



THE NCMC

MARINE BULLETIN

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

February - March 2002

No. 98

COUNCIL BLUFFS

Pacific Panel Retreats From Its Plan to Ban Longlines

The Pacific Fishery Management Council was slated at its March meeting to approve the first-ever federal management plan for swordfish, tunas, marlin and sharks swimming in waters off the west coast. The centerpiece of their plan, for which the NCMC and other fishing and conservation groups were poised to praise the council, was a ban on the use of surface longline gear within the 200-mile exclusive economic zone (EEZ). Unfortunately, the meeting did not follow the expected script. Last-minute input from the National Marine Fisheries Service (NMFS) forced the council to postpone final action another eight months. The council then proceeded to back off its proposed longline ban, nearly okaying an "exploratory" longline fishery instead.

Trouble arrived the day before the council meeting in the form of a lengthy letter from NMFS. Even though the Highly Migratory Species Plan had been in the works for well over two years, during which time NMFS officials participated in every phase of plan development, the agency waited until the eleventh hour to review the plan in depth. In fact, high-ranking officials reportedly were not aware of the plan's legal defects a mere five business days before the council was set to sign off on it.

NCMC was apoplectic. Indeed, we had expressed our concerns over a year ago that certain portions of the plan needed improvement to comply with the law and we had asked NMFS repeatedly for guidance. In a subsequent letter to NMFS chief Bill Hogarth, Fisheries Project Director Tim Hobbs questioned the failure of NMFS to provide adequate legal guidance as the plan

developed, advice that would have avoided a lengthy (and costly) delay. The council decided it would take eight months to address the issues raised by NMFS. Wrap up is now scheduled for November.

One incidental effect of postponement is that a fleet of erstwhile Hawaiian longline vessels will continue to fish out of California. Although these vessels fish on the high seas, outside the EEZ, by landing fish in California instead of Hawaii they are not subject to the sweeping regulations implemented last spring to protect endangered sea turtles from longlining. Delaying the Pacific Council's HMS plan keeps this loophole open for another fishing season.

Council's Intent is Now Unclear

The bad news didn't end there, however. Ignoring thousands of comments that flooded the council office opposing longlines, one member, Ralph Brown, moved to change the council's preferred alternative from a ban on longlines within the EEZ to instituting a 10-vessel exploratory longline fishery. After almost no discussion on the matter, the council voted. With

(continued on back page)

INSIDE

- OCEAN VIEW: RETURN OF THE JETTY Page 2
- VARIETY IN ABUNDANCE Page 3
- REEFS BENEFIT FROM ECOSYSTEM PLANNING Page 4
- OVERFISHING FROM TOP TO BOTTOM Page 5
- TURNING THE TIDE: DOLPHIN PLAN COMPLETED AND OTHER NEWS Page 7

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

OCEAN VIEW

RETURN OF THE JETTY

Like the monster in a B horror movie, the Oregon Inlet jetties will not die. The backers of the \$108 million boondoggle, conceived more than three decades ago, simply wait until everyone thinks the project is dead, then rise again to threaten the community.

The controversial channel stabilization project on North Carolina's Outer Banks calls for building mile-long breakwaters on either side of a narrow pass used by about 200 fishing boats. Since the idea was first broached in the 1970s - its real impetus is expanding portside processing facilities, unrealistic given that the region's fisheries are fully utilized - fears that the jetties would speed up shoaling in Pamlico Sound and erosion of adjacent shoreline have blocked approval. The fact that Oregon Inlet is framed by Cape Hatteras National Seashore and Pea Island National Wildlife Refuge has made the Department of the Interior a staunch opponent in the past.

Proponents include local fishing interests, despite the fact that any economic benefits from easier access to offshore fishing grounds would likely be offset by permanent damage to coastal fish habitat; the state's Congressional delegation, particularly Senator Jesse Helms; and the U.S. Army Corps of Engineers.

The Corps' motto should be, "If it's possible, it's practical." It continually misleads fishermen and politicians by raising unreasonable expectations that the jetties will not only keep the channel open but do it without erosion damage.

The case for the jetties eroded long ago. Trying to stabilize a furiously dynamic coastline such as the Outer Banks won't work and will only make things worse. The movement of water and sand will not stop after the jetties are built. Annual dredging of Oregon Inlet has kept the channel open for boat traffic for the last 30 years. The Corps admits dredging still will be necessary to keep the inlet clear. Yet the engineers continue to contrive complicated and costly plans for moving the sand over and around the permanent structures. The jetties, as the EPA warned 17 years ago, would create a problem that would require "a cycle of ever increasingly elegant, expensive and environmentally damaging 'solutions'."

The project rose from the dead in 2001 when backers found new, sympathetic ears at the Interior Dept. We hope this Administration (which must allow use of federal land) and this Congress (which must appropriate the money) will kill this monster for good.

Ken Hinman, President

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

OFFICERS AND STAFF

Christopher Weld, *Chairman*
John Heyer, *Vice Chairman*
Ken Hinman, *President*
Mary Barley, *Treasurer*
Tim Hobbs, *Fisheries Project Director*
Christine Snovell, *Director of Communications
and Development*

BOARD OF DIRECTORS

William Akin, *Montauk, New York*
Stanley Arkin, *New York, New York*
Mary Barley, *Islamorada, Florida*
Guy Billups, Jr., *Gulfport, Mississippi*
Tim Choate, *Coral Gables, Florida*
William Cox, Jr., *Nantucket, Massachusetts*
John Heyer, *Bay Head, New Jersey*
Charles Johnson, *University Park, Florida*
Sandra Kaupe, *Palm Beach, Florida*
Sabrina Kleinknecht, *Leesburg, Virginia*
Edward Le Master III, *Ponte Vedra Beach, Florida*
John T. Pratt, *Hobe Sound, Florida*
Stephen Sloan, *New York, New York*
Skip Walton, *Longboat Key, FL*
Rick Weber, *Cape May, NJ*
Christopher Weld, *Boston, Massachusetts*
Karl Wickstrom, *Miami, Florida*

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

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

THE NCMC MARINE BULLETIN

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

www.savethefish.org



CONSERVING MARINE ECOSYSTEMS

*Expanding single-species
management to an
ecosystem-based approach,
with emphasis on
preserving key predator-
prey relationships*



VARIETY IN ABUNDANCE

*Maximizing Yields versus
Optimizing Populations*

In 1996, the federal Fishery Conservation and Management Act (FCMA) began requiring that all stocks of marine fish managed by the National Marine Fisheries Service (NMFS) and the Regional Fishery Management Councils be restored to and/or maintained at population levels capable of producing their maximum sustainable yield, or MSY. Some fishermen, fishery managers and even scientists, however, complained that it is not possible to sustain multiple species at MSY population levels, especially if they are competitors in the ecosystem. With the advent of ecosystem-based fisheries management (see box), this opinion is being heard again and again.

Underlying this view is the assumption that an ecosystem in balance - the ultimate goal of an ecosystems approach - cannot support variety in abundance. It is by no means clear that this is the case. For one thing, many observers are confusing the maximum sustainable yield with the maximum population size. One has nothing to do with the other.

The FCMA does not define the term MSY, but the NMFS guidelines that interpret the Act's mandates describe it as the largest long-term average catch or yield that can be taken from a stock or stock complex under prevailing ecological and environmental conditions. According to established fishery science, the population level capable of producing MSY is *not* the fish population at its peak size, but rather the size when it generates the most surplus production.

The graphic on page 4 (How Big is a Fish Population?) illustrates the difference. The population size associated with MSY is significantly smaller than a virgin (i.e., unfished) population. It is, on average, roughly one-half the maximum population size. The goal set out in the FCMA - a goal that would not be altered by the ecosystem-based approach being proposed - is a relatively modest one. Whether it is achievable or not is more of a management question than a biological one.

Set Catch Levels Conservatively

In his popular 1977 treatise, "An Epitaph for the Concept of Maximum Sustainable Yield," Peter Larkin wrote that "it is truly impossible to imagine the scientific effort that would be required to manage a community of fishes species by species, each for an MSY in the context of its associations with other species." It's important to note that Dr. Larkin is not suggesting that populations of associated species, at levels capable of producing MSY, cannot occur simultaneously. Rather, he is saying that what may be

CONGRESS CONSIDERS NEW ECOSYSTEM APPROACH

The Fisheries Recovery Act (HR 2570), introduced on July 19, 2001 by Rep. Sam Farr (D-CA) and now with over 60 cosponsors, would give the Secretary of Commerce two years to prepare and publish guidelines and regulations to assist the eight Regional Fishery Management Councils in developing Fishery Ecosystem Plans (FEPs). Then the Councils would have another two years to develop FEPs for each major ecosystem within their jurisdiction. Within 2½ years following Secretarial approval of an FEP, Councils must make all Fishery Management Plans consistent with the principles, goals, policies and recommendations of the relevant FEP.

In addition, the definition of overfishing would be amended to prevent "ecosystem overfishing," that is, instances where fishing, through direct or indirect impacts on other species, jeopardizes predator-prey relationships. A new national standard would also require that conservation and management measures "take into account the direct and indirect impacts on other species and their habitats as important components of the ecosystem."

"truly impossible" is maximizing yields on a continual basis and still maintaining all associated populations at the MSY level over the long-term. In other words, he disputes the wisdom of trying to take the greatest yield from each species, not the notion that the populations associated with MSY can co-exist.

Ecosystems have a limited carrying capacity that results in bounds on fish yields, says the NMFS Ecosystems Principles Advisory Panel. In its 1999 report, "Ecosystem-Based Fishery Management", the panel recommends "(s)etting maximum sustainable yield and optimum yield conservatively".

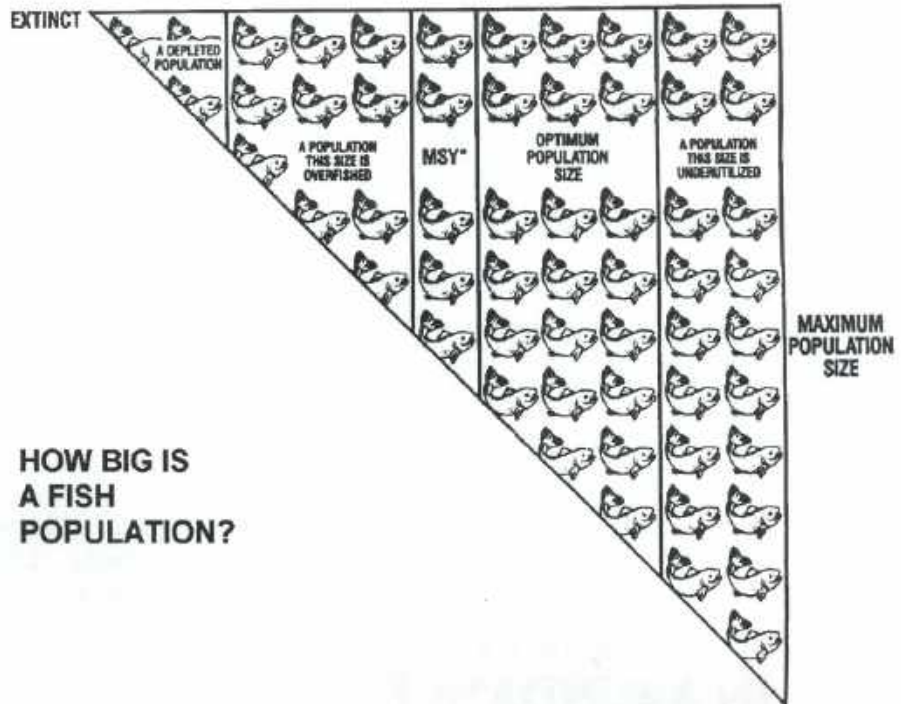
The current definition of "optimum yield" in the FCMA establishes the population level necessary to produce MSY as the minimum allowable, or threshold, population. Fishing that reduces a population below this level is prohibited. On the other hand, fishing may be constrained in order to maintain the population at a larger size for economic, social or ecological reasons.

The concept of MSY is incompatible with an ecosystem-based approach to managing marine fisheries; as either a management goal or a trigger for defining overfishing. Under MSY, fishery managers strive to keep a fish population at the level capable of producing the greatest amount of surplus growth available on an annual basis, and then allow that surplus to be harvested. Needless to say, that population level of level of harvest may not be what is optimum for preserving the integrity of predator-prey relationships.

The optimum size of a fish population, under an ecosystems approach, will likely be somewhat larger than the MSY level but, in order to maintain populations at levels that will ensure ecosystem stability, catches will have to be below MSY.



It is clear that an ecosystems approach demands that we change the way we think and what we expect, not just how we manage fisheries. The



Nettleton, NCMC (1986)

single-species approach, with its emphasis on maximizing yields instead of optimizing populations, has tricked fishery managers and even scientists into underestimating the capacity of the marine environment to support variety in abundance. Freed from this kind of thinking, we might be surprised by what is possible. □

CORAL REEFS WILL BENEFIT FROM ECOSYSTEM PLANNING

The following remarks were made by NCMC president Ken Hinman at a Coral Reef Roundtable sponsored by the U.S. State Department, Agency for International Development and the Smithsonian Institution on February 21. Hinman and others were invited to discuss strategies for coordinating national and international efforts and the appropriate roles of government and non-governmental organizations in conserving coral reefs and the living marine resources they support.

Ecosystem-based management of marine resources is a priority program for my organization, and I haven't heard it mentioned yet. I refer you to the Call

to Action [a protocol adopted by nations and organizations supporting the 1995 International Coral Reef Initiative], which specifically called for using an "ecosystem-based, integrated approach" to conserving coral ecosystems. It also encourages participation from all users and promotes community-based management of reef resources.

An ecosystem-based approach does not just mean saving critical ecosystems, like reefs. It's actually a process, a planning process. As we go through that process, we find that it increases our understanding of the interactions and inter-relationships within the marine environment. At the same time, it fosters the partnerships that we've been talking about among all the different participants and players and agencies and institutions that are at work in that ecosystem.

We've made a lot of progress in the last few years in this country, and in some other parts of the world, in developing fisheries ecosystem plans (FEPs). We have legislation that is in Congress right now (the Fisheries Recovery Act, HR 2570) that would require FEPs to be prepared for all the marine fisheries of the United States. We have a number of independent regional efforts under way, putting together ecosystem plans from Chesapeake Bay to the Western Pacific coral reef systems. The Gray's Reef National Marine Sanctuary is undertaking this kind of planning, too. We also have multinational efforts going on. The European Project is working on a European Fisheries Ecosystem Plan, and they're talking about ecosystems from the sub-Arctic down to the Mediterranean Sea.

Planning Brings All the Players Together

The reason this is important for coral reef considerations is that we've already found, in the fledgling projects that we've undertaken so far, that this planning process - the discussions, by their very nature, about the ecosystems and how all these parts interact, and how impacting one component of that ecosystem can reverberate and impact others - that it also helps the humans that are involved in this process understand their roles, not just in terms of a direct impact on single species, but as a keystone predator in that environment.

Just as importantly, these discussions also help to define the institutional ecosystem. I think this is critical, because it starts to draw in all the players, all the users, the people that impact components of that ecosystem. All the different institutions, government agencies, fishing and conservation groups that are involved start to get drawn into the planning process.

Talking about a process may seem mundane next to the complexity and beauty of reef systems and the

enormity of the threats to these ecosystems worldwide. But I think advancing this kind of fisheries ecosystem or marine ecosystem planning process around the world, on a regional basis, could have some strong and enduring benefits for coral reef ecosystems. □

OVERFISHING FROM TOP TO BOTTOM

Fishing's Impact on Prey Species

Fishing selects for species and certain sizes within species. Traditionally most of these fish have been taken from the top or near the middle of the food chain. But as overfishing has reduced the numbers of the most desirable and valuable fish, more and more we're fishing down the marine food web, a phenomenon coined by ecologist Daniel Pauley ("Fishing Down Marine Food Webs," Pauley et al, 1998). As a result, we're impacting predators directly, as the target of fishing operations, and indirectly, by diminishing their food supply.

The United Nations Food and Agriculture Organization reports that the harvest of *clupeoids* - herrings, sardines, pilchards, anchovies and menhaden - accounts for one third of global landings of fish. Most of this catch, according to the FAO, is converted to fishmeal and oil and used as a protein supplement in animal farming. Menhaden, a small, silvery fish prevalent along the Atlantic coast, are netted in large numbers for the U.S. reduction fishery (and to a lesser extent as bait for other fisheries). The size of the menhaden catch and its possible impact on the food chain above it has risen to the top of ecosystem concerns on the east coast.

The Atlantic States Marine Fisheries Commission (ASMFC), comprising east coast states (excluding the Gulf of Mexico), manages the menhaden fishery as well as a number of fisheries for species that feed on menhaden. In response to concerns that low populations of menhaden may be causing predators, most notably striped bass, to shift to alternative sources of forage (most notably blue crab, which is less nutritious to stripers but more valuable to humans), the ASMFC revamped its menhaden management board and created an advisory panel to begin addressing predator-prey issues.

NCMC president Ken Hinman is a member of the new menhaden panel, which held its first meeting in February. At that meeting, the preliminary results of a multispecies



stock assessment were presented. The panel also discussed potential changes in management strategy.

More Study is Needed

The multispecies assessment, performed by Lance Garrison and Jason Link, took into account significant predator-prey interactions, specifically menhaden with striped bass, bluefish and weakfish. Although the new assessment model is still being developed and is not expected to enter the management process until "somewhere down the line," it should begin to provide better estimates of stock size and productivity while expanding the framework for making management decisions.

Some of the more noteworthy observations that came out of the initial work include:

- ✦ The proportion of menhaden in the diet of striped bass increases with age. For large bass (age 9+), menhaden make up 70-80% of their diet.
- ✦ Most of this consumption is of age 0 and 1 fish.
- ✦ Over the last 5 years, 30 percent of the fish taken for the reduction fishery were from these first two year-classes.
- ✦ For age 0 fish, by far the largest source of mortality is from natural predation, whereas fishing and predation are more equal contributors to mortality for age 1 fish.

Because the ASMFC management board asked the panel to evaluate the magnitude of the age 0 catch and the implications for management, much of the discussion centered around the fact that fishing mortality is insignificant compared to natural predation. But some panelists, including the NCMC's Hinman, resisted the inference that overfishing is therefore not a problem.

"It may be," says Hinman, "but we won't know unless we ask the right questions. Is total mortality too high on young menhaden? And by that we mean age 0 and age 1 fish, which are both critical sources of forage. If the answer is yes, then what do we do about it? Reducing fishing mortality is the only part of the equation we can control."

He points out several considerations. Natural mortality is always extremely high for fish in their first year, typically between 50-90% for most species. An added source of mortality on this age group, such as fishing, can have an exaggerated effect on survival into the next year. Fishing has a substantial impact on the population of age 1 fish. Catches of menhaden have become increasingly concentrated in the Chesapeake Bay area, the striped's primary spawning ground.



The reduction industry professes not to target small menhaden and is willing to keep this catch at a minimum. Yet their representatives opposed a motion to cap landings at recent levels. The panel recommended further study of the effect of removal of age 0 and 1 menhaden in future multispecies assessments. □

SARGASSUM PLAN IS RE-SUBMITTED

The South Atlantic Fishery Management Council voted in March to approve a revised Sargassum Fishery Management Plan for submission to the Secretary of Commerce. The plan prohibits virtually all harvest of pelagic sargassum - a free-floating algae that serves as habitat for hundreds of species of fish, invertebrates, sea turtles and other marine life. The original plan, which forbid any take of what the council has designated as "essential fish habitat," was rejected by NMFS because government attorney's do not want to set the precedent that EFH allows, much less requires, full protection. As a compromise, the council allows a small harvest of 5,000 (wet) pounds a year off the coast of North Carolina only. The plan is expected to be approved later this year.

LEGISLATION TO PROTECT HABITAT FROM TRAWLING

New federal legislation proposed in March would outlaw the use of certain types of bottom trawls. Following a new study by the National Research Council calling for the government to protect sensitive sea floor ecosystems from bottom trawling and dredging, Rep. Joel Hefley (R-CO) introduced the Ocean Habitat Protection Act (HR 4003). The bill is intended, he says, to protect coral and rocky bottom habitats from the most destructive kinds of fishing gear. The bill would prohibit so-called "rock hopper" trawls, where larger wheels are used to allow fishermen to drag the heavy nets over critical habitats, disrupting or destroying it at the same time. By limiting the size of the wheels that are used to keep the nets off the bottom (< 8 inches), fishermen would still be able to trawl sandy, muddy or gravel bottoms. A number of commercial and recreational fishing groups and conservation organizations are supporting the Hefley bill, including the National Coalition for Marine Conservation.



TURNING THE TIDE

NCMC News & Activities

NCMC MARINE BULLETIN 7

DOLPHIN CONSERVATION GETS ONE STEP CLOSER TO THE WATER

The Dolphin/Wahoo Fishery Management Plan being prepared by the South Atlantic Council (in conjunction with the Gulf of Mexico and Caribbean Councils) is scheduled to be sent to the Secretary of Commerce for **final approval in early August**. If this schedule is adhered to, it will have been five years since NCMC spearheaded action to enact precautionary management measures for dolphin and wahoo before overfishing depletes these stocks.

NCMC President Ken Hinman, a member of the South Atlantic Council's dolphin advisory panel, lauds the council's persistence in getting this job done and blames the National Marine Fisheries Service for the plan's inexcusably long gestation period. NMFS director Bill Hogarth went before the council recently to offer his agency's *mea culpa* and personally promised to expedite approval once the plan reaches Washington. **We expect the plan's conservation measures to be in place before the 2003 fishing season.**

CONGRATS TO NCMC MEMBER WESTCOTT

As our way of saying "Happy Holidays," NCMC gave all members making a year-end gift of \$30 or more a chance to win a **\$1,000 gift certificate for the Offshore Angler catalog**. The blind drawing was held February 18 and the lucky winner was **F. Thomas Westcott** of Massachusetts. Mr. Westcott has been a supporter of the NCMC since 1974! And thank you to everyone who responded generously to the year-end appeal. It really makes a difference.

HELP US HELP YOU HELP THE FISH

Soon you will be receiving in the mail a **2002 MEMBER SURVEY**. We want your opinion as to how we can better serve our members. Your answers are very important to us, because they **help shape our conservation and membership programs**. The short survey will ask questions such as why you support the NCMC, what issues are most important to you, and how you feel about our web site. We have made substantive changes based on past surveys - we're

listening! - so please be sure to take a few minutes to complete and return the 2002 survey. Thank you.

NO MORE MINIMUM SIZE FOR SWORDFISH?

U.S. swordfish longliners are now admitting what NCMC has been saying for over a decade; that the swordfish minimum size the industry championed in 1990 has been ineffective. The size limit does not adequately protect small fish, since longline gear is not selective of size classes and is highly lethal to juvenile broadbill. NCMC started pushing for time/area closures to reduce interactions with small swordfish in the early 1990s. Now that closed areas are a reality, the longliners have become—perhaps too conveniently—supporters.

The longliners advanced a resolution at the November 2001 ICCAT meeting whereby a member country may suspend the swordfish minimum size requirement by implementing area closures that are at least as successful in reducing small fish mortality. Swordfishermen want this because it would allow them to retain the now-undersized (and illegal to keep) juvenile swordfish caught outside the closed areas. While we're all for phasing out the minimum size, since it has resulted in 30,000-40,000 juvenile swordfish being killed and discarded annually. But rushing to substitute another industry-hyped solution could compromise small fish conservation if not properly implemented.

NCMC wrote to Bill Hogarth, NMFS chief and head of the U.S. ICCAT delegation, urging the agency to proceed with caution. At present, we have large closures in place, which may provide substantial benefits to small fish, along with the minimum size, which by itself has provided a measurable, albeit minimal, benefit, i.e., some fraction of released fish survive. These two measures combined provide a certain level of conservation. Removing one of these measures could result in less conservation than exists now. "We must ensure that we do not compromise this level of conservation and that we maintain the option to do more if necessary," NCMC told Hogarth. In other words, some other action - such as larger or longer closures - may be required if the size limit is discontinued to ensure we're adequately protecting small fish.

Fortunately, NMFS agrees. Dr. Hogarth responded to our concerns by affirming that any future management measures must ensure that "conservation of swordfish is *enhanced*" and would not be a "step backward."

COUNCIL BLUFFS

(continued from page one)

voted. With six members voting for and six against (NMFS abstained), the measure failed by a single vote.

Mr. Brown then moved to adopt another option. Seeking another way to open the door for a limited longline fishery, he proposed an option the NCMC actually helped draft over a year ago that is arguably as restrictive as an outright ban. This measure passed, but only because some of the council members were now confused as to what they were voting on, a situation not helped by the limited amount of discussion that preceded the vote. Afterwards, some members indicated they voted for the second option because it requires completing a 3-year study to prove longlines can be fished without bycatch problems before letting the gear be used, but others evidently regarded it as a possible entrée for a future longline fishery.

NCMC was sharply critical of the council. "I am baffled that the council would ignore decades of hard-learned lessons about the bycatch of longlines, not to mention literally thousands of letters from the public opposing longlines, then move to weaken its preferred alternative with the intent of permitting them," said Hobbs, who attended the meeting. "The council is wavering - from proposing an outright ban [on longlines] toward allowing an exploratory fishery - and

the public deserves a clearer indication of the council's intent with respect to this important decision."

Our main concern now is that, given the indecision among council members as to what their preferred alternative should be - for some, what the option they selected really means - it is likely that between now and November attempts will be made to change their position again, with the final outcome uncertain.

The one thing that is clear in this mess is that, despite the overwhelming public comment in favor of keeping longlines out, there is more support for a longline fishery among council members than previous votes indicated. Those fishermen wishing to introduce longlines into the west coast EEZ have clearly made inroads. NCMC will be working hard over the next several months to ensure there is no more backsliding. In a follow-up letter, we urged the council to remain committed to a ban on longlines within the EEZ: "Taking an extremely modest management action now - prohibiting a gear where no one is currently using it - will avoid problems down the road."

NCMC will continue working with groups like the United Anglers of Southern California, which has done a tremendous job of mobilizing the recreational fishing community against longlines, as well as our partners in the Ocean Wildlife Campaign. Stay tuned for future updates and ways to help keep this destructive fishing practice from plaguing yet another U.S. region.



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

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
LEESBURG, VA
PERMIT NO. 43



THE NCMC

MARINE BULLETIN

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

April - June 2002

No. 99

CONGRESS MOVES ON MAGNUSON

House Debates Different Approaches to Renewing the Act

After crawling along at a snail's pace for over two years, Congressional action to reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act has shifted into high gear. On May 23rd, the House Subcommittee on Fisheries Conservation, Wildlife and Oceans held a "mark-up"- a Hill term for moving legislation out of committee - on a bill introduced only a week before by the subcommittee chairman, Rep. Wayne Gilchrest (R-MD). His "Magnuson-Stevens Act Amendments of 2002" (HR 4749) were debated but approved without change and reported to the Resources Committee for mark-up in late June.

The last time the Magnuson-Stevens Act was overhauled was in 1996, when Congress enacted a set of amendments collectively known as the Sustainable Fisheries Act (SFA). It's not an overstatement to say the SFA revolutionized fishery management in this country, requiring for the first time that the government stop overfishing and rebuild all overfished stocks to healthy levels. In the six years since, many stock declines have been halted and some are now on the road to recovery (see page 3.)

But the sacrifice that rebuilding for the future demands of today's fishermen has sparked rebellion in some quarters. Industry groups are seeking to repeal not only the SFA's anti-overfishing provisions, but also its bycatch and essential habitat requirements, even though the latter two mandates have been widely neglected.

The National Coalition for Marine Conservation (NCMC) is working diligently 1) to prevent

commercial industry pressure from weakening the existing law, and 2) to persuade Congress to strengthen the Magnuson Act in key areas.

At the time of the May mark-up, the only bill to be formally introduced, besides Gilchrest's, was Rep. Sam Farr's (D-CA) "Fisheries Recovery Act of 2001" (HR 2570). NCMC worked extensively with the Marine Fish Conservation Network in shaping this legislation, which now has over 80 cosponsors in the House. Farr's bill would uphold and strengthen the overfishing, bycatch and habitat provisions enacted in 1996 while adding new mandates to improve our management capabilities. The two most reform-minded aspects of Farr's bill, in NCMC's view, are a new provision to initiate an ecosystems approach to managing fisheries and one to hold the government accountable for cleaning up wasteful fishing practices. Conservation and environmental organizations, as well as numerous recreational and some commercial fishing groups, support Farr's bill.

(continued on page 3)

INSIDE

- OCEAN VIEW: THOR HEYERDAHL (1914-2002) Page 2
- REPORT SHOWS REBUILDING UNDERWAY Page 3
- A MODEST PROPOSAL FROM REP. TAUZIN Page 4
- NO FISH IS AN ISLAND Page 5
- LONGLINES ENDANGER LEATHERBACKS PAGE 6
- TURNING THE TIDE: PACIFIC LONGLINE BILL INTRODUCED, AND OTHER NEWS Page 7

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

OCEAN VIEW

THOR HEYERDAHL (1914-2002)

We must face in time the fact that the ocean can be destroyed." You've probably noticed this maxim emblazoned across the bottom of the front page of each Marine Bulletin. We've featured these words of Thor Heyerdahl, the Norwegian ocean explorer and archaeologist, variously on our newsletter, letterhead and brochures since the NCMC's inception in the 1970s.

Heyerdahl died on April 18th. Once he was an international folk hero as renowned as Jacques Cousteau. He was best known for the raft trips recounted in his books, Kon Tiki and The Ra Expeditions, during which he tested his theories about the trans-oceanic migrations of ancient peoples.

On the Ra journeys, across the Atlantic in the late '60s, Heyerdahl was shocked by the amount of pollution and debris he encountered thousands of miles from shore. He subsequently submitted two reports on marine pollution to the United Nations, which were influential in sparking global efforts to protect the ocean environment.

When Heyerdahl offered his warning, the world was only just beginning to rethink the idea of the ocean as a free and open frontier. The long held notion that the sea held an endless supply of fish was being challenged for the first time. Nations were just starting to exert control over their coastal waters and the resources inside. International treaties to conserve living resources were in their infancy.

Today, we are facing the facts, as Heyerdahl predicted we must. The world's fishermen expend triple the effort to catch half the fish. The carrying capacity of the ocean has been diminished. Life-supporting marine habitats, such as wetlands, coral reefs and entire river systems, have been altered or destroyed.

But we're also facing up to the challenge. We've changed our thinking *and* our policies, not just in the U.S. but worldwide. Just as Heyerdahl proved that the peoples of the past were not isolated from each other by a vast ocean, we understand now that no nation, no fish stock, no fishing industry is an island, but part of something bigger. When and where we've taken action to protect it, we've seen that the ocean is resilient.

Maybe it's time for a new, more positive slogan: "We realize now that the ocean can be saved." Or maybe Thor would rather he left us with a warning we should never forget.

Ken Hinman, President

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

OFFICERS AND STAFF

Christopher Weld, *Chairman*
John Heyer, *Vice Chairman*
Ken Hinman, *President*
Mary Barley, *Treasurer*
Tim Hobbs, *Fisheries Project Director*
Christine Snovell, *Director of Communications
and Development*

BOARD OF DIRECTORS

William Akin, *Montauk, New York*
Stanley Arkin, *New York, New York*
Mary Barley, *Islamorada, Florida*
Guy Billups, Jr., *Gulfport, Mississippi*
Tim Choate, *Coral Gables, Florida*
William Cox, Jr., *Nantucket, Massachusetts*
John Heyer, *Bay Head, New Jersey*
Charles Johnson, *University Park, Florida*
Sandra Kaupe, *Palm Beach, Florida*
Sabrina Kleinknecht, *Leesburg, Virginia*
Edward Le Master III, *Ponte Vedra Beach, Florida*
John T. Pratt, *Hobe Sound, Florida*
Stephen Sloan, *New York, New York*
Skip Walton, *Longboat Key, FL*
Rick Weber, *Cape May, NJ*
Christopher Weld, *Boston, Massachusetts*
Karl Wickstrom, *Miami, Florida*

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

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

THE NCMC MARINE BULLETIN

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

www.savethefish.org



FISHERIES REFORM

Promoting proactive laws and policies governing use of marine resources

CONGRESS MOVES ON MAGNUSON

(continued from page one)

At the other end of the spectrum, Rep. Billy Tauzin (R-LA) is indulging the fantasies of the commercial fishing industry by drafting his own legislation. Although it would set fisheries conservation back decades - to a time when overfishing was acceptable and fisheries science ignored - Tauzin unabashedly calls his bill "The Fisheries Science Improvement Act of 2002." (see *A Modest Proposal?*, page 4) It was not formally introduced, but instead was offered in pieces, as amendments to Gilchrest's bill, at the subcommittee hearing. At the chairman's request, all amendments, including a number to strengthen his bill, were withdrawn by their sponsors with assurances that their issues would be considered before or during the full committee mark-up on June 26th.

Reform, Retreat...or Report?

Rep. Gilchrest was one of the authors of the Sustainable Fisheries Act. Two years ago he introduced a bill with the same name and virtually identical provisions as Farr's. That was before he was promoted to chairman of the Fisheries Subcommittee. In his new role, Gilchrest is trying to reconcile conflicting interests on the subcommittee in order to pass a consensus bill. As a result, he's fashioned legislation that gives a nod to a wide range of concerns, such as fisheries with the most urgent bycatch problems and the ecosystem effects of fishing, but winks at actually requiring that much be done about them. Mostly his bill calls for new studies and reports, making it likely there would be no real action in these areas before the next reauthorization.

"While we support the additional fisheries research and reporting requirements contained in H.R. 4749," NCMC told Gilchrest in a detailed comment letter May

NMFS REPORT SHOWS REBUILDING UNDERWAY

For the first time since a 1996 law forbid overfishing and the government began reporting annually on the condition of U.S. fisheries, the number of overfished stocks has declined. Due to rebuilding plans implemented during the last 5 years, many fish stocks, including ones that remain on the overfished list, are showing improvement.

According to the National Marine Fisheries Service report released May 1st, 11 stocks were dropped from the overfished list, bringing the total down from 92 in 2000 to 81 in 2001. Actually, NMFS only has information to assess 304 of the nation's 959 fish stocks; the rest are categorized as unknown. One-quarter of those fisheries whose status is known, therefore, are still overfished.

Because the fisheries agency was unhappy with reaction to past reports dwelling on the negative rather than the positive, the press release accompanying the report played up the drop in overfishing. But the numbers in the report are somewhat deceiving, since only two of the 11 stocks removed from the overfished list have actually recovered to healthy levels: New England and Mid-Atlantic scallops. The other nine fish are species of salmon that were de-listed to emphasize that habitat destruction, not fishing, is the primary cause of depletion. The salmon stocks are listed instead on the federal Endangered Species List, and fishing remains tightly restricted.

Once again, NMFS splits the fisheries into major and minor stocks, the former being those where yearly landings exceed 200,000 pounds. The intent is to show that less than 20% of the unknown stocks are of importance to fishermen, thereby downplaying concerns about the rest, and to establish research priorities for future assessments. Although such prioritization is necessary when funding for additional science is scarce, it is wrong to assume that every stock NMFS terms minor is not important. Blue marlin, white marlin, sailfish and a number of sharks - all overfished and some severely depleted - fall into the minor category.

Nevertheless, the report gives cause for optimism. Clearly, the 1996 amendments to the Magnuson-Stevens Act have begun to turn things around. Of the 81 overfished species, 67 are on the rise, from summer flounder to Georges Bank cod. To be sure, overfishing continues, but the take home message is that we need to stay the course and keep pressing toward recovery, until there is no overfished list.

17th, "we believe information necessary to move further ahead - for instance, in the areas of ecosystem-based management and bycatch reduction - already exists and reauthorization legislation should include mandates to take action where appropriate."

In our written comments and later in person, we offered specific suggestions on how his "Magnuson-Stevens Act Amendments" could be strengthened, recommending specific changes to legislative language where necessary. We submitted amendments to five sections of his bill: ecosystem-based management, bycatch reduction, overfishing definitions, makeup of the regional management councils, and highly migratory species conservation.

Gilchrest's bill is now the chief vehicle for amending the Magnuson Act in the House. If the Resources Committee reports a bill to the House floor by the end of the month and the full House acts on it quickly, there may still be time to move something in the Senate before the August recess and re-election campaigns refocus the priorities of the legislators. Odds makers make it 50/50 the Congress will pass a new law this year.

NCMC will continue to work for the strongest possible legislation. Friends on the Resources Committee, such as Jim Saxton (R-NJ) and Nick Rahall (D-WV) are expected to offer amendments at the June mark-up. If Gilchrest's bill emerges with weak or missing provisions, Farr and his 82 co-sponsors will be called upon on the House floor to try and resurrect them. Stay tuned for an action alert in July for ways to help keep reauthorization legislation on-track and full of strong provisions necessary to conserve our fisheries. □

A MODEST PROPOSAL?

Cong. Tauzin's Diminished Vision for America's Fisheries

Louisiana Congressman Billy Tauzin is proposing changes to the nation's fisheries law that, if passed by Congress, would create a more expensive and more cumbersome management bureaucracy whose mission would be to settle for less productive fisheries and reduced benefits to the nation. Why would we want to do this? You'd have to ask the congressman himself - and the dozen or so other members who've publicly endorsed his bill, including Walter Jones (R-NC) and Barney Frank (D-MA). We can only tell you why we shouldn't.

Tauzin's amendments, which are part of a draft bill he calls the "Fisheries Science Improvement Act," represent a radical departure from the longstanding

purposes and objectives of the Magnuson-Stevens Act. They would effectively repeal those changes adopted in the Sustainable Fisheries Act. Those changes are responsible for halting the disastrous course the nation was on pre-1996, when overfishing was rampant, and have started many of our marine fisheries on the path to recovery. Tauzin's bill would put us back on that course, while adding costly and complex layers of government bureaucracy that would only slow down the management process.

Worst of all, his amendments would establish new, diminished goals for the management of U.S. fisheries, allowing depleted stocks to remain in that condition, settling for lower annual catches and reduced social and economic benefits to coastal communities.

Settling for Less

Tauzin's bill would make it so that a stock of fish would not be considered "overfished" unless it had fallen below 50% of Maximum Sustainable Yield (MSY). The purpose of our current goal of maintaining populations at MSY or higher is to keep them at their most productive levels in terms of what can be safely caught on an annual basis. Why, one might ask, would we want to have half as many fish to catch as we could? The answer is because some in the fishing industry - among the backers of the Tauzin bill is the National Fisheries Institute - doesn't want to wean itself off a diet of overfishing. Restoring overfished stocks requires cutting quotas, reducing effort and adhering to strict rebuilding schedules.

Even if a stock were to be declared overfished under the new, reduced standard, his bill removes any requirements that depleted stocks be rebuilt within any specified period of time. "The combination of these and other provisions," says NCMC President Ken Hinman, "would put every fishery at risk of potential collapse while settling for fisheries that are only half as productive as they could be, in terms of catch, seafood, recreational opportunities, jobs and economic benefits to the Nation."

As if that weren't enough, Tauzin's bill would subject every stock assessment to a costly and time-consuming review by a panel that would have to include representatives of the affected fisheries. The time needed for this review would slow the assessment process, so that decisions would be made on even more outdated information. In fact, it's likely the review process, which could result in routine re-assessments, would bring this process to a standstill for all but a select few fisheries.



(continued on back page)



CONSERVING MARINE ECOSYSTEMS

*Expanding single-species
management to an
ecosystem-based approach,
with emphasis on
preserving key predator-
prey relationships*



NO FISH IS AN ISLAND

The representative of a national recreational fishing organization, in recent testimony before Congress on amendments to the Magnuson-Stevens Act (see page 1), asserted that "ecosystem management is scientific theory with little or no practical application" and that it would require adjusting "the entire structure of the Act."

Such statements are not uncommon, but they typically are made by people unfamiliar with either the science involved or how it would be applied. They reveal a fundamental misunderstanding of what is meant by taking an ecosystem-based approach to managing marine fisheries.

An ecosystem-based approach does *not* require a restructuring of our fishery management system. It does not mean a change in the way we manage fisheries so much as a change in the way we *think*. Decisions will still be made in a single- or multi-species context, as they are now, under Fishery Management Plans using traditional management tools (quotas, size limits, seasonal closures, gear restrictions, etc.). The difference is that these decisions will be more fully informed as to the broader ramifications of fishing impacts. And more effective as a result.

Advocates of an ecosystems approach - including the Ecosystems Principles Advisory Panel whose 1999 report spawned the current discussion - recommend an incremental strategy. By this they mean applying it first to existing Fishery Management Plans, beginning with consideration of predator-prey interactions affected by fishing under each FMP. Indeed, it only makes sense to start by addressing the significant relationships among managed species, for several

reasons: the management framework for regulating catches is already established; scientific information pertaining to these species is generally of a higher quantity and quality than for species that are not the object of fishing; and the fishing public can better appreciate how an ecosystems approach benefits them.

Advances in Ecosystem Modeling

The first step in assessing impacts on related predator and prey species is to "map" the biotic community. This entails describing a fish's place in the food web, with emphasis on interactions with other species at different stages in its life history, as well as noting spatial and temporal changes in species associations and interactions. It may sound daunting, but this exercise is already underway in a number of regions around the world. The tool being used to do this is called Ecopath with Ecosim; EwE for short.

EwE is an "ecological software" developed over the last 10 years for use on personal computers. Its creators work out of the University of British Columbia's Fishery Centre and include three of the world's top marine fishery ecologists: Daniel Pauly, Carl Walters and Villy Christensen.

NCMC president Ken Hinman attended an Ecopath Workshop held May 13th at the Virginia Institute for Marine Science. A team of researchers began developing a model for the Chesapeake Bay last October, to support the State/Federal Chesapeake Bay Program's ongoing preparation of a Fishery Ecosystem Plan. The model contains over 60 functioning components of the bay's food web, using data on population biomass, diet composition, annual production and recruitment, natural mortality and fishing mortality.

The model can run scenarios of various management actions and test their effects on a suite of species. The runs can be broken down to examine what happens within a subset of species that comprise a significant relationship (e.g., striped bass and menhaden), or further to look at responses within defined times and areas.

The greatest obstacle to using EwE to project (but not predict) answers to management questions is the quality of data entered for each species. The better the data, the more trustworthy the projections. Because the available data are best, with the longest time series, for the species that are the object of current ecosystem-related management questions in the bay - striped bass, menhaden, blue crab and oysters - the researchers expect bay fishery managers can start using the model to inform research and management activities beginning in 2003. □



BRING BACK THE BIG FISH

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

LONGLINES ENDANGER LEATHERBACKS

*Pacific Moratorium Necessary
to Save Giant Turtle from Extinction*

A group of 50 leatherback turtle experts from all around the Pacific Rim gathered in Pacific Grove, CA in April to map a strategy for saving the largest and most endangered of the sea's giant turtles. The numbers of leatherbacks, which can live 30 years and grow to between 1,200 and 1,500 pounds, have fallen dramatically in the last two decades. In the Pacific Ocean, where the prehistoric holdover is faced with imminent extinction, leatherback populations have dropped by 95% since 1980, according to scientists.

The threat occurs on nesting beaches (from development and poaching) and on the high seas (from fishing), where adult and adolescent turtles spend most of their time. Scientists monitoring the Pacific leatherback population predict that, without protecting beaches and reducing captures in pelagic longline and drift net fisheries, the number of nesting females could dwindle to less than 50 over the next few years. Even with total protection of nesting beaches, "any population suffering these rates of adult mortality" - an estimated 1,500 female leatherbacks were killed in fishing operations each year during the 1990s - "cannot survive for more than a few years."

NCMC president Ken Hinman was invited by the conference sponsors, the Sea Turtle Restoration Project, to share knowledge of the pelagic fisheries and similar threats to other species, such as billfish and sharks. The conferees agreed that fishing, especially longlining for swordfish, must be restricted if the Recovery Plan prepared under the U.S. Endangered Species Act is to have any hope of success. (In April, the U.S. swordfish fishery in the North Pacific was closed pending further review of protective measures.)

The following **RESOLUTION** was adopted by attendees at the conference on the 25th of April 2002:

WHEREAS leatherback sea turtles have existed in Earth's oceans for over a hundred million years;

WHEREAS leatherback sea turtles are an important component of marine ecosystems;

WHEREAS we deeply believe in and firmly assert the leatherback turtles' right to exist;

WHEREAS leatherback turtles are valued for scientific, socioeconomic, and cultural reasons;

WHEREAS the Pacific leatherback turtle nesting population has plummeted from 91,000 in 1980 to less than 5,000 in 2002;

WHEREAS the Pacific leatherback turtle has shown a 95% decline throughout its range in the last 22 years and is in imminent danger of extinction;

WHEREAS the principal threats to Pacific leatherback turtles are pelagic longlines, gillnets, unsustainable exploitation of eggs and destruction of nesting habitat;

WHEREAS pelagic longline and gillnet fisheries are causing unsustainable mortality to sea turtles, seabirds, sharks, bluefin tuna, billfish and other species;

THEREFORE BE IT RESOLVED:

The undersigned Pacific Leatherback Survival Conferees:

Request that the governments of all nations where Pacific leatherback turtles nest immediately protect these sites, stop egg collection and maximize hatchling survival;

Request that emergency national and international funds be appropriated to implement all conservation actions necessary for the survival of the species;

Call on the United Nations, United States and all other nations to institute a moratorium on pelagic longline, gillnet and other fisheries harmful to Pacific leatherback turtles until such activities can be conducted without harm to the species, with allocation of transitional aid to affected fishers and communities.

In a statement released at the conference, the NCMC's Hinman spoke for the assemblage when he said: "We are not against commercial fishing. We are opposed to indiscriminate and unsustainable types of fishing. We believe the moratorium on pelagic longlines and gillnets should include assistance to fishers to make the transition to alternative sustainable fishing methods." □





TURNING THE TIDE

NCMC News & Activities

NCMC MARINE BULLETIN 7

PACIFIC LONGLINE BILL INTRODUCED

Rep. Duncan Hunter of California introduced a bill, HR 4618, to prohibit pelagic longline fishing within the west coast Exclusive Economic Zone (out to 200 miles). Longlines are currently prohibited in most of that area under California state regulations, but a federal fishery management plan for Pacific swordfish, tunas and sharks now under development could override that law and allow a new longline fishery.

NCMC has been urging the Pacific Fishery Management Council, the body drafting the federal plan, to make a ban on longlines its preferred alternative. The Council seemed to concur early on, but has since retreated somewhat from that position. The Council is not scheduled to finalize its plan until November. NCMC would rather the Council take action to ban longlines through the established fishery management process than have Congress step in, but if the Council leaves the door to longlining open, Congressional intervention may be necessary.

NCMC Fisheries Project Director Tim Hobbs commended Rep. Hunter for introducing his bill. "If the Council fails to take appropriate action, HR 4618 would be the only remaining safeguard to protect these fisheries from the introduction of indiscriminate longlines," he says. "Preventing a new pelagic longline fishery in the west coast EEZ will help keep highly migratory species populations healthy to support the fisheries that depend on them."

NCMC COMMENTS ON PROPOSED HMS RULES

The Highly Migratory Species Division of NMFS put two Proposed Rules out for public comment in April. The first was to implement sea turtle conservation measures necessary to prevent two Atlantic species from edging towards extinction. The major action proposed was to continue the closure on the Grand Banks to longline vessels. NMFS has technically closed over 2 million square miles to longline fishing in that region, but is allowing longline vessels to fish there if they are willing to carry out experiments to test bycatch-reducing gear modifications. NCMC commented (as we did previously) that, in the process of conducting research to reduce sea turtle bycatch, NMFS should not forego

the collection of data that would help reduce bycatch of other species killed incidentally on longlines as well, such as overfished marlins.

The other Proposed Rule was to expand the Angling category tuna permit now required for all Atlantic recreational vessels targeting tunas to cover swordfish, sharks and marlin, too. NCMC supported this expansion, in the belief it will help better ascertain the true extent of recreational catches. Charter vessels and headboats require a different permit, and due to the 3-fish per person bag limit on recreationally-caught yellowfin, NMFS was forced to propose some strange clarifications in the rules governing those permits. Apparently NMFS views this permit as a commercial permit, and allows any tuna caught under it to be sold. The recreational bag limits only apply when the same vessel is for hire. So the charter boat can fish one day as a for-hire vessel, subject to bag limits, or fish the very next day as a commercial vessel, with no limits. Under each case yellowfin tuna caught could be sold. "The need for this regulation underscores the unfair and wholly arbitrary application of a bag limit on recreational anglers without corresponding measures to limit catches by the commercial sector," NCMC's Tim Hobbs told NMFS in his written comments.

NMFS PETITIONED ON BYCATCH

This spring, the environmental group Oceana filed a petition with the National Marine Fisheries Service asking the agency to undertake rulemaking to reduce bycatch in all U.S. marine fisheries. The petition claims NMFS has not followed its mandate under the Magnuson Act to reduce bycatch or bycatch mortality. Under the law, NMFS is required to consider the petition and take public comment.

Specifically, the petition asks NMFS to put enough observers on board vessels in all fisheries to adequately monitor bycatch; to count bycatch against catch limits; to set limits on bycatch and then implement bycatch reduction programs in all fisheries.

In June 17th comments to NMFS director Bill Hogarth, the NCMC concurred with the intent of the petition. Among other things, we recommended that NMFS prioritize the fisheries where observers are needed most to gather catch data unavailable through other means, and that NMFS should focus its resources on dealing with the fisheries with the most serious bycatch problems first. We did not support Oceana's request that all fisheries lacking a bycatch plan after a one year period be closed. Instead, we recommended that NMFS implement its own plan, with target and timetable, if a council fails to comply.



A MODEST PROPOSAL?

(continued from page 4)

While ostensibly holding fisheries science to a more rigorous standard, Tauzin's bill would require "anecdotal information" provided by the commercial fishing industry to be weighed along side any scientific information when making management decisions. Such information cannot be peer reviewed and there is no way to test its validity or relevance within a scientific process.

In sum, the proposed peer review panels would add another layer of bureaucracy to slow things down with no guarantee the science would be improved or that the decisions based on it would be any better informed. In fact, if the diminished management standards proposed by Tauzin in other amendments were adopted, it would merely place more of a burden on the system and on U.S. taxpayers in return for getting less out of our fisheries while putting them at greater risk.

NCMC is committed to blocking any and all of these amendments - in the Resources Committee, on the House floor and in the Senate. □



NCMC MEMBERS

Renew Your Support For
Fish Conservation
TODAY!



If your membership expired in **March, April**
or **May**, this is your last issue of the *Marine*
Bulletin.

We now accept Visa/MasterCard. Call (703)
777-0037 or renew on the web at
www.savethefish.org.

Thanks!

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

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
LEESBURG, VA
PERMIT NO. 43



THE NCMC

MARINE BULLETIN

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

July 2002

No. 100

ESA HYSTERIA

The Endangered Species Act tends to make people nervous. The species nominated for listing may be blessedly unaware of the gravity of their situation. But the humans who interact with those animals, directly or indirectly, are all too cognizant of how serious the ESA can get. So are the government officials saddled with deciding when to turn things over to the mother of all environmental laws.

Up until quite recently, the ESA has not had a significant impact on offshore fishing. (The tuna-dolphin issue was driven by another law, the Marine Mammal Protection Act, which allows for treating dolphin *et al* as if they were endangered, even if they're abundant.) The coastal shrimping fleet has been struggling since the 1980s with (but mostly against) rules to allow sea turtles to escape their nets. In the last several years, though, the ESA has caused an upheaval in the U.S. swordfish longline fisheries of both the North Pacific and Atlantic, where large offshore fishing grounds have been closed to limit fatal interactions with the endangered turtles.

Last year, another animal that is threatened by pelagic longlines was nominated for listing under the ESA, and this time it's a fish. A number of marine fish already are protected by the act (15 to be precise), but they're mainly anadromous species (e.g., salmon) who've been wiped out through destruction of their spawning habitat. If the white marlin, a billfish found throughout the Atlantic, is declared either 'threatened' or 'endangered' - and a decision is due by September 4th - it would be the first oceanic fish to join the list.

Real Fears and Fear Mongering

The group that appealed to the government on behalf of the white marlin - the Biodiversity Legal Foundation - is seeking a recovery plan that would, according to their petition filed last September, close key spawning and feeding grounds to commercial longlining for swordfish and tuna. Judging by the reaction of some recreational fishing organizations, however, it is billfish anglers, not commercial fishermen, who are most threatened by the specter of the ESA.

You can find the dire warnings in fishing magazines, club newsletters, tournament brochures and on web sites, and they go something like this: If white marlin are listed, there will be no fishing for white marlin, even catch and release. In fact, there will be no sport fishing for any species that swims with whites (other billfish, tuna, dorado, mackerel, etc.), because there will be a chance of accidentally hooking one. There will be no offshore tournaments of any kind

(continued on page 3)

INSIDE

- ☛ OCEAN VIEW: CONFUSING THE ISSUE Page 2
- ☛ FAQs ABOUT WHITE MARLIN AND THE ESA Page 3
- ☛ SCARED STRAIGHT: SHARKS AND THE MEDIA Page 5
- ☛ HOUSE PANEL OKAYS BAD FISH BILL Page 6
- ☛ TURNING THE TIDE: MORE DELAYS ON THE DOLPHIN PLAN, AND OTHER NEWS Page 7

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

OCEAN VIEW

CONFUSING THE ISSUE

We have invested five years in the effort to advance an "ecosystem-based approach" to fishery management. We've gone to considerable trouble to define the concept and, most importantly, to explain what it would mean in practice. So we find it more than a little distressing that another conservation group is making an already difficult task even harder by co-opting the term in order to promote something else.

We cringed when, at a June meeting hosted by recreational fishing interests to discuss marine reserves with environmentalists, the head of The Ocean Conservancy referred to his organization's aggressive advocacy for no-fishing zones as "ecosystems management." Now that TOC has linked the two again, but more formally - in a widely publicized report on "The Health of the Oceans" - we must object.

"We should adopt an *ecosystem-based management approach*," the report recommends, "that *preserves entire ecosystems*, and thereby protects the species and resources they contain...(NMFS) must begin to *manage ecosystems*, as well as individual species, and to promote the value of *intact ecosystems* above the economic gain from exploiting fish." Setting aside no-fishing reserves is mentioned in no less than 6 of the report's 10 recommendations for enhancing the ocean's fisheries.

Ocean wilderness" is the centerpiece of TOC's fisheries program, which is fine by us. But when making the case for no-fishing reserves is freely mixed in with talk of ecosystem-based management, it confuses the issue and the public. Worse, it risks hindering efforts to expand traditional single-species management to address predator-prey and other food web concerns by associating them with a single, not to mention controversial, management tool.

Of course putting entire ecosystems off limits to human activities will protect them. But are we going to turn Chesapeake Bay or Georges Bank or the Gulf of Mexico into preserves? In order to address many of the ecological issues fishery managers are confronted with today, like preserving adequate supplies of pelagic forage fish (menhaden, sardine, squid, etc.), requires a change in the way we fish, not an end to fishing.

We need an ecosystem-based approach we can apply to the entire ocean, not just pockets of "wilderness." It's not going to be easy, but it doesn't help if fishermen think no-fishing zones whenever we talk about conserving marine ecosystems.

Ken Hinman, President

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

OFFICERS AND STAFF

Christopher Weld, *Chairman*
John Heyer, *Vice Chairman*
Ken Hinman, *President*
Mary Barley, *Treasurer*
Tim Hobbs, *Fisheries Project Director*
Christine Snovell, *Director of Communications
and Development*

BOARD OF DIRECTORS

William Akin, *Montauk, New York*
Stanley Arkin, *New York, New York*
Mary Barley, *Islamorada, Florida*
Guy Billups, Jr., *Gulfport, Mississippi*
Tim Choate, *Coral Gables, Florida*
William Cox, Jr., *Nantucket, Massachusetts*
John Heyer, *Bay Head, New Jersey*
Charles Johnson, *University Park, Florida*
Sandra Kaupe, *Palm Beach, Florida*
Sabrina Kleinknecht, *Leesburg, Virginia*
Edward Le Master III, *Ponte Vedra Beach, Florida*
John T. Pratt, *Hobe Sound, Florida*
Stephen Sloan, *New York, New York*
Skip Walton, *Longboat Key, FL*
Rick Weber, *Cape May, NJ*
Christopher Weld, *Boston, Massachusetts*
Karl Wickstrom, *Miami, Florida*

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

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

THE NCMC MARINE BULLETIN

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

www.savethefish.org

QUELLING THE ESA HYSTERIA

(continued from page one)

for the same reason. Related industries will lose billions of dollars. Meanwhile, we are told, the longliners will continue to fish, because they will get special incidental take permits.

Is any of this possible? Yes. But not likely. For sure, white marlin caught by a recreational fisherman would have to be released, under strictly defined rules for handling. Big game tournaments definitely would have to drop their white marlin categories, even release only. But as for the rest of it, no.

For organizations to scare offshore anglers with a doomsday scenario wherein they are tied to the dock while commercial longliners blithely continue to slaughter thousands of marlin a year is fear mongering, plain and simple. If all blue water is put off limits to trolling with rod-and-reel, it will be closed to commercial fishing, too. Guaranteed. And what are the chances of that happening? Slim and none, and Slim's gone fishing.

Even so, anglers are being whipped into a hysterical frenzy over the prospect of the ESA putting an end to recreational trolling offshore. They are being urged to appeal to their congressmen to interfere in the listing process.

Candidate Species Listing Most Likely

The decision whether to list a species as 'threatened' or 'endangered' is a biological one. It is not a political poll asking people how they feel about it. We don't think the white marlin qualifies, and we don't expect it to be listed. (We predict NMFS will make white marlin a 'candidate species,' meaning its status is of concern and future protection may be warranted, but more information is needed.) Nonetheless, we want that decision to be made on the best science. Think about it. If this fish is in bad enough shape to meet the ESA's rigorous criteria, but is not listed because of political pressure from the angling community, would that be something to celebrate?

For the record, the National Coalition for Marine Conservation, because of our well-known efforts to conserve white marlin and other billfish, was approached early on by BLF and asked to join their petition. We declined; because it's the wrong solution for the problem, it only impacts U.S. fishermen, and it could backfire with unnecessary restrictions on a



recreational fishery that already releases 99 percent of its catch and kills only about 60 fish a year. But once the petition was in, and the National Marine Fisheries Service agreed it merits consideration, our input has been focused on ensuring NMFS' decision is based on "the best scientific and fisheries data available," as the law demands.

The recreational fishing community should not be expending its time and resources trying to de-rail the ESA listing process, chiefly because doing so probably won't work and therefore unnecessarily portrays anglers as caring about conservation only when it's convenient.

Instead, the angling community should reserve its energies for the management phase, should white marlin be listed. If that happens, NMFS will have until September 2003 to put together a Recovery Plan. The guidelines for such plans allow the agency much more discretion as to how it addresses threats to endangered species than most people think. We'd suggest that, if the angling community has the political clout to stop a species' listing when it is scientifically justified (not an easy thing to do) it certainly has the power to get an effective recovery plan put in place, one that addresses the primary threat to white marlin - commercial longlining - while recognizing the efforts anglers have made to reduce their marlin catches through voluntary measures.

FAQs ABOUT WHITE MARLIN AND THE ESA

Below, NCMC answers a number of questions that are frequently asked about the petition to list white marlin under the ESA:

♦ Who is pushing to make white marlin an endangered species?

The Biodiversity Legal Foundation, with assistance from Jim Chambers, a fishery biologist who used to work for NMFS, submitted the petition. The group has been involved in over 100 cases recommending animals for listing under ESA. Aside from BLF, no major national environmental organization is actively pushing to place white marlin on the endangered species list. The petition places the blame for the depletion of the white marlin population squarely on the shoulders of U.S. and foreign longliners and, according to BLF spokesman Jasper Carlton, does not advocate steps be taken against recreational fishermen.



BRING BACK THE BIG FISH

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

◆ Is the white marlin threatened or endangered?

The ESA defines 'endangered' as in danger of extinction throughout all or a significant part of its range and 'threatened' as likely to become endangered within the foreseeable future. According to scientists convened by the International Commission for the Conservation of Atlantic Tunas, the 25-nation body responsible for assessing and conserving billfish and other highly migratory species, the population of white marlin has declined approximately 90-95% from what was considered a "virgin" stock prior to the advent of intensive fishing pressure from the Atlantic's commercial fishing fleets beginning in 1960. ICCAT estimates the white marlin population currently is capable of yielding less than 12% of its maximum sustainable yield (MSY), a standard for measuring the health of a fishery. The population has been in an unrelentingly steep decline since the early 1960s, according to ICCAT, and recent trends show no deviation from this downward path. White marlin are being killed an estimated 8 times faster than the population can replenish itself. While the precision of these figures may be uncertain, there is widespread agreement that the population is extremely depleted. ICCAT scientists do not project future trends in the population. Nor do they address the issue of at what point a population might be considered at risk of 'extinction.'

◆ What is the process for listing under the ESA?

The petition was filed with NMFS in September 2001. The agency then had 90 days to determine whether or not the petitioners offered sufficient information to warrant a Status Review. In December, NMFS announced that it would conduct a review, to be completed by September 4, 2002. Hearings were held in June to solicit new and relevant information from the public that

might have a bearing on the true status of white marlin. A Status Review Team was assembled to assess the validity and robustness of recent stock assessments and to review the effects of current management measures. The team will make its report to NMFS in August (although it won't necessarily recommend a position on listing nor would NMFS be bound by such a recommendation). If NMFS does decide to list white marlin as either 'threatened' or 'endangered,' it will have one year - until September 2003 - to prepare a Recovery Plan. The public will be given an opportunity to participate in this planning process.

Alternatively, NMFS could list white marlin as a 'candidate species' under the ESA. This designation would mean the agency does not have sufficient information on which to make a determination as to whether white marlin are or may become at risk of extinction; that further study is required; and that listing will be reconsidered when new, more compelling information is available. Even though being added to the Candidate Species list does not require any action under the ESA, it would give added encouragement to federal agencies, including NMFS, to enhance conservation of white marlin.

◆ Does an ESA listing automatically trigger certain actions?

The ESA prohibits the 'taking' of a protected species, a definition that includes non-lethal interactions that could harm the animal. The NMFS Guidelines for Recovery Plans give the agency discretion as to what actions are necessary to protect a listed species. A Recovery Plan must be developed for all species "unless NMFS finds that a plan will not further the recovery of the species." The plan's goal would be to restore the population to the point where it is no longer threatened or endangered (as opposed to full recovery to MSY, for instance). "The recovery criteria (used in the plan) may be to...attain a certain population level. Alternatively, a recovery criterion may be to remove certain threats facing the species" (for instance, certain types of fishing in certain areas at certain times). Those threats are ranked in terms of the severity of their impact on the species and are to be addressed in that order. Commercial longlining unquestionably would be ranked as a much more significant threat to white marlin than recreational fishing.

◆ **What would happen to recreational fishing if the white marlin is listed?**

The government would consider a range of options and "(a)ll parties that may be affected by the recovery plan will be specifically requested to comment on aspects of the plan related to their activities." It is possible that targeting white marlin would be prohibited and big game tournaments forced to drop all white marlin categories. Beyond that, it is difficult to predict. However, while the ESA is a powerful law, it is not inflexible or unyielding, as many portray it. The NMFS Guidelines for Recovery Plans support ranking potential management actions based on their importance to recovery efforts. Because, according to NMFS' own data, the recreational fishery kills 1/20th as many white marlin as the U.S. pelagic longline fishery, it is extremely unlikely the agency would "cripple" recreational fishing, as some claim, for so little conservation benefit. While it is true such economic factors are not considered in a listing decision, they are considered in the development of recovery plans.

◆ **Would listing white marlin help conserve the species?**

Eliminating all sources of U.S. white marlin mortality would do little to recover the species throughout its range, although it could increase the abundance of fish on the Atlantic shelf. Nonetheless, every time the international community has taken action to conserve a highly migratory fish, the movement started here in the U.S. with unilateral domestic action. If white marlin are listed - even if only as a 'candidate species' - it might obligate the U.S. to push harder for, and for other countries to agree to, international time/area closures to longline fishing (as are being examined now by ICCAT scientists). Regardless of whether white marlin are listed, NCMC will continue to urge NMFS to enact closures to longline fishing to protect white marlin in U.S. waters, and then export these conservation measures internationally.

◆ **Would protecting white marlin under the ESA, because it affects only U.S. fishermen, hurt the U.S. position in international negotiations?**



The claim has been made that if we eliminate all landings of white marlin, the U.S. will remove itself from the international conservation

debate. This argument does not hold water. The U.S. reported about 60 white marlin landed last year, mostly in tournaments. To think that we're somehow buying our way to the negotiating table with 60 fish (when other countries measure their catches in hundreds of tons), and that by eliminating landings we'll lose our negotiating leverage, is ludicrous. We will not be compromised by domestic actions and to argue otherwise is self-defeating. Under this logic, we should be encouraging U.S. anglers and longliners to kill more marlin so we'll be bigger players on the international scene.

◆ **What should recreational anglers and conservation groups do?**

Regardless of whether or not white marlin are listed under the ESA, the need for strong measures to conserve the species is the same and so is the remedy - keeping longlines away. Anglers and conservationists should join the NCMC and others in advocating for the kind of conservation program we think is the most effective and the fairest. We have proposed specific time-area closures and we are seeking to force NMFS to implement them, under the U.S. Atlantic Billfish Fishery Management Plan, through litigation. We are also supporting the U.S. delegation's efforts to enhance international conservation through the use of closed areas on the high seas. The United States must make marlin conservation a priority at future meetings of ICCAT, beginning with the commission's regular meeting this October. □

SCARED STRAIGHT

Sharks and the Media

Last summer's shark attacks, including the one on Jessie Arbogast, the 8-year old boy who lost an arm to a bull shark in Florida, and a pair of fatal attacks that occurred in North Carolina and Virginia within days of each other, sparked a frenzy of sensational stories in the media. *Time* magazine dubbed it the "Summer of the Shark." From the stories it seemed there'd been a rise in shark attacks, which in turn set off alarms in beach communities all along the east coast as people speculated as to the reasons.

But in truth, the number of attacks in the U.S. in 2001 was about the same as in previous years. As the "summer of the shark" faded from the news, conservationists reflected that the frenzy had more to do with the slant of the shark stories than with the sharks themselves. In mid-June, NCMC director of

communications Christine Snovell, who'd fielded numerous reporter's calls last year, attended the "Sharks in Perspective, From Fear to Fascination" workshop in Tampa, Florida. This conference was the second in a two-part series sponsored by the Florida Sea Grant program and Florida Museum of Natural History, aimed at further educating the print and television media about sharks and shark attacks.

How do we separate fact from frenzy? How do we educate the media so that infrequent attacks do not become sensational national news that promotes mass hysteria? These were some of the questions the conference addressed. Panelists included George Burgess, the Director of the International Shark Attack File, and other shark experts, Florida Sea Grant, and members of print and television media. Conference attendees included other members of the press, marine educators, conservationists, and representatives of the scuba diving and fishing industries.

Education is Key

A major concern is the apparent belief among some in the media that the government is responsible for last year's shark attacks because they implemented rebuilding plans for many overfished populations. Burgess constantly reminded participants that even if shark populations are increasing (and that is a slow process just underway), the number of people in the ocean each year is increasing at a much faster rate, especially in Florida. Probability dictates that with more and more people in the water, there will be more encounters with sharks.

The Media Relations breakout session, which included a panelist from a local television station and one from a local newspaper, shed some light on how we can better educate reporters to understand the nature of sharks and trends in shark attacks. More than one panelist reminded the audience that shark experts need to do a better job when interviewed by using terms the reporters and the public will understand. They said it was important to explain terms like 'ampullae of Lorenzini' (the tiny sensory holes on a shark's head that detect electrical fields and thus allow them to distinguish prey) and the difference between 'provoked vs. unprovoked' shark attacks.

The panelists also said it is important to continually educate the media. Often reporters assigned to cover shark attacks have relatively little knowledge about these animals. Shark experts and conservationists must keep telling the same story again and again to new reporters, never assuming they know even basic facts. Finally, reporters agreed they could do a better job of toning down sensational headlines and not using terms like "man eater" and "monster of the deep."

Although it seems shark experts and conservationists still have a ways to go to educate the press about sharks and shark attacks, this conference was a productive step toward that goal. "NCMC is fortunate to work with many fishing and outdoor reporters that are well-educated in fisheries and management issues," says Snovell. "It is our hope that we can continue to work with a broader segment of the media to emphasize conservation of this overfished animal, while downplaying the image of a man-eater terrorizing our nation's beach goers." □

HOUSE PANEL OKAYS BAD FISH BILL

Draft Senate Bill Vastly Superior

On July 10th, the House Resources Committee, over the strong objections of conservationists, reported H.R. 4749, the "Magnuson-Stevens Act Reauthorization Amendments of 2002." This legislation, authored by Rep. Wayne Gilchrest (R-MD), contains changes to federal fisheries law that will rollback the important conservation gains made with passage of the Sustainable Fisheries Act Amendments in 1996.

"We are deeply disappointed that Mr. Gilchrest, a major force behind the landmark SFA reforms, has allowed his bill to become the vehicle for efforts to undermine many of those very same reforms," says NCMC president Ken Hinman. "Despite some positive new provisions, if it is not amended to restore key conservation mandates, we would be better off with no bill at all."

H.R. 4749 weakens each of the three so-called pillars of the SFA: rules to stop overfishing, reduce bycatch and protect fish habitat. A new definition of "overfished" could lead to endless disputes over whether a stock's status was caused by overfishing or environmental factors. Fishery managers would be required to develop, but not implement, bycatch reporting requirements. The ability to minimize the adverse effects of fishing gear, such as trawls, on sea floor habitat would be severely limited.

It is uncertain whether or not the Gilchrest bill will make it to a vote by the full House before Congress recesses in the fall. Meanwhile, Sen. John Kerry (D-MA) has written his own bill, "The Magnuson-Stevens Act Modernization and Improvement Act of 2002." He has not introduced it yet, but it is expected to serve as the focal point for legislation in the Senate. The Kerry bill is comprehensive and vastly superior to Gilchrest's. Check the NCMC web site at www.savethefish.org for updates. □



TURNING THE TIDE

NCMC News & Activities

NCMC MARINE BULLETIN 7

COUNCIL SEEKS NEW COURSE FOR DOLPHIN PLAN

Time and time again, just as it seems the Dolphin/Wahoo Fishery Management Plan is ready to be submitted for Secretarial approval, it gets postponed. The three Councils working on the joint plan—South Atlantic, Gulf and Caribbean—were scheduled to meet late-July to finalize the document. Instead, last-minute legal advice from NMFS made it clear that additional time would be needed for the Gulf and Caribbean Councils to fix sections applicable to their respective jurisdictions. This prompted the South Atlantic Council to ask NMFS if it could submit its portion of the plan, covering the East Coast, without waiting for the other two Councils to finish work on their portions.

The South Atlantic Council initiated plan development back in 1997 to enact precautionary management measures for dolphin before overfishing could set in. Then NMFS forced the Council to join with the Gulf and Caribbean Councils in preparing a comprehensive plan that would cover dolphin and wahoo throughout their U.S. range. The South Atlantic Council reluctantly agreed. Now, citing continued delays beyond their control despite good-faith efforts to finalize the whole plan, the South Atlantic Council wants out. It submitted a letter to NMFS chief Bill Hogarth asking NMFS to consider approving its portion separately so management measures covering the East Coast could be put into place without further delay.

NCMC fully supports the South Atlantic Council's request, and submitted our own letter to NMFS urging the agency to respond to the Council's request swiftly to get "their precautionary plan into place in the southeast region by the 2003 fishing season." NCMC is also urging the Council to request, and for NMFS to approve, emergency action so that measures discouraging increased longlining for dolphin are in place *before* next year's fishing season begins.

HINMAN RE-ELECTED FISH NETWORK CO-CHAIR

For the fifth consecutive term, NCMC's Ken Hinman was elected to serve as a co-chair of the Marine Fish Conservation Network. He will serve

alongside Gerry Leape of the National Environmental Trust. Hinman, a co-founder of the Network, has worked extensively over the years to build consensus among groups dedicated to fisheries conservation and improve our nation's fishery management laws. The Network includes over 130 environmental, recreational and commercial fishing organizations. As co-chair, Hinman is responsible for working with the Network staff, Executive Committee and Board of Advisors to guide promotion of the Network's national agenda. The upcoming year will be a crucial one, as Congress completes work on reauthorizing the nation's fisheries law, the Magnuson Stevens Fishery Conservation and management Act.

NCMC APPEALS TO COURT OVER VMS - AGAIN

It's been over three years since NMFS first required that Vessel Monitoring Systems (VMS) be used on all pelagic longline vessels to enforce time-area closures. Yet VMS are still not mandatory, and recent actions by NMFS are bogging down implementation of this measure even further.

The original rule was blocked when longliners won a temporary injunction in court two years ago. The judge remanded the rule back to the agency, asking it to further justify a fleet-wide requirement. After sitting on the remand for a year, NMFS filed its response in August of 2001; an even stronger argument for putting VMS aboard all vessels to enforce time-area closures enacted that month.

But instead of proceeding with implementation, which our attorneys at Oceana advise was a legal option, NMFS unnecessarily asked the judge to approve its finding, thereby stalling implementation once again pending further judicial review. (To make matters worse, the judge in this case has one of the slowest dockets in the U.S. District Court, notorious for taking years to render decisions.)

Then in mid-July, NMFS took everyone by surprise by asking the judge to stay its request for a review, citing a need to "assess the economic impacts (if any)" of "recent changes in availability" of VMS. NMFS claimed the stay was necessary so it could provide updated information to the judge, but our attorneys saw such a move as extremely unusual. NCMC, National Audubon, Natural Resources Defense Council and The Ocean Conservancy joined the litigation in 2001 as "friends of the court" to help defend the VMS requirement. We filed an opposition to the NMFS motion on July 26.

RESOLUTION SEEKS TO IMPROVE ICCAT COMPLIANCE, HELP MARLIN

Reps. Wayne Gilchrest (MD), Jim Saxton (NJ) and Walter Jones (NC) introduced a Congressional Resolution aimed at improving compliance with international conservation measures. It is widely known that some European and Asian countries routinely flout ICCAT recommendations, undermining the effectiveness of rebuilding plans for tunas, swordfish and billfish.

House Concurrent Resolution 427 was written with the specific intent of helping severely depleted Atlantic marlin, although it could be used to improve compliance with all ICCAT measures. It urges the U.S. to use trade sanctions against countries that violate any international fishing rules.

For many species, especially bluefin tuna, compliance is the major obstacle to effective management. But for marlin, the problem is not lack of compliance, but lack of adequate conservation measures. Even full compliance with ICCAT recommendations would not be sufficient to recover the stocks. NCMC commended the resolution's sponsors, and recommended that to sufficiently protect blue and white marlin, they add language to the resolution that specifically directs the U.S. ICCAT Commissioners to make it their top priority to achieve international time-area closures to longline fishing in areas where and during times when marlin bycatch is high.

NCMC MEMBERS

Renew Your Support For
Fish Conservation
TODAY!



If your membership expired in **June, July, or August**, this is your last issue of the *Marine Bulletin*.

We now accept Visa/MasterCard. Call (703) 777-0037 or renew on the web at www.savethefish.org.

Thanks!

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

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
LEESBURG, VA
PERMIT NO. 43



THE NCMC

MARINE BULLETIN

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

August - September 2002

No.101

THE BROADBILL BATTLES BACK! BUT NCMC CAUTIONS AGAINST LIFTING LIMITS TOO SOON

*INCREASED SWORDFISH LONGLINING
NOW, BEFORE MARLIN "HOT SPOTS"
ARE PROTECTED, WOULD JEOPARDIZE
BILLFISH RECOVERY*

The newest stock assessment for Atlantic swordfish provides the most encouraging news U.S. fishermen and conservationists have ever received from the International Commission for the Conservation of Atlantic Tunas (ICCAT). According to the September 2002 report from ICCAT's Standing Committee on Research and Statistics (SCRS), catch limits have increased the population of swordfish in the north Atlantic to over 90% of the level scientists say is needed to support a healthy and sustainable fishery.

"This is great news! We are delighted that all the many years of work we and others have put into bringing back the once-depleted 'broadbill' are paying off," says National Coalition for Marine Conservation president Ken Hinman. "But no matter how tempted we are to celebrate this rare ICCAT accomplishment and reward fishermen with increased catches, it is way too soon to re-open this fishery.

"We need to hold the line for a few more years to make sure we have the strongest possible recovery for swordfish," says Hinman. "At the same time, we must make sure there are adequate protections in place for species that are taken as bycatch in the swordfish fisheries throughout the Atlantic, particularly severely overfished blue and white marlin."

International rebuilding efforts for swordfish, overfished and depleted since the 1980s, began in 1991. Over the next 10 years, at the prompting of NCMC and other U.S. conservationists, ICCAT imposed progressively lower catch quotas on all nations fishing the north Atlantic. In 1999, in response to a stock assessment that year showing only slight improvement, ICCAT adopted a rebuilding program featuring additional conservation measures aimed at restoring the population no later than 2009. Two years ago, the U.S. closed swordfish nursery grounds to longlining to protect juvenile fish.

The new assessment, which gauges the status of the stock through the 2001 fishing season, indicates that rebuilding is ahead of schedule. While recognizing the importance of this achievement, and commending the U.S. ICCAT delegation and U.S. fishermen for their critical contribution, the NCMC firmly believes that the progress made to date is not sufficient reason to begin relaxing swordfish conservation at this stage in the recovery.

[continued on page 3]

INSIDE

- OCEAN VIEW: CRYING DOLPHIN Page 2
- MARLIN NOT "ENDANGERED," SAYS NMFS Page 3
- NCMC WINS CONSERVATION AWARD Page 4
- SPECIAL INTERESTS DOMINATE ICCAT ADVICE Page 5
- FISHING FOR A GOOD GRADE Page 6
- TURNING THE TIDE: SURVEY RESULTS Page 7

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

OCEAN VIEW

CRYING DOLPHIN

The NCMC has backed efforts to develop a dolphin plan since 1997. When I testified at a September hearing in support of the South Atlantic Council's attempt to get over the latest hurdle put in its path (see page 7), I was alone. The poor public showing, I pointed out, did not reflect dwindling support. Most anglers probably think the dolphin plan's a done deal. I don't know how many times I've written - in this newsletter and elsewhere - that it's finally ready to go. Only to have NMFS find a new way to hold things up. I'm beginning to feel like the boy who cried dolphin.

For five years we've been trying to get measures into place that would insure against overfishing in the Atlantic dolphin fishery. The dolphin is arguably one of the most valuable species to recreational fishermen in the south, as well as a popular table fish. Less than 10% of the catch is taken by commercial fishermen and most of them are trollers. But dolphin have always been a common bycatch in the swordfish longline fisheries. With the decline of swordfishing in the southeast, followed by longline area closures in the region, the prospect of swordfish boats targeting dolphin is very real and potentially disastrous.

So far we've been lucky. The fears that prompted development of the plan haven't materialized. But they could have, and they may yet.

A year ago, faced with another delay courtesy of NMFS attorneys, the council requested emergency action to put key elements of the plan into place before the 2002 season. NMFS said no, clearly viewing emergency preventive action as an oxymoron. It's equally obvious the agency does not think much of precautionary management period. A similar plan to protect sargassum is also languishing in NMFS limbo.

But think about it. What does it mean if we can't enact a simple, pro-active plan designed to maintain the *status quo* in a healthy fishery? Must we wait for overfishing to occur before we can prevent it? Talk about oxymorons.

Again, we've been lucky. Once the longline fishery shifts to dolphin, the game is over. There will be a powerful constituency to oppose limits, to threaten lawsuits, to make sure no action is taken until the damage is done. It may be a difficult concept for NMFS to grasp, but precautionary plans are every bit as important as rebuilding plans. And they *should* be a lot less painful.

Ken Hinman, President

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

OFFICERS AND STAFF

Christopher Weld, *Chairman*
John Heyer, *Vice Chairman*
Ken Hinman, *President*
Mary Barley, *Treasurer*
Tim Hobbs, *Fisheries Project Director*
Christine Snovell, *Director of Communications
and Development*

BOARD OF DIRECTORS

William Akin, *Montauk, New York*
Stanley Arkin, *New York, New York*
Mary Barley, *Islamorada, Florida*
Guy Billups, Jr., *Gulfport, Mississippi*
Tim Choate, *Coral Gables, Florida*
William Cox, Jr., *Nantucket, Massachusetts*
John Heyer, *Bay Head, New Jersey*
Charles Johnson, *University Park, Florida*
Sandra Kaupe, *Palm Beach, Florida*
Sabrina Kleinknecht, *Miami, Florida*
Edward Le Master III, *Ponte Vedra Beach, Florida*
Stephen Sloan, *New York, New York*
Skip Walton, *Longboat Key, FL*
Rick Weber, *Cape May, NJ*
Christopher Weld, *Boston, Massachusetts*
Karl Wickstrom, *Miami, Florida*

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

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

THE NCMC MARINE BULLETIN

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

www.savethefish.org

CONTINUING THE SWORDFISH RECOVERY

(continued from page one)

There are too many uncertainties about the true strength of recent year classes to increase fishing without risk of losing ground. The north Atlantic swordfish recovery is still in its infancy - literally - since the vast majority of the fish now available to harvest are immature and have not had a chance to reproduce yet. The predominant gear in the fishery, the pelagic longline, is incapable of avoiding capture of the youngest fish without putting nursery grounds off limits. To date, only the U.S. has closed such areas, although ICCAT has a standing recommendation to look at area closures on the high seas.

Finally, and most importantly, an increase in swordfish longlining at this time could jeopardize ongoing efforts to conserve billfish, including the white marlin, which just narrowly escaped listing under the U.S. Endangered Species Act. According to ICCAT statistics, 94% of the Atlantic-wide marlin catch is taken on longlines. "ICCAT is only now beginning to look at time-area closures to protect these fish from fatal interactions with longlines as part of its rebuilding program for Atlantic billfish," Hinman points out. "Any increase in longlining for swordfish now would increase billfish bycatch and impede their recovery, which should be a top priority for the U.S. at ICCAT this year."

NCMC Swordfish Position for ICCAT 2002

The National Coalition for Marine Conservation recommends that ICCAT maintain the status quo in swordfish total allowable catch at the 2002 Regular Meeting in Spain (October 28 - November 1). Current catch levels should be maintained through 2005, when the next swordfish stock assessment will be conducted. By holding the line on swordfish conservation for at least three more years, ICCAT would:

1. Allow its scientific panel (SCRS) an opportunity to confirm the strength of the recovery with improved data and research methods, needs cited by the SCRS in the 2002 assessment;
2. Increase the future stability of the swordfish stock and the swordfish fishery -
 - a) by allowing recent recruits the opportunity to mature and reproduce, and

- b) by producing a higher yield-per-recruit for the fishery through increasing the average size/age of fish at capture; and,
3. Afford the Commission and member nations the time they need to develop and implement time-area closures to protect aggregations of marlin, an essential component of a successful billfish rebuilding program.

NCMC Billfish Position for ICCAT 2002

The NCMC believes that adoption of a comprehensive billfish rebuilding program should be a top priority at the 2002 ICCAT session. The marlins, especially white marlin, are among the most depleted fish under ICCAT's jurisdiction, and the most recent assessments indicate their numbers are still declining. The commission should keep landings limits at least as low as the levels agreed to in 2000 (a 50% reduction from recent years for blue marlin and a 66% reduction for white marlin), along with the requirement that all live fish be released in that condition.

For the next stage in marlin rebuilding, ICCAT should begin identifying and evaluating time-area closures to give additional protection to billfish from indiscriminate longlines targeting other species. It is imperative that these conservation measures be pursued aggressively, since they must be in place before the swordfish fisheries are permitted to expand as a result of successful rebuilding efforts for that species. We recommend that ICCAT convene an inter-session meeting in 2003 to take a comprehensive look at ways to minimize billfish bycatch. □

WHITE MARLIN NOT 'ENDANGERED'

NMFS DECIDES LISTING UNDER ESA NOT YET WARRANTED

The National Marine Fisheries Service (NMFS) announced on September 4th that it is not placing Atlantic white marlin on the Endangered Species List. After receiving a petition to classify the fish as either threatened or endangered a year ago, NMFS convened a team to undertake a review of the fish's biological status. Based on this review, the agency determined that, while the white marlin population is extremely depleted and subject to a grossly unsustainable rate of fishing mortality, a threatened or endangered listing is not warranted at this time.

NMFS cited a number of reasons why listing white marlin is not yet appropriate, most notably that recently enacted international conservation measures "have a potential for stabilizing the white marlin stock near current levels," according to a press release from the agency.

Agency chief Bill Hogarth stated, "We put together a status review team that looked at this species very carefully. They wrote a thorough report, containing the best available scientific and commercial information. Based on the review, we determined that, although the species has declined greatly from historical levels, it is not currently at a level that warrants listing under the ESA."

Still Cause for Concern

The NCMC did not believe the ESA was the best tool to conserve white marlin, but we were supportive of the government undertaking a rigorous scientific review of its status. "We wanted to make sure the ESA review process yielded a result consistent with the true condition of the population," said NCMC Fisheries Project Director Tim Hobbs. "In fact, NMFS took precisely the action we predicted it would, by adding white marlin to the list of Candidate Species for possible future listing (see "ESA Hysteria," *MB* No. 100). By doing so, they've underscored the need to take additional action to conserve white marlin as required by U.S. and international fisheries law."

NMFS stated in its press release that it would continue to push for additional conservation measures to provide further protection for the white marlin population, which it says is only 5-15% of what it was before intensive commercial fishing began in the 1960s, and is still declining. NMFS pledged to undertake another full ESA status review in 2007, at which time it will gauge the effectiveness of domestic and international conservation measures.

In the end, the ESA process has served to re-affirm what we already knew. Strong measures will be necessary to conserve white marlin, both in US waters and internationally through ICCAT. NCMC will be pushing NMFS to follow through on its commitment to seek additional action to protect the stock. "Now that NMFS has determined the ESA is not the appropriate mechanism to protect white marlin, it must commit to pursuing other routes of action, namely time-area closures to indiscriminate longline fishing in U.S. waters," says NCMC's Hobbs. "We must demand similar action



from other countries, specifically by pushing ICCAT to implement high seas closures to indiscriminate fishing where marlin congregate to feed and spawn." □

NCMC PRESIDENT RECEIVES PRESTIGIOUS CONSERVATION AWARD

On August 19th, at the annual meeting of the American Fisheries Society (AFS), Ken Hinman, president of the National Coalition for Marine Conservation, was presented with the 2002 Carl R. Sullivan Fishery Conservation Award. The AFS, founded in 1870, is the oldest and largest professional society representing fisheries scientists. The "Sully" is one of the Society's most prestigious awards and is given annually to an individual or organization for outstanding contributions to the conservation of fishery resources.

The AFS selected Hinman to receive the award for his "tireless and unwavering commitment to the conservation and restoration of marine fishes" over a career that has spanned 25 years, according to executive director Ghassan Rassam. "[Ken's] leadership in the development of rational and effective management strategies for numerous marine fisheries and [his] effective advocacy of science-based solutions to marine conservation issues have inspired and influenced a multitude of our country's citizens," Rassam said.

Hinman has been with the NCMC since 1978, serving as president since 1996. During this time, he has organized 16 symposia and workshops on subjects ranging from striped bass and fish habitat to international conservation of billfish; served on numerous panels and committees advising the government on management of everything from dolphin-fish to ecosystems; edited the NCMC's "Marine Bulletin" since 1985 and authored over 110 published articles on contemporary marine conservation issues, along with numerous influential reports and issue papers; conceived and helped organize the Marine Fish Conservation Network, which was largely responsible for passage of the Sustainable Fisheries Act; and is a founder of the Ocean Wildlife Campaign, an alliance instrumental in halting the overfishing of Atlantic sharks, gaining recovery plans for Atlantic swordfish and billfish, reducing longline bycatch, and banning the practice of shark finning in the US.

currently get from the fishing industries and scientific community, while significantly enhancing the input they receive from the conservation community. □

FISHING FOR A GOOD GRADE SOME IN CONGRESS FLUNK THE TEST

The Marine Fisheries Congressional Report Card is now available to the voters, but some members of the 107th Congress may want to hide their grades.

This unique biannual report, a cooperative project between *Sport Fishing* magazine and the National Coalition for Marine Conservation, reviews lawmakers and evaluates legislation vital to the future of marine fish populations and the sport fisheries they support. This is particularly timely now, when national attention is finally focusing on the increasing struggle to save what remains of the world's overburdened marine resources.

The Sept/Oct issue of *Sport Fishing* magazine grades leaders on Capitol Hill who have been particularly influential in fisheries policy. A total of four representatives earned a D and Rep. Billy Tauzin, a Republican from Louisiana, rated an F. Author Ken Hinman, president of the National Coalition for Marine Conservation, said, "Mr. Tauzin would undo the progress made in fish conservation during the past six years and return fishery management to the dark ages when overfishing was the rule."

The four representatives who nearly failed as well, earning a D or D-, are Don Young (R) of Alaska, Massachusetts' Barney Frank (D), Richard Pombo (R) of California and North Carolina Republican, Walter Jones Jr.

Hinman explains the D of Frank, who routinely scores high marks on non-fisheries environmental scorecards, this way: "The trouble with Frank is he reacts to fishing regulations just as many of his industry constituents do. His solution to New England's fisheries problems is to gut the law."

On the side of the true friends of fish conservation, three representatives received A's, including two from California: democrats Sam Farr and George Miller. Rep. Jim Saxton (R) of New Jersey also scored an A.

John Kerry is one of two senators graded this year. The Massachusetts Democrat, who may make a run at the Democratic presidential nomination in 2004, scored a B. New Jersey Sen. Robert Torricelli (D) received a B+.

The biggest change from past report cards was the C- given to Maryland republican Wayne Gilchrest, influential chair of the House fisheries subcommittee and author of new legislation to amend the nation's fishing laws. "We used to give Gilchrest straight A's because he was a key sponsor of conservation reforms," says Hinman. "But this year, he's allowed his bill to become the vehicle for efforts to undermine many of those very same reforms."

The grades of all the legislators profiled as well as a complete explanation of how Hinman derived these scores, as well as key marine-fish legislation, can be found in *Sport Fishing's* September/October issue.

Hinman emphasizes how important these grades can be to marine fish populations: "The NCMC/*Sport Fishing* Marine Fisheries Congressional Report Card uniquely focuses on marine fisheries. No other system that rates lawmakers relies primarily on assessing actions directly impacting saltwater fish conservation and management." □

NOTE: The grades in the report are meant to inform readers of the actions of key legislators. They should not be construed as an endorsement of any candidate or their opponent in upcoming elections. It is the responsibility of voters to assess the positions of all candidates on a variety of issues important to them.

2002 REPORT CARD

Member of Congress	Grade
Rep. Randy Cunningham (R-CA)	B-
Rep. Sam Farr (D-CA)	A
Rep. Barney Frank (D-MA)	D
Rep. Wayne Gilchrest (R-MD)	C-
Rep. James V. Hansen (R-UT)	Inc.
Rep. Joel Hefley (R-CO)	B-
Rep. Duncan Hunter (R-CA)	B
Rep. Walter Jones Jr. (R-NC)	D
Sen. John Kerry (D-MA)	B
Rep. George Miller (D-CA)	A
Rep. Richard Pombo (R-CA)	D
Rep. Nick Rahall (D-WV)	B
Rep. Jim Saxton (R-NJ)	A-
Rep. Billy Tauzin (R-LA)	F
Sen. Robert Torricelli (D-NJ)	B+
Rep. Don Young (R-AK)	D-

"I'm honored that the AFS has chosen me for this award," says Hinman, "because it validates the mission of the National Coalition for Marine Conservation, which is to set clear goals, take positions based on the facts, stick to your principles, work hard, build alliances and never give up."

Past recipients of the distinguished Carl R. Sullivan Fishery Conservation Award include the late Canadian fishery biologist Peter Larkin, Senator John Breaux, the US Fish and Wildlife Service, author and conservationist Carl Safina, and the Chesapeake Bay Foundation. □

SPECIAL INTERESTS DOMINATE ICCAT POLICY-MAKING

CONSERVATIONISTS GET ONLY TOKEN ADVISORY ROLE

Conservation groups advocate for management measures that are best for the long-term health and productivity of our nation's fishery resources. By doing so, we represent the broader public, whose interests are not always served by representatives of narrower special interests. In the management arena, commercial and recreational fishing groups typically dominate the debate. Public apathy, or lack of attention, contributes to the imbalance. But in certain cases, broader public involvement in decision-making is stymied by institutional biases.

One glaring example of this bias is in the management of Atlantic highly migratory species (HMS), which is guided by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The U.S. delegation to ICCAT consists of

three appointed Commissioners: one from the commercial sector, one from the recreational sector, and a government representative, currently the head of NMFS. The Commissioners, in formulating U.S. policy to be negotiated at ICCAT, receive advice from an Advisory Committee. But as the committee is constituted, the conservation community - and therefore the broader public - is given very little voice in these important debates.

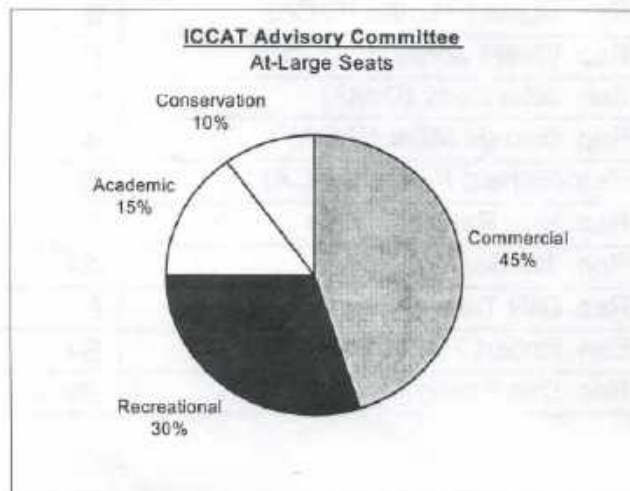
Of the 20 available public seats on the U.S. Advisory Committee, the commercial industry claims 9 seats (45%) while the recreational community has 6 (30%). Three (15%) are allotted to research scientists. Only 2 (10%) are reserved for conservation groups. (See chart below) With no dedicated Commissioner and only two seats on the Advisory Committee, this paltry level of representation for the conservation community is unacceptable.

We Can Increase Conservation Representation At No One Else's Expense

To put into perspective what short shrift conservationists are getting, consider that the commercial fishery for bluefin tuna alone holds four seats. The swordfish longline industry likewise has four seats to itself. Both of these relatively small segments of the U.S. fisheries for Atlantic highly migratory species has *twice* as much representation as does the entire conservation community - which, needless to say, is interested in all HMS species.

With appointments being made for membership on the 2003-4 Advisory Committee, the Ocean Wildlife Campaign (an alliance of six national conservation groups including the NCMC) wrote NMFS director Bill Hogarth requesting that four seats be allocated to representatives from conservation organizations: "While we recognize and support representation from (commercial and recreational) interests, we feel strongly that U.S. policy toward Atlantic highly migratory species must be made with adequate input from the broader public interest as well."

Representation for conservation advocates can be increased without subtracting from current levels of representation for either the commercial or recreational fisheries. Two seats now given to researchers (with the exception of the Committee chair, which should be occupied by a non-aligned scientist) should be transferred to the conservation community. Research scientists do not advocate positions on conservation and management issues and as such rightfully should serve as Technical Advisors (a role many scientists already fill). By making this simple change, U.S. policymakers would retain the level of advice they





TURNING THE TIDE

NCMC News & Activities

NCMC MARINE BULLETIN 7

MEMBERS WEIGH IN

by Christine Snovell, Director of Communications

Thank you to all NCMC members who returned the survey sent out in late April, and especially to those who responded with a special donation! We received surveys from all over the country during the summer and, as usual, we learned a lot from your responses. The conservation programs you ranked as being most important (almost equally) are "Bring Back the Big Fish," "Conserving Marine Ecosystems," and "Fisheries Reform." Many of you commented that it was hard to rank NCMC programs as they are all important and interconnected. This fact was made clear by the number of comments along the lines of "More public awareness" and "Teach the children," even though "Resources and Education" ranked lower. Other popular comments included "Get rid of longlines!" "Continue to work with other like-minded groups," "Continue with lawsuits," and "Pay more attention to inshore species." We will be considering your comments as we formulate our programs for 2003.

Many of you said you hadn't seen or were not regular visitors to our web site, due mostly to lack of time or computer skills. (The thousands of visitors to our web site each month are non-members or new members, making it an important introduction to NCMC.) Although a majority of you responded that you'd prefer to continue receiving a paper copy of the Marine Bulletin, enough of you said you'd prefer an e-mailed version that we will consider offering it in the future.

CONGRESS TAKES AIM AT ICCAT SCOFFLAWS

Rep. Wayne Gilchrest (MD), joined by Reps. Jim Saxton (NJ) and Walter Jones (NC), introduced a resolution seeking to force other countries into compliance with international conservation measures. The House Fisheries Subcommittee held a hearing in late September on House Concurrent Resolution 427, which is intended to express the will of the Congress that white marlin should be a top priority at ICCAT, that non-compliance with international management measures by other countries may jeopardize rebuilding efforts for marlin and other ICCAT-managed species, and that the U.S. should consider trade sanctions against violators.

In a letter to resolution co-sponsors, NCMC agreed it would "advance conservation efforts for all Atlantic highly migratory species by putting other countries on notice that the U.S. will not stand idly by while international fisheries agreements are flagrantly violated. This is an important and drastically needed action. However, to sufficiently protect blue and white marlin, we recommend adding language to the resolution that specifically directs the U.S. ICCAT Commissioners to make it their top priority to achieve international time/area closures to longline fishing in areas where and during times when marlin bycatch is high."

NEW TACK FOR DOLPHIN PLAN

NCMC supported the South Atlantic Council's request to proceed with its portion of the Dolphin/Wahoo Fishery Management Plan independent of the Gulf of Mexico and Caribbean Councils. After NMFS informed the councils that the Gulf and Caribbean sections had to be revised, meaning at least another year's delay in implementing the joint plan, the South Atlantic Council asked permission to go ahead and submit its portion (covering the Atlantic coast) this fall so that pro-active measures to preserve this still-healthy fishery can take effect by the 2003 season. NCMC testified at a September hearing on the plan, at which NMFS informed the Council it is "favorably inclined" to approve its request.

Renew Your Support For
Fish Conservation
TODAY!



If you have been notified that your membership expired in **July, August or September**, this is your last issue of the *Marine Bulletin*.

We now accept Visa/MasterCard. Call (703) 777-0037 or renew on the web at www.savethefish.org.

Thanks!

ANGLERS SELF-INFLICT BLACK EYE OVER ESA

by Tim Hobbs, NCMC Fisheries Project Director. Tim fishes for white marlin off the Virginia coast. He caught and released a pair in September, while a longliner was hauling back just a hundred yards away.

To anglers, hearing that NMFS decided not to list white marlin under the Endangered Species Act was undoubtedly good news. Unfortunately, some of us seem to be celebrating for the wrong reason. The positive news is that white marlin are not in danger of extinction. Everyone who's celebrating because they think the recreational community "killed" the ESA listing are both wrong and sorely misguided.

NCMC never thought a listing had much chance. NMFS, already unpopular with commercial and recreational fishermen and taxed with legal and bureaucratic problems, no doubt wished to avoid adding to its headaches. But a whitewash wasn't necessary, because while it's true that white marlin are severely depleted, classifying them as nearly extinct is a stretch. We accurately predicted the status review team would make a compelling biological case for why a listing isn't appropriate *at the present time*.

So we were more than a little surprised when some organizations unleashed hysterical rhetoric to rally

anglers in a campaign to "kill" the ESA listing. Anglers were scared into believing that recreational fishing—even for yellowfin and dolphin—was over for good if the government listed white marlin, but that commercial fishing would continue. Anglers were told to contact their Congressmen—even though Congress has no legitimate role in the ESA process—to oppose a listing because of the impact it could have on recreational angling and supporting industries.

Regrettably, concern for the plight of the white marlin came across as secondary. The message seemed to be saying that conservation may be important, but not when it might inconvenience us. The anti-ESA arguments sounded more like those of the logging or oil and gas industries than of a group that has built a solid reputation of being dedicated to conservation.

As a billfish angler, it bothers me to hear fisheries scientists say that the recreational community has lost credibility on marlin conservation issues because of the way some of its leaders acted during the ESA review. If anything was killed in this process, it was their credibility. So let's celebrate because white marlin are not yet threatened with extinction. But let's also realize that the future of our sport ultimately depends on our advocacy to protect and rebuild overfished stocks, not using political pressure to prevent ESA listings.

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

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
LEESBURG, VA
PERMIT NO. 43



THE NCMC

MARINE BULLETIN

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

October - November 2002

No.102

PACIFIC COUNCIL REJECTS LONGLINES

New HMS Plan Keeps Longlining Out of West Coast Fisheries

PLAN INCLUDES DATA COLLECTION AND MONITORING, BYCATCH REDUCTION AND PRECAUTIONARY CATCH LIMITS FOR SHARKS, TOO

The Pacific Fishery Management Council on October 29th took unprecedented action to safeguard the health of tunas, swordfish, marlin, and oceanic sharks, known as highly migratory species (HMS). On that day, the Council adopted an unprecedented fishery management plan that prohibits the use of pelagic longline gear in the waters off California, Oregon, and Washington. The National Coalition for Marine Conservation worked on this plan for several years, along side our allies in the Ocean Wildlife Campaign (OWC) and United Anglers of Southern California and The Billfish Foundation.

"We applaud the Council for taking the historic step of prohibiting the use of pelagic longlines in U.S. West Coast waters," said Ken Hinman, NCMC President. "Too often fishery managers wait for a crisis before acting. It is encouraging to see managers take precautionary action to safeguard ocean health as well as the future health of our fishing industries."

"By doing the right thing up front, the Pacific Council will prevent the crisis we're seeing in the (west coast) groundfish fishery," said Shana Beemer of the

National Audubon Society, an OWC partner. "These modest regulations come at an important time as displaced groundfish fishermen may begin targeting highly migratory species."

Federal Longline Ban Was a Priority

The Council made its final decision after a more than two-year process, hearing arguments from conservationists, recreational fishermen and commercial fishermen. This decision comes despite a strong push by a segment of the commercial fishing industry to allow longlining.

"If the commercial fishing industry were allowed to expand the use of longlines in the waters off the west coast, the populations of striped marlin, swordfish and other marine species would be jeopardized," said TBF's Russ Nelson.

[continued on page 3]

INSIDE

- OCEAN VIEW: LOOK HOMEWARD, ANGELS Page 2
- COURT UPHOLDS ATLANTIC LONGLINE CLOSURES AND MEASURES TO ENFORCE THEM Page 3
- HORSESHOE CRABS AND SHOREBIRDS Page 4
- ICCAT 2002 SUMMARY Page 5
- TURNING THE TIDE: MAGNUSON DEFERRED Page 7
- CLOSURES LOWER BILLFISH BYCATCH Page 8

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

OCEAN VIEW

LOOK HOMEWARD, ANGELS

Don't let your will roar when your power only whispers. -

Thomas Fuller

At the latest ICCAT meeting (see page 5), the U.S. - for the most part - was the good guys. It was the Europeans and Japanese - for the most part - who thwarted our proposals to fish more conservatively. To the extent the 2002 session was a disappointment - and ICCAT and disappointment are practically synonymous - we can lay the blame on others.

For the most part. Because if that's all we do - if we don't take a good hard look in the mirror, with a critical eye - then we are doomed to participate in a never-ending cycle of frustration.

We were not as prepared for the meeting as we should have been. Yes, we knew what we wanted - hold the line on swordfish catches, end overfishing of bluefin in the east - and we were resolved to stand firm. But we did not have an aggressive strategy for getting what we wanted, whereas the European Community clearly did. In a word, we were outmaneuvered.

It didn't help that there were a few in the U.S. delegation, led by our commercial commissioner, who had their own, separate agenda. Without regard for the impact on other species, they disrupted and dominated delegation meetings insisting on an increase in bluefin quota. Time that should have been spent preparing strategy was wasted fighting over whether or not to make a few fat cats in New England even fatter.

The chair of the U.S. advisory committee afterward called our divided ICCAT delegation "dysfunctional" and complained that it "undermined our ability to present a united front in that international forum." Distracted, not united. Worse, inconsistent.

Let's face it, the reason the US didn't go for an increase in swordfish was that our fishermen didn't want it, since they can't land the old quota. In the one instance where our fishermen did want more fish - western bluefin- we got it for them. To do it, we ignored the science, just what we criticized the Europeans for doing in the east.

Where distinguishes us from others at ICCAT is a strong conservation ethic, embedded in our laws and advocated by an activist public sector. It's to our advantage to stay grounded in that, not just when it's convenient. Meanwhile, we have a lot to learn about preparation and performance.

Ken Hinman, President

August - September 2002

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

OFFICERS AND STAFF

Christopher Weld, *Chairman*
John Heyer, *Vice Chairman*
Ken Hinman, *President*
Mary Barley, *Treasurer*
Tim Hobbs, *Fisheries Project Director*
Christine Snovell, *Director of Communications
and Development*

BOARD OF DIRECTORS

William Akin, *Montauk, New York*
Stanley Arkin, *New York, New York*
Mary Barley, *Istamorada, Florida*
Guy Billups, Jr., *Gulfport, Mississippi*
Tim Choate, *Coral Gables, Florida*
William Cox, Jr., *Nantucket, Massachusetts*
John Heyer, *Bay Head, New Jersey*
Charles Johnson, *University Park, Florida*
Sandra Kaupe, *Palm Beach, Florida*
Sabrina Kleinknecht, *Miami, Florida*
Edward Le Master III, *Ponte Vedra Beach, Florida*
Stephen Sloan, *New York, New York*
Skip Walton, *Longboat Key, FL*
Rick Weber, *Cape May, NJ*
Christopher Weld, *Boston, Massachusetts*
Karl Wickstrom, *Miami, Florida*

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

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

THE NCMC MARINE BULLETIN

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

www.savethefish.org

**COUNCIL TO LONGLINERS:
"And Stay Out!"**

(continued from page one)

California has outlawed longlining since 1991. This prohibition extends seaward to 200 miles because of the absence of any federal rules. So whatever the Council did in its first-ever HMS plan would supercede state rules. In other words, if the plan did not explicitly prohibit longlines (thereby making it an allowable gear), the door would be open to unlimited and unregulated longlining.

Under U.S. law, fishery management plans (FMPs) are developed by regional councils and administered by the National Marine Fisheries Service (NMFS). This is the first comprehensive federal plan for Pacific HMS caught off the U.S. west coast. FMPs for Atlantic swordfish, sharks, tunas, and marlin were enacted in the late 1980s and 1990s, but only after overfishing had already depleted their numbers.

"We are encouraged at the Councils pro-active approach to managing our offshore fishery, putting fish before short term profits," added Tom Raftican of United Anglers of Southern California. "Healthy fish populations are essential to ensure the continuation of a thriving recreational fishery for HMS."

'Getting Ahead of the Curve'

Pelagic longlines are single-stranded fishing lines many miles long with hundreds - and sometimes thousands - of baited hooks attached. This open-water gear is widely used in many parts of the world to catch tunas and swordfish and generates high levels of bycatch (the unplanned capture and discarding of fish and other marine wildlife, which often results in their death and waste).

Longlining in the Atlantic Ocean has contributed to the devastation of virtually every species of highly migratory fish. For example, U.S. longliners alone killed and discarded thousands of undersized juvenile swordfish throughout the 1990s, slowing that fish's recovery. As many as nine out of ten sharks that perished on longline gear were unwanted and discarded. Overfished blue and white marlin are caught primarily in the swordfish and tuna longline fisheries. In addition, NMFS found that longline fisheries jeopardize the continued existence of loggerhead sea turtles and leatherback sea turtles in both the Atlantic and the Pacific.

While longlining remains legal in the Atlantic, Central Pacific and Gulf of Mexico, the U.S.

government has had to establish large-scale area closures (millions of square miles), where longlining is prohibited, in order to protect sea turtles, juvenile fish, and other marine wildlife.

"We strongly support the final HMS FMP," commented Kate Wing with the Natural Resources Defense Council. "We have an opportunity to act before the tunas and sharks of the Pacific suffer declines like those seen in other parts of the world."

"In 1996, we sponsored an international symposium in Monterey, California to promote efforts to conserve highly migratory fish of the Pacific," recalls the NCMC's Hinman. "We called it 'Getting Ahead of the Curve,' and that's what the Pacific Council has done with this FMP." The plan also contains badly needed measures to monitor all pelagic fisheries and collect data; a methodology for assessing bycatch in each fishery; and precautionary catch limits for the most vulnerable species of sharks. "This framework for additional management will position the U.S. well as we pursue international agreements to manage highly migratory species throughout their range in the Pacific," says Hinman. □

**COURT UPHOLDS
LONGLINE CLOSURES
AND MEASURES TO
ENFORCE THEM**

A coalition of conservation groups hailed a recent court decision upholding a National Marine Fisheries Service regulation requiring electronic monitoring on all fishing vessels in the Atlantic Ocean that target far-ranging species such as swordfish and tuna. On October 16th a federal district court in Washington, D.C. rejected an industry challenge to a federal requirement that vessel monitoring systems (VMS) be installed in all Atlantic pelagic longline fishing vessels - boats that catch highly migratory species such as swordfish and tuna on fishing lines that are miles long.



"Now NMFS can move immediately to require VMS in the Atlantic, which will greatly help enforcement of areas that are closed to fishing

due to conservation concerns," said Sylvia Liu, attorney at Oceana, a marine advocacy group that gives legal assistance to other organizations.

Oceana represented the National Coalition for Marine Conservation, National Audubon Society, Natural Resources Defense Council and The Ocean Conservancy as *amici*, or friends of the court, supporting NMFS. *Amicus* status allowed us to submit documentation and rationale in support of the VMS requirement and to respond to industry arguments against it.

VMS is an electronic tool installed on a vessel that can transmit global positioning system information on a real-time basis, allowing NMFS to determine the location and travel patterns of fishing boats. VMS can help the agency monitor and enforce areas that are closed to fishing. In May 1999, NMFS issued a fishery management plan (FMP) to manage and conserve the Atlantic highly migratory species fishery, which includes blue marlin, white marlin, sailfish, bluefin tuna and swordfish. As part of this plan, NMFS determined that all longline boats that fish for these species are required to install VMS to monitor and enforce area closures put in place to prevent overfishing and bycatch in the fishery. The bycatch includes juvenile (undersized) swordfish and billfish as well as protected species such as sea turtles and marine mammals.

"We have waited over three years for this rule to be upheld," said Merry Camhi of Audubon. "We are ecstatic that we finally have this critical tool to help rebuild depleted fisheries and minimize unwanted bycatch."

Closures Upheld, Proving Highly Effective

Area closures are the only known method of reducing fatal interactions between longlines and protected species of fish and other ocean wildlife," commented NCMC president Ken Hinman. "VMS is the only way to enforce those closures and make certain they are as effective as possible."

Two weeks after the VMS decision, the same court passed judgement in the consolidated cases related to the existing time-area closures to reduce longline bycatch of juvenile swordfish, sharks and marlin. One of those complaints was *NCMC v. Secretary of Commerce*, seeking additional measures to reduce billfish bycatch.

The court upheld the existing closures, rejecting the longliners' complaint that the economic impact on their industry outweighed conservation benefits. This decision affirms the primacy of the federal mandate to minimize bycatch - and the long-term benefits to a

majority of America's fishermen - over the short-term impacts to a minority of fishermen.

We were disappointed, however, that the court also deferred to NMFS' judgement that the *projected* reductions in marlin bycatch - between 9% and 15%, as compared with over 40% for swordfish and 30% for sailfish - satisfy the law's mandate to minimize bycatch "to the extent practicable." Throughout the trial, NMFS assured us they would consider additional billfish protections after evaluating the *true* effect of the existing closures.

As it turns out, the 133,000 square miles of ocean closed to longlining in the southern U.S. - a result of earlier NCMC litigation - produced conservation benefits for billfish vastly exceeding those originally projected by NMFS (see page 8). These bycatch reductions - from one-half to two-thirds recent levels - are most likely a direct result of the extensive closed areas and an indirect result of reduced effort in the fishery (due to the closures and a sagging swordfish market). Because there is a possibility of under-reporting of billfish bycatch, a reconfiguring of the longline fleet following its initial adjustment to the closures, and a future increase in swordfishing effort in the open areas due to that fish's recovery, NCMC is continuing to press for increased observer coverage to ground-truth self-reported logbooks and ways to increase survival of incidentally-caught billfish (e.g., circle hooks). We are also working to estimate and minimize post-release mortality of fish caught in the recreational fishery. □

HORSESHOE CRABS AND SHOREBIRDS

Lessons for Predator-Prey Management

In the NCMC's 2000 report on synchronizing management of predator and prey species, "Conservation in a Fish-Eat-Fish World," we cited a number of fisheries where excessive harvests of one species may be adversely impacting other, related species. One of these examples was the bait fishery for horseshoe crabs, which are a key source of food for migratory shore birds.

In an effort to learn as much about predator-prey problems as possible and to explore innovative ways of addressing them, we participated in a Horseshoe Crab & Shorebird Workshop: A Forum for Collaboration in October. The workshop was sponsored by the U.S. Fish & Wildlife Service, which is responsible for protecting migratory birds, and

attended by representatives from the Atlantic States Marine Fisheries Commission (ASMFC), which manages the crab fishery, as well as a number of bird conservationists.

The 350 million year old horseshoes - more closely related to spiders than other crabs - are a vital part of the diet of birds that migrate great distances from one



end of the western hemisphere to the other. Sanderlings, ruddy turnstones, sandpipers and red knots stop over on their incredible journey between wintering grounds in South America and

breeding sites in the Arctic. The Delaware Bay layover is the largest on the east. Thousands of birds arrive every spring after flying non-stop for thousands of miles and spend about a week refueling on horseshoe crab eggs. If they don't get enough to eat, they don't survive the arduous second leg of their annual migration.

More and more birds, evidently, are not making it. The red knot, for one, may be headed for extinction in 8 years, according to scientists. Fifty to 80% of its diet is crab eggs. While they used to gain 8.5 grams/day in body weight while resting at the mouth of Delaware Bay, they've been putting on only 2.0 grams/day over the last 6 years. In that time, the population counted on their Arctic breeding grounds has dwindled from 33,000 to 5,000 birds.

The ASMFC hasn't done a stock assessment for horseshoe crabs, but Delaware trawl and spawning surveys indicate the population may be down to half what it was in 1990. The first coordinated interstate management plan was enacted in 1998, setting catch limits at three-fourths the mid-'90s level. But there are serious concerns that harvests remain too high to sustain the populations of the most vulnerable species of shorebirds, much less restore their numbers.

If, as one participant said, maintaining the current harvest of horseshoe crabs is a "death sentence" for certain shorebirds, what should the allowable harvest be? There are limited data on what size crab population is necessary to sustain the birds in healthy

numbers, or what amount of harvest will ensure sustainability of the crab population. So fishery managers and bird conservationists are faced with a dilemma that is common to many predator-prey issues - how to be risk-averse enough to protect the predators while maintaining a productive fishery for the prey.



The FWS Shorebird Technical Committee is charged with providing advice to fishery managers. The purpose of the October workshop was to develop recommendations to put in the committee's report, which will be presented to the ASMFC Horseshoe Crab Management Board in February. As usual, identifying long-range research and data needs is the easy part. Deciding what to do in the interim will be what counts most. Because of the urgency with the red knot and other species, we can expect some kind of response, however. We'll be watching to see what that response is in hopes we can learn something about applying precautionary management in other predator-prey issues involving marine fisheries. □

ICCAT RELAXES SWORDFISH AND TUNA LIMITS, KEEPS PROTECTIONS FOR MARLIN

NCMC Fisheries Project Director Tim Hobbs attended the annual ICCAT meeting in Bilbao, Spain October 28-November 4. Tim presented position statements to the Commission on behalf of the NCMC and Ocean Wildlife Campaign and worked with the U.S. delegation. This is his report.

This year's meeting of ICCAT (the International Commission for the Conservation of Atlantic Tunas) produced mixed results for highly migratory fish in the Atlantic. The international body responsible for managing swordfish, tunas and marlin continued a pattern of risk-prone management at its latest meeting, raising harvests for some species to risky levels or maintaining them at unsustainable levels. Fortunately, the US delegation was able to make progress toward improved conservation in a few key areas.

The US delegation should be commended for taking a strong stance on swordfish and billfish conservation and holding firm until the very end. Even though the delegation was unable to prevent swordfish catches from increasing, it did manage to maintain protections for blue and white marlin and initiated steps to address egregious overfishing of juvenile bluefin tuna in the eastern Atlantic.

Swordfish Fishing to Increase

Swordfish in the north Atlantic have staged a dramatic comeback in recent years and the stock has nearly recovered to what's considered a healthy size. The recovery is still in its infancy, however, as evidenced by the fact that 75% of the fish are juveniles

and scientists estimate the average size at only 50 pounds. (Mature females weigh close to 150 pounds.)

Nevertheless ICCAT, led by the European Community and Japan, abandoned precautionary principles and increased the harvest by 35%. Although ICCAT's scientific committee advised that this level may be sustainable, the US delegation had urged the commission to wait three years before increasing catches to allow recent year classes to mature and reproduce. We were successful, at least, in passing a resolution to examine ways of reducing juvenile swordfish mortality on the high seas, which could lead to international time/area closures. Meanwhile, closed areas in US waters will continue to protect young fish.

ICCAT also set quotas for the first time to control harvests of swordfish in the south Atlantic, where catches have increased dramatically in recent years. While quotas are badly needed, the level of catch was set far above what ICCAT's scientific body recommended. Moreover, the agreement allows catches to increase over the next four years. Better data collection and reporting should improve the next stock assessment, scheduled for 2005, after which more revised catch limits will be considered.

Status Quo for Blue and White Marlin

The US delegation successfully negotiated positive steps toward rebuilding blue and white marlin in the Atlantic. While ICCAT intends to implement a comprehensive marlin recovery program, complete with rebuilding targets and timetables, it currently lacks the data necessary to craft appropriate measures. Additionally, closing billfish "hot spots" to longline fishing on the high seas will be necessary to rebuild these overfished populations. The US-backed agreement addresses both of these issues by setting up future meetings to find ways of improving data collection and to identify possible international closed areas. Needed data should be available to perform an enhanced stock assessment for both blue and white marlin in 2005 and ICCAT will then develop a formal recovery plan. Meanwhile, strict landings limits adopted in 2000 will stay in effect.

Bluefin Tuna Dominates U.S. Policy, Again

The one major flaw in US policy at ICCAT this year was our demand for an increase in the western Atlantic bluefin tuna quota. According to an assessment conducted this year, the western population has reached an historic low while fishing mortality has risen to an historic high. Nevertheless, the US sought a 200 metric ton quota increase.

The U.S. position was consistent on every issue except for western bluefin, the *only* issue where we were conspicuously guilty of ignoring the scientific advice in order to satisfy industry demands for more fish. The increase will net the US about 70 additional metric tons for harvest. For this, we sacrificed our credibility and undermined our negotiations on other matters.

The western bluefin quota increase was a needless drain on the US delegation's time and energy. It took up a substantial portion of US preparatory meetings and policy discussions. It is likely that the U.S. could have been more prepared and would have had more time to devote to other issues, such as swordfish and marlin conservation, had a western bluefin quota increase not been put on the table. It damaged our credibility, since we were seeking more fish against scientific advice, something we were trying to stop other countries from doing in other fisheries, most notably the eastern bluefin.

Although quotas in the eastern Atlantic were kept 6,000 tons above the sustainable level, allowing overfishing to continue, the US was able to secure a binding measure to ratchet down high catches of juvenile bluefin in the east, a long-standing problem that has undermined efforts to conserve that stock. Catches of eastern bluefin have been way too high far too long, and US fishermen are concerned that fishing in the east may be negatively impacting the rebuilding trajectory of western bluefin if there is more mixing between the two stocks than previously thought.

U.S. Leadership Key to ICCAT's Future

Overall, the outlook for big fish in the Atlantic changes little in the wake of this year's ICCAT meeting, but we did create opportunities for further progress. ICCAT remains a badly bent—if not broken—management body, where scientific advice is heeded only when it supports the positions of the industries. Despite our own inconsistent behavior, the US must continue to pull other nations along, however grudgingly, towards management that is precautionary and compatible with scientific advice. Measures adopted at this year's meeting can lead to stronger conservation in years to come if the US demands it. But it will require stronger US leadership to transform ICCAT into a credible and effective management body, instead of the multilateral fish grab it resembles now. □





TURNING THE TIDE

NCMC News & Activities

NCMC MARINE BULLETIN 7

NETWORK BLOCKS BAD FISH BILL

Congress recessed on November 22nd having abandoned attempts to pass legislation to amend the Magnuson-Stevens Fishery Conservation and Management Act. By mid-summer it was clear that if any changes were to be made, it would be to weaken not improve the nation's fishing law. H.R. 4749, introduced by Wayne Gilchrest (R-MD), became the vehicle for a medley of provisions opposed by conservationists. When it passed the House Resources Committee in July and was headed for a floor vote, the Marine Fish Conservation Network mobilized its 150 member organizations to block it. "Make no mistake, we prevented a rollback of changes made in 1996, changes which are finally beginning to restore the nation's fisheries," says NCMC's Ken Hinman, a Network co-chair. "We look forward to the next Congress and a more thoughtful and considered debate about where we want to go next."

PROGRESS LINKING PREDATORS AND PREY

NCMC participated in a workshop on "Linking Multispecies Assessments to Single Species Fisheries Management" in October. The two-day workshop, sponsored by the Atlantic States Marine Fisheries Commission, produced a strategic plan for short-term (1-3 years) and long-term actions to incorporate

predator-prey stock assessment models into management decisions for fish like striped bass, bluefish and menhaden. The workshop report will be published in January.

NCMC BRIEFED ON OCEANS REPORT

The Pew Oceans Commission is conducting the first full fledged review of US ocean policy in 30 years. Its report, with recommendations in a range of areas - ocean governance, pollution, coastal development and fisheries management - will be released in March. The Commission held a briefing on the report for invited members of the conservation community on October 10th. Ken Hinman attended on behalf of NCMC.

KAUPE APPOINTED TO FLORIDA FISH AND WILDLIFE PANEL

Long time NCMC board member Sandy Kaupe was appointed by Governor Jeb Bush to serve on Florida's Fish and Wildlife Conservation Commission. Sandy, a resident of Palm Beach, is a dedicated conservationist. "Because of my lifelong fishing and hunting experiences and love of the ever-diminishing wildlife lands of this state, I know both the difficulty and value of protecting wildlife and marine habitats," she said. "I want to help protect and restore our natural resources for future generations."

NCMC 30th ANNIVERSARY PARTY IN JANUARY 2003

NCMC celebrates 30 years in 2003, and we'd like to thank all our loyal members for your support through the years. Please join us for an anniversary party Thursday, January 30 from 5-7:00 p.m. at the West Palm Beach Fishing Club in West Palm Beach, Florida. President Ken Hinman will be making a "30 year retrospective" presentation. Complimentary drinks and hors d'oeuvres will be served. Please call Christine at 703-777-0037 by January 3rd if you are interested in attending. We hope to see you there!



NCMC TO ADDRESS RECFISH II

RecFish II, the second in a series of national symposia for the marine recreational fishing community, will convene February 23-26 in St. Pete Beach, Florida. The conference will bring together diverse segments of the marine recreational fishing community for a focused dialogue on Marine Protected Areas. Ken Hinman has been invited to be a panelist during the plenary session.

Renew Your Support For
Fish Conservation
TODAY!



If you have been notified that your membership expired in **October** or **November**, this is your last issue of the *Marine Bulletin*.

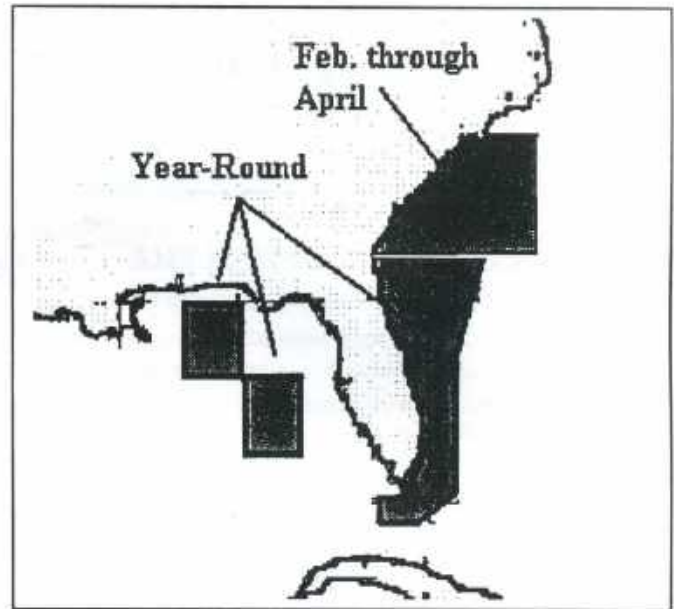
We now accept Visa/MasterCard. Call (703) 777-0037 or renew on the web at www.savethefish.org.

Thanks!

LONGLINE BYCATCH REDUCTION 2000-2001 after first year of closed areas*

NMFS, in settling our lawsuit over swordfish and billfish bycatch in the longline fisheries (National Coalition for Marine Conservation v. Secretary of Commerce), closed 133,000 sq. mi. of southern coastal waters in August 2000. Below are the agency's estimates of bycatch reduction after the 2001 fishing season.

Juvenile Swordfish	- 37%
White Marlin	- 58%
Blue Marlin	- 62%
Sailfish	- 76%



* Source: U.S. National Report
to ICCAT, October 2002

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

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
LEESBURG, VA
PERMIT NO. 43