THE NCMC

MARINE BULLETIN

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OCEAN FISHING AT THE CROSSROADS

For 30 years the National Coalition for Marine Conservation has been following – and whenever possible, guiding – the evolution of ocean fish conservation in this country. We've been there since before the beginning; we cut our teeth passing the federal Magnuson Fishery Conservation and Management Act in 1975-76. We've evolved along with the nation's fishery management system and, we'd like to think, influenced its growth and change.

For the first time in a long time, things are generally getting better, not worse. A measure of this progress – declines have been recently reversed for a number of overfished stocks and some have been rebuilt - is due to the Sustainable Fisheries Act Amendments of 1996. Still, many problems remain. While conservationists work to close loopholes in the law that allow continued overfishing and leave bycatch and other issues unresolved, commercial industry groups are lobbying to repeal the SFA (see page 8).

Despite progress made, it is becoming increasingly evident that we can only do so much by toying with the law. Indeed, two new ocean commission studies, their reports due later this year, will zero in on flaws in the management system, that is, the structure and performance of NMFS and the Councils.

But changing the system – as important as that is - can take us only so far, too. As Yogi Berra once said, if you don't know where you are going, you probably won't get there. The nation lacks a coherent vision of what we expect from our oceans, even as we make demands that are seriously at odds with what the sea is capable of giving us.

We've arrived at a crossroads. "If we truly care about enhancing the future of *fishing*, and not just fisheries *management*, we have to re-examine our fishing goals," says NCMC president Ken Hinman. "If we don't change the way we fish, we'll always be digging ourselves out of a hole."

NCMC is calling for a fundamental change in the kinds of fishing we allow, and in what we as a nation promote, in order to find a sustainable balance. The world cannot expect to sustain its billions by taking wildlife from the sea, just as we couldn't do it on land. We need to choose between maximizing production or public participation. Between industrial-scale fishing with bottom trawls, drift longlines, and entangling nets, or small-scale community based fishing, using selective and sustainable methods that provide fresh local seafood and recreation for the individual citizen.

The alternative is an endless tug-of-war over the rules and an infinitely more expensive and complicated system for implementing them. Increasingly intrusive micro-managing of every fishing activity. The selling off of exclusive fishing rights and the closure of areas to all fishing. And in the end, no guarantee the ocean, or its fishermen, will be any better off.

Celebrating 30 Years
1973 - 2003

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

THE NCMC
OCEAN VIEW

FISH FOR THE FUTURE

The following editorial appeared during the ***Marine Bulletin****'s first year of publication, in November 1985. We thought its theme of looking ahead without losing sight of where we've come from was appropriate for re-publication during our 30th anniversary.*

Anglers are fond of complaining that the fishing isn't as good as it was in "the good old days." To the casual observer, this may seem to be just a part of the pastime; after all, fishermen are also notoriously fond of telling tales. Unfortunately, in most cases they are right: more fishermen than ever before are catching fewer and fewer fish, while the number of catchable fish is being reduced by the pollution and degradation of lakes, rivers and coastal waters.

What happens when the generation that remembers "the good old days" is gone? Will tomorrow's fishermen be measuring the quality of their fishing against an ever-diminishing standard? Aldo Leopold, the father of modern wildlife management, warned nearly 40 years ago that "Perhaps our grandsons, having never seen a wild river, will never miss the chance to set a canoe in singing waters." It is a truism that you don't know what you've got 'til it's gone. It is equally true that you don't know what you're missing if you never had it to begin with.

Man is an extraordinarily adaptive creature, which has been a profound evolutionary advantage. But will our adaptability turn against us? Will we allow the fishing experience to decline to the point where surf fishermen must line up elbow-to-elbow on the shoreline near where hatchery-bred fish have been released? Or to where ocean fishermen must troll gunwale-to-gunwale with other boats over an artificial reef, the only productive fishing spot around?

It is entirely conceivable that some fishermen, never having known any different, will find this kind of fishing satisfying, given the alternative of not fishing at all. But it is our responsibility - the fishermen and conservationists of today - to make sure that this never happens. The future generation of fishermen deserves better. We deserve better.

Ken Hinman, ***President***

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RESOURCES & EDUCATION

The Latest Information and the Newest Ideas

ANNUAL REPORT

The NCMC was barely a year old when we brought fishing tournament directors from around the country together to discuss ways to promote conservation in the competitive fishing scene. Two years later, in the wake of passage of the Magnuson Act in 1976, we conceived and initiated the Marine Fisheries Symposium series to fill the need for information to assist managers and legislators in the decision-making process.

The last six symposium topics reflect the breadth of subjects covered in this long-running series: managing cross-boundary fisheries (1986), restoring Atlantic salmon ('87), international conservation of billfish ('88), fish habitat protection ('91), improving the Magnuson Act ('93), and Pacific-wide conservation of highly migratory species ('96). Each symposium, and the published proceedings, has been instrumental in galvanizing government and public attention and served as a catalyst for subsequent action.

Over the years we have published numerous influential reports, including "U.S. Tuna Policy: Time for a Change," "Blue Revolution: Angling for the Public Interest in Fish Conservation"; "The Crowded Sea: Limiting Entry to Marine Fisheries"; "Ocean Roulette: Conserving Swordfish, Sharks and Other Threatened Pelagic Fish in Longline-Infested Waters"; and "Conservation in a Fish-Eat-Fish World: Managing Related Predator and Prey Species in Marine Fisheries."

The **Marine Bulletin**, which began publication in 1985 (replacing "Right Rigger!"), has been widely recognized as one of the most respected newsletters of its kind. The Bulletin's editor, Ken Hinman, also has written and published well over a hundred articles on fish conservation in fishing magazines, including *Marlin*, *Sport Fishing* and *Salt Water Sportsman*.

Reaching Out

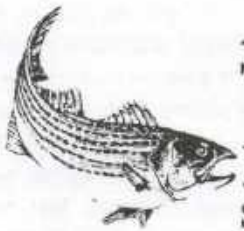
Aside from the written word, we've moved into the virtual world, too, with our web site, **www.savethefish.org**. We are continuously updating the content, keeping it current as well as adding new features. We get thousands of "hits" a month, resulting in requests for information, new members, and sales of books and posters. Reporters doing web searches on ocean fish issues often contact us after seeing our site.

In addition to regular updates (action alerts, press releases), we added some new features last year, including a page briefly summarizing NCMC stands on current issues with links to more detailed position statements. We made some design changes to make the site more user-friendly, allowing us to post a number of our reports, position papers and other educational materials on the web for easy downloading as PDF files and self-printing by site visitors. Some of our most requested free materials, such as "Fish Files," are now available on-line, which makes them much more accessible while saving us a significant amount of money previously spent on printing and mailing.

Fisheries Project Director Tim Hobbs has been making the rounds of fishing clubs on all coasts (20 in the last year), giving a Power Point presentation on fish conservation to spread the word and recruit new allies. We are solidifying relations with a number of clubs and reaching out to their members. We are positioned now to further develop these relationships to build increased regional support for NCMC activities while extending the reach of our conservation message to thousands of anglers.

We continue to be featured regularly in national sport fishing magazines. *Salt Water Sportsman* published articles during the year on the pitfalls of looking for a "silver bullet" for fisheries management; "An Open Letter to PETA"; reviving the historic swordfish fisheries; "endangered" white marlin; our vision of what a recovered striped bass fishery should look like; and leaving enough herring to nourish New England's other fisheries. *Sport Fishing* continues to feature the NCMC "Fisheries Watch" in each issue. We assist both magazines, along with *Marlin*, on editorials on a variety of subjects, and our press releases are routinely featured in their news sections.

The 5th biannual edition of our "Congressional Marine Fisheries Report Card" was in *Sport Fishing*'s Sept-Oct issue. No other system that rates lawmakers relies primarily on assessing actions directly impacting saltwater fish conservation and management. We know some people in Congress aren't happy with it, but they pay attention. We've been told by a number of lobbyists who work Capitol Hill that they're glad someone is "telling it like it is" and holding lawmakers accountable for their actions.



AHEAD OF THE CURVE

Preventing Overfishing and Preserving Sustainable Fisheries

The NCMC always has viewed "belling the cat" as a critical part of our mission. That is, we seek to identify impending threats to marine fisheries and then "get ahead of the curve" by acting as a catalyst for early action. Although this often means working to prevent overfishing before it occurs, it also can mean finding new ways to solve an existing problem and taking the initiative to move things in that direction.

In the 1970s we were a leading force in trying to reverse the sharp decline of Atlantic striped bass. With no fewer than 10 states involved in managing the fishery, however, it was obvious the problem demanded a coastwide solution. We co-sponsored a 1977 Striped Bass Workshop that laid the groundwork for the Interstate Striped Bass Management Project set up the following year. NCMC held a national conference on striped bass in 1980, in the midst of the deliberations that led to adoption of an Interstate Management Plan in 1981. Finally, because voluntary state compliance with the plan wasn't working, we lobbied for federal legislation - the 1984 Striped Bass Act - to compel states to impose conservation under threat of federal closure of their fisheries.

The rest, as they say, is history, one of the greatest success stories in marine fisheries management. Following the rebound in the striped bass population, NCMC has been leading efforts to enhance and sustain the recovery by ensuring adequate supplies of menhaden and other forage species.

West Coast Longline Ban

In recent years we've focused efforts on three new federal Fishery Management Plans - for dolphin/wahoo, sargassum weed, and Pacific highly migratory species (HMS). NCMC has been a leader in each of these efforts and they are all nearing completion. Our biggest obstacle has been persuading government officials that plans to prevent overfishing are just as important - in some ways more so - as rebuilding plans. We are slowly winning that battle.

Our biggest victory of 2002 came in October, when the Pacific Fishery Management Council adopted an HMS FMP that prohibits pelagic longlining anywhere off the west coast. In a word, this is huge. Although California outlawed the gear in 1991, and this prohibition extends out to 200 miles in the absence of federal rules, whatever the Council does in its first-ever plan replaces state rules. If the plan does not explicitly ban longlines, the door is open to unregulated longlining. We then would have to amend the FMP later to remove the gear. As it is, it will require an amendment to the plan to overturn the longline ban. Thus, striped marlin, bluefin tuna, thresher sharks and swordfish off the west coast will be protected from overfishing for years to come.

The plan also contains badly needed measures to monitor the pelagic fisheries and collect data; a methodology for assessing bycatch; 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.

Staying the Course on Dolphin

The need to stick with a plan until it's the law is nowhere better exemplified than in the case of the South Atlantic Council's dolphin and sargassum plans.

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We have been working with the council since 1997 to preserve the traditional recreational and commercial dolphin fisheries in a healthy state. Unfortunately, NMFS has continually thrown obstacles into the path, requiring the council to make time-consuming revisions, sometimes in contradiction to prior instructions from the agency.

After other groups left the field, NCMC has been attending every dolphin committee meeting (four in 2002), often the only member of the public to testify in favor of council actions, and urging NMFS to move things forward. We view this plan as a watermark in that, when approved and implemented, it will be the first federal FMP to set precautionary catch limits in order to *prevent* overfishing. The council re-submitted what we hope will be its last re-write of the plan in January 2003.

The council's sargassum FMP has suffered similar delays, and likewise NCMC has been one of the few groups consistently following its progress. The plan was submitted again in November, and it too will set a precedent when enacted. Sargassum is habitat for a wide variety of marine species in the semi-tropical Atlantic. It will be the first federal plan to set as its purpose no further loss of an essential fish habitat.

BRING BACK THE BIG FISH

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

ANNUAL REPORT

In 1973 the fledgling National Coalition for Marine Conservation dove head first into the fight to protect vanishing Atlantic bluefin tuna and rein in the indiscriminate slaughter on drift longlines, issues which to this day dominate efforts to conserve the ocean's big fish. In the 1970s the big threat was Japanese fleets longlining for bluefin off our coast. By the time we'd succeeded in expelling the Japanese from our 200-mile zone in 1980, the U.S.'s own swordfish fleet – temporarily stifled by the '70s ban on mercury-tainted fish – was growing at an alarming rate.

Throughout our battle to conserve big fish we've shuttled back and forth between the national and international arenas, working wherever needs and opportunities arise. In 1981 we persuaded the International Commission for the Conservation of Atlantic Tunas (ICCAT) to cut the Atlantic-wide catch of bluefin by half. These catch restrictions, which have stayed in place for two decades, eventually halted the big tuna's decline and stabilized the population. But the fight to restore bluefin to historic levels goes on.

Throughout the '80s, NCMC focused on obtaining conservation plans for the U.S. fisheries. We succeeded in enacting the Atlantic Billfish Plan, outlawing the commercial catch of marlin and sailfish. Meanwhile, growing concerns about swordfish put us to work on a U.S. plan to cut back catches and close coastal areas to protect young fish. This plan, submitted for approval in 1990, was never enacted because ICCAT stepped into the breach in 1991.

Ironically, the measures NCMC advocated in that U.S. plan were eventually incorporated into the ICCAT program, albeit slowly and in a piecemeal way throughout the 1990s. Nevertheless, international rebuilding plans were eventually implemented for swordfish and billfish. We supplemented these plans with area closures to reduce longline bycatch and followed up to ensure the enforcement of the closures while monitoring their effectiveness and evaluating the need for additional measures to maximize conservation.

Keeping the Swordfish Recovery on Track

The big news in 2002 was the remarkable recovery of swordfish. The North Atlantic population has been restored to an estimated 94% of the population level needed to support a healthy and sustainable fishery. No one could be happier with this turnaround than we are. NCMC has devoted more time and resources to swordfish conservation for more years than any other organization, and it's extremely gratifying to see all that work is paying off.

The recovery is far from complete, however. Three-quarters of the population are fish under 5 years old, the age when females spawn. The average size fish in the population is about 50 pounds; a mature female weighs close to 150 pounds. A strong new generation of swordfish is in the water, representing the future return of big broadbill. It is imperative that we maintain measures to protect immature fish so that as many as possible reach breeding age.

The nursery areas first closed to longlining over two years ago are a critical component of our efforts to keep the swordfish recovery on track. The reported bycatch and discards of undersize swordfish during 2001 (the first full fishing year of implementation) was 37% lower than the previous year. This is a significant reduction given the larger number of very small fish in the population. The fact that the small fish catch was as low as it was indicates the closed areas are providing sanctuary for aggregations of juveniles.

To ensure that the area closures are as effective as possible, NCMC petitioned for *Amicus Curiae* ("friend of the court") status in the longline industry's lawsuit challenging the requirement of electronic vessel monitoring systems (VMS) on the entire Atlantic fleet. *Amicus* status allowed us to submit documentation and rationale in support of VMS, respond to industry arguments against it, confer with the defendant (NMFS) and file motions to expedite a decision, bringing the issue to resolution sooner. On October 16th, the court upheld the mandatory use of VMS. This decision is extremely important, since VMS is the only way to enforce the area closures that are now in effect to protect pelagic fish and sea turtles.

Closures Reduce Billfish Bycatch, Too

The 133,000 square miles of ocean closed to longlining in the southern Atlantic and eastern Gulf of Mexico – a result of earlier NCMC litigation – produced conservation benefits for billfish vastly exceeding those originally projected by NMFS. According to an October 2002 NMFS report, dead

discards in 2001 were reduced by 62% for blue marlin, 58% for white marlin, and 76% for sailfish. These reductions are likely a direct result of the extensive closed areas and an indirect result of reduced effort due to a sagging swordfish market.

Because there is a possibility of under-reporting of bycatch, a reconfiguring of the longline fleet following its initial adjustment to the closures, and a future increase in swordfishing in the open areas, NCMC is continuing to press for increased observer coverage to ground-truth logbooks, along with research into ways to increase survival of incidentally-caught billfish. We are also working to minimize post-release mortality of fish caught in the recreational fishery (e.g., wider use of circle hooks).

2002 was the final year of the Ocean Wildlife Campaign, an alliance of six environmental groups the NCMC helped form in 1994 to raise the profile of "big fish" conservation. We are proud of the campaign's record of solid achievement, once again affirming our belief in the value of teamwork. Over the course of eight years, OWC played a major role in enacting catch restrictions for threatened sharks and banning the practice of finning in all U.S. waters; adopting rebuilding plans for swordfish and marlins; and, most recently, obtaining a federal ban on longlining off the west coast.

Restoring the Traditional Swordfish Fisheries

NCMC Fisheries Project Director Tim Hobbs attended the 2002 ICCAT meeting in Spain, where he worked with members of the U.S. delegation during the course of the weeklong session. He presented position statements on behalf of OWC, which NCMC helped craft and presented to the U.S. delegation at earlier meetings of U.S. advisors, and influenced the conservative positions the U.S. took on swordfish and marlin management at ICCAT.

As usual, the outcome of the ICCAT meeting was mixed, producing positives and negatives for different fisheries. We were disappointed that the commission raised the allowable catch of swordfish. The new catch level is projected to enable the stock to reach the international rebuilding goal before the target date of 2009. Nevertheless, we are concerned that increased fishing pressure now on a stock composed mostly of small fish will hold back the recovery. Just as importantly, it will delay the return of the historic swordfish fisheries, where sustainable and selective fishing with handgear can thrive. In the last two years, we've already seen signs of renewed life in the U.S. rod-and-reel and harpoon fisheries.

We weighed in on a NMFS proposal to restrict recreational fishing for swordfish, proposing instead that the agency encourage open access for the hand-gear categories while imposing a more conservative size limit. We coordinated a joint position statement from NCMC, American Sportfishing Association, International Game Fish Association, Recreational Fishing Alliance and National Fishing Association. We believe our approach is the right one because it will promote fishing with more selective and sustainable gear while affording protections to immature fish.

International Marlin Protections Extended

Back on the billfish front, the U.S. was successful in extending the ICCAT rebuilding program for blue and white marlin. The tight limits on landings adopted in 2000 (blue marlin catches cut by half, white marlin by two-thirds) and the rule requiring release of live billfish were kept in place through at least 2005. While more must be done to reduce fatal interactions with longlines (area closures for billfish will be examined in the future at scheduled inter-sessional meetings), we cannot overemphasize what a victory this was, given the vigorous opposition to billfish conservation at ICCAT, particularly from Japan, which sees it as interfering with fishing for more "valuable" commercial species.

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One of the more controversial issues in the big fish arena during 2002 was a proposal to list white marlin under the Endangered Species Act. Unlike some recreational groups, NCMC did not take a position on listing, preferring that the decision be made based on the best science, not constituent pressure. We circulated a position paper ("Quelling the ESA Hysteria") and published articles in the fishing press to provide anglers with facts about the listing process and its probable outcome and to keep attention focused on the plight of the white marlin, not just the economic sacrifice its listing might entail.

Because NCMC has dedicated much of its 30 years working to conserve billfish, we feel it is essential to keep the focus on the resource and to protect the angling community's hard-earned reputation for putting billfish conservation first. Ultimately, NMFS decided against listing white marlin, instead adding it to the Candidate Species List to be watched closed as a species of special concern – which is exactly what we predicted in our position paper. NMFS will re-visit the issue in 2007.

NOTES FROM UNDERWATER

WHAT THE GOVERNMENT GIVES IT MUST FIRST TAKE AWAY

Effective March 2nd, U.S. anglers are limited to taking a single Atlantic swordfish per fishing trip. No vessel, whether private or for-hire, may land more than a total of three fish per trip. By themselves, these measures seem quite reasonable. And it is doubtful there will be much protest from the recreational fishing community. But there should be.

Beginning two summers ago, after a decades-long drought, rod-and-reel fishermen started catching swordfish again, mostly in south Florida. Excited anglers spread the word on the docks and in the sporting press. When the good news reached the National Marine Fisheries Service, however, the federal agency reacted as only it could. Where others saw the first fruits of a recovery that was many years in the making, NMFS saw a problem.

The new rule, according to NMFS, is intended to halt "uncontrolled expansion of the swordfish recreational fishery" which "could result in excess mortality, particularly on juvenile fish, that could impede stock recovery." With limits on angling being the only new "conservation" measures proposed for swordfish in 2003, it would seem that increased recreational fishing is the greatest remaining threat to a full recovery.

Okay, let's do a little math. In 2001, U.S. swordboats filled only 67% of our national quota. At the 2002 ICCAT meeting, acting on scientific advice that the stock is on the rebound, the international quota for North Atlantic swordfish was raised by 35% and the U.S. share of that quota rose to 30.5%. In 2003, our total allowable catch will be about 5,220 metric tons, more than twice what we caught in 2001. That year, U.S. recreational swordfish landings barely exceeded 20 tons. (2002 stats are not yet available.) Yet NMFS apparently sees this minimal catch as some sort of threat – although it's not clear to what or whom.

Yes, there may be a legitimate problem with illegal sales of swordfish by rod-and-reel fishermen (I won't call them "recreational") who don't have commercial permits. But that's an enforcement issue. NMFS argues the retention limit is easier to enforce than a sales restriction and will reduce the number of recreationally landed swordfish available for sale. A better way to solve this problem would be to increase the number of commercial handgear permits available (they are currently limited), so that all fish enter the marketplace legally and are reported through the proper channels and, most importantly, more swordfish reach the consumer via a selective and sustainable method of fishing.

NMFS' feigned concern about excessive recreational mortality on juvenile fish and its impact on swordfish recovery doesn't wash. The U.S. swordfish longline fishery, even with

closed areas reducing their catch of undersized fish by 37% in 2001, still discarded dead over 27,000 juvenile swordfish, according to government records. The recreational fishery, on the other hand, has zero dead discards of undersized fish. What about bycatch in the recreational fishery? Small swordfish are released alive; we don't know what the post-release mortality is, although it's unlikely to be significant. (And what about the approximately 9,000 small swordfish reported released alive in the longline fishery in 2001? You can bet more of these fish died after release than of those released by anglers.) In any case, the new retention rule will have no effect on incidental mortality, since it only affects landings and landing undersized swordfish is already prohibited.

Let's review. NMFS says it is concerned about the effect of juvenile swordfish mortality on recovery. Fine, so are we. But what does NMFS do? It puts restrictions on a sector of the fishery that catches undersize swordfish by the hundreds and releases them alive; restrictions, moreover, that are not designed to reduce that bycatch. Meanwhile, the commercial longline sector continues to kill undersize swordfish by the tens of thousands. NMFS wants to "moderate" expansion of a rod-and-reel fishery that in 2001 landed 20 tons of swordfish, when we missed our quota by a thousand tons. Is it just me, or is there something out of whack here?

This regulation has nothing to do with conservation. The new limits will have virtually no impact on the resource, and neither would allowing "uncontrolled expansion of the swordfish recreational fishery." So one has to wonder what it's really all about. Is this an odd attempt to be even-handed? I've heard the bag limit defended by suggestions that anglers should share in the sacrifice of rebuilding. What have they been doing the last 20 years, when their fishery didn't exist? Or is NMFS simply being vindictive? I can hear longliners closed out of swordfish nursery grounds complaining that anglers are fishing the same waters, or grumbling about their catch declining while the sport catch is on the rise. But a federal agency isn't supposed to act out of pettiness.

Once again, my problem isn't with the limits NMFS chose, but with the disingenuous reasoning behind them and what it says about the agency's muddled priorities. On top of all that, perhaps what's most galling is the waste involved in producing such a meaningless regulation. I'd guess this rulemaking cost somewhere in the hundreds of thousands of dollars after you add up the staff time of federal employees spent on research, preparation of documents, review by government attorneys, supplementary paperwork required under numerous statutes; plus printing costs and travel to three public hearings; not to mention the costs incurred by organizations and individuals who commented on the proposed rule.

This, from an agency that constantly complains that it can't do its job because it doesn't have enough staff and money. Well, here's a clue. Maybe it would help if NMFS figured out what its job really is.

Ken Hinman

President
National Coalition for Marine Conservation
January 2003

CONSERVING MARINE ECOSYSTEMS

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

Since 1973 the NCMC's conservation programs have co-evolved along with the needs of the nation's fisheries. This evolution has meant working in an expanding circle of concern for all marine species and their environment - often times, pushing the boundaries of that circle ourselves.

During the 1980s we lobbied to build fish protection into the Coastal Zone Management Act and the Outer Continental Shelf Lands Act, and joined in litigation to force the rigorous application of the environmental safeguards contained in these and other laws to offshore oil and gas exploration, with emphasis on protecting the prime fishing grounds on Georges Bank.

The NCMC also worked to feature habitat considerations in fisheries laws (a 1986 amendment to the Magnuson Act) and was instrumental in persuading NMFS to broaden its concept of fishery management to include conserving the natural habitat the fish depend on. The recommendations of our 1991 national symposium, "Stemming the Tide of Coastal Fish Habitat Loss," led to creation of a new federal Office of Habitat Protection.

When in the 1990s NCMC committed to moving fisheries management to an ecosystems-based approach, we recognized that the first step is to improve single-species conservation by accounting for significant predator-prey interactions. To this end, we have been working with state and federal management bodies as they wrestle with multispecies issues. Significant progress is being made, namely in the preparation of the first "fishery ecosystem plans" and the use of multispecies models to link assessments of interdependent species.

Preserving Prey

The first step in implementing an ecosystems approach is to begin mapping out significant food webs within ecosystems, including key predator-prey interactions, and then using this information to make fishery management decisions better informed and thus more effective in conserving a wider range of species simultaneously. In order to make this happen, the NCMC in 2002 began developing a "blueprint" for synchronizing management of inter-related fish, thereby providing federal and interstate management bodies with a defined process for addressing the impact of fishing on trophically-related species.

We have been actively laying the groundwork in two fishery management bodies: the Atlantic States Marine Fisheries Commission (ASMFC) and the state/federal Chesapeake Bay Program. We were awarded a spot on a newly created Menhaden Advisory Panel, where we are working with the ASMFC to ensure that menhaden are managed to provide adequate forage for striped bass and other predators, such as bluefish and weakfish. We reviewed development of a multispecies assessment for menhaden, striped bass, bluefish and weakfish. NCMC also participated in a two-day ASMFC workshop that produced a set of recommendations on how to link multispecies assessments with single species management decisions.

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Meanwhile, we've continued to work with the Chesapeake Bay Program on its Fishery Ecosystem Plan for the bay. The CBP is utilizing a state-of-the-art computer program called EcoPath. The software is capable of testing an infinite number of scenarios, showing the probable effects of management decisions that increase or decrease numbers of certain species. We attended three technical workshops last year so we could understand the potential of the models for use in the practical world of fisheries management.

We have also been monitoring other fisheries where promoting a predator-prey approach will be beneficial: Atlantic squid, herring and mackerel fisheries, and the Pacific sardine, squid and anchovy fisheries. These species are all known to be forage for pelagic predators and, while the Regional Councils responsible for management acknowledge that the single-species approach cannot address predator-prey issues, sound responses are hampered by questions or misperceptions about the nature and extent of species interactions; inadequate or unavailable data about them; and, most of all, the lack of an established process for taking inter-species relationships into account. We are working to give fishery managers guidance as to what information is needed and, most importantly, how it should be used in the real world of making fishery management decisions.

FISHERIES REFORM

Promoting pro-active laws and policies governing marine resources

One of the NCMC's very first objectives was passage of legislation to establish a 200-mile fishery conservation zone around the United States. The landmark Magnuson Fishery Conservation and Management Act, enacted by Congress in 1976, set a goal of preventing over-exploitation of our coastal fish populations for the benefit of American fishermen.

Since then, we have been involved in numerous campaigns to strengthen the Act, always to push conservation to the top of the national agenda. In the mid-1980s we helped amend the law to promote a balance among commercial and recreational fishermen on the eight Regional Councils charged with drawing up fishery management plans. In 1990 we led the successful effort to include tuna fishing, which takes a hefty bycatch of other large pelagic fish, under U.S. management authority.

Most notably, the Sustainable Fisheries Act Amendments of 1996 added tough mandates to hold fishery managers accountable for rebuilding overfished stocks, minimizing bycatch and protecting essential fish habitat from the effects of destructive fishing gear. Enactment of the SFA was a direct result of the work of the Marine Fish Conservation Network of fishing and environmental groups, which the NCMC co-founded in 1993.

Bad Bill is Beaten Back

The impact of the SFA is at the center of the current reauthorization of the Magnuson Act, and the Network remains *the* voice for conservation in the Congressional debate. Last June NCMC president Ken Hinman was re-elected a co-chair of the Network, which in 2002 reached a membership of 150 fishing, conservation and scientific organizations.

The Network began the year accumulating co-sponsors for the Fisheries Recovery Act, a package of improvements drafted by the Network and introduced by Rep. Sam Farr (D-CA). The bill (HR 2570), which eventually attained 101 cosponsors, was the only bill in Congress until April, when Rep. Wayne Gilchrest (chair of the House Fisheries Subcommittee) introduced his own, HR 4749. Because of recent court decisions requiring severe cutbacks in fishing in New England and off the west coast - cutbacks required by the SFA - those in the commercial fishing industry seeking to rollback existing law turned Gilchrest's bill into the vehicle for watering down the law's conservation provisions. After HR 4749 cleared the Resources Committee in July, we went on the defensive. With the legislation heading for a vote on the floor of the House last fall, our goal was to stop it.

Thankfully we were successful. The bill became a political hot potato and Congress ended up deferring action until 2003. In fact, we had already decided this was the best course of action. Our position, as stated in the 2002 "Marine Fisheries Congressional Report Card," was that HR 4749 would weaken current law and set back recent progress in fish conservation. (Rebuilding is now underway for a number of overfished stocks.) Moreover, because the issues now on the table are so litigious, we need more time for a thoughtful and thorough review. "For that reason, our best hope - for fishing and for the fish - is that the dialogue continues into the 108th Congress. There's too much at stake for hastily crafted solutions, no matter whose they are."

ANNUAL REPORT

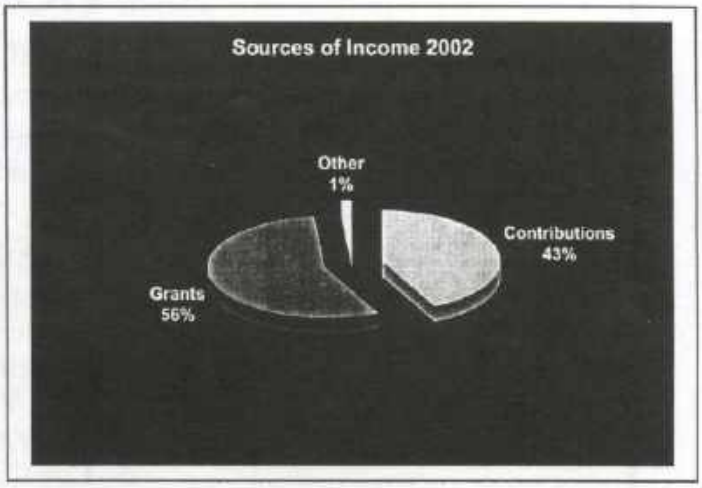
Institutions Come Under Scrutiny

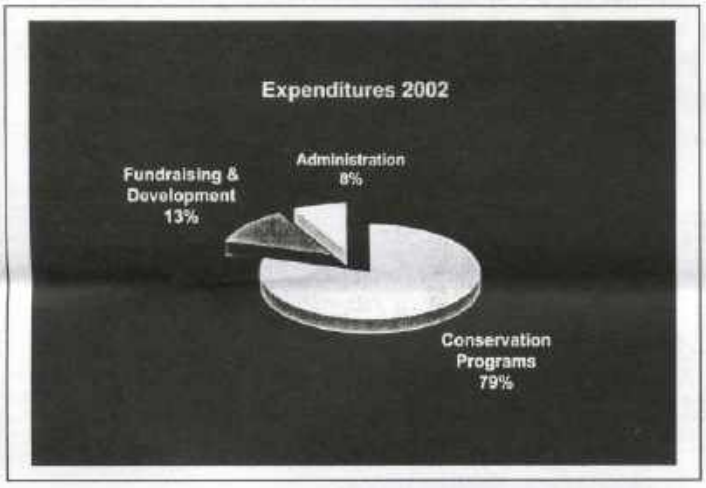
Later this year reports from the Pew Oceans Commission and the U.S. Commission on Ocean Policy will be released, in April and June respectively. We have been briefed on the preliminary recommendations and we expect these reports to prompt a thorough and comprehensive review of not only the law but also our institutions. Both studies - constituting the first comprehensive review of our management system in decades - are focusing on big-ticket issues, including fundamental changes in our present system of ocean governance.

NCMC began work in 2002 on its own report and recommendations. We are focusing on ways to restructure the fishery management decision-making process to make sure conservation decisions are science-based, ecologically sound and insulated from allocation decisions, which properly should concentrate on changing the way we fish in order to meet new, sustainable goals. We will work to advance our recommendations as Congress gives new attention to the management system this year.

FINANCIAL SUMMARY 2002

For 30 years, the National Coalition for Marine Conservation has prided itself in giving our contributors the biggest return possible on their charitable donations. We believe the measure of our success is in the fact that we are able to accomplish all that we do with a low overhead – a 2002 operating budget of $310,000 with a staff of three full-time and one part-time employees. We strive for a balance in income between individual members and supporting foundations, and in expenditures among our conservation programs.





The three charts on this page break down

(a) NCMC sources of income during 2002, showing share of funds received from contributing members and supporting foundations, as well as other sources, such as sales (above);

(b) how the funds were spent, divided among conservation programs, fundraising and development, and administration (left); and,

(c) how funds were allocated among our various conservation programs (below).

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

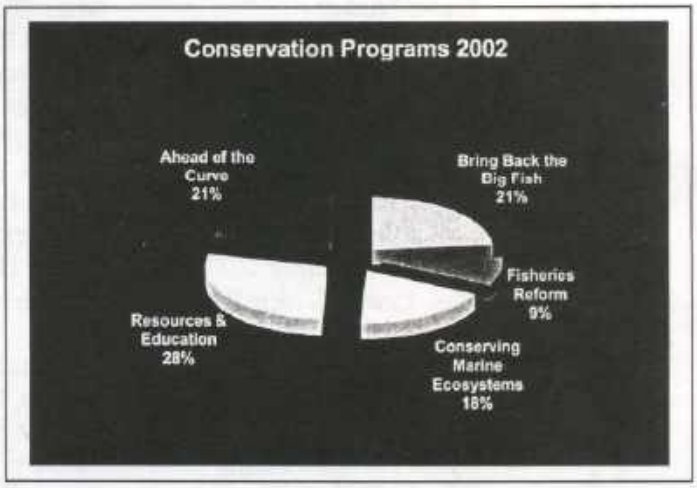
Bring Back the Big Fish. Restoring and conserving the ocean's giant fish: billfish, swordfish, tunas and sharks.

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

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

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

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



2002 HONOR ROLL

The ocean gives us life, and we thank every NCMC member, supporter and benefactor who helped us return the favor by supporting our conservation programs in 2002. Each contribution, large or small, makes a difference, and for that, we are enormously grateful.

The following individuals, clubs, companies and foundations merit special mention for their generosity during 2002.

Grants

☆ Mostyn Foundation
☆ Curtis & Edith Munson Foundation
☆ David & Lucile Packard Foundation
☆ Knight Vision Foundation
☆ Marine Ventures Foundation
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☆ Norcross Wildlife Foundation
☆ WJS Foundation, Inc.
☆ Yamaha Contender Miami Billfish Tournament
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TURNING THE TIDE

NCMC News & Activities

HOBBS APPOINTED TO BILLFISH ADVISORY PANEL

NCMC's Tim Hobbs was appointed in late December to a two-year term on the Atlantic Billfish Advisory Panel. The panel advises NMFS on domestic management of Atlantic blue and white marlin and sailfish. The Billfish AP met jointly with the Highly Migratory Species Advisory Panel (as it usually does) on February 10-12, giving NCMC the opportunity to participate in discussions regarding a wide range of conservation issues relative to billfish, swordfish, tunas and sharks.

COUNCIL RE-SUBMITS DOLPHIN/WAHOO PLAN

Frustrated with the cumbersome and slow-moving tri-council effort to develop a plan to conserve Atlantic dolphin and wahoo throughout their U.S. range, the South Atlantic Council asked NMFS last fall for permission to move forward with its portion of the plan independent of the Gulf and Caribbean Councils. We supported their request at a hearing before the Council in November and in subsequent written comments to NMFS. NMFS officials say the agency is "favorably inclined" to give the go-ahead for the South Atlantic. The Council formally re-submitted its solo plan – covering fishing from New England to the Florida Keys – on January 14th.

"With approval of the SAFMC's request, the final logistical obstacle to moving forward will be removed," NCMC President Ken Hinman, a member of the Dolphin Advisory Panel, testified. Once the plan is implemented, "both the Council and NMFS can be justly proud that you have acted to protect a valuable fishery while it's still healthy and productive, thereby rejecting the failed policies of the past when fishery managers waited for overfishing to take its toll before acting."

NETWORK SETS PRIORITIES FOR 2003

The Marine Fish Conservation Network hosted its annual board meeting in Florida in December. Representatives of the 20 participating organizations – environmental, sport and commercial fishing groups – mapped out a legislative strategy for Magnuson Act reauthorization in the new 108th session of Congress. NCMC President and Network co-chair Ken Hinman attended. Because a pair of ocean commissions are slated to release separate reports on U.S. ocean policy later this spring and summer - the first comprehensive reviews of ocean policy in nearly 30 years - the Network will urge Congress to hold off on changes to the Magnuson Act until these reports are released and their recommendations can be fully assessed.

NMFS CONTINUES RISK-PRONE HANDLING OF SHARK FISHERIES

Faced with a new assessment that recommended catches be cut in half for several vulnerable shark stocks, NMFS stunned conservation groups in December by issuing an Emergency Rule to actually *increase* the commercial quota for all Large Coastal Sharks. While the 2002 assessment had some positive news for sandbar and blacktip - the species most commonly sought by commercial fishermen - other LCS species, including silky, tiger, bull and hammerheads, are still being overfished. Catches of sandbar and blacktip sharks can be higher, according to the new data, but catches of the overfished species should be cut by 50% in order to restore their numbers.

"The major management issue facing the LCS complex is a familiar one to fisheries management," says NCMC's Tim Hobbs. "That is, how to manage a multispecies fishery where some stocks are abundant and others are overfished." The non-selective nature of the commercial fisheries makes enforcing catch limits for individual species difficult. NMFS contends that cutting catches across the board would "under-utilize" the healthier stocks. Yet the price for maximizing catches of those species is to put the other, more vulnerable species at risk of further decline.

The Emergency Rule sets regulations for the first half of the 2003 fishing season, while NMFS seeks recommendations on how to amend the Highly Migratory Species FMP to reflect the latest stock information. NCMC submitted comments February 4th. "Since the Atlantic shark fishery is not species-selective, the only way to ensure that catches of the most threatened (sharks) are reduced by 50%, consistent with the 2002 assessment, is to cut the entire LCS quota by 50%. In our view, this action would constitute a more species-specific management approach because it would actually provide needed conservation for all the species. Despite assertions from NOAA Fisheries to the contrary, the (current rules) sanction continued overfishing of several vulnerable species." We will be working with other conservationists to demand effective management measures that seek to rebuild the vulnerable stocks.

NCMC OBJECTS TO EXEMPTED LONGLINE PERMITS

When NMFS recently floated a proposal to issue Exempted Fishing and Scientific Research Permits (EFPs) to allow the taking of Atlantic Highly Migratory Species currently forbidden by U.S. law, NCMC fired off a letter outlining our concerns. One proposal is to exempt American longline vessels fishing in foreign waters from U.S. regulations if they conflict with local laws. Pointing out that tuna, swordfish and billfish stocks are managed as Atlantic-wide stocks, we rejected this idea as an unlawful use of EFPs. Permits issued under such conditions, in order to allow access to foreign markets, would be for purely economic, not scientific, reasons and would undermine established conservation goals for these highly migratory fish. We also objected to issuing EFPs to conduct bycatch reduction research because NMFS has failed to specify a detailed research protocol. Although rumors abound that NMFS has received requests from longliners to fish in the southeastern closed areas, ostensibly to test gear modifications to avoid juvenile swordfish, the agency's request for comments did not cite any such proposal. Nevertheless, we urged NMFS to provide the public with full disclosure on any proposal to conduct research in the closed areas and allow ample opportunity for comment well in advance of even entertaining such as notion.

WORKSHOP SEEKS ACCORD ON CONTENTIOUS MPA ISSUE

The Norcross Wildlife Foundation will host a Workshop on Marine Protected Areas on April 2nd in New York. The Foundation, which has a long history of supporting sportfishing and conservation groups to further their mutual goals, has invited representatives from selected organizations in each community, including NCMC, to explore common ground on how MPAs can be used to enhance marine conservation and sustainable recreational (and commercial) fishing.

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THE NCMC

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Spring 2003 *No. 104*

THE FUTURE OF SWORDFISHING IN AMERICA

When is a stock of fish fully "recovered" from overfishing? Is it when a legally mandated target is met? Or when the population is restored to a sufficient size and age-structure to support the kinds of fishing we want?

Last fall we described the much-ballyhooed recovery of North Atlantic swordfish as still in its infancy, noting that 75% of the fish swimming around out there are juveniles. We called on national and international fishery managers to hold off on raising the catch limit for the Atlantic-wide longline fishery. Given the indiscriminate nature of longlining, about 3 out of 4 fish caught are too young to have ever spawned. The United States delegation to the International Commission for the Conservation of Atlantic Tunas heeded these warnings, but the rest of ICCAT ignored them and raised the quota by 35%.

Take a deep breath. The science supported ICCAT's decision, in so far as the 2002 stock assessment estimates the population is approaching the level of "biomass" necessary to produce the maximum sustainable yield (MSY). That's the legal target. But in terms of restoring a balanced and sustainable fishery, we are still a long way from home.

Before the advent of longlining in the early 1960s, swordfish caught by U.S. and Canadian fishermen in the northwest Atlantic weighed on average 266 pounds. A population stocked with large mature broadbill was vital to the success of fishing with harpoon and rod-and-reel. The hand-gear fisheries were capable of landing up to 4,000 tons of swordfish a year (combined U.S. and Canadian longline landings were 3,296 tons in 2001), and they did it in a sustainable manner, with no bycatch of juveniles or other species.

A Transition to Sustainable Fishing

From the beginning of swordfish rebuilding efforts in the 1980s, the National Coalition for Marine Conservation's ultimate objective has been to revive the resource *and* the traditional fisheries - *because they are good for each other.* That means a transition away from indiscriminate longlining. Now is the time to do it, and the U.S. is the place to start. Unlike ICCAT, our law mandates that we aim for the "optimum yield" from each fishery, not MSY, which means setting population and fishing goals considering a range of social, economic and ecological factors.

NCMC is urging the U.S. to begin making a deliberate transition to long-term, sustainable commercial and recreational fisheries for swordfish.

(continued on p. 3)

INSIDE

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

THE NCMC
OCEAN VIEW

THE TIME AND THE PLACE

When written in Chinese, the word crisis is composed of two characters. One represents danger and the other represents opportunity. - John F. Kennedy

To ask if there is a menhaden crisis prompting our new-sprung campaign to limit the industrial-scale fishery (see page 6) misses the point. It's so much bigger and more complicated than that.

We absolutely believe there is a danger, to striped bass and other key predators, if we continue to harvest the small silvery fish the way we are. But we also believe there is an opportunity now to change how we fish for menhaden, in a way that respects its role in the food chain, *before* an ecological crisis occurs.

The commercial menhaden fishery is a hundred years old. So why now? Because events are overtaking us, converging in space and time. In Chesapeake Bay, the mother of the Atlantic's striped bass and menhaden fisheries, predator demand is reaching unprecedented highs while available prey is at an all-time low. But an ecosystem-based approach to managing these fisheries, in the works, is years from being put into practice.

Although both striped bass and menhaden are found from Maine to Florida, up to 90% of rockfish spawn in Chesapeake Bay, which is also a nursery for about half the Atlantic coast's menhaden. The menhaden reduction fishery is steadily concentrating effort in the Chesapeake - today nearly ¾'s of the fish it catches are taken from the bay. Breeding-age bass, growing in number and size, feed primarily on menhaden, especially the younger fish. But the number of juveniles has never been lower.

It's not just about stripers, either. Other major predators, namely bluefish and weakfish, are on the rise, adding to the demand for prey. Coastal birds, also fond of menhaden, are showing signs of stress. The system is bending, if not yet broken. Add in the fact that menhaden are the Bay's most important filters of algae at a time when oxygen sucking, fish killing algal blooms are turning parts of the bay into dead zones.

Work on multi-species assessments and ecosystem models is going forward, pointing to a future day when they will inform management decisions. But in this case, by the time that happens, the damage may already be done. We need to act now to halt overfishing of menhaden in the Chesapeake, at least until we have the answers to some increasingly disturbing questions.

Ken Hinman, *Editor*

THE NCMC
MARINE BULLETIN

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SWORDFISHING IN AMERICA

(continued from page one)

The key elements of this plan should be:

1) Ensure the recovery of North Atlantic swordfish to a stock level and a population structure that is both biologically stable and diverse, i.e., a balance of age classes that maximizes the reproductive capacity of the stock as well as the fishing opportunities for those user groups targeting adults that have had a chance to reproduce at least once. The swordfish population is now primarily composed of juvenile fish that have yet to recruit to the breeding population. Fisheries that have a significant catch of juveniles (e.g., pelagic longlines) should remain under current catch and effort limitations through 2005 (the date of the next ICCAT assessment). In addition, time-area closures implemented by the U.S. and designed to protect aggregations of small fish on their known nursery grounds should be kept in place, and additional areas on the high seas identified and restricted as appropriate.
2) Expanding effort in the hand-gear categories (harpoon, rod-and-reel and handline) in order to maximize catch of the available U.S. quota by the most selective, sustainable and manageable methods of fishing. The U.S. should open access to these fisheries, subject to conservative minimum size limits to protect juveniles, while providing access and catch incentives to encourage fishermen to enter these fisheries, including transfer from the longline category.

In 2005, the current 3-year ICCAT management regime will be up for renewal following an updated stock assessment. In part because of domestic conservation measures implemented to comply with the ICCAT swordfish rebuilding program, including time-area closures to protect juvenile fish and thereby hasten the recovery, the U.S. swordfish fishery is anticipated to have total landings substantially below our allowable catch. As we enter the next phase of the swordfish recovery - positioning our fisheries for a long-term, sustainable swordfish harvest that minimizes the risk of future overfishing – the U.S. should prepare for the 2005 ICCAT meeting by:

1) Amending the U.S. Fishery Management Plan for Atlantic Highly Migratory Species with measures to actively promote a transition to a more selective, sustainable and manageable swordfish fishery; and,
2) Devising a negotiating strategy that a) outlines long-range U.S. plans to re-configure its fishery; b) documents the potential for this re-configuring to revive components of our fishery which in the past have demonstrated an ability to harvest a substantial portion of the historic U.S. catch; c) proposes "banking" uncaught U.S. quota to enhance recovery during the next phase of the transition period (2006-8 management period), and d) explores the feasibility of "sharing" uncaught quota with developing nations as part of an ICCAT-sponsored incentive program to move toward more sustainable swordfishing Atlantic-wide. ❑

HERRING

No Such Thing as an "Under-Utilized" Species

NCMC submitted comments (summarized below) to the New England Fishery Management Council on its Fishery Management Plan for Atlantic Herring. In March we'd recommended that the council address predator-prey needs of the northeast fisheries. At the council's request, we'd also provided members with copies of our report, "Conservation in a Fish-Eat-Fish World." We were pleased that the council's April "scoping" document included predator-prey needs as one of three issues now under consideration for Amendment 2 to the FMP.

Issue #3 in the Herring Scoping Document seeks public comment on how to address predator/prey relationships and forage issues. The NCMC strongly recommends the New England Council use Amendment 2 to initiate the process of harmonizing management objectives and synchronizing regulations for herring and related predator species. Development of such a process would improve the overall effectiveness of the council's fishery conservation programs while securing greater public confidence in future management decisions affecting a wide range of fisheries in New England.

Increasing harvests of herring and other forage species on the northwest Atlantic shelf raise questions about how this growth in fishing mortality might adversely impact the effectiveness of recovery efforts now underway for species such as cod, bluefin tuna, swordfish, blue and white marlin, bluefish and a number of sharks, as well as a variety of birds and mammals, for whom herring are an important food source. As Jason Link of the Northeast Fishery Science Center's Food Web Dynamics Program points out, a release in fishing pressure for an overfished species

may not automatically lead to an increase in stock abundance *if trophic interactions are not taken into account*. (emphasis added)

Exploitation of forage species can, if not carefully restrained, exacerbate the ecosystem effects of overfishing large predators. The widely publicized study featured in the May edition of the international scientific journal Nature underscored the fact that whole communities of large ocean fish, including many of the most valuable species supporting fisheries in the northwest Atlantic, have been serially depleted in recent decades. "Their depletion not only threatens the future of these fish and the fishers that depend on them," say the authors of the study, "it could also bring about a complete re-organization of ocean ecosystems, with unknown global consequences."

The New England Council is now engaged in the wrenching task of rebuilding many of these fish populations, including cod, flounder and haddock. Because of rebuilding efforts, the outlook for some stocks is improving, but there is still much work to be done to achieve recovery. The council must, therefore, take preventative action to make certain that these efforts are not undercut by allowing an excessive harvest of critical prey species such as herring.

Prevent Ecosystem Overfishing

Although herring are one of the most plentiful fish in the sea, we know they can be overfished. Catches by foreign factory trawlers off our shores topped out at 800 million pounds in 1968. By the late 1970s, the standing population had been reduced by 90% and the fishery collapsed. The increase in fishing effort on herring in the '60s and '70s was the result of a transfer of fishing from overfished stocks of groundfish. Just as it is now.

The current FMP considers herring to be an "underutilized" resource and encourages "controlled development" of the herring fishery. We believe that, considered in an ecosystem context, a key forage species such as herring can never be considered "underutilized." "Ecosystem overfishing" can occur for species like herring, that are not over-exploited in the conventional sense, when reducing their numbers adversely impacts other species in the food web. This ecosystem overfishing can occur through an overall reduction in the amount of prey available throughout its range, or by depleting forage on a regional or localized basis, depending on the characteristics of the predators in question.

In order to protect the integrity of the marine food web, NCMC is urging the council to amend the Herring FMP to:

1) **Include among the plan's primary objectives the preservation of an adequate supply of herring as forage**. Current language referring to promoting the utilization of herring while "taking into account the protection of marine ecosystems" is not sufficient to provide the council with direction as to how to treat herring in the ecosystem context. The FMP should make a clear and unambiguous statement that all management actions taken under the plan must ensure the standing stock of herring provides an adequate supply of forage for dependent species.

2) **Expand the information base in the FMP to identify multispecies relationships involving herring and describe the links and interdependence among associated species.** The council should work with the Northeast Fisheries Science Center and other relevant agencies to develop a quantitative and qualitative description of the herring's role in the marine food web and the extent of trophic interactions among species. While inter-relationships with non-exploited species should be included and described, we recommend that emphasis in the initial stage of developing a predator-prey approach be on collecting and synthesizing information linking herring with other species currently the object of U.S. fishery management plans and international rebuilding efforts involving U.S. fishermen. In addition to collecting existing information from various sources into a single document, this exercise would help identify research priorities.

3) **Establish a precautionary total allowable catch (TAC) in the setting of optimum yield (OY).** The use of maximum sustainable yield (MSY) as a catch ceiling, much less a target, is not appropriate when managing fisheries in the ecosystems context. The Magnuson Act calls for MSY to be reduced by ecological factors. In the case of herring, considering its critical role as forage for so many other species, there is compelling reason to substantially reduce OY below the MSY level. The Herring FMP sets an OY of 250,000 metric tons, which is slightly above the MSY range estimated in the most recent assessment. We recommend that the council set OY at one-half the current level, or 125,000 metric tons. This total allowable catch level would be above recent landings, causing no disruption in the fishery. Most importantly, it

would ensure that fishing remains at a risk-averse level while further studies are done to assess safe levels of herring harvest. ❑

NO MORE NMFS!

The National Marine Fisheries Service has officially changed its name to **NOAA Fisheries**. The new moniker more simply and clearly identifies the agency as the fisheries branch of the National Oceanic & Atmospheric Administration. You will note the use of NOAA Fisheries in place of NMFS throughout the following articles.

LONGLINE CLOSURES UNDER ATTACK, AGAIN

Industry Seeks Access to Closed Areas for "Research"

Commentary by Tim Hobbs, Fisheries Project Director

Having failed to block the longline time-area closures off Florida, Georgia and South Carolina by legislation and litigation, the U.S. longline industry is now turning to a third ploy to gain access: cooperative research. That the longline industry is seeking a way around the closures is nothing new; they've been under attack since first proposed back in 1999. In fact, upholding these closures has proven every bit as challenging as forcing NOAA Fisheries to implement them in the first place. What is significant about this latest threat is that it seems to have the support of NOAA and, so far, it is all being carried out behind the scenes without input from the public.

A Federal Register notice from last December describing the new Cooperative Research Program (CRP) being developed by NOAA Fisheries reads like it was written by swordfish longliners. Several sections of the CRP confirm our fears that the agency is willing to allow the longliners unfettered access to the closed areas under the façade of scientific research. Consider these three excerpts and their implications:

- "Projects to collect fine-scale data for catch-effort are needed to help ***refine the definition*** (spatial and temporal) of (Marine Protected Areas) . . . An example is the large MPA intended to protect small swordfish and other highly migratory species off the U.S. southeastern coast."
- "Projects are needed to develop methods to determine the appropriate sampling designs. . . An example is the potential development of a recruitment index for swordfish, sampling in regions with high abundance of Young of the Year, generally ***in the areas that are now closed to longlining*** in the Gulf and along the southeastern U.S. coast."
- "In cases where vessel space does not permit adding an observer, it might be possible to ***designate the captain or crew member*** as the responsible individual on-board ***for recording these data***" (emphasis added).

NOAA Fisheries could allow an unlimited number of longline vessels to fish inside the closed areas to conduct a variety of debatable research projects. Even more outrageous, no federal observers would be required - the captain or crew could record and submit to NOAA the very data that would then be used to "refine" regulations that currently restrict their fishing. This research would be carried out using taxpayer dollars, yet the longliners could also sell any legal-sized fish caught, essentially amounting to a routine fishing trip where the gas, ice and bait are federally subsidized, but the profits stay with the boat.

Sweet, and it gets better. According to NOAA Fisheries, "prior notice and an opportunity for public comments are not required...for this notice concerning grants, benefits and contracts." So not only can the agency let an undetermined number of longliners fish in the closed areas for whatever reason, the agency is not required to solicit input from the public about the specifics of the research programs. Such decisions will be made behind closed doors at the division of NOAA that handles grant making.

Undue Influence

NCMC has confirmed that the longline industry submitted a comprehensive research plan to NOAA this spring. Coincidentally, the plan mirrors the swordfish "examples" suggested in the CRP, indicating the longline industry was involved in determining research priorities (again, input the rest of the public was denied).

Part of the proposal calls for longline fishing inside the closed areas for two purposes. The first is to create a Young-of-the-Year (YOY) index to monitor the abundance of small swordfish. The industry claims that this index is needed for stock assessment purposes, because the only other existing one, from the Spanish longline fleet, is no longer valid because of changes in fishing gear. While it may be true that a U.S. YOY index would be useful in future stock assessments (although it couldn't be used before the 2008 assessment), it's debatable whether it's worth undermining the effectiveness of the closures to get it. NOAA scientists advise us that 10-

12% of the previous level of fishing effort would be needed inside the closures to produce a robust index. According to our calculations, that could mean 1-2,000 dead undersized swordfish – an impact on the juvenile stock far greater than the entire recreational fishery that NOAA Fisheries recently clamped down on to prevent "excessive mortality of juvenile swordfish." Moreover, NCMC believes, based on the number and distribution of juveniles, this index could be created without fishing inside the closed areas, an option the agency evidently is not exploring.

Public Scrutiny Needed

The second project is to "prove" that the northeast boundary of the Florida Straights closure should be moved shoreward to the western edge of the Gulf Stream, reducing its overall size. The longliners claim the catch of undersized fish is not as high there as previously thought. This closure was based on years' worth of data from the entire longline fleet. It would take a significant amount of fishing effort to produce a reliable data set upon which any boundary alterations could be made. NCMC is convinced that, after conducting the necessary research, at considerable cost to taxpayers and to the effectiveness of the closures, we will only reconfirm what we already know; that this zone is a major swordfish nursery area.

There is one remaining opportunity to put this dubious research proposal into the light of public scrutiny. To longline inside the closures, interested vessels will need an Exempted Fishing Permit from the Highly Migratory Species Division of NOAA. That department must notify, and take comment from, the public to issue these permits. NCMC has engaged our allies in the conservation and fishing communities to watch for this notice and to oppose any attempt to longline inside the closures without a thorough evaluation of the proposed research.

Finally, it is clear that the longliners view the closures as short-term restrictions that will eventually be lifted once the swordfish stock is "recovered." If they can shorten the life span of the closures through legislation, litigation, or by researching their way back into them, all the better. To us, however, it is clear that the current closures must remain in place indefinitely, and that NOAA Fisheries should be examining additions to benefit other species. As the young swordfish stock continues to rebuild, the need for, and the benefits of, the nursery closures will increase dramatically. If our goal is to produce a healthy swordfish stock, where large, breeding-age adults are abundant, protecting the juveniles and allowing them to grow up will be key. ❑

NCMC LAUNCHES NEW CAMPAIGN TO PROTECT MENHADEN, SAVE STRIPED BASS

The National Coalition for Marine Conservation is launching a campaign to protect the striped bass and forestall a looming ecological disaster. Anglers all along the Atlantic coast sacrificed for more than a decade to restore the once depleted striper, also known as rockfish, but the resurgent population is not finding enough to eat. Their main food source is Atlantic menhaden, but an industrial-scale menhaden fishery centered in the Chesapeake Bay - the striper's primary spawning ground - is out-competing them for food. NCMC is reaching out to anglers from Maine to North Carolina with a petition to prohibit industrial-scale fishing for Atlantic menhaden in the Chesapeake. We will submit the petition, along with a detailed menhaden conservation plan, to the Atlantic States Marine Fisheries Commission (ASMFC) in December.

The high level of exploitation of menhaden threatens striped bass all along the East Coast. Up to 90% of Atlantic stripers spawn in the Chesapeake and its tributaries. The diet of large adult striped bass is 70-80% menhaden, according to biologists' estimates, and most of this consumption is of younger fish.

Large-scale purse seining in Chesapeake Bay removes hundreds of millions of pounds of menhaden for "reduction" into chicken and hog feed and other products. According to recent reports, 70% of Atlantic menhaden (in numbers of fish) are caught in the Bay and adjacent waters. The Chesapeake is a nursery ground for nearly half of each new generation of menhaden. But the population of juveniles - fish in their first two years - is in decline, reaching an historic low in 2001.

The catch of "skinny" stripers is all too common, an unmistakable sign that prey are in short supply. Stress-related diseases are killing 1 in 10 bass in the Bay, according to one study. Alternate prey are scarce, and none as widely distributed as menhaden or of equivalent nutritional value.

Shrinking Supply, Increasing Demand

More trouble is on the way. Large striped bass, so important to the future stability of the breeding stock, will be increasing in number as the strong year classes of the 1990s mature. Populations of the other two major menhaden predators, bluefish and weakfish, are the objects of rebuilding efforts. In addition, several birds, such as osprey and loons, also

rely heavily on menhaden, and studies show they may not be finding enough to eat either.

"The combination of soaring numbers of menhaden predators with the declining number of juvenile menhaden is an unsustainable situation," says NCMC Fisheries Project Director Tim Hobbs. "The result could be an ecological disaster in the Chesapeake, ruining our progress on recovering striped bass and other species."

Menhaden are also filter feeders that clean the water as they swim. Protecting them, along with restoring oyster beds, could help clean up the Bay's over-nutrified waters, which are choking on oxygen-depleting blooms of algae.

Readers can go to NCMC's web site - **www.savethefish.org** - for full campaign details, to sign an online petition, or get a printable version of the petition to pass around.

"Our goal is to submit the strongest possible conservation proposal to the ASMFC this fall, backed by solid science and the support of thousands of fishermen who catch rockfish for food and recreation," says NCMC president Ken Hinman. ❑

ADVISORS MEET TO TALK HMS AND BILLFISH

The National Marine Fisheries Service (NMFS) hosted a joint meeting of the Highly Migratory Species (HMS) and Billfish Advisory Panels in Silver Spring in mid-February. Attending on behalf of NCMC was Tim Hobbs, who serves on the billfish panel. Tim's roundup of the major issues covered at the meeting follows.

New Shark Rules in the Works

Last December, as it began preparing a shark amendment to the HMS Fishery Management Plan, NOAA Fisheries issued "emergency" regulations that raised the overall quota for large coastal sharks (LCS). The agency did this despite new scientific advice that the catch of the most depleted species in the LCS complex, including tiger, silky, hammerhead, bull and nurse sharks, must be cut by half. NOAA increased the quota because sandbar and blacktip sharks - the two most commonly targeted in commercial fisheries - are relatively healthy compared to the others.

In written comments and oral testimony at the meeting, NCMC maintained that an increase in effort in the indiscriminate commercial fishery will likely result in increased catches of all LCS. It is unacceptable, then, to try and maximize harvests of the more abundant stocks while putting the most vulnerable at risk. We urged NOAA Fisheries, when drafting the new amendment, to take into account the effects of regulations on the vulnerable stocks to ensure they are adequately protected. The agency plans to publish a draft of the new amendment and take public comment this summer, implement a final rule during the fall and have the new regulations in effect by 2004.

250 Marlin, 1 Big Red Herring

Much of the billfish discussion revolved around the recreational fishery. New angling permits and reporting requirements are expected to improve data on catches of all HMS species. And NOAA Fisheries is encouraging anglers to use circle hooks when targeting marlin to minimize post-release mortality, an effort NCMC strongly endorses. Inexplicably, however, and for the second year in a row, commercial advisors' concerns about accounting for recreational landings of blue and white marlin were allowed to dominate the discussion, at the expense of attention to more pressing conservation matters.

Since 2001, U.S. anglers have been limited to landing a combined total of 250 blue and white marlin a year. We agreed to this cap in order to obtain the support of other ICCAT countries for international marlin conservation. It was meant to preserve *status quo*, i.e., to prevent anglers from increasing the number of marlin they kill, mostly at tournaments. But this minor concession by the U.S. angling community has turned into a major deal.

Frankly, other fishing nations care little about the fate of 250 marlin, give or take. They count fish, including marlin, by the metric ton, not on their fingers. Most view billfish as merely a byproduct of more valuable commercial fisheries. In any case, the marlin cap was a bargaining chip, anted up to demonstrate our commitment to conservation. It *wasn't* meant to further restrict the recreational sector. 250 fish was just a back-of-the-envelope guess at recent landings.

Two years later, this small gesture has grown into the 800-pound shark in the aquarium. Thanks to constant prodding from our commercial ICCAT commissioner and the usual finger-pointing from the longliners, NOAA Fisheries is now hell bent on counting every last marlin landed by recreational anglers. And if, through this stepped-up accounting effort, they happen to discover we're actually landing a few more than 250 fish per year? Watch out - additional regulations are already in the works.

We're all for better data collection to determine how many marlin anglers land every year. Our problem is the extent to which this counting game has taken possession of the HMS management process. At

the last two joint meetings of the HMS and Billfish Advisory Panels, this issue has taken up far more time than any other. Last year, discussion on this issue spilled over and nearly wiped out the entire public comment period. This year it dragged on for half a day. NOAA Fisheries spent the last year creating a new recreational HMS permit and an elaborate call-in reporting system to monitor billfish landings. Judging by the amount of time, money and effort spent by NOAA, its advisors and all the interested parties on this issue, you'd think recreational landings were the biggest threat to marlin recovery.

The real issue in the U.S. recreational fishery, where 99% of billfish are released alive, is minimizing post-release mortality through the use of circle hooks and other steps. That's a big issue in the longline fisheries, too. However, because a large percentage of marlin hooked on longlines are pulled up dead, area closures and changes in fishing practices are necessary to avoid fatal encounters.

Longline Bycatch Reduction

NOAA Fisheries previously reported significant reductions in bycatch due to the time/area closures to longline fishing implemented in 2000. During this meeting, NOAA revised these numbers downward, although the size of the reductions is still significant. Juvenile swordfish discards decreased by 25% and blue and white marlin discards both decreased approximately 50% during 2001. These numbers are based on self-reported logbooks. NCMC remains concerned about under- and/or false reporting, especially with regards to marlin. The reported reductions are unaccountably high, given the small decrease that was projected based on the historic location of billfish bycatch. So the results, while encouraging, may be overly optimistic. NMFS is currently ground-truthing these data against observer reports to obtain a more realistic assessment of the true impacts of the closures.

Next Steps for Swordfish

The panel discussed the swordfish assessment from last fall which estimated the North Atlantic stock has rebuilt to 94% of the biomass that can produce MSY, nearly reaching the target of the international rebuilding program. Because of this increase, ICCAT upped the quota by more than a third. The U.S. also received a greater portion of the total allocation, even though we have failed to catch our full quota for years. Consequently, the U.S. will have nearly 5,000 metric tons of available swordfish quota for 2003, which is about twice what we've been able to catch in recent years. NCMC is urging NOAA Fisheries to keep the nursery area closures to longlines in place and end the limited access system for fishermen using handgear. As the swordfish stock recovers, we must revive our traditional fisheries and make a transition away from indiscriminate longlines to more sustainable fishing. Hand-gears, such as harpoon and rod-and-reel, can harvest swordfish selectively with little or no bycatch, and NMFS should be encouraging the use of this gear (see "The Future of Swordfishing in America," page 1).

Bluefin Tuna

North Carolina commercial fishermen are vying for a portion of the general category bluefin quota. In some years, the entire quota has been harvested in the north before the fish even show up in the south. Northeast fishermen argue that new fisheries should not be opened until the stock is rebuilt, while North Carolina fishermen claim it is not fair to deny them access to a valuable resource just because it is available to them too late in the fishing season. NCMC supported the southern fishermen, noting such a re-allocation would be conservation neutral. We suggested, however, that the requested quota transfer come from the purse seine sector, which contributes the least useful data for stock monitoring. A final decision by NMFS is pending. ❑

Recommended Reading

OCEAN BANKRUPTCY

by Stephen Sloan

I've known Steve Sloan for a long time, so my review of his new book, "Ocean Bankruptcy: World Fisheries on the Brink of Disaster," can't help but be colored by my respect for the man and his tireless dedication to conserving saltwater fish. I also know that Steve's idiosyncratic approach to the issues and his blunt style of advocacy can ruffle some feathers. But that's what he's set out to do, and just one thing that sets this book apart.

In her foreword, noted ecologist Sylvia Earle quotes Marcel Proust: "The real voyage of discovery doesn't consist of seeking new landscapes, but in having new eyes." In a word, this book is an eye-opener. The author takes the reader right inside the shrouded world of fishery politics, making you a fly-on-the-wall in the meeting rooms and private offices where the fate of ocean fisheries is decided. You see how decisions are made and meet the people who make them, up close and personal.

If you can't find "Ocean Bankruptcy" at your local bookseller, you can order it on-line at www.oceanbankruptcy.com. - *K.H.*

NOTES FROM UNDERWATER

POPULAR SCIENCE?

MAKING FISHERIES SCIENCE CREDIBLE WITHOUT DESTROYING ITS INTEGRITY

Several prominent members of New England's Congressional Delegation have proposed, at various times and in various ways, changing the nation's fishery management laws to re-define the concept of "best available science." They would subject all future assessments of fish stocks to yet another layer of "peer review," but this time using "common-sense standards," in the words of Maine Senator Susan Collins, who introduced her Fisheries Science and Management Improvement Act in March (see Angling for Disaster). The new standard of review, she says, would include "anecdotal information gathered from fishermen."

Ostensibly, the purpose of these changes to how science is used to support fishing regulations is to "improve" the science in order to make it more credible to fishermen. The nature of the "problem," however, and the proposed "solution," suggest that the credibility of fisheries science is often unrelated to its quality or the rigor with which it has been reviewed.

Sen. Collins and other northeastern lawmakers are acting on behalf of the region's disaffected cod-fishermen, who have consistently questioned groundfish stock assessments used to justify fishing restrictions needed to rebuild stocks of cod and other overfished species. In fact, they believe their longstanding dissent was validated last year by what's become known as "Trawl Gate;" that is, the revelation that federal fisheries samplers had inadvertently towed their test nets at a slight angle. Such sloppy research techniques, fishermen argue, prove that government fish studies can't be trusted.

Although NMFS maintained that the mistake was a minor error in gear rigging that did not effect the accuracy of their overall assessment of the status of the stocks, the agency was nonetheless embarrassed (as it should have been) and contrite. They commissioned an independent, outside review to re-evaluate the groundfish science. The results of that review were made public earlier this year and vindicated not the fishermen, but NMFS.

To the extent the remedies being offered in Congress are predicated on a problem with the science used in New England, it's fair to ask if there really is a problem, either with the science or the process that produces it, that needs fixing. Or does the problem lie somewhere else. Fisheries science is never perfect, and we can always do a better job. But the larger problem, at least so far as groundfish are concerned, seems to be that some fishermen will never accept the science as long as it differs from their own view of what is going on, or forces actions they oppose. No amount of review can change that, unless of course the fishermen themselves are doing the reviewing.

That conclusion was inescapable at a regional council meeting held in March. The NMFS Northeast Fisheries Science Center presented a 2-hour summary of how its stock assessments are done and how the existing peer review works. Dr. Terry Smith explained how an independent review of the data and the methodologies used are integrated into the assessment process itself. A Stock Assessment Working Group (SAW) prepares an initial report of its findings, which is then reviewed by at least 10 scientists serving on a Stock Assessment Review Committee (SARC). The SARC includes representatives from NMFS, the Councils, the Atlantic States Marine Fisheries Commission and academics. Industry advisors also take part, although they do not participate in the "peer review." The SARC accepts or rejects the assessment. This process is conducted twice a year.

Dr. Smith also presented the results of the additional peer review prompted by "Trawl Gate," which was performed by a team of disinterested groundfish experts from the United Kingdom, including some of the most well known and respected scientists studying these fish. The panelists concluded that "(t)he underlying science is as credible as it can be," i.e., the best scientific information available.

Because of all the current focus on peer review, NMFS made a good faith effort to show that such reviews are already conducted in a detailed and thorough manner, employing high quality participants. Reviews are embedded in the stock assessment process and accepted by the assessment team. Moreover, NMFS showed that when subjected to an additional review, its original conclusions regarding groundfish were confirmed. But after all this, fishermen in the audience came to the microphone and said, in essence, "Well, if you think you have such a good process, then how come you're always wrong?"

So the question remains, is there any way to ensure that the results of a stock assessment will be credible to fishermen when they conflict with their own perception? Probably not. Adding another layer of peer review on top of what is already done isn't the answer. Unless the goal is to keep doing reviews until one is produced that fishermen agree with.

Collins' proposal to add a new council peer review committee, including representatives from the commercial fishing industry, and yet another tier of review by the Secretary of Commerce, would add more layers 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.

If the goal really is to improve the science, we should be looking at what we can do to preserve its integrity, not make it more popular. There's already too much politics involved. Indeed, proposals to further insulate conservation science from the immediate demands of allocation - by separating science-based decisions from the council process altogether - are more on target. And more on that later.

Ken Hinman

President
National Coalition for Marine Conservation

TURNING THE TIDE

NCMC News & Activities

NMFS TO REVISE NATIONAL OVERFISHING GUIDELINES

NOAA Fisheries (formerly NMFS) is considering changes to the management guidelines established under National Standard 1 of the Magnuson Act to rebuild overfished stocks. Under current guidelines, stocks must be rebuilt in as short a time as possible, not to exceed 10 years. NOAA asked the public to comment on five issues, including: Should the time allotted for rebuilding be changed if new information alters the rebuilding scenario and, if so, by how much? Or, how should "changes in environmental conditions" affect rebuilding schedules?

In point-by-point comments submitted April 16th, NCMC acknowledged that there are legitimate issues that require enhanced guidance from NOAA Fisheries. But in each instance, we warned the agency against giving fishery managers the discretion to extend rebuilding timeframes when it is neither necessary nor appropriate. Changes made to resolve or clarify problems that arise in special or limited circumstances usually make bad law, we pointed out, weakening the overarching intent of the law in the process and thereby creating more problems than they solve. In June, NOAA officials told us they are still weighing the comments and have yet to decide whether or not they will propose any changes.

SARGASSUM HABITAT PLAN NEARS FINISH LINE

Readers of these pages know that the South Atlantic Fishery Management Council has devoted over five years to a plan to protect sargassum - the floating, brown pelagic weed that serves as habitat for hundreds of marine fish and invertebrates - only to have their efforts continually stonewalled by officials in Washington. Fortunately, it appears the needed protections for sargassum may soon become federal law. In mid-April, NOAA Fisheries published a notice in the Federal Register that it had received the council's plan to conserve sargassum. On May 30th, the agency published a Proposed Rule to implement the law, seeking public comments a last time before finalizing the regulations. NCMC is urging NMFS to complete this process as quickly as possible to have the protections in place by 2004. The Sargassum Plan also serves as the Essential Fish Habitat portion of the South Atlantic Council's Dolphin/Wahoo Plan (see below), so the former must be in place before the latter can take effect.

DOLPHIN CONSERVATION PLAN IS RIGHT BEHIND

The plan to keep dolphin (dorado) and wahoo stocks healthy is also nearing the final stages of implementation. The South Atlantic Council has formally submitted its final Dolphin/Wahoo Fishery Management Plan for approval by the Secretary of Commerce. In addition to preventing an increase in mortality, the plan also seeks to preserve these resources primarily for use by individual anglers, who have traditionally accounted for about 90% of the fish caught. The plan places a daily bag limit of 10 dolphin on anglers; prohibits sale of dolphin without a commercial permit; establishes a minimum size of 20 inches off Florida and Georgia; enforces a commercial trip limit of 1,000 pounds off FL and GA, 3,000 pounds off NC and SC; prohibits the use of pelagic longlines to catch dolphin or wahoo from South Carolina to the Florida Keys; and restricts the commercial catch of dolphin to 13% of the total or 1.5 million lbs., whichever is greater. The NCMC has pushed the development of this plan for over 7 years, most recently sitting down with NOAA Fisheries Chief Bill Hogarth in March to urge him to conduct a swift approval process to get the measures into place before the 2004 fishing season.

PACIFIC BIG FISH TO BE SAFE FROM LONGLINES

The Pacific Fishery Management Council has been developing a proactive management plan for marlin, tuna, swordfish and sharks off the west coast and will vote in June to submit it for final approval by the Secretary. The centerpiece of this plan is a total ban on pelagic longline fishing gear within 200 miles from shore, which NCMC and our allies in the recreational fishing and environmental communities worked hard to achieve. The major outstanding question before the council is restrictions on longline fishing outside 200 miles to protect endangered leatherback and loggerhead sea turtles. NCMC is attending the June meeting to urge the council to implement tough restrictions mirroring those already imposed on longline vessels fishing in the North Pacific out of Hawaii.

[continued on back page]

MAPPING THE CHESAPEAKE BAY'S FOOD WEB

On April 28-29, the third in a series of workshops was held in Laurel, Maryland to complete development of a model of the Chesapeake Bay's food web. NCMC president Ken Hinman is participating in the workshops. The computer-based model, known as Ecopath with Ecosim, will be an important predictive tool in assessing how fishery management policy decisions reverberate throughout the bay's ecosystem. For instance, what impact do certain levels of harvest of Atlantic menhaden have on the abundance of different age groups of their key predators, including striped bass, bluefish and weakfish? Fishermen and conservationists are concerned that the recovery of striped bass, along with the revival of other long-overfished species, could be jeopardized by excessive catches of menhaden and other prey, particularly in the striper's primary spawning grounds in the Chesapeake, where massive netting of amounts of menhaden is concentrated.

At the same time, the Atlantic States Marine Fisheries Commission, the interstate body responsible for conserving each of the species mentioned above, is working toward supplementing its assessments for single species with multispecies models that will allow fishery managers to gauge the effects of their decisions on inter-related species. NCMC has worked closely with the ASMFC in the drafting of its report, "Linking Multispecies Assessments to Single Species Management," which will be completed later this year.

SIGN UP FOR NCMC'S EMAIL ACTION NETWORK

NCMC has created a new Email Action Network to keep our members and other interested persons informed about issues affecting fish and fishing. We are maintaining lists for 1) Atlantic Big Fish (marlin, tuna, sharks, swordfish), 2) Pacific Big Fish, 3) Dolphin and Wahoo, 4) Striped Bass and Menhaden, 5) Herring, Squid, Mackerel and other forage fish, 6) Fish Habitat and 7) Fisheries Law Reform. To subscribe to one or more of these lists and receive brief, periodic updates on outstanding issues and opportunities for public comment on proposed regulations, simply let us know which email network you'd like to join. Send an email to <christine@savethefish.org>, call 703-777-0037, fax 703-777-1107 or visit NCMC's web site at **www.savethefish.org** (first item under "Latest News.") Email addresses are kept confidential and used only to provide subscribers with the above information. Remember that an informed and involved public is the best way to keep our fisheries healthy!

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THE NCMC

MARINE BULLETIN

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SAVE THE STRIPER, SAVE THE BAY

The Atlantic menhaden is not overfished and overfishing is not occurring, according to the 2003 Stock Assessment Report. But such a conclusion can only be reached in a narrow, single-species context. It means only that the population may be capable of sustaining current catches in the commercial reduction fishery. It tells us nothing, as an independent review panel of scientists confirmed in October, about whether menhaden can support healthy populations of striped bass and other predators. And *that*, afterall, is the issue.

The National Coalition for Marine Conservation is calling on the Atlantic States Marine Fisheries Commission (ASMFC) to curb the industrial-scale fishery for menhaden, stressing the need to protect the small but ecologically important bait fish in Chesapeake Bay. Today, more than two-thirds of all the fish taken in the Atlantic coast fishery (Maine to Florida) come from the Chesapeake and waters just outside the mouth of the Bay. Over 90% of this catch is immature fish (less than 3 years old) and, coincidentally, the number of juveniles is at an historic low. Young menhaden happen to be the size prey most important to a wide range of predatory fish and other wildlife that depend on there being large supplies of menhaden.

The return of one major predator, the striped bass, from near-extinction in the 1970s and '80s is now part of modern fish conservation lore, a success story that serves as an example of what is possible.

But less well known are unmistakable signs of trouble in paradise. While restoring rockfish and other predators (bluefish and weakfish are also staging comebacks), we've been fishing down their prey, most notably menhaden. Simply put, stripers are not finding enough to eat and, if something isn'tdone to correct this situation, it could lead to a future collapse in the fishery.

Striper Recovery, Bay's Ecology in Jeopardy

In addition to a nursery for half the coast's menhaden, Chesapeake Bay is the spawning ground for most of the striped bass that frequent the eastern seaboard. Successful breeding for the long term – and thus a stable fishery for the future – requires strong cohorts of bass 10 years and older, because they are the most prolific egg-producers.

Though bass live up to 30 years, the age-structure of the striper population right now is skewed toward younger adults (< 8 years old). But that should change very soon as the strong year-classes of the mid-1990s grow up. It is large adult rockfish that are most dependent on small menhaden. Already, however, there are troubling signs that Chesapeake Bay cannot support current numbers of adult bass, much less the sharp increase that is not just expected, but which scientists say is needed to achieve a full recovery.

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

THE NCMC
OCEAN VIEW

BREAKTHROUGH ON FREEDOM TO FISH

We commend all those, from both the recreational fishing and environmental communities, who worked to craft the Rhode Island Freedom to Fish and Marine Conservation Act, signed into law this summer. The bill, according to the state's Marine Trade Association, "recognizes the contribution (recreational fishing) makes(s) to the state and it establishes reasonable standards that have to be met before our waters are closed off to us." "(This) is a proactive law that will enhance our ability to go out and enjoy the great fishing opportunities we have here in Rhode Island," said the RI Saltwater Anglers Association. The new law was also praised by the Recreational Fishing Alliance, a leader in the push for such laws nationwide.

"This bill acknowledges the importance of all marine species and their associated habitats and it acknowledges that marine waters can be closed to fishing to protect and manage marine resources for the benefit of the general public," said the Sierra Club. "(It) preserves the ability of resource managers to use marine reserves as an ocean conservation tool," added The Ocean Conservancy. Similarly supportive comments came from the Conservation Law Foundation, Environmental Defense and NRDC.

At the heart of the polarizing debate over Marine Protected Areas has been the inability to fashion reasonable implementation standards that address the legitimate concerns of recreational fishermen about marine reserves arbitrarily closing them out of coastal fishing grounds while satisfying environmentalists' concerns that the potential use of MPAs not be unreasonably restricted. It would seem that, based on the support for the Rhode Island legislation from key advocates of both "freedom to fish" legislation and MPAs, we have finally found a bill that both sides can get behind, thereby ending the conflict and controversy that have so divided the conservation community.

What happens next will be telling. We've broken through the rancor and found a reasonable approach to a contentious issue. If, however, groups on either side revert to their old positions and begin fighting anew, we'll have to conclude a fight is what they want. Let's hope that's not the case - for the sake of the fish *and* the fishermen.

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MARINE BULLETIN

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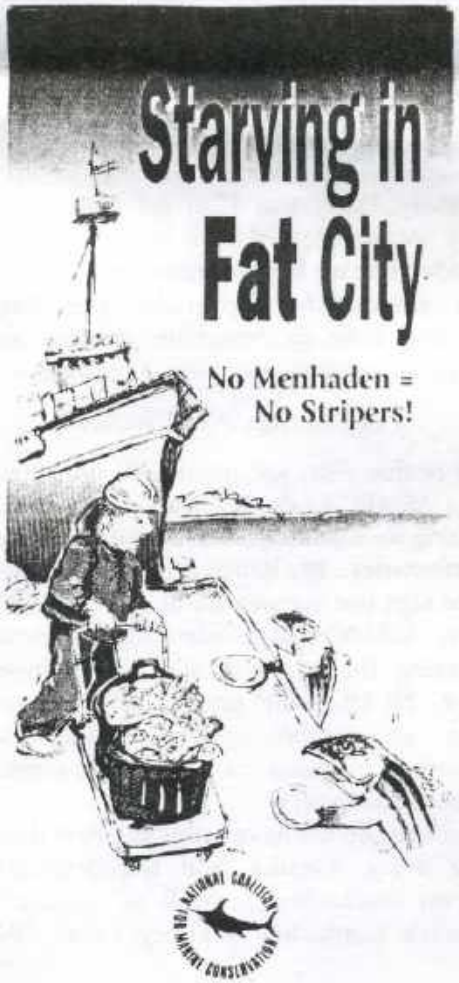
The catch of "skinny" stripers in Chesapeake Bay has been commonplace since the early days of the comeback (mid-'90s). Weight-to-length ratios of bass taken in Maryland state surveys are often below normal. Checks of stomach contents show the diet of adult fish, which traditionally consists of 70-80% menhaden, has shifted to other, less nutritious prey, like bay anchovy and blue crab, which are themselves in decline. And perhaps most disturbing, an outbreak of a potentially fatal disease that may be linked to poor nutrition is infecting a growing number of striped bass in the Bay (see box to the right).

Yet, despite the prospect of a looming ecological disaster, the amount of menhaden that can be netted in Chesapeake Bay (close to 400 million pounds a year) remains entirely unregulated. Under the current ASMFC Menhaden Management Plan, no cutbacks are contemplated. Meanwhile, the commercial reduction industry is planning to expand its production (see box on page 4).

Go on-line at www.savethefish.org and sign NCMC's on-line petition to Save the Stripers!



Stress-related Striper Disease Is Spreading

A bacterial disease is spreading among the Chesapeake Bay's striped bass population, according to a new survey of the health of the Bay's bass. As reported in the July-August edition of the Bay Journal, up to half the stripers in the bay are infected with myobacteria, a chronic "wasting" disease that attacks an animal's organs and can be fatal. The infections are often internal, not visible to fishermen, however, fish may exhibit external lesions. Indeed, anglers have been reporting sores on Bay rockfish for years.

Scientists say the disease, which first appeared in striped bass in 1997, has been increasing in both frequency and severity. Because the disease is rare in wild fish populations, the cause is unknown. Aside from the general observation that something is terribly wrong with the Chesapeake Bay ecosystem, scientists speculate that a fish population is more susceptible to the spread of disease when it is under stress. Possible causes of stress in the striper population are malnutrition (a lack of prey) or poor water quality.

The Bay's heavily harvested population of menhaden is both a key prey species for striped bass as well as an important filter of the Bay's waters.

A Risk-Prone *Status Quo* vs. A Precautionary Approach

At the 1980 Striped Bass Symposium (co-sponsored by NCMC) Richard A. Frank, then-head of NOAA, predicted in his keynote remarks: "In the long run, I look forward to the day when fishery conservation and management are carried out with full knowledge of the interactions between the managed species and the living and nonliving components of their environment. I believe we are making steady progress toward the goal of an ecosystem approach to management.

"In recent years, especially since the passage of the Fishery Conservation and Management Act of 1976, we have begun to move away from single species concepts of management, like maximum sustainable

yield, and toward the multispecies concept of optimum yield. Optimum yield encourages the consideration of ecological factors in devising management strategies, as well as economic and social factors. Within a few years, I expect that most fishery management plans...will be multispecies plans, which will take into account predator-prey relationships in particular. Not too long after that, I hope we will use an ecosystem approach to fishery management."

Nearly a quarter century after Dr. Frank made these optimistic remarks, ecosystem-based concerns involving striped bass (and numerous other species) are on the rise, however, we are not much closer to realizing his prediction of taking predator-prey relationships into account in fishery management plans. Although the ASMFC has taken laudable steps toward developing a process for integrating multispecies concerns, the present reality is that regulation of fishing for menhaden is tied to a plan whose definition of overfishing considers only the maximum sustainable yield to the commercial fishery. It does not define or consider ecosystem overfishing. Nor does the plan's single-stock assessment accommodate the possibility of localized depletion - even though indices of juvenile abundance are markedly lower in Chesapeake Bay and the one attempt to status of the stock in the Bay (by the state of Maryland) indicates lower abundance and a higher fishing mortality rate that the Atlantic-wide stock assessment.

The prospect of remedial action by ASMFC in the foreseeable future is slim; *unless* the commission is spurred into action *now*. The NCMC has devoted significant time and resources over the past seven years to advancing ecosystem-based fishery management, including work with the ASMFC on developing its multispecies process and with NOAA on a Fishery Ecosystem Plan for Chesapeake Bay. Generally we are pleased with some of the progress being made. But we believe there are instances where incipient circumstances overtake our long-range planning and make an immediate response necessary. The menhaden crisis is one of these instances.

Menhaden Industry Plans to Grow

Serious concerns about excessive harvest of Atlantic menhaden from Chesapeake Bay have been raised since at least 1997. In the years since, the reasons for concern have grown in number and severity (underweight fish, stress-related disease, growing demand for forage, diminishing water quality and dead zones, etc.). Meanwhile, the amount of menhaden taken from the Bay has risen to an all-time high and remains completely unregulated.

Omega Protein, which operates the Reedville, VA menhaden fleet, admits focusing its efforts in the Bay may be a problem. Not long ago a company spokesman told a Washington Post reporter, "A lot of people say we overfish in the Chesapeake Bay, and that may be the case, but when you can't fish anywhere else, you've got no other choice."

So, given all the concerns about the impact of menhaden overfishing on other fish and the Bay ecosystem, what does Omega Protein choose to do? Expand its production. The company has announced plans to spend $16 million to "expand significantly" its processing capacity at the Reedville plant. By this time next year, the new facility will be able to process an additional 110 metric tons of menhaden a day. Because the Reedville fleet of 10 reduction boats now fishes almost exclusively within the Chesapeake, these additional fish presumably will be taken from the Bay.

Menhaden Are Important Filters of the Bay's Waters

"We are fishing down the number of algae-eating menhaden in (Chesapeake) Bay at a time when oxygen-sucking, fish-killing algal blooms are turning more and more of the Bay into dead zones, devoid of life. Excess nutrients, mainly nitrogen and phosphorous in run-off from farmland and inadequate wastewater treatment plants, produce the blooms that cut off life-giving light to seagrasses on the bottom then suck the oxygen out of the water when they decompose. Fish and crabs either go elsewhere or die." - Ken Hinman writing in the December issue of Salt Water Sportsman.

Take Action, Not Chances

In June of this year, we announced our intention to ask the ASMFC to declare a moratorium on purse seine fishing for menhaden within the Chesapeake Bay and its tributaries. We issued a petition for concerned anglers to sign (see our web site at www.savethefish.org). When the ASMFC's Menhaden Management Board meets during the commission's annual meeting in December, NCMC will present the petition as a statement of public concern, along with a comprehensive proposal for re-vamping management of the menhaden fishery.

In preparation, we have spent the past three years attending every scientific and technical committee meeting on menhaden, as well as serving on the commission's Menhaden Advisory Panel. We have

allied ourselves with groups who share our concerns, such as the Chesapeake Bay Ecological Foundation, Maryland Saltwater Sportfishing Association, Chesapeake Bay Foundation, and Coastal Conservation Association of Virginia. (In September, CCA issuing a press release endorsing our petition.)

Our overall goal is to conserve menhaden in order to protect the recovery of striped bass and other predators and restore the health of the nation's largest estuary, Chesapeake Bay. Our immediate objective is to persuade the Atlantic States Marine Fisheries Commission to begin amending the Menhaden Fishery Management Plan in 2004 to sharply reduce menhaden catches, particularly of forage-size fish in the Bay.

"We've been told our proposal of a moratorium on fishing in the Bay is extreme," says NCMC president Ken Hinman. "It is what we feel would best protect the menhaden's critical role in the food web. But more to the point, extreme compared to what? Our proposal is currently the only management action *of any kind* on the table. As a practical matter, our proposal is intended to stake out the boundaries of reasonable action, while highlighting the danger of doing nothing.

"To do nothing in this case is extreme," he warns. "Left to its own devices, which is what the current menhaden plan allows, the commercial reduction industry will do worse than nothing - it will *increase* the fishing pressure on menhaden." ❑

OFFSHORE HABITAT GETS FEDERAL PROTECTION

IN A MAJOR VICTORY FOR FISH CONSERVATION, NOAA FISHERIES IMPLEMENTS A PLAN TO PROTECT SARGASSUM IN THE SOUTH ATLANTIC

The National Coalition for Marine Conservation applauds NOAA Fisheries for approving and implementing a federal conservation plan that will protect floating sargassum seaweeds. The plan, which becomes law on November 1st, crowns a six-year effort to shield one of the most important habitats in southeast waters from commercial harvesting.

The plan to protect sargassum was designed by the South Atlantic Fishery Management Council (SAFMC) to prevent development of a widespread fishery for the seaweed, which has been harvested in limited quantities in recent years as a nutritional supplement and feed additive. NCMC worked with fishermen and environmentalists, most notably the group Environmental Defense, to pass the plan. We view it as both an important preventive measure and a critical precedent in protecting sea habitat from the direct impacts of fishing gear.

"The importance of the Sargassum Plan cannot be overstated," says NCMC president Ken Hinman. "It gives lasting protection to critical habitat for literally hundreds of offshore species. The council and NOAA southeast administrator Roy Crabtree have shown great leadership in working to protect these important ocean resources."

"Protecting sargassum will make a lot of fish and fishermen in the southeast very happy," adds Doug Rader, senior scientist with ED. "Floating sargassum provides essential habitat for many important recreational fishes as both juveniles and adults, as well as sea turtles and other migratory vertebrates. Protecting this resource from commercial harvesting is a keystone action in restoring the damaged ecosystems and fisheries of the region."

The original Sargassum Management Plan, which outlawed any commercial harvest, was submitted by the council in 1998 but was not approved. NOAA Fisheries outlined additional options, including allowing a minimal harvest, and the management plan went through several revisions and reviews. The final approved actions of the Sargassum Management Plan impose strong limitations for any future commercial harvest: prohibition of harvest south of the North Carolina/South Carolina state boundary; setting a Total Allowable Catch (TAC) at 5,000 pounds wet weight per year; limiting harvest to November through June; requiring observers onboard any vessel harvesting Sargassum; prohibiting harvest within 100 miles of shore; and specifications for net mesh size.

Because Sargassum is considered Essential Fish Habitat under the Council's proposed Fishery Management Plan for Dolphin and Wahoo, approval of the Sargassum Management Plan was crucial in moving forward with the precautionary plan for the dolphin and wahoo fishery (see Turning the Tide, p. 11). The agency had previously determined that the SAFMC's new Fishery Management Plan to protect dolphin and wahoo, important game fishes associated with Sargassum, could not be implemented until the Sargassum plan was finalized.

"NOAA has now cleared the way for measures to conserve dolphin-fish, one of the most valuable recreational species in the southeast," says NCMC's

Hinman, a member of the SAFMC Dolphin/Wahoo Advisory Panel. ❑

NEWS & VIEWS FROM SHARK SCIENTISTS

NCMC's Christine Snovell attended the 2003 annual meeting of the American Elasmobranch Society in Brazil, where she and other member scientists reviewed new findings in the biology, reproduction, and habitat of sharks and other cartilaginous fish. Her report follows.

Challenges in shark management in the U.S. Atlantic Ocean

As most of us know, NOAA Fisheries has had a difficult time conserving shark populations in the U.S. Atlantic. The most contentious issues have surrounded the commercially targeted Large Coastal Sharks (LCS), one of NOAA's three management groupings (species such as sandbar, blacktip, silky, tiger, bull and great hammerhead). Shark scientists maintain that populations of many large coastals have been drastically reduced over the last two decades, due primarily to overfishing, including bycatch in other fisheries. Commercial shark fishers, on the other hand, challenge these assessments. In 1999 they sued the agency, prompting a re-examination of LCS stocks and management actions.

At the AES meeting, NOAA Fisheries made a presentation outlining some of the challenges they face when managing the large coastal shark fishery. Problems they reported were: managing a variety of species under the LCS complex; species identification; accuracy in reporting of catches and discards; and compliance with adopted management measures.

During subsequent discussions, several scientists involved with the NOAA stock assessment process (and therefore preferring to remain anonymous) raised concerns about the management actions recommended by the agency. One scientist who studies sandbar sharks took issue with NOAA's conclusion in the 2002 assessment that sandbars are no longer overfished and no decrease in catch is needed. Sandbar sharks are one of the primary targets of the commercial shark fishery. The scientist's own population data, spanning two decades in the Chesapeake Bay area, shows that while there has been an increase in the population of juvenile sandbars, there has been *no increase in the number of spawning age adult sandbars* since management began in 1993.

Another scientist involved with NOAA's stock assessment said he was concerned that the results were not being accurately interpreted by the agency's team of fishery managers using the science to write the management plan. He used the example that, if the assessment shows that the status of a particular population is unclear, i.e., we don't know if overfishing is occurring, by the time that information reaches fishery managers the conclusion can be much different, i.e., overfishing is not occurring. He recommended better communication between scientists and fishery managers to make sure they thoroughly understand the implications of the information they're being given.

Conservation of Atlantic sawfishes

An entire symposium during the AES meeting was dedicated to the sawfish, a type of ray that includes five different species. The smalltooth sawfish, officially added to the U.S. List of Endangered Species in April 2003, is a bold example of how humans *can* bring a species of marine fish to the brink of extinction. The population of smalltooth sawfish in the U.S. is estimated to have declined by more than 95% and will need more than a century to rebuild to a healthy size.

This nearshore fish faces a host of human-related impacts including overfishing, accidental entanglement in fishing nets and, most importantly, loss of habitat. Going back to the late 1700s, the sawfish was commonly found in waters from Texas to New York. But there's been a marked shrinking of its range along the eastern seaboard, with only one smalltooth being captured north of Florida since 1958. Since 1985 the smalltooth has been found only in small pockets along the Florida coast.

Numbers of sandbar sharks are increasing do to conservation, but there has been no increase in the adult population. Sandbars take 13 years to mature. Strict limits on commercial shark fishing must stay in place.

AES passes resolutions to help conserve sharks

- AES urges the State of Massachusetts and the Atlantic States Marine Fisheries Commission (ASMFC) to immediately end directed fishing for

dogfish in state waters and lower 2003 spiny dogfish catch limits to scientifically advised levels

- AES encourages the European Union to improve their pending **shark finning regulations** by requiring that fins and carcasses be landed together under a fin-to-carcass ratio not to exceed 5%
- AES requests that NOAA Fisheries reduce proposed landing limits for the **skate wing fishery** by 50% as part of immediate implementation of the U.S. western North Atlantic skate management plan
- AES urges the Brazilian Ministry of the Environment to adopt the Rosa Commission list of threatened fishes as the Official Brazilian List in order to protect Brazil's great heritage of fish biodiversity and to promote conservation and sustainable use of Brazilian fish species. ❑

PROGRESS ON CONSERVING HERRING AS FORAGE

NE Council Moves to Include Predator-Prey Needs in Amended Plan

We are making good progress toward protecting Atlantic herring as forage for other offshore species. Last spring, the National Coalition for Marine Conservation asked the New England Fishery Management Council to make three changes to its Atlantic Herring Plan: 1) make the preservation of an adequate supply of herring as forage one of the plan's primary objectives; 2) expand the information base in the FMP to identify multispecies relationships involving herring and describe the links and interdependence among associated species; and 3) establish a precautionary total allowable catch in the setting of optimum yield (OY).

We are pleased to report that the council, at its mid-July meeting, approved a motion to add the following language to the Herring Plan's goals and objectives:

Optimum yield is the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, taking into account the protection of marine ecosystems, including maintenance of a biomass that supports the ocean ecosystem, predator consumption of herring, and biologically sustainable human harvest. This includes recognition of the importance of Atlantic herring as one of many forage species of fish, marine mammals, and birds in the Northeast Region.

In addition, the council employed a consultant over the summer to research and assemble all available information on the role of herring in the food web. This information, presented to the council in September, will be included in the plan's Environmental Impact Statement.

Finally, NCMC sent follow-up comments to the council prior to its Herring Oversight Committee meeting at the end of July reinforcing, among other things, the need to set a conservative total allowable catch (~ 125,000 tons) for the fishery. We will continue to work to keep herring catches low through the remainder of the plan amendment process. ❑

NCMC FOUNDING PARTNER ENTERS FISHING HALL OF FAME

Henry "Hal" Lyman, Publisher Emeritus of Salt Water Sportsman, was inducted into the International Fishing Hall of Fame in a special ceremony at IGFA headquarters in Dania Beach, Florida, on October 28th. Lyman, 87, joins such angling icons as Ernest Hemingway, Zane Grey, Ted Williams and Kip Farrington in the honor, which is bestowed annually to individuals who have made a significant contribution to the sport of fishing and who are voted in by the IGFA's Board of Trustees.

A dedicated angler since childhood, Lyman has fished on every continent - including Antarctica - and has sampled many of the world's great fishing hot spots for everything from salmon to peacock bass to giant bluefin tuna. He has authored nine books on fishing along with hundreds of magazine articles and editorials, many of which zeroed-in on the need for conservation and responsible fishery management. Through it all he found the time to serve on a wide variety of private and government boards and panels, including the New England Fishery Management Council, International Commission for the Conservation of Atlantic Tunas, Atlantic Salmon Federation and National Wildlife Federation

Lyman was a charter member of the National Coalition for Marine Conservation's board of directors. He served as Chairman of the Board during the 1980s. Current chair Chris Weld, a longtime friend, says: "Hal was one of the founding partners of NCMC. When Frank Carlton and I first invited him to join the Board, his response was, in effect, 'you've got to show me that you are really committed to conservation and are willing to work hard enough at it to deserve my support.' A year or so later we asked him again and he

agreed to join us. Because of his prestige, this was a little like winning a major achievement award. Once aboard, Hal was always there when we needed him. He was one of our 'wise men' who kept us pointed in the right direction." ❑

NOTES FROM UNDERWATER

ENTERING THE SPIN ZONE

by Ken Hinman

During the past year, the National Marine Fisheries Service has not only changed its name to the more euphonious NOAA Fisheries, the agency's also trying hard to alter its negative image. The fisheries service is tired of all the bad press it gets, focusing as it does on overfished stocks and struggling fisheries; for instance, last spring's Pew Oceans Commission Report and a widely distributed *Nature* magazine article on the disappearance of large predatory fish, along with regular broadsides from the Marine Fish Conservation Network.

Under chief Bill Hogarth, NOAA Fisheries' new response to all those who complain that the bottle is half empty is to say No, it's half full. Several of the Regional Fishery Management Councils are following suit, engaging in a calculated effort to "accentuate the positive, eliminate the negative."

As a matter of fact, the NCMC did advise Hogarth shortly after he took the reins at NMFS nearly two years ago that "merely stating that 107 fish stocks are designated as overfished does not tell the whole story. The public would benefit from knowing what is being done to rebuild them and by when in order to fully assess the job that NMFS and the Councils are doing." We recommended their annual Status of the Stocks Report to Congress include information as to whether or not each stock is the object of an approved rebuilding plan, when it went into effect, and when the stock is projected to recover to the MSY level. What they've done, however, is use the Report to present a smiley face to the public. Press releases regarding the state of our ocean fisheries now contain nary a negative word. Everything, it would seem, is hunky-dory.

The problem with spinning is that it disorients you and you stop seeing things as they really are. There is a real danger that, with blurred vision, fishery officials will lose perspective. Yes, NOAA Fisheries should publicize its successes, but highlight them in order to better understand our failures, not to downplay them.

Because fishery managers are plainly on the defensive, conservationists are viewing a November 13-15 national conference jointly sponsored by NOAA Fisheries and the eight regional councils with some suspicion. *Managing Our Nation's Marine Fisheries - Past, Present, and Future,* according to conference organizers, "aims to educate the public, policy makers and media on the fishery management process; highlight successful management by region and current management and research initiatives; help bridge the gap between perception and reality regarding fisheries management; and provide a forum for information exchange and solicit a wide range of perspectives on future management and marine research directions." That sounds to us like they think the problem is one of overcoming public misunderstanding.

Nothing will be gained if the conference is a love-in rather than a sincere attempt to sort out what's right and what's wrong, what more needs to be done and how. That some things in the fisheries world are improving is measurable. That we still have many serious problems is undeniable.

JUSTICE FOR BILLFISH

Len Belcaro, publisher of Big Game Fishing Journal, asked NCMC to contribute a report to his readers on our efforts leading up to the shutdown of longline operations in the southeastern U.S. The following article, by president Ken Hinman, ran in the September/October issue of BGFJ.

The commercial bykill of billfish in U.S. waters of the Atlantic Ocean has been cut by more than half since 2000, the year the National Marine Fisheries Service (NMFS) closed huge swaths of coastal fishing grounds to tuna and swordfish longlining. Dead

White Marlin

discards of sharks and under-sized swordfish are down about 25 percent. In all, tens of thousands of big fish are slipping the longline gauntlet.

Getting so many indiscriminate and deadly longline hooks out of bycatch "hotspots" off South Carolina, Georgia and both coasts of Florida has been very good news for the fish and the future of ocean fishing. It's substantially lowered incidental mortality of white and blue marlin and large coastal sharks, among the most depleted of all big game fish, while giving safe haven to the newly rebounding population of young swords.

But it didn't come easy -- and it's only the beginning. Starting in the late 1980s, U.S. longliners fought any and all attempts by conservationists to change where, when and how they fish in order to minimize fatal interactions with marlin and other non-target species. NMFS officials, for their part, were long-time victims of "regulatory capture" - when regulators serve the interests of those they're supposed to be regulating instead of the public's interest - and were unwilling to force the issue. That is, until they got sued.

The National Coalition for Marine Conservation filed a lawsuit against NMFS in June 1999, charging the agency with failing to carry out its legal responsibility to reduce bycatch in the longline fishery. We were joined in litigation by the National Audubon Society and Natural Resources Defense Council. The case, *NCMC v. Secretary Evans*, was soon settled out of court, with NMFS promising the judge - and us - it would issue a new rule implementing time-area closures sufficient to satisfy the law.

There is no question that had we not sued NMFS, little or nothing would have been done to curtail longlining. And yet the quickness with which the agency succumbed to legal action on this matter underscores not just the power of the courts but also the critical importance of preparing a strong case. We succeeded where others failed precisely because we'd spent years building that case.

We co-founded the Marine Fish Conservation Network, which was instrumental in changing federal law in 1996 to make minimizing bycatch one of our national fisheries mandates. We studied all the available options for reducing longline bycatch, including analyzing NMFS' own data, looking for answers the agency didn't want to find. We published the results in our 1998 study, Ocean Roulette. In that report we recommended, among other things, specific closed areas that mirror those ultimately adopted by NMFS two years later.

We've worked hard ever since to protect these valuable closures against a series of longline industry assaults. We filed "friend of the court" briefs, first against a lawsuit to overturn the closures and then opposing an attack on the requirement that all longliners carry vessel monitoring systems (VMS) to track their whereabouts. Last November, the courts upheld the closures *and* the VMS requirement.

We've continued to push NMFS to evaluate additional areas to protect overfished marlin, including the Mid-Atlantic Bight and northern Caribbean. And when we became aware that NMFS was working with the longline industry to permit vessels back into the closed areas, without observers, to conduct dubious "research" - whose main purpose seemed to be finding ways to circumvent the closures - we challenged the industry's proposal. It's since been

CIRCLE HOOKS ARE CATCHING (ON)

The recreational fishing community has a long history of adopting self-imposed conservation measures to improve the health of our fisheries. This strong conservation ethic is nowhere more apparent than in the spread of catch-and-release fishing. Not only has this practice benefited the recovery of numerous species, it also gives the recreational community the authority to demand similar conservation sacrifices from other fishermen.

The next step for anglers, however, is to make sure as many released fish as possible survive. Circle hooks offer a proven method of reducing post-release mortality. Designed to latch in a fish's jaw and prevent gut hooking reducing the number of fatal injuries - circle hooks are already in use by many anglers. Charter boats at Guatemala's *Fins 'n Feathers Inn* - one of the world's premier sailfishing destinations - use circle hooks exclusively, having pioneered their use with natural baits. Every year these boats break records for numbers of fish released alive and healthy. The Big Rock Blue Marlin Tournament (out of Morehead City, North Carolina), is now awarding additional points for marlin caught and released on circle hooks.

To reduce post-release mortality of big-game fish, NOAA Fisheries is beginning an outreach program this year to further promote the voluntary use of circle hooks for catching billfish and swordfish. Anglers who haven't yet experimented with circle hooks should give them a try. With the act of releasing fish comes the responsibility of seeing to it that they're in the best condition possible.

shelved while priority research needs are evaluated.

Finally, more marlin and other highly migratory species are killed by foreign fleets. That's due in part to our successful conservation efforts here at home and in part to the lack of effective action by others in the international community. Following on recent Atlantic-wide cutbacks in billfish landings, we're now working to get ICCAT scientists to identify and regulate bycatch hotspots on the high seas (see following article).

The next billfish assessment will be in 2005. We can't know what shape the stocks will be in then. But it's a safe bet that more conservation will be needed, especially given the dire condition of white marlin, which narrowly averted an Endangered Species Listing last year. Keeping U.S. conservation as strong as possible, we are focused now on building the strongest possible case at ICCAT two years from now. We must persuade other countries, as we've always done, by example and political pressure. It's a challenge, one that will require a united conservation community. Because, unfortunately, we can't sue ICCAT when it fails. ❑

INTERNATIONAL LONGLINE CLOSURES NEEDED TO HELP MARLIN

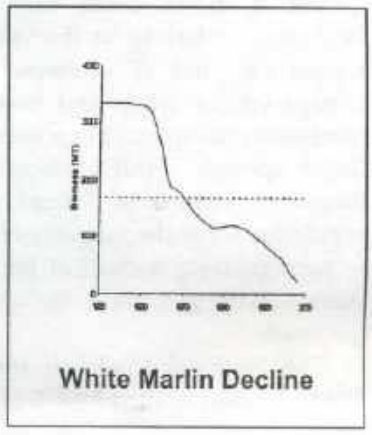
Next Three ICCAT Meetings Are Critical

Populations of blue and white marlin in the Atlantic are at all-time lows. Although recently denied for listing as a threatened or endangered species, the white marlin remains a Candidate Species for listing under the U.S. Endangered Species Act, because its numbers have dropped to around 6% of historical abundance. Blue marlin populations are slightly better off, but both are still in decline.

Blue and white marlin are accidentally killed by longline fishing vessels targeting tuna or swordfish. Today, longline bycatch accounts for over 95% of all marlin killed in the Atlantic. Even prohibiting all commercial fishing for marlin would not necessarily recover their populations, as they will continue to be caught and killed when longliners are fishing for swordfish and tuna.

The only viable method of recovering marlin stocks in the Atlantic is through international time-area closures to longline fishing where marlin congregate to feed and spawn. The United States has begun addressing longline bycatch, closing known hotspots off Florida, Georgia and South Carolina, and in the Gulf of Mexico. Domestic laws require bycatch to be reduced, and while the current closures are a great start, additional areas should be closed specifically to reduce marlin bycatch.

Our domestic closures also tell other countries that we are serious about recovering marlin and other bycatch species. But the reality is that it will take international action to protect billfish enough to rebuild the stocks. Large-scale time-area closures on the high seas are needed. It is doubtful marlin have any hope of recovery without them.



White Marlin Decline

The only way to secure such closures is by working through the International Commission for the Conservation of Atlantic Tunas, or ICCAT, of which the U.S. is a member. ICCAT will conduct another billfish stock assessment in 2005, followed by new management measures. Therefore, the next three ICCAT meetings (2003, '04, '05) will be critical to the future of white and blue marlin. Obtaining international longline closures at ICCAT will take dedicated and prolonged leadership from the U.S. delegation, since most other countries are opposed to placing restrictions on their longline fleets in order to conserve what they consider bycatch.

The National Coalition for Marine Conservation is working with U.S. officials to make marlin conservation a top priority at this November's ICCAT meeting. We must make fishery officials from other countries understand how important billfish are to the U.S. public and the U.S. economy. We must be as aggressive in pursuing our national goals for billfish as we have been for bluefin tuna and swordfish.

NCMC will testify at the October 26th meeting of the U.S. Advisory Committee to ICCAT. We are submitting testimony for an October 30th House Resources Committee Oversight Hearing on issues for the upcoming ICCAT session. We will be attending the annual ICCAT meeting, as a billfish advocate, in late November in Dublin, Ireland.

TURNING THE TIDE

NCMC News & Activities

DOLPHIN PLAN APPROACHES THE FINISH LINE

On September 26th, NOAA Fisheries published the Notice of Availability for the final Atlantic Dolphin/Wahoo Fishery Management Plan (FMP), signaling that the long-awaited plan to give lasting protection to one of the southeast's most important offshore fisheries is nearing the finish line. NCMC views implementation of the proactive dolphin/wahoo FMP as extremely critical, because it will protect a healthy fishery from future overfishing. Approval of the plan by NOAA this fall could mean conservation measures, including a cap on commercial catches and bag and size limits for anglers, will take effect before the 2004 fishing season begins next spring.

NCMC INVITED TO DISCUSS ASMFC STRATEGIC PLAN

The ASMFC is validating and updating its Five-Year Strategic Plan. This process includes a review of the commission's relationships with stakeholders and interest groups. John Nelson, Chairman of the ASMFC, invited NCMC president Ken Hinman to a two-hour open discussion August 27th with an audience of Nelson, the commission's Vice Chair, Past Chair and Chairs of the Legislative and Governors Appointees Committees.

WHITE MARLIN & ESA -- AGAIN

On September 18th, the Center for Biological Diversity and the Turtle Island Restoration Network filed a 60-day Notice of Intent to sue NOAA Fisheries over its decision a year ago not to list white marlin as an endangered species. Although we believe the lawsuit is without basis - NOAA properly designated white marlin a Candidate Species under the Endangered Species Act and promised to review its status again in 2007 - we are concerned it will distract U.S. billfish advocates from our ICCAT objectives (see page 10). We don't want to see this litigation divide the conservation community at a time when unity is critical in order to achieve our international goals.

MARLIN ANGLERS GIVE TO NCMC AT MID-ATLANTIC TOURNAMENT

It was another successful fundraising event for NCMC at the Mid-Atlantic $500K Tournament in Cape May, NJ, August 17-22, 2003. NCMC runs the tournament prize raffle under the big tent along with IGFA and RFA, and proceeds are split three ways to benefit each group's big fish conservation programs. The raffle includes many glamorous prizes such as trips, jewelry, fishing tackle, clothing, gift certificates and other merchandise. Angelo Pilnatara of New York took home our grand prize, a briefcase full of $20,000 cash! A big thanks goes out to all the donors who contributed to our prize table, and to the tournament owners for this great opportunity. For more information on the tournament, visit South Jersey Marina's web site, www.ma500.com.

FISHERIES PROJECT DIRECTOR TIM HOBBS HEADS FOR LAW SCHOOL

In September, Fisheries Project Director Tim Hobbs returned to school to study law at the University of Washington (which, he points out, also happens to have one of the premier fisheries departments in the nation.) Throughout his 3 ½ year tenure with NCMC, Tim exhibited three qualities we value very much: intelligence, enthusiasm and passion for his work. He embraced the NCMC philosophy and was an invaluable advocate. We wish him luck in law school, where we know these same attributes will serve him well. Following is his farewell letter to the board.

I am moving to Seattle where I will be starting law school at University of Washington. Leaving my post here will be difficult as I am deeply invested in the work, personally as well as professionally, and it is hard for me to imagine a more rewarding job with a better organization.

We've achieved a number of victories during my three and a half-year tenure. From obtaining the first-ever longline closures in the Atlantic and a total ban on longlining off the Pacific coast, to securing conservation plans for dolphin and wahoo, Sargassum, ending shark finning and defeating countless attempts to undermine existing laws and regulations, the activity has been intense. While most of these achievements were the culmination of years' worth of work by NCMC, having a hand in the final push was quite gratifying. Actions taken to reduce longline bycatch and other events, such as the nascent swordfish recovery, have renewed my optimism for the future of the ocean's big fish. There are bright spots in other areas as well. NCMC's work to conserve prey

species and advance an ecosystem-based approach to management is finally making a palpable impact. The initiative I'll miss seeing through most is our current campaign to curtail the industrial menhaden fishery in Chesapeake Bay.

After working for and with a number of marine conservation and fishing groups over the past six years, I can honestly say that NCMC is the best there is, hands down. No other group even approaches NCMC when it comes to consistent and competent advocacy. What we lack in size is made up for in substance. As a conservation-minded angler, I believe there is no other organization that adequately represents my interests day in and day out.

One day I will return to this field and the knowledge and experience gained with NCMC will amplify my ability to contribute. Thank you for making NCMC the solid organization that it is, and for giving me a wonderful opportunity to work here. I wish you all the best and hope you will stay in touch.

NEW & IMPROVED SHARK RULES

NOAA Fisheries has proposed a new set of regulations that responds to the latest findings of the Large Coastal Shark assessment. The proposed rules would provide substantially greater conservation and vastly improve chances for recovery. NCMC submitted written comments and participated as a member of the Highly Migratory Species Advisory Panel on September 30th. The meeting was devoted to reviewing the new shark rules with NOAA officials. The rules are expected to be finalized by January.

COUNCIL AFFIRMS WEST COAST LONGLINE BAN

In June, the Pacific Fishery Management Council took final action on its HMS Fishery Management Plan. It will now be submitted to NOAA Fisheries for approval. The plan features a ban on the use of pelagic longlines off the west coast and prevents establishment of a small-mesh gill net fishery.

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