Alumni Scholarship Fund at Upland Country Day School, 420 West St., Kennett Square, PA 19348)

-K.H.-



A PIONEER AND SPORTSMAN

The following is an excerpt from Ken Hinman's August 2001 Fisheries Front column in Salt Water Sportsman magazine:

When Jack Cleveland left the dock headed for the blue waters off Cape Hatteras one August day 43 years ago, his idea was to hook his first blue marlin. And that he did, a fish he recalls weighed somewhere between 300 and 400 pounds. But he had another idea, and it's what he did next that makes this story more remarkable than an angler besting one of the sea's biggest game fish. He let the big fish go.

Understand that this was 1958, a time when releasing a blue marlin was unheard of. This unusual act of conservation was not only the talk of the docks in North Carolina, but the subject of outdoor columns up and down the east coast. Jack even got a congratulatory letter from S. Kip Farrington, Jr., noted sport fishing writer and world traveler, telling him it was the first release of a blue marlin he knew of. Jack Cleveland, in other words, was a pioneer.

The word he prefers is sportsman. Releasing fish was always Jack's habit, ever since he was a boy fishing for bass, on up through his years casting for snook and tarpon in the Everglades, to the white marlin and sailfish he'd released not long before his encounter with the blue marlin. The fish was in good condition when brought alongside the boat, the wire leader cut close to her mouth, and she swam away strongly.

Of course, what was news then is commonplace now. "When we (he and his wife Elly, his constant fishing companion) told people we wanted to catch and then release a blue marlin, everybody thought we were insane," Jack laughs. "Today, all the captains and mates on every dock wear T-shirts that say release-for-tomorrow."

Indeed, times have changed. Now it's the fisherman who brings a billfish to the dock who raises eyebrows and starts people talking. Billfishing in 2001 is virtually all catch and release. According to government surveys and estimates by sport fishing organizations, anglers release alive more than 90 percent of the marlins and sailfish they catch. Why? For the same reason Jack did nearly a half century ago - to preserve the fish and the future of fishing.

TURNING THE TIDE

NCMC News & Activities

NMFS MOVES FORWARD WITH VMS . . .

After having longline time/area closures in place for 6-10 months with virtually no means of enforcing them, the National Marine Fisheries Service announced it is finally taking steps towards implementing a vessel monitoring system (VMS). The lack of an adequate enforcement mechanism could be undermining the conservation benefits of the closures. Requiring longline vessels to carry VMS ensures no vessels are fishing in areas that are now off-limits.

NMFS originally mandated that all longline vessels be equipped with the tracking devices as part of the June 1999 Atlantic Highly Migratory Species FMP. But the rule was suspended when longliners won a temporary injunction in federal court. In September 2000, the judge in the case remanded the VMS rule back to NMFS, asking the agency to reconsider if a fleet-wide VMS requirement is absolutely necessary to enforce the closures. A year later, after taking public comment and reviewing other alternatives, NMFS submitted its findings to the court: "A VMS requirement for all active pelagic longline vessels is necessary to achieve conservation goals" and "a fleet-wide requirement is appropriate for the pelagic longline fishery." The requirement can go into force as soon as the judge gives his approval.

Throughout the past year, NCMC sent letters, testified at hearings and met with NMFS officials to strengthen the agency's case for VMS as well as its resolve to implement the requirement as soon as possible. We won't rest until that happens.

. . . BUT INACTION ON DOLPHIN LOOPHOLE STILL POSES THREAT

NMFS closed 133,000 square miles of ocean to longlining to reduce bycatch of swordfish, billfish and sharks, but it could not prohibit longline fishing for dolphin or wahoo in the closed areas. Management authority for those two species belongs to the South Atlantic Fishery Management Council. NMFS asked the council to include "complementary actions" in its dolphin/wahoo FMP to make sure the conservation benefits of the closures were not diminished by longliners setting their gear for non-regulated species, chiefly dolphin. The council more than complied. Aware that the HMS closures in the southeast were due to take effect in early 2001 and that the dolphin/wahoo FMP likely would not be implemented until at least a year after that (it now looks like not until 2003), the council asked NMFS to implement the prohibition as an emergency rule.

Instead of implementing the regulations it asked for, however, NMFS sat on the request for over 7 months. Meanwhile, longlining for dolphin in the so-called no-longlining zones went unregulated. Finally, on September 12, the agency informed the council it would not be implementing the emergency action.

NCMC wrote Dr. Joe Powers, southeast regional director, on September 20, challenging his rationale for denying the council's request, which was that there is no evidence that longlining for dolphin has *increased* as a result of the closures. "The only thing that should be considered in determining whether or not to grant the council's request," we said, "is whether or not allowing fishermen to set longlines for dolphin in the southeast closed areas – at existing levels of effort, or at potentially increased levels - undermines the integrity of the management measures previously established by NMFS to reduce bycatch and regulatory discards in the HMS fisheries."

NMFS told the council it could seek emergency action again in the future if and when an increase in longlining for dolphin is noted. "Current levels of bycatch in the unregulated dolphin longline fishery already may be undermining the conservation benefits of the closures due to billfish and shark bycatch," we objected. "Limiting action to a detected *increase* in effort is contrary to the intent of the closures and the council's attempt to complement them." The point was "to head off the possibility that swordfish/shark longliners would keep fishing and target dolphin, with an associated HMS bycatch. But you can't prevent something by waiting for it to happen first."

NCMC is conferring with members of the South Atlantic Council and will participate in the council's December meeting, where a decision on an appropriate response, including a new, strengthened request for emergency action, will be made.

MID ATLANTIC TOURNAMENT HELPS NCMC, CONSERVATION

For the second year in a row, NCMC was a recipient of proceeds from the prize raffle at the Mid Atlantic $500,000 tournament (modified-release) this past August. Proceeds were shared with the International Game Fish Association and Recreational Fishing Alliance and go toward each group's conservation programs. Thanks to all our prize donors who generously contributed over $50,000 worth of

merchandise, trips, jewelry, artwork and fishing tackle for the NCMC/IGFA/RFA booth. Lynne Rasmussen of Berlin, NJ walked away with the grand prize, keys to a new Ford Expedition XLT with towing package. A special thanks also goes to white marlin category winner Tony "Oil Slick" Penza and tuna category winner Phil "Heart to Heart" Infantolino for donating a portion of their prize money to the three organizations, and to Dick Weber and family for hosting the event and allowing us to participate.

NCMC WEBSITE GOING STRONG

NCMC's website, www.savethefish.org, continues to grow, both in the information available and products for sale as well as in the number of visitors. We now accept credit cards via secure server to handle membership fees and other items for sale, such as NCMC reports and donated works of art. The website also features breaking news and action alerts informing visitors how they can help NCMC effectively advance our conservation initiatives. What will not be found on the website is the in-depth coverage and analysis of the major conservation issues, which will remain the focus of NCMC's newsletter. We highly encourage members to both read the newsletter and to regularly check out the website to stay properly informed. An informed public is the best weapon in the fight to conserve our fisheries.

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CROSSING SWORDS

NCMC CHALLENGES INDUSTRY MYTHS

What a myth never contains is the critical power to separate its truth from its errors.
- Walter Lippman

In the fall of 1997, the National Coalition for Marine Conservation (NCMC) exploded the myth that the United States was doing all it could to conserve declining populations of Atlantic swordfish; that all the blame lay with fishermen from other countries. We showed how, despite international regulations prohibiting the take of juvenile fish, U.S. longliners continued to fish on known nursery grounds and were killing and discarding tens of thousands of undersize broadbill every year. We pointed to a 1991 recommendation that Atlantic fishing nations enhance the effectiveness of the minimum size limit with area closures and other measures, and to a 1996 U.S. law requiring that bycatch and discards be reduced.

In 1999, the International Commission for the Conservation of Atlantic Tunas (ICCAT) finally came to terms with the seriousness of the bycatch problem and began penalizing countries with high discard rates. In 2000, the National Marine Fisheries Service (NMFS) closed large areas of coastal waters to indiscriminate longlining in order to minimize interactions with juvenile swordfish.

Now the U.S. swordfish industry is promoting a new mythology. They are claiming that recent measures to mitigate the bycatch problems associated with pelagic longlining are rendering U.S. fishermen unable to catch their international allocation of swordfish. This, they say, will result in ICCAT giving away what the U.S. doesn't catch to other fishing nations.

In June, in response to a request from Congressman Walter Jones, Jr. (R-NC) that he comment on the international implications of U.S. longline closures, Glenn Delaney, U.S. ICCAT Commissioner representing the commercial sector, made the following statement: "Approximately 3 million square miles of the Atlantic ocean and Gulf of Mexico are already subject to US time-area closures for US pelagic longline fishing. These time-area closures are designed to reduce various types of longline bycatch. *Consequently, the US longline fleet is now unable to catch the full quota of its most important species – north Atlantic swordfish* – allocated to the U.S. through ICCAT." (emphasis added). He further stated that "(a)s a matter of ICCAT allocation procedure, such unharvested US swordfish quota will be reallocated to other ICCAT swordfish fishing nations."

Mr. Delaney's assertion that the inability of the US swordfish fleet to fill its ICCAT quota is a consequence of recently enacted time-area closures is not supported

(continued on p. 3)

INSIDE

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

THE NCMC
OCEAN VIEW

IS MARLIN ESA PETITION A THREAT, AND TO WHO?

A petition asking the government to list the white marlin under the Endangered Species Act has caused quite a stir. The beleaguered billfish's biggest fans in the U.S., recreational fishermen, seem to be of two minds about it. They know how dangerously low white marlin numbers are and would agree that existing ICCAT conservation measures are inadequate. But because the petition is in the hands of NMFS, they worry about what the agency might recommend.

The petitioners (Biodiversity Legal Foundation) single out commercial longlining as the culprit and commend anglers for exemplary efforts to protect white marlin. That's good. But even though U.S. anglers release nearly all of the fish they catch, some do die. Most billfish tournaments these days are no-kill, but there are still several major events awarding prize money for bringing the largest fish in. Will NMFS prepare a recovery plan that closes key white marlin spawning and feeding areas to U.S. longlining, as the petition asks? Or could it turn its sights on angling, and outlaw even catch-and-release?

What would be gained if all we get is a relatively small reduction in longline bycatch (and thus only minimal protection for the fish), but the recreational fishery is eliminated? Which raises another criticism; that the ESA governs only U.S. fishing, whereas most of the fishing mortality comes at the hands of commercial fishermen of other nations.

Some angling groups believe an ESA listing would actually weaken the U.S. position in international negotiations. We don't agree. Should white marlin be listed – a decision that would be made sometime next year - the U.S. would then come under irresistible pressure to seek a complementary listing under CITES, the treaty restricting global trade in endangered species. ICCAT has already shown it will respond to avert a CITES listing. Japan in particular will bend over backwards to keep CITES out of the fish trade. So it could be just the outside pressure needed to bolster the ICCAT rebuilding plan when it's renewed in 2002-03.

The effect of an ESA listing is, if anything, unpredictable. But the petition is in, and the important thing now is that the decision be made based on science, not politics. If it's determined that white marlin are endangered, that's information we need to know so we can act accordingly.

Ken Hinman, President

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CROSSING SWORDS
(continued from page one)

by the facts; facts with which he is quite familiar, since he also serves as a lobbyist for the U.S. swordfish industry. Such misleading statements to members of Congress (his memo was entered into the record of a House hearing on the need for additional regulation of the longline fishery) are not helpful, to say the least. In a September 28 letter to Mr. Jones and other members of the House Fisheries Subcommittee, the NCMC corrected the record.

Quota Underages Predate Closures

The U.S. was unable to land its ICCAT swordfish quota long before there were ever any closed areas to longlining. In 1997, the U.S. swordfish fleet was unable to catch 446 metric tons (mt) of its available ICCAT quota. In 1998, the U.S. fleet fell short by 524 mt. In 1999, it was under quota by 731 mt. (Source: Proceedings of the 12th Special Meeting of the ICCAT Commission, February 2001) The closures supposedly responsible for these underages were not implemented until the late fall of 2000 and the spring of 2001, and therefore could not have had any impact on swordfish catches in prior years.

Mr. Delaney also grossly exaggerates the amount of area recently closed to pelagic longlining. He says, "approximately 3 million square miles of the Atlantic Ocean and Gulf of Mexico are already subject to US time-area closures." In fact, nearly 2.7 million square miles of "closures" were implemented in July 2001 as an emergency rule to reduce fatal interactions with sea turtles under the Endangered Species Act. Most, if not all, of the 10 longline vessels historically fishing this area continue to do so under an Experimental Fishing Permit, testing gear modifications to reduce turtle bycatch, during which time they are able to land and sell swordfish. (Source: Federal Register July 13, 2001, 50 CFR Part 635)

As for the statement that, "(a)s a matter of ICCAT allocation procedure, such unharvested US swordfish quota will be reallocated to other ICCAT swordfish fishing nations," there is no such allocation procedure. If there were, the US would have forfeited swordfish quota years ago.[1]

U.S. Actions Comply with ICCAT

It is important to understand that the swordfish fishing regulations the U.S. fishery has been operating under, including the recent time-area closures, were implemented to comply with ICCAT goals and recommendations and were not unilateral actions by the U.S. outside the purview of the international swordfish program. The closure of 133,000 square miles in the southeast and gulf was designed to reduce dead discards of juvenile swordfish in accordance with a longstanding ICCAT recommendation. The U.S. fleet has been catching and discarding dead between 30,000 and 40,000 undersize swordfish each year since 1991, when ICCAT first prohibited the catch of juveniles in order to help rebuild the overfished north Atlantic population. In the most recent fishing year, 2000, the U.S. longline fleet discarded an estimated 36,902 small swordfish. (Source: U.S. National Report to ICCAT, October 2001)

If complying with ICCAT recommendations results in a further inability to harvest the full quota, it is unlikely the U.S., whose record of implementing swordfish (and other) conservation recommendations is unparalleled among ICCAT members, would be penalized by losing quota. It is even more unlikely that ICCAT would re-allocate this unused quota to "other major swordfish fishing nations" whose record of compliance is poor, thereby rewarding nations for non-compliance while at the same time slowing the recovery.

Reduced U.S. catches resulting from strict compliance with the international swordfish rebuilding program cannot be characterized as the U.S. putting its own fishermen at a disadvantage. The problem lies with ICCAT, whose inability to enforce its regulations allows some countries, in particular Spain and Japan, to take advantage.

Closures Benefit Recovery, Future Fishing

The U.S. time-area closures not only comply with ICCAT recommendations, but will benefit U.S. fishermen by making more, not less, of their future quota available to be caught and landed.

The ICCAT management program changed beginning in 2000, in that the U.S. landings allocation will be reduced by the amount we exceed a new dead discard allowance. The purpose of the allowance –

[1] The U.S., at the November 2000 ICCAT meeting, transferred 400 mt of U.S. swordfish quota – fish our fleet had been unable to land and had carried over from prior years – to Japan. This transfer was a voluntary action, the result of a two-party sidebar agreement between the U.S. and Japan as part of negotiations on separate, non-swordfish quota related matters. It was by no means the result of an ICCAT re-allocation of unharvested U.S. quota and should not be considered as such.

which will be reduced each year and phased out by 2004 - is to discourage capture and discard of undersize swordfish while encouraging domestic actions to minimize this bycatch. Because of consistently high levels of discards of undersized swordfish in the U.S. fishery (averaging close to 500 metric tons per year from 1996-2000), we would be likely to exceed our dead discard allowance of 320 metric tons for 2001, absent measures to reduce discards. If we do, it will reduce our allowable landings by the amount of overage.

However, as NMFS pointed out when implementing the latest ICCAT recommendations for swordfish (Federal Register, December 12, 2000), the U.S. time-area closures implemented in late 2000 and early 2001 are intended to reduce dead discards of swordfish. "If the time/area closures are effective," says NMFS, "they will mitigate to some extent the effects of phasing out the dead discard allowance." In other words, the closures will likely reduce dead discards of swordfish in the U.S. longline fishery, thereby making more quota available to U.S. swordfishermen than would otherwise be available if the closures were not in effect.

When the swordfish population is finally restored to a healthy and sustainable level, the U.S. should not have a problem catching its share. That share will be split among a wider range of gear categories, including the harpoon and rod-and-reel fisheries that predominated in the fishery prior to the introduction of longlines in 1960. On this last point, Commissioner Delaney told Congress that "(n)o other gear type (other than longlines) – including the US 'handgear' category – has ever had the capacity to catch more than about 10% of the current US north Atlantic swordfish quota. In other words, realistically, there exist no other gear alternatives to longline fishing that could catch the US quota of swordfish."

He is wrong once again. In 1959, the northwest Atlantic harpoon fishery operating off New England and Maritime Canada caught 4,381 mt of swordfish, about equal to the current U.S. and Canadian quotas combined. The harpoon fishery averaged well over 2,000 mt a year from the beginning of the century until the advent of longlining and subsequent overfishing in the 1960s. (Source: Berkeley, "Trends in Atlantic Swordfish Fisheries," in Planning the Future of Billfishes, 1989)

The U.S. Must Continue to Lead

A number of proposals have been made – to Congress, NMFS and ICCAT - to do more to reduce longline bycatch and conserve highly migratory species, particularly overfished Atlantic blue and white marlin (which did not receive adequate relief from the most recent time-area closures in U.S. waters). Seasonal closures are currently the only viable way to reduce this bycatch. However, NCMC and others are also promoting research to modify longline fishing practices as a future supplement or possible alternative to closed areas. Recent ICCAT resolutions have also called for looking into both area closures and gear changes.

In conclusion, most of the problems the U.S. longline fishery faces are of its own making, the result of many, many years of refusal or inability to change the way longlines are usually fished and minimize the routine, excessive bycatch of non-target and prohibited species or age classes. The industry's problems cannot and should not be blamed on the conservation measures that are necessary to manage this fishery in a sustainable manner while restoring our offshore fish populations and the variety of fisheries they support.

The NCMC will continue to help Congress and the Administration sort out the competing claims about the appropriateness of U.S. actions to reduce longline bycatch – those already implemented as well as additional actions under consideration - and how such actions fit into ICCAT's international swordfish rebuilding program. The U.S. is finally on the right track, and we will not allow misinformation to derail these commendable efforts. ❑

U.S. OPPOSES EASTERN BLUEFIN OVERFISHING

Europe's Refusal to Cut Quota Results in ICCAT Stalemate

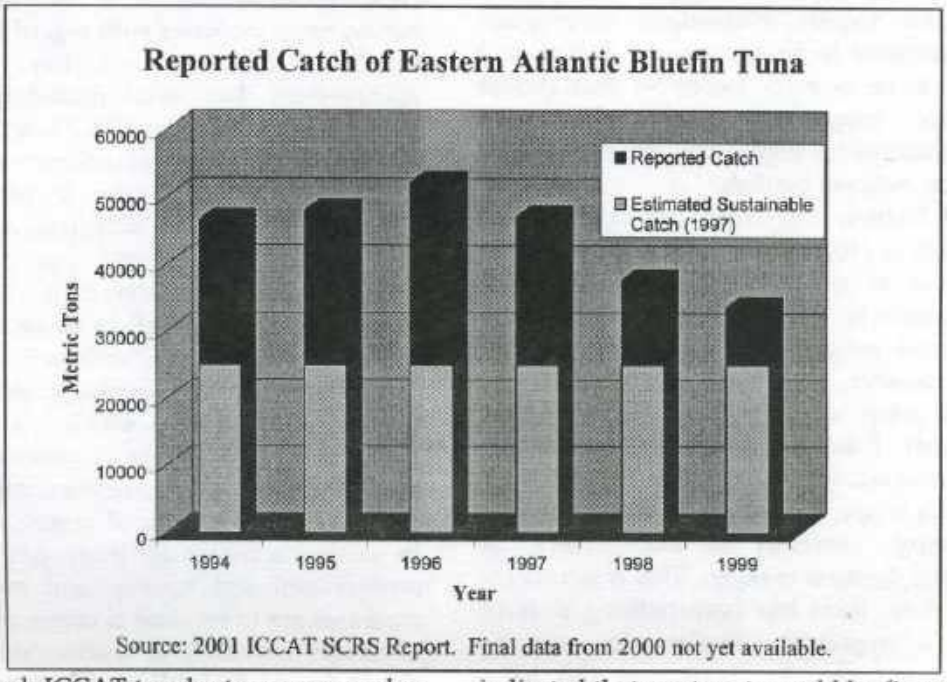
Editor's Note: The following account of November's ICCAT meeting comes from a National Marine Fisheries Service press release. While NCMC does not customarily reprint NMFS press releases, we have decided to do so this time because we fully support the U.S. position and the way NMFS has characterized the issues. We applaud the U.S. delegation for taking a tough stand against excessive overfishing by European nations.

The annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) ended last week without final agreement on several key measures because of U.S. opposition to continuing overharvest practices by Eastern Atlantic fishing nations of the highly-prized Atlantic bluefin tuna.

The U S. delegation attending the ICCAT meeting in Spain was deeply disappointed that members

ignored scientific advice to reduce catch of Atlantic bluefin tuna, then failed to finalize actions that would conserve and rebuild several Atlantic fish populations and better protect bycatch species such as sharks, sea turtles and seabirds.

"We took a tough stance to protect Atlantic bluefin tuna stocks because we could not accept a harvest level that is clearly inconsistent with scientific advice," said Rolland Schmitten, U.S. ICCAT Commissioner. "The United States, its recreational and commercial fishing groups, and environmental and conservation organizations have worked through ICCAT to adopt a recovery plan that has successfully arrested the decline of the western Atlantic bluefin tuna stock. It is now time for Eastern Atlantic fishing countries to adopt similar management steps in the face of the scientific evidence."



Source: 2001 ICCAT SCRS Report. Final data from 2000 not yet available.

Atlantic bluefin tuna are extremely valuable to the Japanese sushi market which accounts for 95 percent of the international trade in this species. The stock is currently far below its historic biomass level. ICCAT was formed to provide a forum to internationally manage these populations at levels that support the maximum sustainable catch.

During the final session, the United States, Canada and Korea blocked a movement to support a European Community proposal to raise the quota for Eastern Atlantic bluefin tuna fishermen. The United States opposed the increase because scientific evidence indicates the quota should be reduced, and that Eastern Atlantic fishing activities have a significant impact on Western Atlantic bluefin tuna stocks because of stock mixing.

An independent study, led by noted tuna researcher Dr. Barbara A. Block of Stanford University and funded in part by the National Marine Fisheries Service found that Atlantic bluefin often are traveling throughout the entire North Atlantic and, in some cases, into the Mediterranean Sea. An article reporting the findings of this five-year study was published in the August 17 issue of the journal Science and was co-authored by Dr. Eric D. Prince of NMFS. The article reported that individual bluefin tuna also migrated from the Western Atlantic to the east and back again in the same year, and that the western-tagged bluefin travel to distinct spawning grounds in the Gulf of Mexico or the Eastern Mediterranean. The results indicated that western-tagged bluefin are vulnerable to fishing from all Atlantic bluefin tuna fisheries.

Due to a lack of time for a full discussion of the proposals, the commission chair recessed the annual meeting of 31 fishing nations without reaching any final decisions on catch levels or conservation measures. The recess leaves open the possibility that member fishing nations could ignore previous harvest restrictions.

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Since the bluefin negotiations absorbed most of the time allotted for other issues, recommendations and resolutions passed out of various ICCAT committees did not make it to the floor for official passage. The ICCAT charter does have a clause allowing follow-up decisions to be made by mail-in ballot, and the U.S. expects to push for use of this procedure. ICCAT actions pending approval include initial measures to gather data for assessing pelagic shark populations, a commitment to conduct a new stock assessment for white marlin in 2002 and blue marlin in 2003 while keeping current management measures in place, a resolution to further examine mixing between eastern and western bluefin, and implementation of various tools to combat illegal, unreported and underreported fishing. NCMC will work with the delegation to ensure these issues are resolved in the near future. ❑

UN AGREEMENT ON HMS TO TAKE EFFECT

Treaty Applies to Highly Migratory and Straddling Fish Stocks

Many fisheries require international cooperation for management to be successful. A new tool will enter into force in early December that should facilitate better cooperation and risk averse management practices for highly migratory and other species that cross national borders.

The United Nations Agreement on Conservation and Management of Highly Migratory and Straddling Fish Stocks was originally adopted in 1995 but required 30 nations to ratify it before entering into force. The island nation of Malta became the 30th signatory in November.

Besides requiring countries to work together through regional fishery management bodies to manage highly migratory and other fisheries, the most important aspect of the Agreement is that it requires the precautionary approach to management be adopted in future decision making. This is significant because, until now, there has been nothing to force international management bodies to use a precautionary approach. The Agreement also helps ensure national management measures are compatible and that enforcement mechanisms are in place. ❑

IMPLEMENTING THE PRECAUTIONARY APPROACH

The following article was written by Dean Swanson, Chief of International Fisheries, National Marine Fisheries Service for the NCMC publication, Getting Ahead of the Curve: Conserving the Pacific Ocean's Tunas, Swordfish, Billfishes and Sharks. The precautionary approach, as Dr. Swanson points out, is now an established principle in international fisheries management and both national and international fishery managers are urged to implement it. The Fisheries Recovery Act of 2001 (H.R. 2570), introduced by Rep. Sam Farr with over 40 co-sponsors, would require application of the precautionary approach under the Magnuson-Stevens Fishery Conservation and Management Act.

Fishing is an ancient occupation the world over and provides a major source of high quality protein, income and recreational opportunity for millions of people. It also impacts some of the world's most precious natural wonders, the marine environment in coastal and offshore areas. In turn, fishing is impacted by activities on or near the ocean, sometimes with devastating effects.

The wise use of marine resources requires conscientious management. As global concern for the environment increases with regard to fisheries, it is not surprising that so, too, have calls arisen for management that more deliberately plans for the consequences of fishing (IUCN 1990 and Walters and Hilborn 1978). The precautionary approach has been employed for some time in realms such as the regulation of polluting industries and in the protocols observed in the testing and approval of new drugs. It has now not only entered the lexicon of fisheries management, but promises to become mandatory in certain contexts (United Nations 1995).

The precautionary approach addresses uncertainty, the manner with which it is dealt, and intergenerational equity. Uncertainty presented by available data and by determinations of the future consequences and costs of present decisions is not to be used as a reason for postponing or failing to take conservation and management measures, and such measures are to be more cautious when information is uncertain, unreliable or inadequate. Intergenerational equity has to do with responsibilities toward future generations and their equal entitlement to enjoy the benefits of renewable resources that are also consumed presently.

Prudent Foresight

The precautionary approach is the exercise of prudent foresight in fisheries management to avoid unacceptable or undesirable outcomes, taking into account that fisheries systems are:

- slowly reversible;
- poorly controllable;
- not well understood; and
- subject to change in the environment and with respect to human values (FAO 1995).

The precautionary approach flows from a number of principles, the most important of which include:

- all fishing activities have environmental impacts;
- the needs of future generations should be considered in decisions about present resource use;
- prior identification of unacceptable or undesirable outcomes;
- prior identification of measures that will be taken to avoid or correct undesirable outcomes;
- avoid interventions that are not potentially reversible;

- resolve to take needed corrective measures promptly;
- when the impact of resource use is uncertain, priority should be given to conserving productive capacity;
- harvesting and processing capacity should be commensurate with sustainable levels of the resource;
- all fishing activities should be authorized and subject to review; and
- a fishery management plan implementing the above principles should be instituted for each fishery.

The precautionary approach is an alternative to the usual mode of fishery development, which illustrates neither caution nor foresight. The usual progression goes something like this:

- a new fishery or gear is "discovered;"
- fishing is unregulated and limited only by market development;
- fishing capacity grows rapidly and exceeds the sustainable yield level;
- the resource becomes depleted and catches fall below catch capacity;
- capital investment is threatened;
- fisheries management is implemented, but relevant data are insufficient to support assessments;
- quotas are set at the highest levels thought to allow rebuilding with minimum effects on capital investment and short-term economic gain;
- fishermen compete to get the largest possible share of the catch; and
- fishermen seek new or underutilized resources or new gear types.

Apply to Management at All Levels

To whom are the tenets of the precautionary approach directed?

- nation-states and regional international fisheries conservation and management organizations, according to the Highly Migratory Species and Straddling Fish Stocks Agreement (United Nations 1995);
- from the perspective of US foreign policy, because the United States has ratified the Fish Stocks Agreement and established a policy of beginning to implement it, in: the International Commission for the Conservation of Atlantic Tunas (ICCAT); the Inter-American Tropical Tuna Commission (IATTC); the Northwest Atlantic Fisheries Organization (NAFO); the Central Bering Sea Convention Parties; and the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR);
- all domestic and international fisheries managers, according to the Food and Agriculture Organization's Code of Conduct for Responsible Fisheries (FAO 1995); and
- society in general, since the precautionary approach links fisheries management with overall environmental management.

Because uncertainty affects all elements of the fisheries management system, some degree of precaution is required at all levels: fisheries management planning; management; research; technology development and transfer; legal and institutional frameworks; fish capture and processing; and fisheries enhancement and aquaculture.

Without deliberate application of the precautionary approach at the planning stage of fisheries management, the desired outcomes are unlikely to be achieved. Planning should include:

- explicit consideration of precautionary actions that will be taken to avoid specific undesirable outcomes;
- mechanisms to monitor and control fishing capacity;
- means by which uncertainty and ignorance are to be taken into account;
- provisions for periodic re-evaluation;
- broad involvement and consultation;
- specification of management objectives, e.g., catches to be as large as possible so long as the probability of stock depletion is below an acceptably low level and catches can be kept reasonably steady;
- specification of target and limit reference points (see also FAO 1993)
- target reference points, which define desired outcomes, e.g., a target fishing mortality or a specified level of average abundance relative to the unfished state, and
- limit reference points, which define boundaries to constrain harvesting within safe biological limits so as to achieve maximum sustainable yields, e.g., a minimum stock biomass, a specified range of ages present, a specified geographical range, or possible constraints addressing ecosystem effects, bycatch, etc.;
- specification of decision rules providing for what management measures are to be taken when specified deviations from operational targets occur; and
- require re-evaluation of the feasibility and reliability of corrective management measures.

Once most of the work is done, which is to say the planning for fisheries management and acceptance of it by all major stakeholders, implementation, monitoring and enforcement can go forward. In this phase:

- continued public participation is essential;
- institute all planned decision rules;

- collect all information necessary to ensure that the plan is executed and achieving the desired results; and
- provide the ability for quick redeployment of enforcement and monitoring resources in order to quickly detect needs for corrective responses.

The level of precaution in the fisheries system should be re-evaluated periodically, particularly

- in the objectives and reference points;
- in the use of scientific and other information;
- in the applicability of contingency plans for unexpected situations;
- in the auditing procedures for all elements of the management system;
- if management measures are not achieving desired outcomes, consider
  - -modifying the limit reference points,
  - -re-specifying the procedures for applying management measures,
  - -conducting further research to reduce critical uncertainties, and/or
  - -using more powerful assessment and monitoring methods.

U.S. Takes Steps Toward Implementation

What is happening to bring the precautionary approach into practice within the United States and with regard to international fisheries management regimes?

The National Marine Fisheries Service has articulated and is implementing a "risk-averse" approach to fisheries management, including the requirement that all management plans specify a definition of overfishing and plans to avoid it. New amendments to the Magnuson-Stevens Act mandate the minimization of bycatch and waste and the authorization of fishing gear. Unless authorized, the use of a gear is prohibited.

Internationally, US policy is to promote the adoption and use of the precautionary approach and other principles in every regional international organization of which we are a member that addresses straddling or highly migratory fish stocks: ICCAT, IATTC, NAFO, the Central Bering Sea Convention, and CCAMLR. In September 1996, NAFO adopted a US proposal to begin defining appropriate target and limit reference points for all NAFO-managed stocks with the intention of implementing the precautionary approach. CCAMLR has designed and implemented a system for managing exploratory fisheries to ensure that they generate necessary data as they are permitted to slowly develop. It is now beginning to address the precautionary management of fisheries that were abandoned due to overfishing but which may be capable of supporting resumed fishing.

The United States is also promoting and taking steps to implement the FAO Code of Conduct for Responsible Fisheries, including: the precautionary approach, addressing excess capacity, addressing non-selective gear, and addressing the minimization of bycatch and waste.

The implementation of the precautionary approach will take time, but promising steps have already been taken both domestically and internationally.

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Author's Note: The present paper relies heavily on FAO 1995. The views expressed in this article are not necessarily those of NMFS or the U.S. government. ❑

COUNCIL DIRECTOR BLASTS MAGNUSON REFORMS

Claims Ecosystem Approach, Habitat Protection Unnecessary for Successful Fishery Management

by Tim Hobbs

In a curious article penned for the newsletter of the Mid-Atlantic Council, Executive Director Dan Furlong held up the Council's experience with one fishery --summer flounder-- to make sweeping conclusions about what tools are necessary to manage our fisheries nationwide. Specifically, Mr. Furlong took issue with Essential Fish Habitat (EFH) protection and the recent push to adopt an ecosystem approach to

managing fisheries, claiming these initiatives are unnecessary.

Mr. Furlong objects to these two provisions because his Council was able to rebuild the summer flounder fishery simply by setting catch limits. What he fails to mention is that ecosystem and habitat concerns were never identified as problems for summer flounder, while overfishing was. (Even so, it took over 10 years for the Council to rebuild the fishery.) Yet Mr. Furlong attempts to use the summer flounder example to show why protecting habitat and using an ecosystem approach are unnecessary. The summer flounder fishery is not representative of all U.S. fisheries and just because one strategy worked for summer flounder does not mean it will elsewhere. There are problems particular to other fisheries that setting catch limits in a single-species context will not solve. The Magnuson-Stevens Act should require managers to address these issues.

Summer flounder management had serious problems in the past that, by sheer luck, did not prevent the stock from rebuilding. For example, sectors of the fishery repeatedly breached their annual catch limits, discard mortalities were unaccounted for, and the Council operated with a scientifically low chance of success. We're glad these issues did not ultimately prevent summer flounder from rebuilding, but it is downright dangerous to claim that all other fisheries can also be managed successfully if these factors are neglected.

Using an ecosystem approach can help managers ascertain the broader ramifications of actions under consideration. *Loligo* and *Illex* squid can be managed in a single-species context and the stock may even appear to be healthy and sustainable; the level of fishing mortality may be low enough to allow the population to replenish itself. What is unknown, and what the single-species approach is unable to address (as NCMC has testified numerous times) is whether or not we're leaving enough squid in the water to provide adequate forage for the broad range of species that feed on them. The fishery may be sustainable, but is the fishery negatively impacting other fisheries, or attempts to rebuild those fisheries? Fishermen have been raising these issues for years. Assessing key predator-prey relationships, which is the first step toward taking an ecosystem approach, could better inform future management decisions.

Similar arguments can be made for designating EFH and protecting it from the adverse impacts of fishing gear. The Mid-Atlantic Council recently passed a rebuilding plan for tilefish. This species is known to be heavily dependent upon the rocky burrows in which individuals may spend the duration of their lives. The goal of protecting EFH is to ensure that fishing activities do not disrupt these types of habitat to the point where conservation is undermined. It is true that the link between healthy habitat and fishery productivity is not yet well understood, but that doesn't mean we should pretend a link doesn't exist, especially in the case of a strongly habitat-dependent fish like tilefish, when making management decisions. Mr. Furlong takes issue with respect to how EFH provisions have been interpreted to date, but these are reasons to improve the EFH mandate, not cause to abandon habitat protection measures altogether.

Measuring Success

Most confusing was Mr. Furlong's statement that "it has only been in the last five years that we [the Councils] have been charged with preventing overfishing and rebuilding stocks to optimum yield. These are lofty and maybe even unattainable goals."

First of all, preventing overfishing and managing stocks with the goal of producing the optimum yield were part of National Standard One of the Magnuson Act when it was enacted 25 years ago. The 1996 Sustainable Fisheries Act strengthened these requirements, chiefly by mandating rebuilding programs for all overfished stocks, because the Councils had, for the most part, failed in their duty to prevent overfishing and keep stocks at optimum yield.

"Preventing Overfishing and Rebuilding Stocks to Optimum Yield. . .Are Lofty and Maybe Even Unattainable Goals."

–Dan Furlong, Executive Director of the Mid-Atlantic Council

We're not sure how Mr. Furlong can conclude that our nation's fishery management system is "working" while saying its primary goals are "lofty and unattainable". How are we to measure success if it is not in "preventing overfishing and rebuilding the stocks to optimum yield"?

NCMC believes these goals are achievable, and we suspect deep down Mr. Furlong does, too, since he states that "if we just stick with what is working, we will eventually achieve stock abundance levels that will allow all users to fish at optimum yield." We strongly believe in the beneficial effects of single-species management, which can produce significant benefits in many and, perhaps, most fisheries. But we

also support EFH protection and moving towards an ecosystem approach, beginning with consideration of key predator-prey relationships, because they can improve our ability to meet these goals in fisheries where a single-species approach is insufficient. In the long run, better informed management decisions will translate into healthier fisheries and higher yields, the ultimate goal of the Magnuson Act.

Mr. Furlong's article can be found in its entirety on the Council's website: http://www.mafmc.org/mid-atlantic/publications/newsletters/fall01.pdf ❑

SALMON RUNS COULD LOSE ENDANGERED STATUS

Judge's Decision Erases Distinction Between Hatchery and Wild Fish

Twenty-three of twenty-five Pacific northwest salmon runs now listed as either threatened or endangered under the Endangered Species Act stand to lose the Act's protections after a landmark ruling by a Washington State District Court judge.

The case focused on a long-standing NMFS policy that hatchery-reared salmon are genetically inferior to wild fish, and that allowing hatchery fish to breed with wild fish could weaken the gene pool of the surviving wild population. Under this policy, NMFS systematically killed all hatchery fish that returned to rivers with endangered runs before they could spawn with the wild fish. Hatcheries have been used more to enhance salmon fisheries by boosting numbers of fish than to help actually rebuild depleted salmon runs.

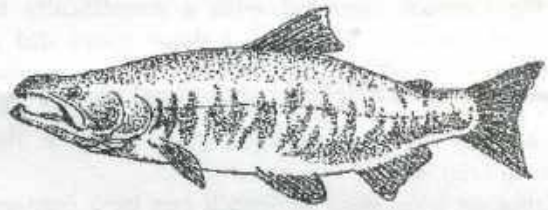
A group of industries on the Alsea River in Oregon adversely impacted by the ESA protections afforded to the river's endangered run of coho salmon sued NMFS over this policy. Collectively known as the Alsea Valley Alliance, they claimed NMFS' distinction between hatchery and wild fish was arbitrary and that NMFS was slaughtering thousands of endangered salmon returning to spawn that could have helped the population rebuild.

The district judge agreed, finding no biological distinction between fish raised in a hatchery or in the wild, and found NMFS was wrong when it classified the entire run as endangered but then gave special protections only to the wild fish. The judge ruled that NMFS policies must treat hatchery and wild fish the same, a decision that has far-reaching implications.

Protections Could Be Lifted

Most significantly, salmon runs now classified as threatened or endangered will likely lose this classification if the run is supplemented with hatchery fish (a scenario pertaining to all but two listed runs). It would be almost foolish for NMFS to argue for ESA protections for a salmon run comprised mostly of hatchery-reared fish, as doing so would drastically reduce the number of salmon available for harvest by commercial, recreational and tribal fishermen, negating the whole purpose of hatcheries. The only way for hatcheries to continue to operate is to de-list these runs, which, unfortunately, would revoke all the protections of the ESA. Conversely, the only way to keep these runs listed would be to immediately stop all hatchery operations, an unlikely scenario.

NMFS decided it would not appeal the ruling, a move that shocked the environmental community since the district court decision has such broad ramifications that can now be applied to other runs throughout the northwest. In fact, soon after NMFS announced it would not be appealing, petitions were filed demanding 22 other listed runs be de-listed.



NMFS insisted that its resources would be better spent overhauling the agency's hatchery policies than appealing the lawsuit and stated it would not de-list other threatened or endangered runs until this overhaul is complete. This position is legally tenuous, however, as NMFS may be compelled by lawsuit to de-list other runs immediately in the wake of the Alsea River decision.

It is disturbing that special protections afforded to salmon runs that are hovering near extinction may be revoked, and it is unclear at this time what, if any, steps NMFS will take to conserve the salmon runs in question if they lose their threatened or endangered status. An overhaul of the agency's hatchery program is long overdue, however, and could provide useful insights into how to better use hatcheries for salmon restoration, not just to boost the number of salmon available for harvest. We can only hope salmon runs can survive this process without the protections mandated by the ESA. ❑

TURNING THE TIDE

NCMC News & Activities

PACIFIC COUNCIL COMES OUT AGAINST LONGLINES

For a year and a half, NCMC has urged the Pacific Fishery Management Council to deny requests to introduce pelagic longlines into coastal waters off the west coast. The Pacific Council is currently drafting the first-ever management plan for swordfish, tunas and sharks in federal waters off the west coast. While longlines are now illegal off California, drift gillnets are widely used to catch swordfish and sharks. Under increasing scrutiny for the high net bycatch of turtles, industry representatives proposed a switch to pelagic longlines, claiming the longline bycatch would be less severe than that of drift nets. NCMC, along with state and national recreational fishing and environmental groups, voiced strong opposition to this proposal based on the well-documented problems longlines have caused in other parts of the world.

Until recently, the Council was waffling on its position regarding a longline fishery. All that changed at the November meeting, where final changes were made to the draft management plan to prepare it for public review. The Council not only added an option to the plan to prohibit the use of longlines within the west coast zone, but then surprisingly made this option it's preferred alternative. By so doing, the Council gave strong indication that a west coast longline fishery is not in the cards. Nevertheless, the industry's proposal is still on the table. The NCMC will continue to attend meetings, testify at hearings, and help assemble a broad coalition of interests to oppose it. The Council has scheduled several public hearings on its draft plan (see our website at www.savethefish.org/action_items_meetings.htm for a list) and is scheduled to approve a final plan in March.

SHRIMPER'S PETITION TO CLOSE RED SNAPPER FISHERY DENIED

In the April-May edition of "Turning the Tide," we reported on the outrageous petition filed by the Texas Shrimp Association (TSA) asking NMFS to close the directed red snapper fisheries because too many red snapper were being killed in shrimp trawls. The petition was a preemptive move aimed at shifting the blame for any failure of the red snapper stock to rebuild from shrimp trawling to the sport fishery for snapper in particular. The shrimpers claimed that the recreational sector had repeatedly exceeded its quota and was not penalized for these overages in subsequent years. NCMC submitted comments on the TSA petition, stating that "While NMFS and the (Gulf) Council should ensure that the directed fisheries are staying within their quotas, it is quite clear that the main problem facing red snapper stocks is shrimp trawling. Shutting down the directed red snapper fisheries for the sole purpose of allowing indiscriminate shrimp trawling to continue unabated is patently unfair and would violate National Standards 1, 8, and 9 of the Magnuson-Stevens Act."

In early November, NMFS announced its decision to reject TSA's petition. Meanwhile, mounting evidence shows the Turtle Excluder Devices (TEDs) required for use in shrimp trawls are in fact too small to shuttle the larger adult loggerhead and leatherback turtles out of the net. NMFS issued a proposal to more than double the size of the doors of the TEDs to protect these breeding-age adults.

Shrimpers have long believed TEDs expel not only turtles but a fair quantity of their shrimp catch as well, and vigorously oppose the plan to increase the size of the TEDs. The shrimpers also enlisted the aid of House Fisheries Subcommittee member Billy Tauzin (R-LA) to apply pressure to NMFS to back off its proposal to help the endangered turtles. NMFS has since extended the public comment period on its proposal and is expected to issue an additional extension to further delay the rulemaking. Shrimp trawling remains one of the most indiscriminate methods of harvesting seafood in the U.S. today, typically discarding up to five pounds of fish and other marine lift to harvest a single pound of shrimp.

NCMC JOINS GOVERNMENT IN SUPPORT OF VMS FOR LONGLINERS

NMFS mandated the use of Vessel Monitoring Systems (VMS) on U.S. longline vessels two years ago to help enforce new time/area closures to longline fishing. But implementation of this requirement was held up by a temporary injunction won by the longliners in court. The judge asked NMFS to further consider if requiring VMS for the entire fleet was necessary. After reconsidering for almost a year, NMFS finally responded, affirming its decision that fleetwide VMS is appropriate, mainly for the reason that most longliners are highly mobile, long-range vessels capable of fishing near or in any area now closed. NCMC, along with the National Audubon Society, the Natural Resources Defense Council and

our legal colleagues at Oceana, filed an *amicus* brief with the court, supporting the government's rationale for fleetwide VMS and asking the judge to order NMFS to implement the VMS requirement immediately.

NCMC INVOLVED IN KEY ADVANCES IN ECOSYSTEM-BASED MANAGEMENT

We are pleased to report that the federal government and Atlantic seaboard states have taken a first step toward implementing an ecosystem approach to fisheries management. A new cooperative project of the Atlantic States Marine Fisheries Commission (ASMFC) and the National Marine Fisheries Service will begin with a steering committee to identify various topics relevant to ecosystem-based resource management, preparation of "white papers" for review by a team of experts, and culminating in a workshop in late spring 2002. The purpose of the workshop will be to develop technical guidance for the drafting of Fishery Ecosystem Plans. The ASMFC's Dieter Busch, the project leader, has asked NCMC president Ken Hinman to participate as an advisor in this process. Further input will be received at a planned ecosystems symposium at the August 2002 annual meeting of the American Fisheries Society, and through subsequent public outreach efforts.....NCMC staff participated in meetings of the Mid-Atlantic Council's Ecosystems Planning Committee on October 9 and November 20. The new committee was created in August in response to our requests that the council establish a process for addressing key predator-prey issues affecting mid-Atlantic fisheries.....NCMC will also attend a December 3 meeting of the South Atlantic Council's Habitat Committee, which is working on an ecosystem-based plan for the region.....Meanwhile, the Chesapeake Bay Program recently announced that it will complete a draft of a Fishery Ecosystem Plan for the bay by the end of this year.

NCMC WEIGHS IN ON FARMING GENETICALLY MODIFIED FISH

A company is seeking FDA approval to cultivate and distribute for sale genetically modified salmon in the U.S. The Food and Drug Administration solicited comments on the proposal. NCMC urged the FDA to implement a moratorium on cultivating and marketing genetically modified fish, stating "The impacts to the environment and to marine ecosystems resulting from the inadvertent release of transgenic fish into the wild are potentially catastrophic, not to mention that there are also unknown risks to human health from eating transgenic fish." The FDA has yet to issue a ruling, but NCMC will continue to monitor the situation.

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THE NCMC

MARINE BULLETIN

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IT'S NOT OVER 'TIL IT'S OVER

"The secret of success is constancy of purpose."
– Benjamin Disraeli

A year ago, when we looked back on the events of 2000, we saw great progress on a number of fronts. We called it "a banner year" for conservation and for the fish - and it was. We noted numerous "solid achievements that will mean more fish in the water for years to come." But we also knew that victories are short-lived if you don't keep fighting. Someone is always trying to tear down what you've built. So we worked just as hard in 2001, not only pushing into new areas, but also following through on many of our most recent successes.

One of our greatest achievements was closing down large areas to longlining to rebuild overfished Atlantic swordfish, billfish and sharks. But then we had to go back to court to defend the closures from an industry challenge. We had to fight off attempts by longliners to postpone implementation of the new closed areas. All while we were sowing the ground for additional measures to protect threatened marlins. "Had the NCMC not stayed on top of this issue the way we did," president Ken Hinman points out, "the closures might have been delayed indefinitely or rescinded altogether." (see page 4)

New regulations to make dolphin (the fish) and sargassum (the fish habitat) safe from increasing commercial pressures – as important in their own way as any rebuilding plans – were completed in 2000. But we had to spend 2001 shepherding these precautionary plans through a federal bureaucracy that still thinks you can prevent overfishing by waiting for it to happen first. (page 6)

A bill to strengthen federal fisheries management was introduced in 2000 by Rep. Wayne Gilchrest (MD). When a new Congressional session started in 2001 (the 107th), we had to start over. Gilchrest was promoted to chairman of the House Fisheries Subcommittee - a good thing – but in light of his new leadership position, he decided to hold off on attaching his name to a reauthorization bill. Fortunately, subcommittee member Sam Farr (CA) agreed to take the lead, introducing the Fisheries Recovery Act in July, a strong bill that is now steering the debate during reauthorization. (page 7)

In Rep. Farr's bill, as in Gilchrest's before it, are groundbreaking provisions establishing an ecosystem-based approach to managing fisheries. These provisions are based on NCMC recommendations. Until they become law, however, efforts to protect key predator and prey relationships, for instance, remain optional and erratic. Even if new requirements are added this year or next – and the prospects are good – it could be years before they are implemented. We're not waiting or taking anything for granted. So we've been working with federal and interstate management bodies to get started right now. (page 5)

Inside

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

THE NCMC
OCEAN VIEW

THE SUE ME, SUE YOU BLUES

Today's proposition: Resolved, there are too many lawsuits. Okay, no debate. Or is there? We can all agree the recent spate of litigation over fisheries regulations is not a good thing. But we don't agree on why or what to do about it. Depending on whom you ask (and which lawsuit your talking about), the blame is laid on the plaintiffs (environmental or fishing groups), the defendants (NMFS), or the law.

The law is responsible only in so far as it now prescribes very specific actions to be taken, often within set periods of time, and that a variety of factors be considered. Implementation is more difficult when it's held to a higher standard. So we have suits when fishery managers move too slowly, or don't do enough, or do nothing at all. And we have suits to block or overturn controversial regulations, of which there are more than ever. NMFS sometimes admits mistakes and settles, but usually the government vigorously defends what it does or doesn't do. Hence, well over a hundred cases are currently pending; for every decision handed down, another case is filed.

The right to appeal to the courts is fundamental; it protects *all* of our rights. Is it abused? Sure. Are parties sometimes too quick to sue? Absolutely. These are litigious times. If you don't like what NMFS or a council does, sue them. It seems like nearly every major action affecting fisheries ends up in front of a judge, one way or another.

So what can we do? Some would loosen the law, make it less demanding. True, give managers lots of discretion and there will be less grounds for suing. But we've been there and it didn't work. Sharpen the law, make it more precise? Yes, but don't make it more complicated, lest the Magnuson Act become a maze no one can negotiate, not even with the aid of a lawyer.

Given three things - cause, opportunity and money - there will be more lawsuits. Accepting that, we need to set some standards for ourselves. Never substitute litigation for advocacy. Make it the last resort, only after fully participating in the system, giving it a chance to work. Sue when more than just principle is at stake. Above all, make it a means to an end, a tool for achieving a larger goal.

Lastly, the defendants. NMFS feels the victim. Instead of admitting the sheer number of lawsuits says something about the kind of job they're doing, they blame them for keeping them from doing their job. Sometimes it's not the chicken or the egg, it's you.

Ken Hinman, President

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SWORDFISH REGS LACK LONG-TERM VISION

NMFS Proposes A Bag Limit for Swordfish – A Bad Move for Conservation

Last year, anglers testing the resurgent swordfish fishery off southeast Florida caught about 300 fish. Of these, a bit more than half were landed. These 150 or so fish apparently set off alarms at the National Marine Fisheries Service, because the agency promptly put together a proposal, issued in December, to impose a one-fish-per-vessel bag limit on the recreational fleet.

More than one swordfish is probably more meat than most anglers need or would choose to take home. The swordfish stock is still overfished, according to international scientists, currently around 65% of healthy levels. So at first glance, a bag limit might seem reasonable.

Until you put it in perspective. NMFS worries that "further increases in recreational effort could result in increased mortality of undersized swordfish and affect the stock rebuilding plan." It took 10 years for NMFS to take any action to reduce longline bycatch of juvenile swordfish. Indeed, the recently-enacted time/area closures, if maximally effective, will reduce U.S. longline discards by an estimated 42%; longliners will still be discarding dead somewhere around 20,000 immature swordfish every year (they discarded 36,902 dead in 2000). The recreational fishery, on the other hand, is interacting with maybe a hundred or so small fish, which are released alive. (The fish landed in Florida averaged about 118 pounds.) And yet, just as the recreational fishery begins to re-emerge, NMFS moves to limit the catch.

Rod-and-reel anglers, like harpooners, take mostly large, mature swordfish with no bycatch of other species. Due to the selective nature of these gears, rod-and-reel and harpoon fishermen - known as the "handgear" sector - fished swordfish sustainably for nearly 100 years. Then longlines were introduced, decimated the swordfish stock (partly by catching and killing a large number of juveniles) and took their toll on non-target species, too, many of which are overfished as a result.

NMFS evidently believes the swordfish fishery should remain dominated by longline gear. On the contrary, the agency should be fostering the growth of the more sustainable traditional fisheries. We now have a unique opportunity, not only to these fisheries, but also to improve efforts to conserve swordfish and other species inadvertently killed by longlines, while staying well within the goals of the rebuilding plan.

Shift to Sustainable Gears Now

NCMC initiated a letter to NMFS co-signed by the American Sportfishing Association, Recreational Fishing Alliance, International Game Fish Association and National Fishing Association, expressing our collective opposition to the bag limit for recreational vessels. NCMC also submitted its own comments, questioning NMFS' rationale for clamping down on the handgear sector.

"What is lacking from domestic swordfish management is a long range vision of what the fishery should look like once the stock is rebuilt," we wrote. "We must decide who tomorrow's participants in the fishery will be and how they will fish, and we must take steps now, while the stock is in the rebuilding phase, to achieve these long-term goals."

The U.S. has not come close to catching its ICCAT-allocated quota for at least 5 years. NMFS should take advantage of this situation to begin making the shift away from longlines to more selective types of fishing. "Now is *not* the time to limit access to and participation in the traditional fisheries. It *is* the time to enhance opportunities to catch swordfish in a selective and sustainable manner," we told NMFS.

Setting a bag limit for angler-caught swordfish is unnecessary for conservation purposes and will only curb the recovery of this sector of the fishery before it has a chance to reach its full potential. For NMFS to rush to place controls on a fishery that interacts with, at most, a few hundred fish a year, when the longline sector *discards* dead *tens of thousands* of fish, is "to focus limited regulatory resources on a non-problem when a serious problem remains."

NCMC urged NMFS to make the handgear sector open access, granting permits to anyone wishing to harvest swordfish with rod-and-reel or harpoon. (Only those holding commercial permits may sell their catch.) The more swordfish caught on handgear the better, because these fish are caught without the bycatch and discards that would have been generated had the same fish been caught on indiscriminate longlines.

The proposed rule issued by NMFS included two other measures: a call-in system for recreational anglers to report landings of blue and white marlin and swordfish; and a program to encourage the voluntary use of circle hooks for swordfishing recreationally. NCMC supports both of these proposed actions, since they will enhance monitoring of the recreational catch and may further reduce already low levels of post-release mortality. NMFS is expected to make a final decision on the new measures within a couple of months.

2001 ANNUAL REPORT

Review of NCMC Conservation Programs

BRING BACK THE BIG FISH

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

LONGLINE AREA CLOSURES TAKE EFFECT, MORE NEEDED

NCMC fought a two-pronged battle for time/area closures to reduce longline bycatch in 2001: one to keep the closures adopted last year in place and implemented without delay, and the other to pursue additional time area closures in U.S. waters to further reduce bycatch, specifically of blue and white marlin.

Closures off the coasts of Georgia and Florida were supposed to take effect February 1, but due to political pressure from Capitol Hill, NMFS delayed the start of these closures until March 1. NCMC met with members of Congress to explain why these closures were necessary and why they must be implemented immediately. We also expressed our position on longline vessel buyout legislation that was being drafted at the time. (Some Congressmen supported delaying the closures until passage of an economic relief package.) The closures did take effect March 1, but NMFS declined to extend the duration of the closure off Georgia to recoup the conservation benefits lost by postponement. Nevertheless, there are now time/area closures to reduce longline bycatch on the Grand Banks (turtles), off New Jersey (bluefin), Georgia and the east coast of Florida, and in the Gulf of Mexico (small swordfish, billfish and sharks).

These closures should provide significant benefits for a number of species, but NCMC firmly believes more must be done to help blue and white marlin, arguably the two most overfished highly migratory species in the Atlantic. Throughout 2001, NCMC worked with every branch of the federal government to achieve additional measures to protect marlin.

In August, NCMC Fisheries Project Director Tim Hobbs was invited to testify before the House Fisheries Subcommittee on a bill introduced by Rep. Saxton to implement seasonal closures in the mid-Atlantic and to buy out a portion of the longline fleet. Mr. Hobbs testified that, while the bill would provide some benefit to overfished highly migratory species, NCMC did not feel it went far enough to secure the needed level of conservation for blue and white marlin. We met with Saxton and staff and discussed ways of improving it, but no follow-up action was taken.

NCMC then undertook a rigorous analysis of NMFS longline bycatch data and outlined additional areas where future longline area closures should be considered, specifically to benefit marlin. These areas include the mid-Atlantic bight, the western Gulf of Mexico and the northern Caribbean. We sent our recommendations to the Highly Migratory Species Division of NMFS, urging the agency to analyze these areas to determine where closures would be most effective and what levels of bycatch reduction might be achieved. We also forwarded our recommendations to the Fisheries Subcommittee.

NCMC also pressed on with our amended lawsuit against NMFS, charging the agency with failing to adequately reduce bycatch of blue and white marlin. Our attorneys at Oceana have been working diligently to keep the briefs and motions rolling in, and we are now awaiting oral arguments in the case, expected sometime in the spring. In addition, we intervened as defendants in the lawsuit filed by longline fishermen seeking to overturn the latest area closures. By doing so, we've been able to respond to the industry's complaints and take part in any settlement discussions.

Another issue related to the longline closures is the continuing delay in requiring vessel monitoring systems (VMS) on pelagic longline vessels. Enforcing the time/area closures is vital to ensuring their success in reducing bycatch. After September 11, at-sea enforcement of fishing laws is understandably a low priority for the Coast Guard. VMS are the only means available to enforce large area closures. NMFS mandated installing VMS on all longline vessels several years ago, but the requirement was held up by a court-ordered injunction won by the longliners. In letters and meetings with government officials, NCMC urged NMFS to answer the injunction, which the agency failed to do for over a year. Finally in September NMFS responded, explaining to the judge why fleet-wide VMS is appropriate and asking him to lift the injunction. We expect the devices to be required on all vessels within a matter of months.

ICCAT FRACTURES OVER BLUEFIN, FUTURE UNCERTAIN

For too many years, European nations have failed to comply with catch limits set for eastern Atlantic bluefin tuna, sometimes taking over 50,000 metric tons from a stock able to yield, at most, 25,000 tons sustainably, according to ICCAT scientists. Faced with

mounting evidence that there is more mixing between eastern and western stocks than previously thought, and that overfishing in the east could be compromising rebuilding in the west, the U.S. delegation stood up to the European Union and demanded reduced catches.

NCMC testified at the ICCAT Advisory Committee meeting, urging the delegation to take a strong stance on eastern bluefin, among other things. The ICCAT delegation, led by Commissioner Rollie Schmitten, resolved to do just that. Despite vehement objection from EU delegates, the U.S. held firm and refused to endorse an agreement to leave catches at *status quo*. The meeting ended without any international management measures being passed for 2002, a situation the U.S. did not want. But our former strategy of accepting risk-prone management in the belief that something is better than nothing had failed, and it was time to take a harder line.

It is now unclear what the future holds for ICCAT and the species it manages. The EU spitefully vowed to block future initiatives by the U.S. On the agenda for the 2002 meeting are two issues dear to us. ICCAT's scientific body will conduct new stock assessments for swordfish and billfish and the commission is scheduled to use this updated information to craft the critical next stages of the marlin and swordfish rebuilding plans begun two and three years ago, respectively.

International time/area closures to longlining and drift netting will be essential to stop overfishing and begin rebuilding of marlin, which are caught mostly as bycatch on non-selective gears. The U.S. delegation is expected to push hard for the use of closures. But given the hard feelings generated last year, other ICCAT members may not be in the mood to go along.

CONSERVING MARINE ECOSYSTEMS

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

ECOSYSTEM PLANNING, MANAGING PREDATORS AND PREY

As the leading conservation group advocate for an ecosystem-based approach to managing marine fisheries, the NCMC worked throughout 2001 on three levels: 1) promoting the ecosystems concept itself; 2) obtaining changes in fisheries law to require a more holistic approach to management; and 3) helping management bodies take the first tentative steps, particularly with respect to key species interactions.

We've been very encouraged by the measurable progress made in this direction over the last few years. Still, there is lingering uncertainty and skepticism about "ecosystem-based management" in some quarters and, in a few cases, outright opposition. So fostering a better understanding of what it means in practical terms has been essential to moving forward, either in persuading fishery management bodies to take predator demands into account when regulating fishing for prey species, or gaining support on Capitol Hill for changes in the law.

NCMC staff attended dozens of meetings last year, making presentations on "ecosystem overfishing," predator-prey management and fishery ecosystem plans. We participated in discussions and planning sessions, often providing guidance and support, sometimes challenging and debating. We worked with, among others: Atlantic States Marine Fisheries Commission; Chesapeake Bay Commission; Grays Reef National Marine Sanctuary; Marine Fish Conservation Network; Mid-Atlantic and South Atlantic Fishery Management Councils; National Marine Fisheries Service; NOAA Chesapeake Bay Program; and Congress.

NCMC testified before a Congressional hearing on ecosystem-based management. We were selected to a new Atlantic Menhaden Advisory Panel to look into the role of menhaden as forage for striped bass, bluefish and other predators. We were also picked to serve on a Technical Committee advising a new joint NMFS/ASMFC Task Force charged with providing guidance for the implementation of an ecosystem-based approach to fisheries management.

Eight months of pressing the Mid-Atlantic Council to develop a process for managing the squid fisheries (squid are critical prey for numerous species that are the object of rebuilding efforts) paid off with the establishment of a new council Ecosystem Planning Committee. We've also been asked to participate in a special symposium in 2002 sponsored by the American Fisheries Society.

Perhaps most encouraging of all is the fact that the first draft of an actual Fishery Ecosystem Plan for Chesapeake Bay is nearing completion. Because this endeavor involves several states, an interstate commission and the federal government, we are hopeful it will serve as an example for showing others how ecosystem planning can be done and, just as importantly, that it *can* be done.

RESOURCES & EDUCATION

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

NEW PUBLICATIONS, INCREASED PRESS COVERAGE, POPULAR WEB SITE

The NCMC released two new publications in 2001. Over 700 copies of **CONSERVATION IN A FISH-EAT-FISH WORLD** have been distributed, mostly to federal and state government officials, scientists and conservation advocates. The report, designed to give guidance and direction to fishery managers on how to account for predator-prey interactions in preparing fishing regulations, has been an indispensable tool as we work with management agencies to develop new "fishery ecosystem plans."

GETTING AHEAD OF THE CURVE: Conserving the Pacific Ocean's Tunas, Swordfish, Billfishes and Sharks is a 200-page collection of papers on the Pacific's highly migratory species, including the state of the fish (throughout their range) and the (world's) fisheries, as well as recent trends in regional and global conservation. The publication coincides with markedly increased NCMC activity in the Pacific, through our work with the Ocean Wildlife Campaign and allied angling groups on the west coast.

As part of our ongoing educational effort, we produced **The NCMC *"FISH FILES"***, a series of flyers featuring selected marine species that are the object of NCMC conservation programs. The Fish Files (there are currently nine) illustrate by example a range of conservation problems, challenges and solutions faced by conservationists. By making them available at no cost via our web site, we hope to reach a larger audience and more effectively get the conservation message across.

The NCMC web site, **www.savethefish.org**, continues to grow in content and number of visitors. We update it regularly with news, commentary and action alerts to keep people coming back for the latest information and access to our publications, issue papers and other educational materials, as well as membership. Now that we offer the convenience of Visa/MasterCard, sales of books, posters and donated artwork (all proceeds supporting conservation) have grown.

The web site is also proving a useful tool for reporters researching stories on fisheries issues and has generated wider publicity for the NCMC's activities. In 2001, we were prominently featured in feature articles in the Washington Post (on predator-prey management), the London Sunday Times (on billfish, just days before the November ICCAT meeting) and the Atlanta Journal-Constitution (on sharks in the midst of last summer's media frenzy).

We also continued to be featured in salt water fishing magazines, including Salt Water Sportsman (Ken Hinman's bimonthly "Fisheries Front" column), Sport Fishing (the regular "NCMC Marine Fisheries Watch"), as well as in editorials and news articles in those two magazines plus Marlin, The Fisherman, Saltwater Fly Fishing, Fly Fishing in Salt Waters and numerous others.

AHEAD OF THE CURVE

Identifying opportunities to prevent overfishing and advocating precautionary management

PACIFIC COUNCIL MOVES TO BAN LONGLINES OFF WEST COAST

While the final outcome is far from certain, a longline-free future seems to be in store for Pacific waters off California, Oregon and Washington. The Pacific Fishery Management Council took one of the most precautionary, conservation-minded steps thus far in the domestic management of highly migratory species by making a ban on longline gear its preferred alternative in a batch of regulations now out for public hearing and comment (see page 8).

After more than a year of contemplating a proposal to phase in the use of pelagic longline gear, during which time council members gave little indication of which way they might go, the council adopted the preferred alternative of prohibiting longlines within the west coast Exclusive Economic Zone (EEZ - 200 miles out) at a meeting late in 2001.

U.S. longliners from Gloucester to Guam have coveted the bountiful waters off California, where the gear is currently illegal and, coincidentally, the fisheries are still regarded as healthy.

NCMC staff attended meetings of the Council and the Plan Development Team (the group actually writing the document) to voice our strong opposition to a new longline fishery off California. Working with our partner organizations in the Ocean Wildlife

Campaign as well as with groups such as United Angler of Southern California (UASC) and The Billfish Foundation, NCMC helped forge a broad coalition to oppose the introduction of longlines. These alliances will be especially important as the draft plan goes out for public review (see related article in *Turning the Tide*, page 11). We commend the council for heeding the costly lessons history has taught with regard to longline bycatch and for taking action to keep this gear out of the west coast EEZ. NCMC will be working hard in the first half of 2002 to urge the council to follow through by finalizing the longline ban, thereby securing this solid victory for conservation.

RED TAPE HOLDING BACK DOLPHIN PLAN

Describing NCMC's work on the dolphin/wahoo FMP in 2001 is reminiscent of the tale of Sisyphus, the Greek mythological character who was punished in Hades by being forced to push a large boulder up a steep hill, only to have it roll back down every time he reached the top. Despite our tireless efforts, needed portions of the dolphin plan were not implemented for the 2001 fishing season and it is unlikely the entire plan will be in place until 2003.

The South Atlantic Fishery Management Council submitted a request for emergency action to NMFS a year ago, asking the agency to approve certain portions of the dolphin/wahoo plan then under development. The emergency action was necessary for two reasons: 1) to close a loophole that would allow longliners to continue fishing in areas closed to them if they targeted dolphin; and 2) to prevent longliners from redirecting their effort from swordfish to dolphin, which could put too much pressure on dolphin stocks.

NCMC praised the council for requesting the emergency action and expected NMFS to act quickly, since the agency had asked for these complementary regulations in the first place. Instead, NMFS procrastinated.

In March, NCMC met with top NMFS officials to discuss the status of the emergency action, as the dolphin season was heating up and the regulations were still not in place to prevent longlining for dolphin in the closed areas. NMFS failed to provide an adequate response, claiming that the emergency request was problematic because there was no emergency in the dolphin fishery. First of all, the whole point of the request – in fact, of the entire plan - is to *prevent* an emergency. Secondly, the regulations are necessary to realize the full benefit of the longline time/area closures. Repeated letters and meetings with NMFS officials were unproductive.

In September, NMFS formally rejected the council's request for emergency action. NCMC and the council were both bewildered as to why NMFS would fail to approve modest measures to prevent future problems, measures the agency itself requested. NCMC wrote detailed letters to NMFS, uncovering the discrepancies in its rationale and urging reconsideration.

If NMFS holds firm against taking emergency action, the longline measures will take effect when the entire dolphin plan is approved. NCMC is working with NMFS and the council to move this process along as quickly as possible. (see *Turning the Tide*, page 11) NMFS is expected to complete the Final Environmental Impact Statement by the June council meeting, and we now expect the plan to be in force by the start of next year's fishing season.

FISHERIES REFORM

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

FISHERIES RECOVERY ACT OF 2001

Although the process of reauthorizing the Magnuson-Stevens Fishery Conservation and Management Act officially began in 1999, so far only one bill has been introduced in Congress to make significant changes to the law that governs the nation's fisheries. That bill is the Fisheries Recovery Act (HR 2570), introduced into the House by Rep. Sam Farr (CA) on July 19, with 49 co-sponsors as of January 2002. The Farr bill has the support of the Marine Fish Conservation Network, a coalition of 130 environmental groups, commercial and recreational fishing associations and science organizations. "HR 2570 is not a perfect piece of legislation, if such a thing exists, but it is a very strong conservation bill," says NCMC president Ken Hinman, co-chair of the Network. "It would keep the nation on the course charted by the Sustainable Fisheries Act (1996 amendments) while addressing new issues, such as conserving marine ecosystems."

There are numerous issues on the agenda for reauthorizing the Magnuson Act, many of which are addressed in the Fisheries Recovery Act, and some which are not (most notably Individual Fishing Quotas). The NCMC has identified two issues - strengthening the bycatch provisions of the Act and advancing ecosystem-based management – as our priorities for amending the law. When the Network

worked with Rep. Farr's staff on sponsorship of HR 2570, NCMC reviewed all sections of the bill but gave special attention to the bycatch and ecosystems sections. Rep. Wayne Gilchrest, chairman of the House Fisheries Subcommittee, invited us to testify at a June hearing on ecosystem-based management. Gilchrest, whose committee will likely produce a consensus House bill this spring, indicated he would like to pass a bill "to begin the process of implementing and incorporating fisheries ecosystem management plans."

MARINE RESERVES AND THE FREEDOM TO FISH

On its own track in the Senate is The Freedom to Fish Act (S. 1314), a bill designed to preserve public access to coastal fisheries in the face of growing support for creating no-take marine reserves. The bill, which would amend the Magnuson Act with guidelines for the use of reserves, was introduced by Sens. Kay Bailey Hutchison (TX) and John Breaux (LA) and is backed by the American Sportfishing Association, Coastal Conservation Association, Recreational Fishing Alliance and others.

The NCMC has been advocating the adoption of standards for designating marine reserves, not unlike those in the Freedom to Fish Act, although we don't necessarily think they need to be written into the Magnuson Act. Nonetheless, relatively minor changes could be made to the bill that would broaden its base of support beyond recreational fishermen. In its current form, it is really a Freedom to *Sport Fish* Act and does not respect the needs of commercial fishermen who fish sustainably and selectively, too. This change will have to be made anyway if the bill is to move forward in Congress, either as stand-alone legislation or wrapped into an omnibus reauthorization package.

If the latter happens, developing reasonable standards that protect responsible fishermen from peremptory closures while allowing for the judicious and effective use of reserves may be the only way to prevent the Magnuson reauthorization from being infected with the divisiveness and bad feeling this issue has engendered. We've already seen fishermen and environmentalists, who agree on bycatch, habitat and other important issues, split apart over the no-take reserve issue. For groups on both sides, it's become the defining issue of their current fisheries campaigns. Both sides are going to have to give a little. If they're willing to take down their flags and soften their rhetoric, we're confident we can all reach accord on guidelines that would serve everyone, including the fish.

✉ ACTION ALERT ✉

SUPPORT PACIFIC COUNCIL'S PROPOSAL TO BAN LONGLINES

The Pacific Council wisely made a ban on longlines it's preferred alternative in the draft highly migratory species management plan now out for public review. This move indicates the council's opposition to a longline fishery, but the longline proposal is still an option in the plan and the council could change its mind. So it's extremely important that the public let them know that a ban on longline gear is the right way to go.

The comment period closes March 5, so send in your comments today!

Besides a ban on longlines, the council should incorporate other needed conservation measures. In your letter or fax, include the following points:

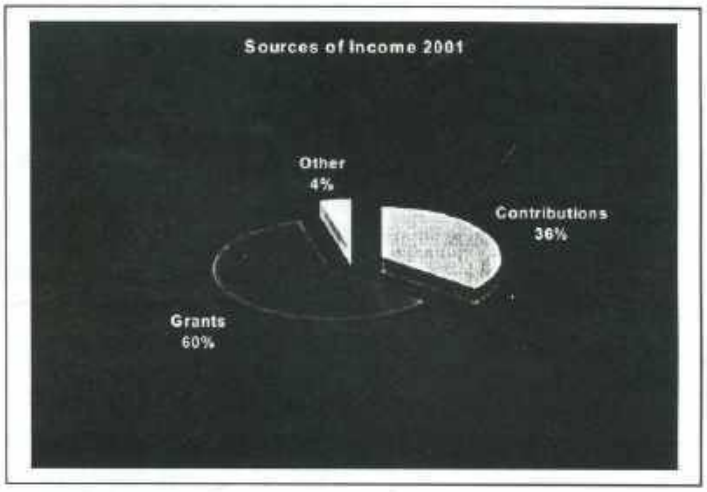
- ✓ Commend the council for taking a precautionary and risk-averse approach in the conservation of tunas, billfish and sharks.
- ✓ Support the council's decision to keep longlines out of the west coast 200-mile zone. The bycatch problems of longlines are well documented and have depleted fish stocks and negatively impacted other marine species in many parts of the world.
- ✓ U.S. vessels fishing outside the U.S. zone must be subject to all catch limits and bycatch reduction measures in place. A high level of observer coverage and mandatory vessel monitoring devices should be required to accurately count the catch and bycatch on the high seas and to ensure compliance with conservation measures.
- ✓ The council should require any new fishing gears or methods be rigorously tested for bycatch problems and potential solutions to these problems before allowed to enter the fishery. The council should craft strict guidelines for use by NMFS when granting Experimental Fishing Permits. In no circumstances should these permits be allowed for so-called "Exploratory" fishing.

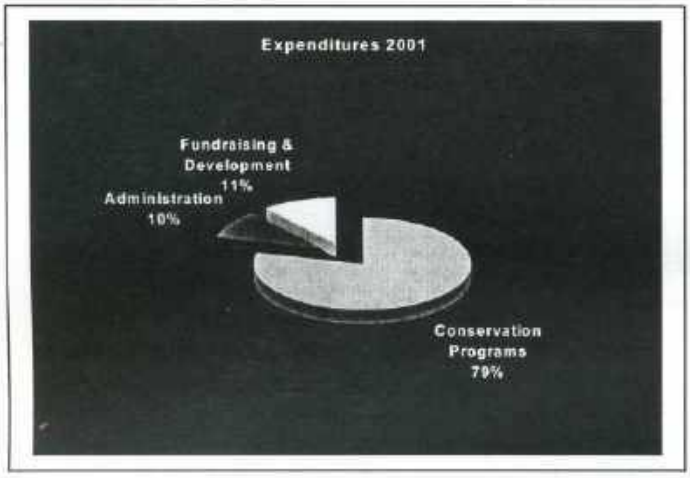
Mail or fax your comments to:
Jim Lone, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220
Fax: (503) 326-6831

The Comment Period Ends March 5, 2002

FINANCIAL SUMMARY 2001

Since 1996, the National Coalition for Marine Conservation's operating budget has grown by over 100%, in accordance with the goals laid out in our last 5-year plan. An essential element of this plan has been to expand the resources available to support our conservation programs while keeping administrative costs at a minimum. We are proud that we continue to invest 79% of each donated dollar directly into activities to conserve marine fish.





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, as well as other sources, such as sales (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:

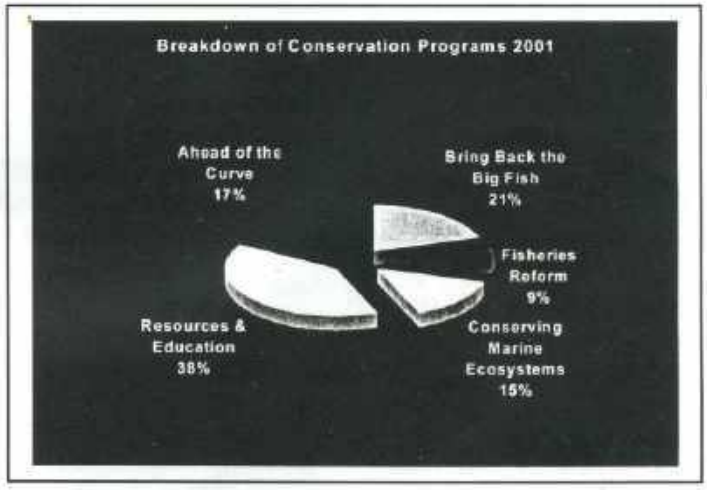
Bring Back the Big Fish. Restoring and conserving the ocean's giant fish: billfish, swordfish, tunas and sharks.

Fisheries Reform. Promoting proactive laws and policies governing the utilization of marine resources.

Conserving Marine Ecosystems. Expanding traditional single-species management to an ecosystems-based approach, with emphasis on key predator-prey relationships.

Ahead of the Curve. Identifying opportunities to prevent overfishing and advocating precautionary management.

Resources & Education. Informing and educating the public with the latest information and newest ideas.



2001 HONOR ROLL

The ocean gives us life, and we thank every NCMC member, supporter and benefactor who helped us return the favor by supporting our conservation programs in 2001. Each contribution, large or small, makes a difference, and for that, we thank you.

The following individuals, clubs, companies and foundations merit special mention for their generosity during 2001.

Grants

☆ Knight Vision Foundation
☆ Surdna Foundation
☆ Mostyn Foundation
☆ Curtis & Edith Munson Foundation
☆ David & Lucile Packard Foundation
☆ Cox Charitable Trust
☆ A.P. Kirby, Jr. Foundation
☆ Louis & Helen Meyer Foundation
☆ WJS Foundation
☆ Yamaha Contender Miami Billfish Tournament

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TURNING THE TIDE

NCMC News & Activities

PANEL REVIEWS MENHADEN ROLE IN THE FOOD CHAIN

The new Atlantic Menhaden Advisory Panel, assembled by the Atlantic States Marine Fisheries Commission (ASMFC) to counsel it on future management of the small but highly valuable forage fish, met for the first time in Raleigh, NC on January 8-9. NCMC president Ken Hinman is a member of the panel. He and other conservationists and fishermen have expressed concerns about the effect of the commercial reduction fishery (menhaden are not consumed as seafood, but rather "reduced" into animal feed) on some of the fish's key predators. In order to better understand how regulations for menhaden fishing impact other fish, the ASMFC initiated the first multispecies stock assessment for menhaden, focusing on interactions with key predators, namely striped bass, weakfish. The preliminary results of this assessment were presented to the Advisory Panel at the January meeting. It is expected that a more refined multispecies model will eventually be used to simulate predator-prey interactions and project stock abundance under varying levels of predation and fishing mortality. "Although this is only the first step toward an ecosystem-based approach to managing menhaden," says Hinman, "we are excited that soon we will be getting information to help us make decisions that will improve management of a number of important east coast fisheries."

NCMC MEETS WITH WEST COAST ANGLERS TO SUPPORT LONGLINE BAN

Last November, the Pacific Fishery Management Council rightly made "no longlines" a preferred alternative in its draft fishery management plan for tunas, swordfish and sharks. That plan is now out for public review and comment. Because the industry's longline proposal, and other risk-prone measures, are still listed as alternatives, it is critical that conservationists deliver a clear, unmistakable message to the Council in support of keeping longlines out of the west coast's offshore fisheries. In January, NCMC Fisheries Project Director Tim Hobbs met with representatives from United Anglers of Southern California, the Ocean Wildlife Campaign and National Audubon to devise a strategy to relay a strong, unified position to the council during public hearings. The groups will submit a joint position statement endorsing a ban on longline gear and will put out a joint press release as well as take part in other media activities.

DOLPHIN, SARGASSUM PLANS INCH FORWARD

The South Atlantic Fishery Management Council met in Wrightsville Beach, NC in early December to hear the head of the National Marine Fisheries Service explain where his agency is in approving new management plans for dolphin and sargassum. An apologetic William Hogarth described the bureaucratic snags that have held up implementation of the two plans, each designed to protect a healthy resource from unwanted commercial expansion. The NCMC, which assisted the council in preparing both plans from their inception, attended the meeting and expressed impatience with the delays. We also publicly challenged NMFS' decision to deny the council's request for emergency action to implement some of the plan's more urgent provisions, most notably a prohibition on longlining for dolphin in areas closed to longlining for swordfish and tuna. "The upshot is that NMFS has promised final action by this June," says NCMC president Ken Hinman, "and we will continue to work with the council to break through the red tape that is needlessly holding up a pair of widely supported conservation efforts."

NMFS WILL CONSIDER ESA LISTING FOR WHITE MARLIN

In December, the National Marine Fisheries Service announced that a petition to list white marlin under the Endangered Species Act warrants an in-depth scientific review by the agency. This decision does not mean white marlin will be declared either threatened or endangered, but that the petition presented sufficient biological evidence for more closely examining the status of the severely overfished Atlantic billfish to determine if a listing is appropriate. Under statutory deadlines, NMFS is required to make its determination by September 1, 2002. This year's meeting of the International Commission for the Conservation of Atlantic Tunas will be held in October, following an updated ICCAT white marlin stock assessment, and future international efforts to conserve the species throughout its range will be considered. Just how the U.S.'s ESA decision will play into the ICCAT process remains to be seen. In either case, the NCMC is working to make sure additional actions are

taken to protect white marlin and that they are based on the best science available.

NCMC ON TOUR

Not long ago, when someone called NCMC "silent but deadly," we took it as it was intended, as a complement. Despite our low profile, we're extremely effective. Still, we thought it was time to do more to increase the public's awareness of what we're all about and what we're doing. So, beginning this year, as Fisheries Project Director Tim Hobbs attends meetings and hearings around the country, he will also be visiting fishing clubs and other groups to deliver a PowerPoint presentation on the NCMC's conservation programs, activities and accomplishments. The "tour" kicked off with a well-received presentation to the South Florida Fishing Club in Sunny Isles, FL, followed by a visit to the Miami Beach Rod and Reel Club. Next stops on the tour include southern California, Mississippi, Louisiana, Florida, North Carolina, New York, and possibly Puerto Rico. If your club or organization would like to learn more about NCMC, what we're working on and how we do it, give our office a call and we'll see if we can add you to the tour.

BIG HELP FOR BIG FISH—BUY A PRINT AND SUPPORT NCMC!

In his aptly named painting, "Going, Going, Gone?", noted marine artist Steve Goione captures the plight of the big fish with his collage of a swordfish, white marlin, bluefin tuna and dusky shark--four of the most threatened species. A limited edition of signed and numbered color prints are available for sale at only $99 (shipping and handling in U.S. included). To purchase, please send a check payable to NCMC, 3 N King St., Leesburg, VA 20176. Or, purchase through our website on the Gallery page.

NATIONAL COALITION
FOR MARINE CONSERVATION
3 North King St., Leesburg, VA 20176