



THE NCMC

MARINE BULLETIN

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TWO FOR THE BOOKS

A PAIR OF PRO-ACTIVE PLANS WILL SAFEGUARD SOUTHEAST FISHERIES

Good things are happening for offshore fishing in the southeast. Toward the end of 2003, a pair of precautionary conservation plans, both a half-dozen years in the making, were finally approved. Together they will help safeguard valuable fisheries while setting an important precedent.

First, NOAA Fisheries imposed strict new limits on the commercial harvest of sargassum weed, the pelagic brown algae that provides critical habitat for a host of oceanic species on the continental shelf off the southeastern United States. As of November 1st, harvest is now prohibited off South Carolina, Georgia and Florida with only a tiny "catch" permitted off North Carolina, if it's at least 100 miles from shore.

One fish that will benefit greatly from sargassum protection is the dolphin. The South Atlantic Fishery Management Council says weed-lines are an essential source of food - dolphin feed at the surface on other fishes, crustaceans and plants associated with floating sargassum. Moreover, adds the council, seasonal angling success has been linked to the availability of sargassum along the southern coast.

The dolphin, and southeast anglers, will also benefit from a second new conservation plan, approved by NOAA Fisheries on December 23rd. The Dolphin/Wahoo FMP is expected to be in force by the beginning of the spring 2004 fishing season.

Dolphin's Future Looks Brighter

Protecting sargassum and preventing overfishing of dolphin have been priorities of the National Coalition for Marine Conservation for years. We've worked with the South Atlantic Council since 1997 to fashion plans that are precautionary and risk-averse, designed to keep these resources healthy and the fishing productive well into the future.

The dolphin is among the most valuable recreational species on the Atlantic coast. Due to concerns that increased fishing pressure could jeopardize this good thing, the plan seeks to stabilize sport and commercial fishing at recent levels. The dolphin fishery is now primarily recreational and the new regulations are meant to keep it that way.

East Coast anglers will fish under a bag limit of 10 dolphin (and 2 wahoo) a day. Fishermen in Georgia and Florida will also adhere to a minimum size limit of 20 inches for dolphin. A commercial license will be needed to sell dolphin or wahoo. Commercial vessels will be limited to a total of 1.5 million pounds, or 13% of the total dolphin catch. The use of surface longlines to catch dolphin will be prohibited in the 133,000 square miles of water off South Carolina, Georgia and Florida that are now closed to longlining for tuna, swordfish and sharks.

The many anglers who've feared that commercial fishermen, especially swordfish longliners, would set their sights on the more plentiful dolphin and add this fish to the long list of depleted species can rest easy when this plan takes effect. And fishery managers can be proud that, at least in the case of sargassum and dolphin, they didn't wait for trouble, they avoided it.

□

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

SEPARATION ANXIETY

Last year the Pew Oceans Commission advocated a fundamental change in the way our fishery management system works. The regional councils, comprised mostly of working fishermen or their representatives, should continue to allocate fish and regulate fishing. But the total allowable catch - that is, the absolute amount of fish that can be caught - should be determined by an independent group of scientists.

We agree. We endorsed this kind of reform when it was first proposed back in 1986, as the core recommendation of a Fishery Management Study commissioned by NOAA. The Pew Commission has done well to resurrect the idea of separating science-based conservation from the political machinations of allocation-based management. And in doing so, the commission has buoyed interest among fishing and conservation groups looking for a simple and durable way to minimize the age-old conflicts between sustaining fish populations and maintaining catches. The 150-group Marine Fish Conservation Network is making this separation a key part of its agenda for amending the Magnuson Act in 2004.

Members of the New England congressional delegation are seeking reforms, too. But some of them blame the science *and* the law for their fishermen's problems. So when Rep. Barney Frank (MA), for instance, calls for greater flexibility in rebuilding fish stocks and the use of independent science, one can't help but think of the years groundfish managers wasted ignoring the science and using their discretion to slow rebuilding - all with the support of regional lawmakers.

If Frank and others are truly sincere about restoring integrity to fisheries science - and at the same time enhancing its credibility with fishermen - we think they should give the idea of separating it from other management decisions a fair hearing.

We believe the setting of total fishing mortality should not only be insulated from claims on the allowable catch, it should come *before* any claims are made. Likewise, we think Congress should review recommendations for improving the use of science in conservation decisions *before* entertaining changes to the law to address the economic demands of constituents. Because whether or not science-based decisions are in fact separated within the process itself, the process of improving the science must not be compromised.

Ken Hinman, President

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

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

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

THE NCMC MARINE BULLETIN

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re: MANAGING OUR NATION'S FISHERIES

Key Challenges Still Unmet

NCMC president Ken Hinman was invited to participate in the media briefing preceding the 3-day NOAA Fisheries Conference, "Managing Our Nation's Fisheries," in November and give the environmental perspective. His invitation followed a widely-circulated NCMC statement critical of the general conference set-up - a series of progress reports from fishery managers, "rather than a sincere attempt to sort out what's right and what's wrong, what more needs to be done and how." The following is excerpted from his remarks at the National Press Club on Nov. 12th.

The back-and-forth over the state of our fisheries during the past year probably sent a confusing message to the public, what with a number of studies and reports asserting that we're losing the battle to conserve our ocean fisheries and government agencies declaring an ongoing victory. It reminds me of a line from the poet Leonard Cohen:

*There is a war between
the ones who say there is a war
and the ones who say there isn't.*

Or put another way, one side is complaining that the cup is half-empty. While the other side is saying, No, you're wrong. It's half full.

The real question is whether the cup is filling, or draining. Frankly, I'm not so sure. I do know, however, that the decisions we make from here on - in response to the recommendations of the Pew Oceans Commission and the U.S. Commission on Ocean Policy, and in the pending reauthorization of the Magnuson Fishery Conservation and Management Act - have never been more critical.

Without question, the Sustainable Fisheries Act amendments of 1996, with its mandates holding fishery managers accountable for stopping overfishing and rebuilding overfished stocks - whether implemented willingly or enforced through litigation - has finally begun to turn things around. The councils and NOAA Fisheries have halted overfishing in a number of fisheries; they're in the process of rebuilding others; and, in several cases, we've happily seen fisheries recover.

But despite measurable progress in some areas, there remain serious threats to the future of ocean fish populations and the fishing that depends on them. Too many stocks remain overfished and for some,



FISHERIES REFORM

Promoting proactive laws and policies governing marine resources

recovery is uncertain, at best. Many commercial fisheries are overcrowded, still using non-selective fishing gears that trap or hook non-target species and/or harm essential habitats. Fishery managers, taking advantage of the flexibility and discretion afforded them, still subordinate long-range conservation planning to short-term economic demands. The world's fishing fleets, having already depleted many species at the top of the food chain, are fishing further and further down that chain, reducing prey populations that are the foundation of entire marine ecosystems.

Three Badly Needed Reforms

The media advisory for today's discussion says, "Our nation is at a crossroads of tackling old challenges and meeting new ones." Coincidentally, at the beginning of 2003, the National Coalition for Marine Conservation, in kicking off our 30th year, declared "Ocean Fishing at the Crossroads" and outlined our perspective on the challenges still unmet. Foremost among these, in our view, are:

- The need for an ecosystem-based approach to fishery management. We attempt to conserve each species alone, just as we fish for them. This myopic approach doesn't account for interactions among predators and prey or the effect fishing for one has on the other. Or fishing operations that kill a wide range of species indiscriminately. We have to turn our attention to preventing "ecosystem overfishing," which occurs when reducing one component of the food web adversely impacts another, or precipitates unknown or unpredictable changes in the ecosystem.
- The need to separate conservation and allocation decisions. We need to improve the science on which conservation decisions are based and to insulate science-based decisions designed to maintain resource productivity for future generations from pressures to allocate those resources to meet the needs of present users. This

requires a shifting of responsibilities within the present system.

☛ The need for a national vision of what we mean by "sustainable fisheries". Although we have set about the task of restoring our ailing fisheries by rebuilding fisheries to healthy and sustainable levels, we don't have a collective clue as to what that means in terms of who tomorrow's fishermen will be, how they will fish or to what end. Without such a vision, the age-old conflicts will conspire again to deny us a healthy marine ecosystem, as they have in the past. As Yogi Berra said, if you don't know where you're going, you probably won't get there. Unlike setting catch limits, this task is well suited to regional planning councils that have the active participation of fishing interests and members of the public, with meetings held regularly along the coast. However, the present council system must be opened up to allow representation for more members of the non-fishing public.

As this Congress and the next consider changes to the Magnuson Act, it is critical that we do nothing to weaken the mandates of the SFA, while strengthening the law and giving fishery managers clear direction on how to meet these new challenges. □

NCMC PROPOSES NEW MENHADEN CONSERVATION PLAN

Interstate Panel Agrees to Reconsider Menhaden Overfishing

The National Coalition for Marine Conservation (NCMC) went before the Atlantic States Marine Fisheries Commission (ASMFC) at its December 2003 meeting to offer a new plan to conserve menhaden. Overfishing in the Chesapeake Bay, where menhaden and menhaden fishing are concentrated, has diminished the ecological role of this small prey fish. NCMC's recommendations to the Commission seek to ensure an adequate supply of menhaden as forage for striped bass and other predators and preserve its critical role as a filter feeder in cleansing coastal waters of excess nutrients.

The ASMFC responded by directing its scientific advisors to review mounting concerns about the diminished ecological role of Atlantic menhaden in February, with emphasis on depletion in Chesapeake Bay. Following this review, with an opportunity for

input from the public, the Commission will consider whether to begin amending its menhaden fishing regulations when it reconvenes in March.

The ASMFC's Menhaden Management Board, which met December 17th in New York, heard testimony from representatives of the National Coalition for Marine Conservation, Chesapeake Bay Ecological Foundation, Coastal Conservation Association and Environmental Defense. All four organizations raised strong concerns about the status of menhaden and asked the Board to begin the process of amending the Interstate Fishery Management Plan (FMP) for Atlantic Menhaden.



The NCMC presented the Commission with a petition signed by thousands of anglers from Maine to Florida, and a 9-page statement (reprinted in its entirety beginning on page 5) summarizing evidence of existing or pending ecological crisis in Chesapeake Bay and beyond, and suggesting amendments to the menhaden plan to address these problems.

"The continued high level of menhaden harvest in the Bay, if not curtailed, could jeopardize the hard-earned recovery of striped bass and other species, while hindering efforts to clean up the Bay environment," NCMC president Ken Hinman told fishery managers from twelve east coast states. "The situation practically cries out for an ecosystem-based approach to management but, although well-intentioned moves are being made in this direction, the system moves without urgency while we continue to management without caution."

The NCMC plan outlines four specific changes to menhaden fishing and conservation that can be achieved through amendment of the Interstate Menhaden FMP. These are:

1. Make conserving menhaden as forage for predators and as a filter feeder of coastal waters the primary plan objective.
2. Expand the FMP's information base to fully describe linkages in the Chesapeake Bay food web and incorporate the numerous studies supporting concerns about the diminishing role of menhaden in the ecosystem.
3. Add a definition of "ecosystem overfishing" as an alternative to traditional single-species overfishing criteria, with appropriate biological reference points and triggers for action.
4. Establish a conservative, precautionary total allowable catch that provides a suitable buffer against ecosystem overfishing, with appropriate measures to control the harvest of forage-size menhaden and disperse effort away from nursery areas such as Chesapeake Bay.

NCCM is coordinating its efforts with those of Environmental Defense, the Coastal Conservation Association, Chesapeake Bay Foundation, Recreational Fishing Alliance, Chesapeake Bay Ecological Foundation and other wildlife conservation groups in preparation for upcoming ASMFC meetings.

**A Recommendation to
Amend the Atlantic Menhaden
Fishery Management Plan
to Protect and Preserve
Menhaden's Ecological Role
in Chesapeake Bay
and Throughout Its Range**

NCCM, December 2003

Two years ago, the Atlantic States Marine Fisheries Commission (ASMFC) began the task of constructing a process for integrating traditional single-species management into a forward looking, multispecies framework. The National Coalition for Marine Conservation (NCCM) has encouraged and participated in this effort, which we believe could eventually provide guidance and direction to not only the ASMFC but also other fishery management bodies faced with similar challenges.

Unfortunately, we are also convinced that circumstances are overtaking the Commission in the

matter of Atlantic menhaden and its present and future role in the coastal ecosystem. The Interstate Fishery Management Plan (FMP) for Atlantic Menhaden and the Menhaden Stock Assessment, as presently constituted, are not equipped to address concerns regarding maintenance of an adequate population to serve forage and water quality functions, particularly as they impact striped bass and the Chesapeake Bay. The prospects for remedial action in the foreseeable future are not good, according to the timelines outlined in the draft multispecies framework.

The NCCM believes the circumstances, as described herein, warrant the ASMFC taking a precautionary approach to the conservation and management of menhaden and dependent predators under its jurisdiction. The weight of scientific information available to us, although marked by uncertainty, nevertheless indicates potential problems with significant ramifications for a wide range of species. The uncertainties involved, far from providing an excuse for inaction, instead demand a deliberate and informed response from the Commission. Because of the protracted process required to amend a fishery management plan, especially an amendment that would take management into new and uncharted territory, the ASMFC should begin this process immediately.

Recommendation

The National Coalition for Marine Conservation respectfully urges the Atlantic Menhaden Management Board to initiate the process of amending the Interstate Fishery Management Plan for Atlantic Menhaden to address concerns about the diminished ecological role of menhaden, on a regional as well as coastwide basis, with the goal of incorporating, as necessary, new objectives, reference points and management measures designed to protect and preserve the sustainability of the menhaden resource and associated species and the fisheries that depend on them.

The present Menhaden FMP (as amended in 2001) includes among its objectives that of managing the menhaden fishery to reduce impacts on species that are ecologically dependent on menhaden and to promote improved water quality through maintenance of a healthy menhaden population. It does not, however, contain a "plan" to actually accomplish these objectives.

Indeed, there are over 100 FMPs developed and administered by federal and interstate management bodies in the United States. But precious few are truly *plans* in the sense that they anticipate future events and prepare accordingly. The regulations contained in most FMPs are a *reaction* to problems that have become severe enough as to be beyond denial. In this case,



CONSERVING MARINE ECOSYSTEMS

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

that approach could be disastrous. And yet it seems the ASMFC is content to wait for the Menhaden Technical Committee to report that overfishing is occurring before making any change in management strategy.

The single-species Menhaden Stock Assessment, even though it concludes that menhaden are not overfished and that overfishing is not occurring, provides little comfort in the broader ecosystem context. First of all, it is done on a coastwide stock, which doesn't account for the possibility, and in this case likelihood, of localized depletion in Chesapeake Bay where the menhaden reduction fishery is concentrated. Nor does the assessment account for the forage needs of a wide range of predators. It only measures the health of the stock in terms of its ability to sustain the current commercial harvest.

Whether that harvest - in terms of how many fish are taken, of what age/size and where they are caught - is in truth sustainable is precisely the question that must be answered. To say that menhaden are not "overfished" (according to the single-species definition in the FMP) and therefore conclude that "ecosystem overfishing" is not occurring is to beg the question.

Clear and Compelling Signs of Trouble

We believe, as do other fishing and conservation organizations along with thousands of anglers from Maine to Florida, that there is a danger to striped bass and other key predators if we continue to harvest menhaden the way we do. 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 large-scale commercial menhaden reduction fishery is a hundred years old. Concerns about the impact of an excessive menhaden harvest on other

species are at least several decades old. But events are overtaking us, converging in both time and space. Chesapeake Bay, the nation's largest estuary, was once the most productive ecosystem on the Atlantic seaboard. Some 2,700 species of fish, birds and other animals spend their lives in the Bay, or at least a crucial part (to breed, feed or mature) between migrations up and down the coastline. The Chesapeake is at once the mother of the Atlantic's striped bass population and the center of its menhaden fishery.

In Chesapeake Bay, predator demand is reaching unprecedented highs while available prey is at an all-time low.

A growing number of conservationists and biologists believe the continued high level of menhaden harvest in the Bay, if not curtailed, could jeopardize the hard-earned recovery of striped bass and other species, while hindering efforts to clean up the Bay environment. The situation practically cries out for an ecosystem-based approach to management but, although well-intentioned moves are being made in this direction, the system moves without urgency while we continue to manage without caution.

The evidence of an existing or pending ecological crisis in Chesapeake Bay and beyond is circumstantial but nonetheless compelling.

- The harvest of Atlantic menhaden, a stock found from Maine to Florida, has become more and more concentrated within Chesapeake Bay. Since 1997, 58% of the entire East Coast catch (by weight; nearly 70% by numbers of fish) has been taken from waters of the Bay.
- The Chesapeake is the striped bass' main spawning ground. Possibly as much as 90% of the coastal migratory population breeds there.
- The spatial consolidation of the menhaden reduction fishery in the Bay has coincided with the return of striped bass, a key predator, beginning in 1990.
- The numbers of striped bass and other consumers of menhaden (bluefish and gray trout, as well several species of water birds among them) have increased dramatically as a result of concerted efforts to rebuild previously depleted populations. As a result, total demand for prey is now at a level not experienced for decades, and growing.
- The number of adult striped bass is still on the rise, desirably so, as we seek a more stable age-structure in the population. For large adult striped bass, the most prolific egg-producers and thus the key to a sustainable fishery for the future,

immature menhaden are the preferred prey. The diet of mature bass typically consists of 70-80% menhaden, primarily sub-adult fish (under the age of 3).

- Nearly 9 of 10 menhaden harvested by the purse seine (reduction) fishery are of prime forage size. Last year, for example, 73% of the menhaden catch in Chesapeake Bay was sub-adult fish (age 0-2).
- Juvenile menhaden abundance has been in decline since 1990 and is currently at an all-time low.
- Chesapeake Bay historically has produced nearly half (47%) of each new generation of menhaden for the coastwide stock. Indices of juvenile abundance are poorest in the Bay.
- The number of loons, osprey and other water birds nesting in the Bay or stopping there during their coastal migrations is down from a decade ago. Some scientists speculate the reason for the decline may be a lack of small menhaden.
- The catch of underweight or "skinny" rockfish has been commonplace since the early days of the comeback in the mid-1990s. Samples collected from the Bay have confirmed that on average bass carry only 10-25% of the body fat typically found in healthy fish.
- The reduced length-to-weight ratio strongly suggests poor nutritional health among the Bay's striped bass population. There are indications bass are feeding more on alternative and less nutritious prey, namely bay anchovy and blue crab, which are themselves at historical low supplies.
- Up to half the Bay's striped bass are infected with mycobacteriosis, a chronic wasting disease that scientists believe is stress-related and could be linked to malnutrition and/or poor water quality. The disease, rare in wild fish, first appeared in 1997 and has been increasing in frequency and severity ever since. It now has been detected in the coastal population as well.
- Oxygen-sucking, fish-killing algal blooms are turning more and more of Chesapeake Bay into dead zones, devoid of life. The number and size of such areas in the Bay has reached alarming levels. 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.
- Menhaden are a principal filter feeder of the Bay's waters, second only to oysters, which are

virtually extinct. Menhaden control nutrient levels through grazing and transfer into fish tissue and make energy available for consumption by predators. Scientists recognize the potential to control water quality by regulating removals of menhaden.

The present menhaden management program does not accommodate consideration of these and other concerns. It features no process for assimilating this information into the stock assessment or informing management decisions.

As the Menhaden Stock Assessment Peer Review Panel noted in its recent report to the ASMFC, the 2003 assessment does not measure the stock's capacity to provide adequate forage for other species. The panel noted that, while the assessment tracked status on a coastwide basis "it would not detect localized depletion and reduced ecological function that could occur when the fishery is concentrated in one part of the coast." Instead, it considers only whether the stock is of a size capable of providing the maximum sustainable yield to the menhaden fishery. It contains no triggers or mandate for action except if overfishing occurs in the strictly single-species context.

Needed: A Precautionary Approach

The Ecosystems Principles Advisory Panel recommended an incremental approach to implementing ecosystem-based management, starting with predator-prey interactions. There are compelling reasons, we believe, to begin by protecting forage species abundance in order to serve conservation of predator populations. During the past few decades, we've fished down the populations of many ocean predators. We are now in the process of restoring their numbers. Demand for prey is going up and will only increase. It is critical, therefore, that we make sure - at least, as certain as we can be in a highly uncertain business - that we aren't pulling the rug out from under our few hard-won management successes.

We've talked and worried about the menhaden situation for at least the last seven years. Meanwhile, the reasons for concern have grown in number and severity. Meanwhile, the amount of menhaden that can be taken from (Virginia waters of) Chesapeake Bay remains completely unregulated, as does the composition of the catch (size/age). As the distinguished fishery biologist Peter Larkin advised us on the subject of predator-prey management 25 years ago, "The world won't wait while we figure it all out."

We need to act now to prevent overfishing of menhaden in the Chesapeake, by implementing risk-averse policies, at least until we have the answers to

some increasingly disturbing questions. The alternative may be an ecological disaster. That's a chance we aren't willing to take.

To this end, the National Coalition for Marine Conservation urges the Atlantic States Marine Fisheries Commission to amend the Interstate Fishery Management Plan for Atlantic Menhaden in four ways:

1 Make preservation of an adequate supply of menhaden as forage for predators and as a critical filter feeder of coastal waters, on both a coastwide and regional (e.g., Bay-wide) basis, the primary plan objective.

The slow progress in meeting the plan's ecosystem goals, along with those outlined elsewhere (e.g., the Chesapeake Bay Agreement), underscores the need to elevate these objectives to *at least* an equal level with that of sustaining a fishery. Such a change would facilitate adoption of specific management objectives in the allocation of menhaden as a harvestable resource on the one hand and as both a forage fish and a consumer of primary production on the other.

2 Expand the FMP's information base to more fully describe and comprehend the links among associated species, incorporating all available information on ecosystem health and integrity.

The FMP contains only a superficial portrait of the ecological significance of menhaden. It should be expanded and enhanced to describe the significant food web with quantitative and qualitative assessments of interspecies relationships on a regional (e.g., Bay-wide) as well as coastwide basis. Numerous studies in the literature, as well as preliminary work being done, support concerns about the diminished role of menhaden in ecosystem dynamics and should be incorporated into the information base. An expanded database would help provide scientists with a comprehensive analysis for use in making an ecosystem-based assessment of the status of the menhaden population.

3 Add a definition of "ecosystem overfishing" as an alternative to traditional overfishing criteria.

Using an MSY-based benchmark for setting the fishing mortality rate (F_{max}) is incompatible with an ecosystem-based approach to managing marine fisheries; as either a management goal, or a trigger for preventing "ecosystem overfishing"^{*}. Under MSY,

^{*} Generally speaking, ecosystem overfishing occurs when reducing one component of the ecosystem adversely impacts another, or precipitates (often unknown or unpredictable) changes in the environment.

fishery managers strive to keep a fish population at the level capable of producing the greatest amount of surplus growth available for harvest on an annual basis, a population level that may not be optimal for preserving the integrity of predator-prey relationships. An "ecosystem overfishing" definition should account for ecological linkages and include calculable reference points and triggers for action. This new definition would facilitate setting an Optimum Yield that properly takes into account ecological factors.

4 Establish a conservative, precautionary total allowable catch (TAC) that provides a suitable buffer against ecosystem overfishing, with appropriate measures to control the harvest of immature menhaden and disperse effort away from nursery areas.

The ASMFC, by choosing not to regulate the harvest of menhaden, has neglected the ecological consequences of overfishing. In turn, it has relegated management responsibility for menhaden to the individual states. In the absence of interstate guidance, a number of states have been forced to act unilaterally, without benefit of a coherent and cohesive coastwide plan. Adoption of such a plan, as recommended above, will require a restructuring of the fishery and of the current regulatory system.

The present unsustainable situation in the menhaden fishery - that is, the preponderance of menhaden being taken from a small part of the fish's range (Chesapeake Bay and adjacent waters), leading to localized depletion of the targeted juvenile population in the Bay - is a consequence of apparent contraction of the stock's migratory range (a sign of overfishing) as well as contraction of the reduction industry itself. But it is also due in part to restrictions justifiably imposed by a number of states seeking either to reduce conflicts with other fisheries or protect the forage base on a local level or both.

Interstate management measures adopted under the Menhaden FMP should:

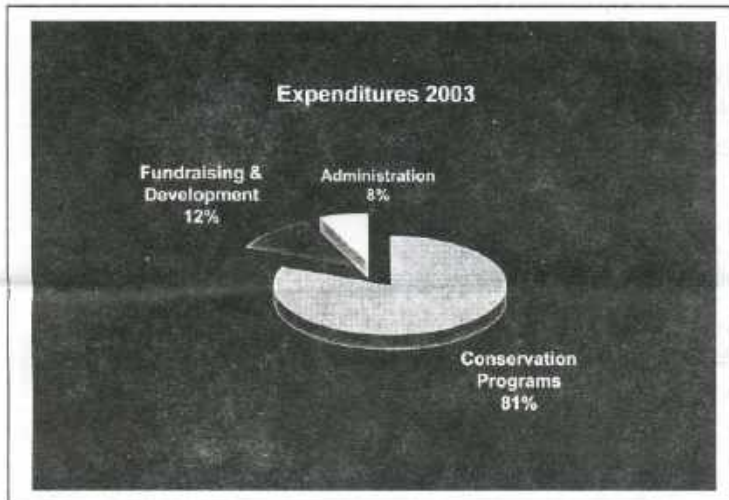
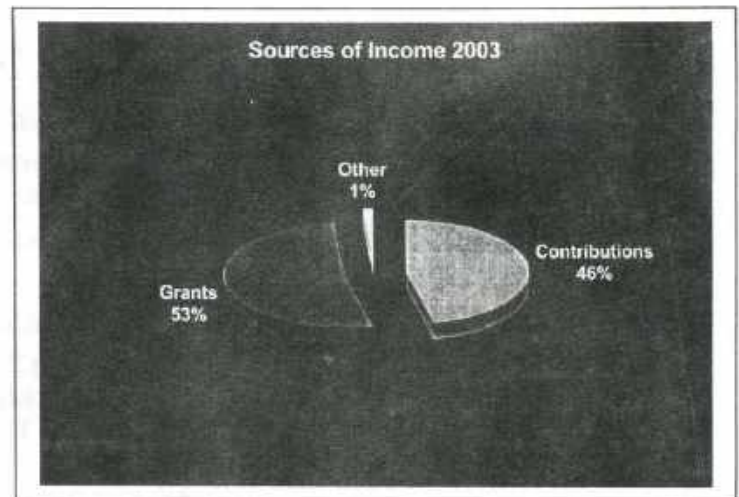
- Substantially reduce the overall catch of menhaden;
- Disperse effort throughout the range of the fish as befits a coastwide stock; and,
- Strictly limit the harvest of sub-adult menhaden (age 0-2), with emphasis on protecting the forage base within Chesapeake Bay.

The amendment process should examine, and submit for public review and comment, a wide range of options for achieving these management objectives, including seasonal or year-round closure of menhaden nursery areas.



FINANCIAL SUMMARY 2003

The National Coalition for Marine Conservation prides itself in giving our contributors the biggest return possible on their charitable donations. We believe one measure of our success is in the fact that we are able to accomplish so much with a such a low overhead - a 2003 operating budget of about \$298,000 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: (above) 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. Total income was down by 4% from 2002.

(left) How the funds were spent, divided among conservation programs, fundraising and development, and administration. We kept overhead low but fundraising costs remained near 2002 levels because the continued slump in the economy made raising new sources of money difficult.

(below) How funds were allocated among our various conservation programs. The biggest change from 2002 was increased activity in our ecosystems/predator-prey work.

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

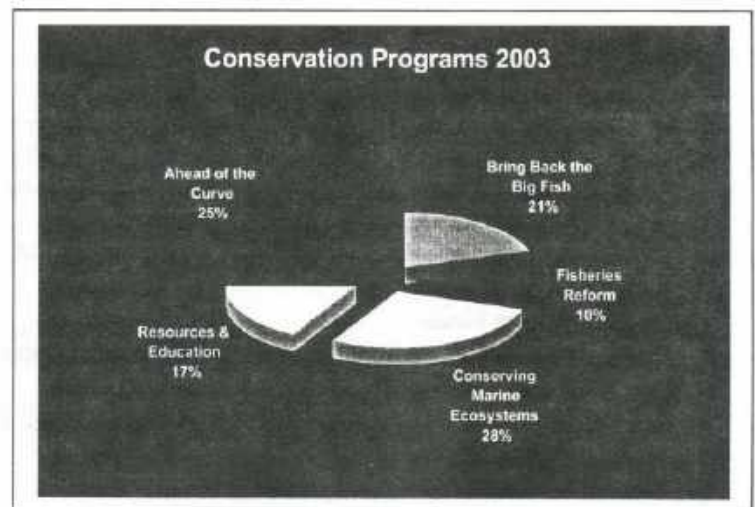
Bring Back the Big Fish. Restoring and conserving the ocean's giant fish: billfish, swordfish, tunas and sharks.

Fisheries Reform. Promoting proactive laws and policies governing the use 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.



2003 OCEAN 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 efforts to conserve ocean fish and their environment in 2003. Every 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 2003.

Grants

- ☆ Mostyn Foundation
- ☆ Curtis & Edith Munson Foundation
- ☆ David & Lucile Packard Foundation
 - ☆ Knight Vision Foundation
 - ☆ Marine Ventures Foundation
 - ☆ Cox Charitable Trusts
 - ☆ A.P. Kirby, Jr. Foundation
 - ☆ Norcross Wildlife Foundation
- ☆ Sandler Family Supporting Foundation
 - ☆ WJS Foundation, Inc.
- ☆ Yamaha Contender Miami Billfish Tournament

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TURNING THE TIDE

NCMC News & Activities

NCMC MARINE BULLETIN 11

NCMC ADDRESSES ECOSYSTEM PLANNING AT FISHERIES CONFERENCE

NCMC President Ken Hinman spoke on a panel of experts on Ecosystems Planning at the national conference, "Managing Our Nation's Fisheries," in Washington D.C. on November 14, 2003. He used concerns about menhaden in Chesapeake Bay, herring in the northeast, squid in the mid-Atlantic, and coastal pelagics on the west coast to highlight the need for improved protection of key forage species and offered a blueprint for amending Fishery Management Plans.

NOAA RE-PROPOSES AND NCMC RE-OPPOSES EXEMPTED PERMITS FOR LONGLINERS

When NOAA Fisheries re-opened the comment period on the issuance of Exempted Fishing Permits (EFPs) for the capture of prohibited Atlantic highly migratory species (HMS), NCMC repeated its opposition to issuance of EFPs that would allow swordfish boats to re-enter areas closed to longlining in 2000. We challenged the rationale for allowing "research" in the areas closed to protect juvenile swordfish, billfish and sharks from indiscriminate longlines. The feasibility of conducting studies in the open areas, without undermining the effectiveness of the closures, has not been sufficiently explored. Moreover, the unspecified level of longline effort that might be permitted inside the closed areas, along with the lack of adequate observer coverage of their activities, raises serious questions about both the integrity of the research and its potential impact on protected resources.

We also objected to allowing U.S. longliners, when fishing within the waters of other nations with less restrictive conservation measures, to be exempt from U.S. law. Highly migratory species, to the greatest extent practicable, should be conserved throughout their range. Letting U.S. fishermen avoid conservation by moving their operations elsewhere defeats the intent of both U.S. and international conservation efforts.

HINMAN APPOINTED TO BILLFISH PANEL

On January 15th, John Dunnigan, Director of the federal Office of Sustainable Fisheries, announced that NCMC president Ken Hinman has been selected to serve on the NOAA Fisheries Advisory Panel for Billfish. He will serve a two-year term as an advisor to the agency on all matters relevant to U.S. conservation and management of Atlantic marlins and sailfish.

The Billfish Panel will meet February 9-11 in Silver Spring, MD, in conjunction with the Highly Migratory Species (swordfish, tunas, sharks) Advisory Panel. Because the two panels meet jointly, NCMC will be able to participate in discussions relative to all Billfish/HMS fisheries. Among the issues we plan to discuss/advocate on are: monitoring and effectiveness of longline closures; issuance of exempted fishing permits for longlining in closed areas; shark drift net fisheries in the southeast; protection for bluefin tuna on their Gulf of Mexico spawning grounds; and the future of the swordfish fishery, in particular expansion of rod-and-reel and harpoon fisheries.

WEST COAST LONGLINE BAN AWAITS FINAL APPROVAL

In December, NOAA Fisheries issued a Proposed Rule to implement the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. NCMC has been working with the Pacific Council for several years on this FMP, in response to concern about the potential effect of increased fishing on tuna, billfish and oceanic sharks and on other species caught incidentally to fishing HMS off California, Oregon and Washington. If approved by NOAA, it will take effect this year.

In comments submitted January 24th, we noted uncertainty about stock status for many HMS species and applauded the FMP's precautionary approach, which will help prevent actions that might cause overfishing or reduce the availability of these migratory fish in U.S. waters. We strongly endorsed the prohibition of pelagic longlining for swordfish and tuna within the U.S. EEZ, along with other proactive measures that will help conserve populations of striped marlin, sailfish, tunas, sharks and dolphin off the West Coast.

We urged approval of the FMP as submitted by the council, with one exception - proposed regulations for the longline fisheries outside the U.S. 200-mile zone (EEZ). In that case, we supported substitution of a NOAA "companion rule" that would further limit longlining on the high seas to ensure better protection for sea turtles.

NCMC WEB SITE GETS EVEN BETTER

We are always working to improve our web site - www.savethefish.org. It attracts thousands of visitors every month, some for the first time, many who rely on it as a regular source of information.

In the latter part of 2003 we added some new interactive features and expanded our Internet activist list. With the "Save the Striper" campaign, we launched an on-line petition that drew thousands of striped bass anglers to our web site and enlisted many of them in our Email Action Network. We regularly update Email Action Network members on newsworthy events of interest - lists serve people interested in seven categories - opportunities for public input. Through the striper petition drive, we've also compiled a mailing list for future action alerts, which will be invaluable when hearings on amendments to the menhaden plan are scheduled. (see page 4) Finally, we added a "search" feature to our site, which allows visitors to find the information they are looking in a quick and user-friendly manner.

Our striper/menhaden campaign resulted in NCMC articles being published in numerous club

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RESOURCES & EDUCATION

*The Latest
Information and
the Newest Ideas*

newsletters up and down the coast and on web sites where we had not previously had an audience. We were also featured in newspaper articles on the striper/menhaden issue.

In addition, Ken Hinman's December Salt Water Sportsman column was about how "Menhaden Netters Threaten (the) Chesapeake"; Big Game Fishing Journal allowed us a guest editorial on billfish conservation in Sept-Oct; and "The NCMC Fisheries Watch," a regular feature in Sport Fishing, covered a wide range of current issues.



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FOR MARINE CONSERVATION
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THE NCMC

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HOW THE WEST WAS WON

NOAA FISHERIES ADOPTS WEST COAST HMS PLAN

Management plans to keep healthy fisheries healthy are just as important as regulations to reverse overfishing. Though it ought to be faster and easier to get these pro-active plans into place, our experience struggling to stay ahead of the curve has proven otherwise. After all, the recently adopted Atlantic sargassum and dolphin plans were in the works for 8 and 7 years, respectively. (see "Two for the Books," MB No. 106) Nonetheless, patience and hard work do eventually pay off.

The Fishery Management Plan for U.S. West Coast Highly Migratory Species was a comparatively short four years in the making. In February, NOAA Fisheries gave the Pacific Fishery Management Council the good news. Their new conservation plan for HMS is now the law and should take effect this summer.

The National Coalition for Marine Conservation (NCMC) actively supported the council's prudent approach to conserving swordfish, striped marlin, sharks, tuna and dolphin, an approach that features a ban on pelagic longlining in federal waters off California, Oregon and Washington. NCMC worked with the council from the plan's inception in 1999. At that time, the potential for increased fishing pressure on offshore species was very real. In fact, California-based commercial fishermen were hoping to use the federal plan to supercede state laws and introduce a new longline fishery for swordfish and bluefin tuna off the West Coast.

"The new plan for the Pacific Coast is a great first step toward achieving our twin national objectives of preventing overfishing and maintaining sustainable fisheries for U.S. recreational and commercial fishermen into the future," says NCMC president Ken Hinman. "Getting it passed was an effort, but it was a real team effort."

Hinman represented NCMC at council meetings during the plan development process, as did former fisheries project director Tim Hobbs. We worked side-by-side with other fishing and conservation groups seeking inclusion of the most conservation-oriented provisions possible. Others who were instrumental in gaining adoption of the plan were: Russell Nelson of The Billfish Foundation; Bob Osborn of United Anglers of Southern California; and Kate Wing of the Natural Resources Defense Council.

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

FOX IN THE HEN HOUSE? REMOVE THE CHICKENS

In the last *Ocean View* we talked about the Pew Oceans Commission's proposal to reduce conflict of interest on the industry-dominated regional councils by separating science-based conservation decisions from allocation-based management decisions.

If you can't get the fox out of the hen house, remove the chickens. As we pointed out, this is not a new idea. It was first suggested by a 1986 NOAA study panel that included two NCMC directors, Hal Lyman (then publisher of *Salt Water Sportsman*) and Gerry Bemiss.

But evidently it is an idea whose time has come. In April the U.S. Commission on Ocean Policy released its findings. They, too, are calling on Congress to establish a clear separation between science and management. "(S)ocial, economic, and political considerations have often led the councils to downplay the best scientific information," they say, "resulting in overfishing and the slow recovery of overfished stocks."

Eighteen years ago a good idea died on the vine. But the political climate is very different today. We now have a pair of historic commissions - one privately-funded with strong ties to the environmental community, the other sanctioned by Congress and assembled by President Bush - saying essentially the same thing, and Congress is paying attention.

Where the commissions differ is on the appointed science bodies that decide how many fish may be caught (leaving the councils to determine who may catch them, where, when and how). The POC suggests giving the conservation decision to NOAA Fisheries (formerly NMFS), while the USCOP recommends re-configured and insulated versions of the council SSCs (Scientific and Statistical Committees).

The '86 panel picked NMFS, too, but our thinking then was in line with the USCOP's. We suggested "the councils' own scientific advisory committees [SSCs] could be formalized as the conservation decision-makers and their recommendations on acceptable biological catches made binding on the councils."

No matter. If we can get Congress past the point of accepting the concept of separating conservation from allocation, and then on to debating the best process for improving the quality, integrity and credibility of the science, then we're halfway home already.

Ken Hinman, President

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

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

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

THE NCMC MARINE BULLETIN

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WINNING THE WEST

[continued from page one]

The plan includes:

- a complete ban on pelagic longlining anywhere in U.S. waters off the west coast;
- badly needed measures to monitor the offshore fisheries and collect data, including on bycatch;
- measures to reduce bycatch in drift nets;
- a federal ban on the sale of striped marlin; and,
- precautionary catch limits for the most vulnerable species of sharks.

The plan also provides a framework for additional management that will position the U.S. well as we pursue international agreements to manage highly migratory species throughout their range in the Pacific.

NCCM advocated for each of the above provisions. The one provision we opposed - allowing California-based longliners to continue to fish for swordfish beyond the 200-mile limit - was rejected by NOAA Fisheries. Instead, the agency closed the high seas fishery to surface longlining while the council revises its proposal in a manner that will afford adequate protection to endangered sea turtles. [see sidebar]

Better Fishing for Years to Come

From the beginning we had to counter an industry proposal for a new longline fishery, a fishery some council members and NOAA officials were predisposed to permit. Throughout the process, which includes dozens of council and committee meetings, we had to prevent any weakening on the longline issue. We also had to make sure the plan stayed a priority as other issues competed for council attention.

To build support, we met with representatives of recreational fishing clubs. We posted action alerts on our web site (tracking indicates California is the state with the highest number of visitors) and sent email alerts to our Pacific Coast list of activists. We published alerts in *Sport Fishing* magazine and worked with *Salt Water Sportsman* on an editorial asking readers to write letters of support.

NCCM submitted the last of its written comments on the Pacific HMS plan in January. We urged rapid approval and implementation, knowing the federal process can be prolonged for any number of reasons, increasing the chances for special interest lobbying to reject all or part of the plan. Announcement of approval on February 4th completed a four-year process with the best result possible, results that will greatly benefit West Coast fishing for years to come.

PACIFIC FOCUS SHIFTS TO THE HIGH SEAS

NCCM attended the Pacific Council meeting in Sacramento in April. The council's new fishery management plan for tuna, swordfish and billfish prohibits longline fishing in U.S. waters to prevent overfishing and bycatch of non-target fish and other animals. Longline fishing by California-based vessels on the high seas (beyond 200 miles) is also now prohibited, under the Endangered Species Act, until the council prepares rules for fishing in a way that would not jeopardize leatherback and loggerhead turtles. Establishing those rules was the purpose of the April meeting.

The course the council is now taking, at the urging of NCCM and others in attendance, is to first receive guidance from NOAA as to a threshold of interactions with turtles that would be acceptable under the ESA. Then the council would devise a management program that would limit total effort - number of vessels, sets, hooks, etc. - to achieve that goal. A key component - and a feature that we insist on - will be 100 percent observer coverage on any vessel allowed to fish and cessation of all longlining if and when the turtle threshold is reached.

The reason NOAA Fisheries is considering controlled longlining in known turtle habitat is research done in the northwest Atlantic showing use of a certain size circle hook and proscribed baits significantly reduces turtle takes. NOAA's already okayed a Western Pacific Council plan for the swordfish fishery in the North Pacific based on this research. The WesPac plan features effort limits (a 50% reduction from recent levels), full observer coverage, and closure of the fishery when a predetermined number of turtle interactions occurs.

Because the application of the Atlantic-based research to the Pacific is untested, the Western Pacific fishery is an experiment. Full observer coverage and close monitoring of that fishery will reveal whether or not interactions are indeed reduced. Fishing in the Eastern Pacific will not resume before fall 2005 at the earliest and, before it does, we will know the results out west.

NCCM is concerned about turtle interactions, but also bycatch of fish. We have asked NOAA to provide us with data on the impact of the turtle modifications on sharks and marlin, too.

In the end, tight constraints on the high seas longline fisheries will benefit all species. And workable methods of minimizing bycatch can be shared with other nations fishing the high seas.

A BILL TO PROTECT DEEP SEA HABITAT

Most of us think of warm, shallow, clear tropical waters when we think of coral reefs. But in fact, according to government biologists, most corals and sponges are found in deep or cold water. For example, more than 1,300 oceanic species, including commercially and recreationally important fish, live among the coral reefs of the northwestern Atlantic Ocean. These reefs are essential to fish and invertebrates for spawning, nursing or feeding.

The movement of bottom trawl fisheries into deeper waters - the result of overfishing coastal zones - is threatening to destroy many of these bottom habitats, even before scientists can catalogue them, much less protect them.

To prevent this loss, S. 1953, the Deep Sea Coral Protection Act, would prohibit the use of mobile, bottom-tending gear, that is, fishing nets dragged along the bottom, in deep water coral ecosystems. Trawling would still be permitted on sandy, muddy or gravel bottoms - where they were used before traditional fishing grounds were depleted - but kept out of deep water habitats that are meant to provide fish with protection to reproduce and grow to replenish their numbers.

The National Coalition for Marine Conservation strongly supports S. 1953. The bill was introduced by New Jersey Senator Frank Lautenberg. Readers are encouraged to contact their Senators and ask them to co-sponsor the Deep Sea Coral Protection Act. [Write the Honorable _____, U.S. Senate, Washington, DC 20510.] □

PANEL AFFIRMS NEED TO ASSESS & ADDRESS MENHADEN DEPLETION IN CHESAPEAKE BAY

The concerns raised by thousands of anglers and conservationists about the diminished ecological role of Atlantic menhaden, as both forage for predators and as filters of coastal waters, are important and need to be addressed, an interstate panel of menhaden scientists affirmed in March. Current management measures are ill equipped to resolve predator-prey concerns, they acknowledge, and must be changed in order to achieve ecosystem goals.

Meanwhile, the menhaden reduction industry continues a campaign of denial and misinformation, apparently fearful that a legitimate, science-based look at these issues will interfere with their plans to expand harvest from Chesapeake Bay.

The Atlantic States Marine Fisheries Commission's Menhaden Technical Committee, asked to review documents and proposals submitted by the National Coalition for Marine Conservation (NCMC) and other stakeholders, reported its findings at the March 2004 meeting of the Menhaden Management Board. Chief among the concerns raised by NCMC is the industrial reduction fishery's excessive removal of menhaden from Chesapeake Bay, where the small herring-like fish are critical prey for striped bass and other predators.

In a report which can only be read as supportive of moving to a new ecosystem-based approach to managing menhaden, the Technical Committee says the issues brought forth by the NCMC and others "are important to menhaden and the ecosystems in which they reside" and "need to be addressed" by the ASMFC.



In response to concerns about possible depletion of the Chesapeake's menhaden supply - about 200 million pounds of juvenile fish are removed from the bay annually, nearly two-thirds of the entire Atlantic coast catch - the science panel declared that "local depletion is an important issue for any species, particularly for forage species such as menhaden," while admitting that its current single-species stock assessment does not and cannot address this issue. This position echoes the conclusion of an independent scientific "peer review" panel last fall, which expressed concern that

"while the stock assessment tracked status on a coastwide basis it would not detect localized depletion and reduced ecological function that could occur when the fishery is concentrated in one part of the coast", i.e., the Chesapeake.

Workshop Suggested to Zero In On Problem, Solutions

The committee recommended making research a priority to determine if there has been a reduction of forage in the bay and the risks to other species associated with local depletion. It called for an investigation of the forage role of age-2 menhaden (73 percent of the reduction fishery's catch in the bay last year). It suggested convening a workshop of scientific experts to examine these and other questions about the ecological status of menhaden, including its part in filtering excess nutrients.

"We are encouraged that the ASMFC is taking a closer look at these issues than ever before," says NCCM president Ken Hinman, an advisor to the commission on menhaden issues who attended the Technical Committee meeting. "A better understanding of what we know, what we don't know and what we need to know will help fishery managers do what it is now clear they should do - adopt a management program that will minimize the risks of local depletion in Chesapeake Bay and adverse ecological impacts throughout the coast.

"The menhaden science panel's report makes it clear we have no such program in place, and that until we do, we are managing in the dark," Hinman adds.

Managers Consider Food Web Concerns, Postpone Decision Until May

The Menhaden Management Board met for three hours on March 11th to review the Technical Committee's report and to listen to stakeholder concerns about depletion of menhaden in Chesapeake Bay and the amount of forage available to predators such as striped bass. NCCM attended and testified before the Board.

With an addendum now being prepared to make some technical changes in the Fishery Management Plan (FMP), a motion was offered by a commissioner from Maryland, and seconded by a commissioner from New Jersey, to include in the addendum a suite of options to assess and address local depletion of menhaden in Chesapeake Bay. After lengthy discussion the Board ran out of time and the motion was tabled for reconsideration at the ASMFC's next meeting on May 26th. [see Breaking News, page 10]

"The issue of menhaden overfishing and its impact on other species is now front and center and serious proposals to address this problem are being considered," says Hinman. "And still the industry at the epicenter of the menhaden controversy - in particular, the industry's mouthpiece, the Menhaden Resource Council - chooses not to cooperate in addressing these issues. Instead, the MRC is putting out misleading information about what's really going on.

"Their news releases could have been written *before* these meetings took place," he notes, "since they reflect the lobbyists' own wishful thinking, not reality. While the industry misrepresents the facts and denigrates the motives of sincere fishermen and conservationists, we think their own motivation is crystal clear." [see Commentary page 7]

In spite of what the industry would have people believe, three of the NCCM's recommendations for improving the management plan's science with respect to menhaden's ecological role were supported by the science panel. Our fourth recommendation, to amend the menhaden plan with interim management measures to reduce the harvest of forage-size fish in Chesapeake Bay, is still under consideration by the Management Board.

Scientists Support Need to Address Ecological Concerns

Here are the facts regarding the National Coalition for Marine Conservation's proposals to the ASMFC and how they were received.

We made four specific recommendations to the Management Board for changes in the Interstate Fishery Management Plan for Atlantic Menhaden. The Technical Committee, asked to review these recommendations, affirmed the importance and the need to address three of the four.

- NCCM recommended clarifying the plan's ecosystem goals to facilitate adoption of specific management objectives in the allocation of menhaden to predators and to fisheries.

The Technical Committee agrees with us that "current plan objectives, while important in recognizing the role of menhaden in an ecological context, are not currently measurable." The panel recommends that the plan feature "an expression of measurable goals and objectives (with regards to menhaden extraction and role as forage)."

- ☑ NCMC recommended expanding the plan's data base with information not currently incorporated into the stock assessment, in order to make quantitative and qualitative assessments of interspecies relationships on a bay-wide, as well as coastwide, basis. An expanded data base, we said, would help scientists in making an ecosystem-based assessment of the health of the menhaden resource.

The Technical Committee report admits that the limited information in the current FMP, and used in the single-species stock assessment, "is not capable of addressing or investigating the issue of local depletion, the role of menhaden as filter feeders, or the role of menhaden as forage." The report supports efforts to obtain the needed data from sources outside the Technical Committee: a Chesapeake Bay-specific assessment of menhaden (including work being done by NOAA with the "Ecopath" model); a workshop on the filtering role of menhaden and other ecologically important predator and prey species in Chesapeake Bay; and a series of multispecies technical committee meetings "to address the role of menhaden as forage and the impact of forage on the health of predator species."

- ☑ NCMC recommended developing reference points and triggers for action to prevent "ecosystem overfishing," e.g., targets for prey abundance, particularly of forage-age fish (0-2). This approach, we said, would facilitate setting an optimum harvest strategy that properly takes into account ecological relationships.

The Technical Committee affirms that the plan's current biological reference points are in place using a single-species model for a coastwide stock, and that no management measures exist for establishing a safe level of removals that would protect menhaden's forage role or prevent depletion in Chesapeake Bay. "Any setting of reference points must be prefaced by an expression of measurable goals and objectives that these reference points are designed to achieve," the report advises. "What are the goals?" In other words, better data alone will not determine ecologically relevant reference points. Managers must first articulate the goals for allocating menhaden between predator needs and fisheries.

- ☑ NCMC recommended amending the plan to establish a conservative, precautionary total allowable catch with appropriate measures to control the take of forage-size menhaden and disperse effort away from nursery areas, such as Chesapeake Bay.

The Technical Committee report acknowledges that "management can always be more restrictive in setting targets, or threshold reference points as an allocation issue (between extraction and role as forage)." The committee also acknowledges that aside from reference points designed to prevent overfishing of menhaden on a coastwide basis, "no other management measures exist." But they also said "a full amendment is not warranted because any management measures suggested to address ecosystem concerns would be unmeasurable" based on the current stock assessment.

Minimize the Risks

We disagree with this last recommendation, because it's a precautionary measure that fishery managers, not scientists, must take," NCMC's Hinman points out. "The Technical Committee says these are important concerns, that they can't tell us the current catch in the bay isn't doing harm, and that they need more data.

"We believe evidence is accumulating that the Chesapeake's striped bass population is being affected by poor nutrition and disease, likely the result of high abundance at a time when menhaden numbers are at an historic low. Fishery managers have a responsibility to assess the risks associated with this situation, including the uncertainties, and to minimize those risks. Therefore, our request for adoption of precautionary, interim measures is directed at the ASMFC Menhaden Management Board," says Hinman. "That matter will be taken up at future meetings of the management board, beginning in May."

Finally, when the NCMC submitted its proposal to the ASMFC last December, we also presented a petition supporting a prohibition on large-scale purse seining for menhaden in the bay. The petition, endorsed by thousands of anglers from Maine to Florida, was intended to exhibit the depth and breadth of concern among fishermen about the diminished ecological role of menhaden. Fishermen and conservationists have been expressing these concerns for over seven years now. Many are frustrated, as are

we, with a system that moves without urgency while we continue to manage without caution.

We chose to lead off our campaign by calling for a moratorium on purse seining menhaden in the bay to strike a bold contrast with the untenable position supported by the menhaden industry, i.e., that there is no cause for concern and that the intensive fishery in (Virginia waters of) the bay should remain unregulated. (There is currently no limit on the amount of menhaden that may be taken, or of what size.) We elected to highlight the most risk-averse approach to this problem as a justifiable counterbalance to what we view as the most risk-prone approach, that is, doing nothing.

Our proposal, as it stands, explicitly calls for management measures to "strictly limit the harvest of sub-adult menhaden (age 0-2), with emphasis on protecting the forage base within Chesapeake Bay." To this end, a seasonal or year-round closure of the Chesapeake menhaden nursery ground to purse seining is an option that deserves serious consideration.

"NCMC will support moving the reduction fishery out of the bay," says NCMC's Hinman, "until such time as the present unrestricted harvest of menhaden is replaced by reasonable measures that will prevent a collapse in the forage base and a reversal of the striper recovery."

At future ASFMC meetings and workshops, NCMC will continue to move the process forward toward a reasonable solution. □

ADDRESSING FORAGE CONCERNS THREATENS INDUSTRY EXPANSION

Commentary by Ken Hinman

In a remarkable show of disregard for anything other than its own bottom line, corporate giant Omega Protein is on the verge of expanding its production of menhaden from Chesapeake Bay.

The bay is currently the epicenter of a high-profile controversy over ecosystem damage done by intensively harvesting this small but critical forage fish in such a concentrated area. Nearly two-thirds of the menhaden taken from the Atlantic stock are caught within the Chesapeake (about 200 million pounds a year).

Omega Protein (OP) is building a new menhaden oil refinery at its Virginia facility, scheduled for completion in May or June of this year. OP expects to

triple its capacity to produce fish oil, for human consumption as well as for aquaculture, at Reedville, a port on the western edge of the Chesapeake. Virtually all of the menhaden processed at the plant are netted within the bay.

In the plant's current operations, fresh menhaden are "reduced" into fish meal and fish oil. The meal is primarily used for livestock feed; the oil as a nutritional supplement in both human and animal foods.

OP is investing \$16.5 million to expand its fish oil production, anticipating an increased demand because of the purported health benefits of consuming Omega-3 fatty acids and growth in worldwide aquaculture. "In the next five years, demand is going to significantly outstrip supply," Albert Riley, an executive with OP, predicts in *National Fisherman* magazine (April 2004).

If the industry is correct and demand does "significantly outstrip supply," an increase in the production of oil from menhaden at the Reedville site will require increased landings of fish for processing. And that most likely means higher catches from within Chesapeake Bay.

If OP is staking its economic future on soaring demand for fish oil and a big role for the company in meeting that demand, it must have an unlimited supply of menhaden in order to produce enough oil. That is precisely why they ceaselessly tout the ASMFC Menhaden Stock Assessment's conclusion that Atlantic menhaden "are not overfished and overfishing is not occurring." In the ecologically obsolete single-species context in which that assessment was made, the company assumes that total catches can increase, perhaps significantly.

But menhaden scientists recently have admitted that this assessment does not address the issue of menhaden's ecological role in Chesapeake Bay or throughout its range. The assessment is done on a coastwide stock, and therefore doesn't account for the possibility of localized depletion in the bay where the menhaden reduction fishery is concentrated. Nor does the assessment account for the forage needs of a wide range of predators, including striped bass. It only measures the health of the stock in terms of its ability to sustain commercial harvest. That may be the industry's sole concern, but it is not the only objective of the Interstate Menhaden Management Plan ("...to protect and maintain the ecological role of menhaden...")

Independent scientists, some of whom presented research results at the 60th Northeast Fish and Wildlife Conference in late April, point to problems in the

striped bass population - malnutrition and disease - possibly linked to a shortage of menhaden.

Clearly, introduction into the management program of concerns about providing an adequate supply of forage for predators, or localized depletion in Chesapeake Bay, throws a monkey wrench into OP's plans to expand production at its Reedville site. It's not surprising, then, that they've steadfastly refused to even acknowledge forage concerns or problems associated with concentrated fishing within the bay ecosystem, always falling back on the "not overfished" defense, as if it's the rest of us who are missing the point.

Industry, because of its investments and responsibility to stockholders, is looking to increase menhaden harvests, including within the bay where the majority of catch already occurs, at the same time conservationists and anglers think we need to limit harvests, particularly within the bay.

This tug of war does have a line in the middle, and the ASMFC Menhaden Management Board is sitting right on it. So far they've been resistant to arguments in favor of reducing the removal of forage-size menhaden from Chesapeake Bay; not because the concerns raised about it aren't important and legitimate, but because there aren't any pre-set rules for how to address this kind of problem. Too much scientific uncertainty. Not enough legal cover.

But they really need to think about the consequences of inaction. Although the industry makes the preposterous claim that its fishery in the bay is "highly regulated," in truth, as long as they stay in Virginia waters, there is absolutely no limit to the amount of menhaden they can take.

Omega Protein wants to preserve the *status quo*. And by that they don't mean keeping catches at current annual levels. Even that seems to be unacceptable to an industry intent on "capitalizing on predicted demand." The *status quo* they want to maintain is the unregulated nature of the bay fishery. If demand for menhaden oil triples, they want to be able to assure their customers of an uninterrupted supply.

Inaction by the ASMFC now - that is, the failure to enact interim measures while studies are underway to assess the risks of continued harvests - will permit an increase in menhaden catches, including within the bay. To do so, given all the concerns about the already diminished ecological role of menhaden, would be risk-prone, to put it mildly. Some might say, downright reckless.



NOTES FROM UNDERWATER

TOURNAMENTS: TO KILL OR NOT TO KILL

NCMC recently was asked by the Billfish Tournament Network to comment on the future of kill tournaments in offshore fishing. The following was submitted by president Ken Hinman and represents his opinion only.

Tournament fishing and its emphasis on the competitive aspects of recreational fishing - so-called "kill" tournaments in particular - raises important ethical issues. Catch-and-release tournaments, including events that are exclusively live-release, are becoming the rule rather than the exception in the big game world (marlin and sailfish in particular), and that's a good thing. Circle hooks are replacing J-hooks where they've been proven just as effective in catching fish while greatly enhancing the survival of released fish. And many tournaments have revised their point systems to favor live-release, even to the point of penalizing landings.

Having said that, landing fish in the tournament setting is not a conservation problem *per se*, as long as it is done according to established legal limits and good catch records are maintained. As a conservationist, I don't see a need to outlaw kill tournaments. Tournament rules, like angler behavior in general, change with the evolving ethics of the broader community, which is as it should be. In the case of billfish, for instance, anglers voluntarily release virtually all marlins and sailfish they hook and they have for some time. Billfish tournaments generally reflect this sentiment. No, in most cases, it is more of a public relations problem.

All tournaments, I believe, have an obligation to do two things: 1) promote the conservation ethic among participants, and 2) present a positive image to the non-fishing public. Tournaments should ensure that their formats minimize needless killing of fish. They can be all-release or use a modified release format, e.g., where threatened species and non-food fish are let go, and for other species, the point and reward systems

[continued on page 9]

NOTES *continued...*

strongly encourage live-release. Fish brought to the dock should make it to someone's table or, by pre-arrangement, aid scientific studies.

To the extent that fish hanging at the dock during a tournament is the only aspect of sportfishing that many members of the public ever witness, kill tournaments must take extraordinary measures to temper this kind of publicity. A share of the proceeds should be donated to support conservation, law enforcement or science. How a tournament is benefiting good stewardship of the resource - through fundraising for conservation, tagging programs, and the like - should be emphasized in every news release and advertisement.

In other words, if kill tournaments are to have a future, they must demonstrate - to anglers and non-anglers alike - that they are contributing to the preservation of both the sport of fishing *and* the living resources the sport depends on.

HABITAT RULES UNDER ASSAULT

Plan to Revise National Guidelines Would Open Door to Industry Attacks

The National Coalition for Marine Conservation has weighed in with NOAA Fisheries in opposition to changes to their Essential Fish Habitat Guidelines at this time. We believe any concerns regarding the EFH program are issues of implementation and therefore can and should be resolved through improving the implementation process.

As an organization that worked in the mid-1990s to add the current EFH provisions to the Magnuson Act, it's our view that the current NOAA Fisheries Guidelines reflect the intent of Congress, which was recognition that habitat degradation is the greatest single long-term threat to sustainable fisheries and that fishery managers should use whatever means are available to them to stem the tide of habitat loss. If there is a failing in this regard, it is that the councils and NOAA have not been as aggressive as they should be, especially with respect to fishing gear impacts on benthic habitats. Weakening of the guidelines is not the answer and would, in fact, be contrary to the intent of the law.

Also, as a group highly involved with promoting a broader ecosystem-based approach to managing

fisheries - a goal we share with NOAA Fisheries - we believe it is critical that identification of EFH be broad-based in order to capture the full range of habitats vital to managed species at each stage of their life cycle, but also habitats vital to associated species, such as key prey. We are only beginning to comprehend the extent of the linkages between species and their environment (physical, biological and chemical). To narrow EFH protections to only those areas where direct cause-and-effect can be quantified - as we've heard proposed - would needlessly and recklessly put potentially important habitats at risk.

Finally, while we appreciate that resources are limited and that priorities must be set, that does not mean that the present process should be replaced with one whereby adverse impacts on certain designated EFH are deemed insignificant and denied full protection of the law. Streamlining of the review process, such as the agency has already undertaken, is the answer, not changes to the guidelines. □



BRING BACK THE BIG FISH

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

NEXT STEPS FOR BIG FISH CONSERVATION

NOAA Explores "Issues and Options"

As a member of the federal Billfish Advisory Panel, NCMC president Ken Hinman attended a joint 3-day meeting of the Billfish and Highly Migratory Species Advisory Panels in February. The discussions laid the groundwork for issues to be addressed in Amendment 2 to the Fishery Management Plans for Atlantic Billfish (marlin and sailfish) and Highly Migratory Species (tuna, swordfish and sharks), which NOAA Fisheries will begin work on this year for implementation in 2005. In May, the agency released an Issues and Options paper suggesting some of the changes that might be considered in the amendment, and

asked for public comment on these and other possible actions. Following are summaries of the issues NCMC raised at the Advisory Panel meetings and will expand on in our written comments.

Sustaining the Swordfish Recovery

Our hard-won closures of swordfish nursery areas and other limits on commercial longlining are speeding the return of swordfish to U.S. waters. We will continue to protect juvenile swordfish until they reach breeding age while fostering the resurgence of the recreational fishery as part of a transition to the use of more selective fishing gears. NCMC is looking at the following issues:

- Encourage a transfer of swordfish catches to selective and sustainable fishing gears (rod and reel, harpoons) through creation of a commercial rod-and-reel category and open access policies for harpoon and rod and reel fisheries
- Evaluate the effectiveness of current longline area closures and expand, as necessary, to give maximum protection to concentrations of immature swordfish
- Study the impact of repealing the current minimum size limit in open areas, linked to achieving greater protection for small fish through permanent longline area closures
- Implement a larger minimum size limit for hand gear fisheries, permitting them full access to closed areas
- Research gear modifications for longline fisheries to reduce fatal interactions with non-target species and enhance post-release survival. Research gear modifications for rod-and-reel fisheries to enhance post-release survival.
- Use trade and other incentives to foster selective and sustainable swordfishing practices by ICCAT member nations seeking

to develop their fisheries.

Added Protection for Billfish

The longline area closures that NCMC successfully obtained in the Atlantic and Gulf of Mexico are substantially reducing commercial bycatch of big fish. Blue and white marlin bycatch have been reduced by more than 30 percent and sailfish bycatch is down by over 70 percent. We are recommending that NOAA Fisheries examine additional closures in the mid-Atlantic, western Gulf and northern Caribbean to further protect billfish, while working to secure greater protection from international fleets on the high seas.

Restoring Atlantic Sharks

In Amendment One to the FMP for Atlantic Highly Migratory Species, which updated shark conservation provisions and was finalized earlier this year, NOAA Fisheries backed off its proposed rule outlawing the use of drift gill nets to catch large coastal sharks. NCMC supported prohibiting this gear, in use off Georgia and Florida, because it entangles protected (non-commercial) species, including tarpon and sailfish. Drift nets - free-floating gill nets that entangle creatures that swim into them - have been banned from most other fisheries because of bycatch problems and the inability to modify their use to avoid many of these problems. They are currently prohibited in commercial fisheries for tuna and swordfish. NCMC will work to include a shark prohibition in Amendment 2. □

BREAKING NEWS: ASMFC TAKES POSITIVE STEPS TO PROTECT MENHADEN AT MAY MEETING!

The impact of the depletion in Chesapeake Bay of Atlantic menhaden, a critical source of forage for striped bass, will be assessed this summer due to action taken at the May meeting of the Atlantic States Marine Fisheries Commission. At the request of NCMC and other fishing and environmental groups, the ASMFC's Menhaden Management Board agreed on May 26th to bring together leading scientists and stakeholders at a workshop to examine the status of menhaden with respect to its ecological role, especially as forage fish. Emphasis will be on the implications of industrial scale fishing of menhaden concentrated in Chesapeake Bay. The workshop findings will serve as the basis for consideration of interim management measures to protect menhaden abundance at the commission's annual meeting in November.

"We commend the ASMFC for taking a pro-active approach to conserving menhaden and protecting the health of the Chesapeake ecosystem, an issue that means so much to so many citizens along the east Coast," said NCMC's Ken Hinman, who attended the meeting and testified before the board. "This action is an important first step toward an ecosystem-based approach to conserving menhaden."

The multi-state commission also agreed to a workshop to set long-range research priorities for assessing the impact of local depletion on the Bay and coastal ecosystem.



TURNING THE TIDE

NCMC News & Activities

NCMC MARINE BULLETIN 11

NCMC TAG-AND-RELEASE AWARD

Sam Jennings of Juno Beach, FL tagged and released 42 blue marlin in 2003, making him the winning angler in the Atlantic Blue Marlin Division of the AFTCO Tag/Flag competition. Mr. Jennings received a trophy-sculpture sponsored by the NCMC. For over a decade we've been proud to honor the individual who tags the most blue marlin. The information gained when a tagged fish is recaptured provides valuable insight into migration, growth and reproduction, which in turn helps those studying, managing and conserving marlin and other species.

HINMAN TO PARTICIPATE IN NORTHEAST BYCATCH CONFERENCE

NCMC president Ken Hinman will serve on a Science and Research panel at an upcoming workshop on "Bycatch in Northeast Fisheries: Moving Forward." The panel will suggest, among other things, the highest priorities for new research in estimating survival rates of discards, fishing impacts on non-target species, and the social and economic dimensions of bycatch. The workshop, organized by the Northeast Regional Office of NOAA Fisheries, will be held June 29-July 1 in Wakefield, MA.

A FAIRER SHARING OF HERRING

The NCMC, in a May letter to the head of NOAA Fisheries and to the chair of the New England Council, expressed concern with the course being taken in the management of Atlantic sea herring. We told them changes to the Herring FMP do not go far enough to protect the resource from localized depletion or preserve its critical role as forage for other fish that are extremely important to the region's fishermen.

Consistent with our previous comments to the council, NCMC believes that setting a maximum sustainable yield (MSY) of 200,000 metric tons, as proposed, is only conservative when compared to the previous target (317,000 MT) and only sustainable in a single-species context. It does not, however, respect the multispecies context in which herring numbers

should be evaluated. We are urging the council and NOAA to reduce MSY to an "optimum yield" that takes into account ecological factors, as the Magnuson Act requires. We recommended the allowable catch be capped at recent average landings (closer to 100,000 MT) until such time as a multispecies assessment is able to determine a safe level of harvest that ensures the increasing predator demands of recovering fisheries are met.

NCMC also joined New England's tuna and cod fishermen in supporting a reduction in the allowance for the Gulf of Maine stock. The gulf's population of herring appears to be a discrete stock. Reliable surveys and reports, from fishermen to whale watchers, of scarce herring supplies in coastal waters tend to support the view that high catches of herring in the gulf may have overfished the local population.

"There is much uncertainty about the supply of herring relative to predator needs, both in the Gulf of Maine and overall," we wrote, "and this situation demands caution. If emergency regulations are necessary to keep 2004 landings under this level, and it appears they are, we urge you to take that action."

The council is scheduled to make final decisions on future herring catch limits in mid-July.

HELP THE FISH BY DONATING TO OUR TOURNAMENT FUNDRAISER

NCMC is once again hosting the prize raffle at the Mid Atlantic \$500K Tournament in Cape May, NJ this summer. Proceeds from the raffle are split equally among NCMC, IGFA and RFA and go toward each groups' fish conservation programs. Our raffle features over \$65,000 worth of fishing tackle, boat supplies, artwork, clothing, trips, jewelry, gift certificates, as well as non-fishing related merchandise. We are asking NCMC members to consider donating merchandise to this raffle - nifty antiques are also appreciated! This marlin and tuna tournament takes place August 15-20, and donations are needed by early August. For more info, please contact Christine Snovell at NCMC, 703-777-0037 or email christine@savethefish.org. All donations are tax-deductible. Christine thanks you, and so do we!

BOSTON HOSTS ANNUAL MEETING

The NCMC Annual Meeting of the Board of Directors was held in Boston, MA April 16th. Re-elected to the Board for 3-year terms were: William Akin, president of the Concerned Citizens of Montauk, New York; Stanley Arkin, president of Roseridge Trading Co. in New York; Mary Barley of Islamorada, FL, vice chair of the Everglades Foundation; and Sabrina Kleinknecht of Miami, FL, a trustee of the

Knight Vision Foundation. NCMC hosted a dinner reception for Directors and Fellows (high-end donors) the evening before at the historic Wharf Rats Club.

MENHADEN ROUNDTABLE

The Virginia Secretary of Natural Resources, W. Tayloe Murphy, Jr., has asked NCMC's Ken Hinman to serve on a panel to review management of the menhaden fishery in Chesapeake Bay. The Menhaden Management Roundtable is the result of increased attention NCMC, CCA and others are bringing to the problem. The commercial reduction fishery, which takes most of the East Coast menhaden catch, is based in Virginia and fishes primarily in state waters of the Chesapeake. "It is my hope that a roundtable could come to some agreement on the best way to move forward with the management of the Menhaden fishery," says Murphy, "while protecting the fishery resource, its role in the bay ecosystem and those who depend on it commercially." He says the panel will meet as often as necessary to come to agreement and prepare a report of its findings by next year's General Assembly session.

NCMC ASKED TO ADDRESS BLUE VISION CONFERENCE

In the wake of two historic reports from the Pew Oceans Commission and the U.S. Commission on Ocean Policy, hundreds of leaders and activists from coastal and ocean citizen groups, educators and others

will come to Washington, DC July 11-12 for the first "Blue Vision Conference". Organizers see the new commission reports as a "once-in-30-year opportunity" to change ocean policy for the better. NCMC's Ken Hinman has been invited to speak on a Fishing Panel about "the good, the bad, and the missing (what other solutions are needed)" in the commission reports.

NEW ECOSYSTEMS PLAN FOR CHESAPEAKE BAY

"Fisheries Ecosystem Planning for Chesapeake Bay," the first fisheries ecosystem plan (FEP) completed since a 1999 Ecosystem Principles Advisory Panel Report to Congress recommended the development of FEPs for fisheries in all regions, was unveiled in February. The 363-page document describes the structure and function of the Chesapeake ecosystem, including key habitats and species interactions. The strategic plan will be used as an umbrella document to encourage and support an ecosystem-based approach in individual fishery management plans governing the bay's fisheries.

"The new plan for Chesapeake Bay is a groundbreaking achievement that will enhance conservation of fishery resources, not just in the bay, but up and down the Atlantic coast," says NCMC's Ken Hinman, a member of the federal Ecosystems Panel who has been working with federal and interstate management bodies, including the NOAA Chesapeake Bay Office, to implement the panel's recommendations.



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