national coalition
for
marine conservation

The NCMC *MARINE BULLETIN* [No. 108] *Winter 2004-5*

WAIT AND SEA

CONGRESS HOLDS OFF ON REFORMS IN '04, WEIGHS COMMISSION FINDINGS

We would be very upset to see the status quo being delivered publicly as an adequate response. – Admiral James Watkins, chairman of the U.S. Commission on Ocean Policy

Congress took the year off from rewriting the Magnuson-Stevens Fishery Conservation and Management Act, choosing instead to await the report of the U.S. Commission on Ocean Policy, the second of two panels to weigh in with recommendations for improving the way we conserve and manage our oceans.

A 2003 report by the Pew Oceans Commission – a private effort funded by the Pew Charitable Trusts – unfortunately got tagged as the "environmentalist agenda." Because of the contentious atmosphere surrounding fisheries these days, some leading lawmakers said they would wait to see what the government panel – sanctioned by Congress and assembled by the Administration – had to say.

Luckily for supporters of ocean reform, and indicative of the undeniable nature of many of the problems we face, the U.S. Ocean Commission's report, completed in September, sounded alarms similar to the Pew report's about the state of the ocean and made similarly sweeping recommendations for change. This report is already setting the national legislative agenda for the oceans in 2005 and beyond.

The first bill to respond directly to the two commissions - the Fisheries Management Reform Act – was introduced late in the 108th Congress. By the end of the 2004 session, 68 House members already had signed on as co-sponsors.

"The most important recommendation regarding ensuring the long-term sustainability of our fisheries," say original sponsors Reps. Sam Farr (CA) and Nick Rahall (WV), "is reforming the current (regional) fishery management (council) system." The Reform Act seeks to shield scientific decisions from political and economic influences, a principal goal of the National Coalition for Marine Conservation (NCMC) during Magnuson reauthorization. [see "Time to Separate Fishery Science from Allocation," p. 3]. It would also broaden public representation on the regional councils and reduce financial conflicts of interest among council members.

Other bills, such as the National Ocean Policy and Leadership Act, are less focused but more ambitious, creating a national policy on oceans; an executive level office of oceans within the White House; and consolidating ocean-related responsibilities into a single Oceans Department. All commission recommendations.

The 2004 bills are expected to be refined and re-introduced, no doubt along with many more initiatives, when the 109th Congress begins work in January. Hearings will be held on a range of topics,

likely this spring. Among them will be how to go about implementing an ecosystem-based approach to conservation, another commission recommendation that's high on NCMC's list for reform.

Fishing in a Wishing Well

President Bush in December gave his response to the bipartisan Commission on Ocean Policy's 3-year study of what's needed to better protect and conserve our oceans; its 400-page report outlining a host of threats and institutional inadequacies; and its 212 recommendations for improving the science, halting pollution, managing fisheries and even new ways to pay for it all.

What did he do? He created a *new* committee to study the commission's findings and make its own recommendations.

Study spawns new study. Sounds like the government chasing its tail, a parody of the bureaucratic method. The New York Times called it "an invitation to paralysis by analysis." How long are we going to study the ocean to death?

Some ocean advocates, however, are "cautiously optimistic" that at least the administration has elevated ocean-related issues by creating a Cabinet-level Committee on Ocean Policy to coordinate work between the White House and Congress, which oversees some 140 ocean-related statutes. But at this point, we don't know what that work will be and to what end. And by every indication, the Administration, including the Commerce Department, home to NOAA Fisheries, believes the *status quo* – with minor adjustments – is adequate; that the system is working and we don't need any major changes.

Both ocean commissions advocate a major overhaul of federal programs. Bold initiatives should not be

OCEAN VIEW
Commentary

adopted impulsively or without careful scrutiny. On the other hand, the commissions identify fundamental problems that cannot be remedied for the long-term without basic changes in the way we make management decisions. Chief among these reforms are protecting fishery science from political influence and taking an ecosystem-based approach to conservation.

Congress will take up these issues, but it would benefit from clear direction from the administration. We're not asking for new bureaucracies, endless research, or billions more dollars, none of which lead to better decisions. What we need is a restructuring of the system to make it more efficient, with more conservative mandates.

To leave things as they are, pretending that we've got fishing - and pollution and habitat loss - under control is to go fishing in a wishing well.

We need healthy and sustainable oceans. Wishing won't make it so. What we need is action.

NATIONAL COALITION FOR MARINE CONSERVATION
Founded in 1973

The NCMC 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.

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TIME TO SEPARATE FISHERY SCIENCE FROM ALLOCATION

A MODEST PROPOSAL TO MAKE CONSERVATION MORE SCIENCE-BASED, LESS POLITICAL

By Ken Hinman[1]

All truths are half-truths," said philosopher Alfred North Whitehead. "It is trying to treat them as whole truths that plays the devil." Some of our closely held but half-true notions about fishermen, I'd say, are playing the devil with the future of fishing. A pair of national commissions studying ocean policy agree.

Take, for instance, the idea that fishermen know best how to manage fisheries. It's the basic assumption underlying our regional council system, wherein working fishermen and their representatives make the rules for most ocean fishing. But knowing what's best and doing it are two different things. And best for whom? The fish or the fishermen? Today's anglers or tomorrow's?

Then there is the oft-heard axiom that no one cares more about conservation than those whose livelihood depends on it. Right - but only half right. Yes, no one has more at stake, when determining how many fish can be sustainably harvested, than those who feed their families with what they catch. But this fact merely deepens the conflict between immediate self-interest and the broader, long-range interests of other stakeholders.

And lastly we have the presumption that fishermen, by virtue of being out on the water interacting with the fish on a regular basis, know as well or better than anyone how many fish are really out there. It's the standard response from fishermen to any stock assessment they don't agree with. But just as our experience as fishermen educates us, it can also give us a false sense of authority and thus reinforce our most deeply felt opinions – even if they may be wrong.

All of which is to say that fishermen need to be fully involved in fisheries management – probably much more so than they are now - to make sure that everyone else knows what they know, which is a lot. But should they be making the final decisions as to how many fish should be caught? Or how fast we should rebuild a depleted stock? Or when there are enough fish to go around? No. But they do, all the time. And it's a problem, one that's not going to go away until we make some fundamental changes in our fishery management system.

Fox in the Hen House

Ever since the Magnuson-Stevens Fishery Conservation and Management Act set up the regional council system nearly three decades ago (1976), conflict of interest among council members has been a nagging problem. It's the proverbial fox in the hen house. Fishermen regulating themselves (albeit within certain guidelines), even when those regulations affect their income. Or that of their peers.

Here's the dilemma. Councils are responsible for setting the total allowable catch for each fishery and for divvying it up among the participants. As far as most fishermen are concerned, allocation is where management hits the water. When overall quotas are tightened up – to stop overfishing or speed recovery – the shares allotted to different sectors of the commercial fishery shrink. So do recreational bag limits. People get unhappy. Pressure builds to ease the pain. Fishermen on the councils, feeling their own pain or the pain of others, want to help.

"One of the easiest ways to reduce the pain of allocating a catch is to raise the size of the catch – to the detriment of conservation," says Josh Eagle, Director of the Stanford Fisheries Policy Project. He's co-author of the 2003 study, "Taking Stock of the Regional Fishery Management Councils." (www.pewscienceseries.org) He found that at least four out of five appointed council members represent fishing interests and nearly two-thirds have a direct financial stake in the fisheries they manage and regulate. He doesn't think it's a coincidence that a third of our fish stocks are currently depleted and overfishing is still going on in half of these fisheries, despite legal mandates to revive them as quickly as possible.

Neither does the United States Commission on Ocean Policy, which recently concluded that letting managers decide how many fish may be caught *and* who may catch them is a recipe for overfishing. "Social, economic and political considerations have often led the councils to downplay the best available scientific information, resulting in overfishing and the slow recovery of overfished stocks."

[1] *Reprinted from the August 2004 issue of Salt Water Sportsman magazine.*

The USCOP released its findings in a 500-page report in April. (http://oceancommission.gov) Among the federal commission's 200 recommendations, covering all aspects of how we use and manage our oceans, is what I consider the most significant and achievable fisheries reform put forth – insulating science-based conservation decisions (how many fish are caught) from allocation-based fishery management decisions (who catches them where, when and how).

It's really a quite simple and straightforward way of dealing with conflict of interest on the councils. If you can't take the fox out of the hen house, remove the chickens!

The Time Has Come

The Pew Oceans Commission, whose own comprehensive report on reforming ocean policy came out a year before the U.S. Commission's, made a similar proposal. (www.pewoceans.org/oceans) Declaring that ecological sustainability must take precedence over short-term economic or political considerations, the POC called for separating conservation decisions from the councils' other management responsibilities.

People have tried to reform the councils before and failed. The industry-dominated bodies remain essentially what Congress created in 1976. Because of our politicians' love affair with the notion of councils made up of fishermen, every serious proposal for dealing with conflict of interest – even a modest rule requiring council members to sit out votes that impact their own pocketbook – has been rebuffed. But this one's different.

Two very distinct, and distinguished, panels – the Pew Commission is a privately-funded task force with strong ties to the environmental community, the U.S. Commission was mandated by an act of Congress (the Oceans Act of 2000) and assembled by the Bush Administration – are making basically the same demand for reform. That not only gives the idea of separation credibility, it means the political climate is finally right to actively pursue this change in the system.

At the heart of both proposals is letting appointed science bodies decide how many fish may be caught, leaving the eight regional councils to divide the catch among users, establish seasons and size limits, restrict gears, etc. The POC suggests giving the conservation decision to the National Marine Fisheries Service (NMFS), while the USCOP's plan would utilize re-configured versions of the councils' Scientific and Statistical Committees (SSCs). In either case, the councils would not be permitted to increase allowable catches above the level set by the scientific body (although they could be more conservative). Both commissions are urging Congress to codify this separation of responsibilities in the upcoming reauthorization of the Magnuson Act. (Congress has put any amendments to the Magnuson Act on hold until it has a chance to review the two commissions' reports.)

Separating conservation from allocation is not a new idea. It was first recommended in a 1986 NOAA Fishery Management Study. Like the Pew Commission, the NOAA Study recommended having NMFS establish allowable biological catches. At the time, my organization, the National Coalition for Marine Conservation (NCMC), proclaimed that "separating conservation and allocation decisions...if successful, could be the single most important achievement in the history of marine resource management."

Two NCMC board members served on that panel, Gerry Bemiss and Hal Lyman (then-publisher of *Salt Water Sportsman*). But that didn't prevent us from saying then that it wasn't such a good idea to give the conservation decision to NMFS. And we haven't changed our minds. The problem with having NMFS set catch limits is that the agency is also charged with approving, implementing and enforcing all regulations based on that decision. There may not be an economic conflict, but the political conflict is obvious. If you don't believe me, consider the agency's record as judge, jury and executioner in managing Atlantic highly migratory species (tunas, sharks and billfish).

In fact, our original thinking on the appropriate science body was picked up by the USCOP. In August 1986, we urged "more thorough consideration to other possible arrangements for assuring that conservation based on scientific principle is given top priority in the setting of acceptable catch levels. For instance, the Councils own scientific advisory committees (the SSCs), which incorporate the expertise of the NMFS research centers, state and university biologists, and Council staff, could be formalized as the conservation decision-makers and their recommendations on acceptable biological catches made binding on the Councils."

But precisely how best to insulate biological decisions from politics is a fair subject for debate. I'd say if we can get Congress past the point of accepting the idea of separating conservation from allocation, and then on to debating the best process for ensuring

the integrity of the science, then we're halfway home already.

Far-Reaching Benefits

The case for separation is compelling because it could have far-reaching benefits, now and in the future. First, it addresses the age-old conflict between sustaining fish populations and maintaining catches, in the following ways:

- It would protect the quality and credibility of peer-reviewed scientific decisions by removing social and economic considerations from the process of setting of allowable catches.
- It would minimize conflicts of interest on the regional councils - at least as they relate to setting total allowable catch, the most critical conservation decision - without substantially revamping council membership.
- It uses existing management bodies, instead of creating new layers of bureaucracy, since it means a shifting of responsibilities within the current structure.
- It streamlines the decision-making process, making it simpler and more efficient at both ends. With the fish taken care of first, the councils can take care of the business of "managing" fishermen.

Protecting science from politics is also vital to meeting the challenges of the future, namely the incremental move into ecosystem-based fisheries management and planning to create more sustainable and manageable fisheries as we restore our fish stocks to healthy levels.

The need to insulate science-based decisions from allocation pressures is, if anything, even more pronounced as we try to balance the needs of predators and prey (e.g., cod & herring, striped bass & menhaden), which is by its very nature more complex, more uncertain, and more dependent on sound scientific advice founded in the precautionary approach. The trade-offs that must be considered, and thus the potential for conflicts of interest, will involve not just fishermen competing within the same fishery, but all those fishermen competing for fish within the same food web!

A council member, skeptical of the whole separation thing, asked me, If you remove quota setting, what will we (the councils) do? As if council members really are foxes in a hen house, and they're only in there to get all the chickens they can. As if deciding what our fisheries will look like in the future; who will fish and how; and to what purpose; isn't just as important as making sure the fish are there to sustain us.

I've always opposed suggestions of scrapping the council system, in favor of some supposedly non-conflicted government regulatory body. The truth is, fishermen *can* make good managers. Some councils are significantly more conservation-oriented than others. And some fishing representatives on some councils can be counted on to support conservation. You can't characterize whether a council member is good or bad for the fisheries based on what he or she does for a living. You just can't.

I guess that's why the commissions' solution appeals to me. It recognizes what's not true about our notions of fishermen as fishery managers, while preserving what is. Managing fishing and fisheries (as opposed to conserving fish) is a task well suited to regional councils that have the active participation of recreational and commercial fishing interests as well as other members of the public. We just need a much better balance of interests, is all.

The US Commission on Ocean Policy agrees, so I'll give them the last word. "The role of scientific information should be as strong as possible in fishery management," they stress, "and subject to the least possible political influence." Still, "while determining the allowable biological catch is a scientific question, it must be informed and guided by long-term objectives set by managers for both the fishery and the ecosystem." ❑

ICCAT ACTS TO PROTECT SHARKS AND MARLINS

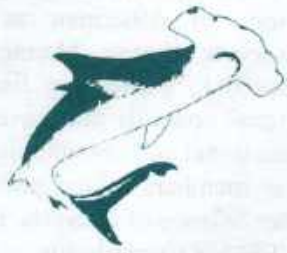
FIRST U.S. MEETING A QUALIFIED SUCCESS

The International Commission for the Conservation of Atlantic Tunas (ICCAT) took several actions at its recent annual meeting in New Orleans to improve conservation and management of highly migratory species. Foremost among these is an agreement to restrict the practice of shark finning, a leading cause of death for millions of accidentally caught sharks that might otherwise be released alive. Other actions include an extension of conservation measures for threatened marlins and an Atlantic-wide requirement that longliners carry devices to track their fishing activities.

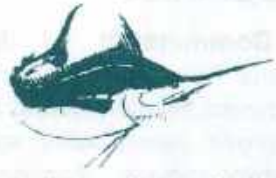
National Coalition for Marine Conservation (NCMC) president Ken Hinman participated in the week-long meeting – the first-ever in the United States - as a member of the U.S. delegation. Board member

Rick Weber also attended for NCMC as an official observer.

ICCAT Prohibits Shark Finning. The U.S. delegation now looks to ICCAT as the vehicle for extending protections implemented here in the United States to the international community. Central to that effort in New Orleans this year was gaining an Atlantic-wide prohibition of finning – that is, cutting the highly valuable fins from sharks caught in longline and net fisheries and discarding the less marketable carcass at sea. With the help of the European Community, Canada and other nation's that have already banned shark finning, we were successful. "Because literally millions of sharks are caught, often accidentally, in fishing for tuna and swordfish," says the NCMC's Hinman, "many vessels keep only the fins to save precious cargo space for the meat of other fish. By requiring all vessels to bring the whole shark to port, the new rule will significantly cut down on the number of sharks killed."



Marlin Protections Extended. White marlin is the most threatened of all ICCAT-managed species. Blue marlin are also overfished. At the urging of the U.S. delegation, ICCAT agreed to extend billfish conservation measures adopted in 200, which were set to expire next year, through to 2006, when a new stock assessment will be performed. "By moving the assessment back a year, international scientists will be better able to evaluate the effectiveness of the current rebuilding plan and, most importantly, to know if stronger measures are needed to rebuild marlin stocks." The U.S. reminded ICCAT's scientific advisors of a standing recommendation to examine seasonal area closures to minimize fatal interactions with billfish on the high seas and said it expects these analyses to be ready for consideration in the next phase of the international rebuilding program.



Tracking the International Fleet. A U.S. proposal was accepted that will require all large-scale longline vessels to be equipped with vessel monitoring systems (VMS) by next year's ICCAT meeting in November 2005. "VMS have been critical to enforcing time-and-area closures in the U.S. to protect juvenile swordfish, billfish, sharks and turtles," says Hinman. "As we pursue the use of closed areas on the high seas over the next several years, we will now be prepared to enforce any closures on the international fleet."

The NCMC commends the U.S. delegation for its leadership role on these and other issues at ICCAT this year. In each case, the United States has led by example, an approach to successful international conservation the NCMC has advocated since its inception. We worked with NOAA Fisheries to pass an Atlantic shark management plan in the 1990s that included a ban on finning and conservative catch limits. With our partners in the Ocean Wildlife Campaign, we worked with Congress to extend the finning ban to all U.S. waters, Atlantic *and* Pacific. Our 1999 lawsuit resulted in extensive areas closed to longlining off the Atlantic coast, helping in the recovery of swordfish by protecting nursery grounds. The closures have also benefited sharks, marlin and sailfish. Finally, we successfully intervened in a lawsuit by U.S. longliners trying to overturn our domestic VMS requirement. ❑

REMEMBERING HAL

1915-2004

Henry "Hal" Lyman, publisher emeritus of Salt Water Sportsman and a past-chairman of the board of the National Coalition for Marine Conservation, passed away last August. The following remembrance of Hal, written by current NCMC chairman Chris Weld, a longtime friend and associate, is reprinted from the magazine's December edition.

Author, fisherman, conservationist, *bon vivant* - it's hard to believe Hal Lyman is gone. He was a man who enjoyed life to the fullest, whether on a beach, in a boat, up to his neck in a river, or sitting around a fire after a day of shooting with a not-so-wee dram in his hand. If you were stranded on an island, this was the man to be with. He had a million stories and a trillion laughs. You'd never be bored.

I first met Hal in the early 1970s when several of us were trying to put together a new kind of conservation organization [NCMC], one devoted exclusively to putting an end to overfishing. We knew that Hal was widely admired for his outspoken advocacy of fishery reform and we knew his presence on our board would

help our efforts and build our clout when in the places policy decisions were made and regulations formulated. But Hal had seen a lot of fledgling save-the-fish organizations start with a lot of promises only to fade away due to lack of sustained commitment and intellectual nourishment. So he was a bit gun-shy to start with, but eventually became our chairman.

Hal was a chairman like none other I have ever been exposed to. He was amusing and irreverent, insightful and more than a little impatient with those who disagreed with him. His language on occasion could be a bit salty, but his advice was right on the money. The fishing world has lost a great and valuable friend, and I for one will never forget my years with him. ❑

NEW COALITION FORMED TO PROTECT PREY FISH

ANGLERS, ENVIRONMENTALISTS JOIN FORCES TO PROTECT CRITICAL ROLE OF MENHADEN IN CHESAPEAKE BAY

A new coalition of groups, including NCMC, announced October 26th the formation of **Menhaden Matter**, a cooperative effort to protect Atlantic menhaden from industrial harvesting in the Chesapeake Bay by Virginia-based purse seine operators. "Menhaden Matter" includes the Chesapeake Bay Foundation, Coastal Conservation Association, Environmental Defense, and the National Coalition for Marine Conservation. The group is calling on the Atlantic States Marine Fisheries Commission -- the multi-state regulatory body responsible for managing the stock -- to take proactive measures, including catch limits, at its upcoming meeting in November.

MENHADEN MATTER

At a press briefing this morning, a report by the new group was released concluding that menhaden's important ecological role in the Chesapeake Bay is at risk. Menhaden are principal filter feeders of the Bay's waters, second only to the grossly depleted oyster. They are also the primary food source for many popular sport and commercial fish, including striped bass.

The report finds that the overall numbers of menhaden, including its juvenile population, are at near historic lows. Predators, such as striped bass, are showing signs of stress and lesions that may be tied to malnutrition. The report also cites lack of menhaden is affecting the population of seabirds, such as loons and ospreys.

Like most Atlantic states Maryland has closed its waters to the industrialized harvest of menhaden, but Virginia has not. A single Houston-based company, Omega Protein, which operates a newly enhanced facility in Reedville, Virginia, harvests 90 percent of the entire catch on the East Coast.

"The ecological role of menhaden is at serious risk because a Virginia-based fishing fleet takes more than 100,000 tons of these fish every year from the Bay and nearby waters," according to Ken Hinman, President of the National Coalition for Marine Conservation. "We believe there is a danger to striped bass and other key predators, if we continue to harvest menhaden the way we do."

For more information or to view the new report, please visit Menhaden Matter at: menhadenmatter.org. ❑

ACTION TO CONSERVE MENHADEN POSTPONED

MOTION TO CAP CATCH TABLED UNTIL FEBRUARY

Conservation and recreational fishing organizations expressed frustration this week when action to protect Atlantic menhaden and the Chesapeake Bay was postponed once again by a multi-state regulatory commission in favor of further research into localized depletion and the ecological role of menhaden.

Menhaden Matter, the cooperative effort that includes the Chesapeake Bay Foundation, Coastal Conservation Association, Environmental Defense and the National Coalition for Marine Conservation, said that it was pleased the issue of localized depletion of menhaden in the bay was gaining much-needed attention from the Atlantic States Marine Fisheries Commission (ASMFC), the 15-member interstate body responsible for managing the stock. However, the group emphasized that proactive management measures-including catch limits-must be taken soon to protect the fish, its predators and the bay.

The ASMFC's Menhaden Management Board will meet with its scientific advisors in February to begin developing revised goals and reference points to manage menhaden as a forage fish and filter feeder. The Board considered interim action to cap harvest at current levels while this research is carried out but postponed that decision until a future meeting.

"They got it half right," said Bill Goldsborough, senior scientist with the Chesapeake Bay Foundation. "Developing these management tools is important, but fully responsible stewardship would also include interim measures to protect the stock."

"The ASMFC is currently monitoring menhaden. Now, they need to start managing them. With most major fisheries subject to catch limits, why is menhaden immune?" said Dick Brame of the Coastal Conservation Association.

Menhaden Matter recently released a report that concludes that the fish's important ecological role in the Chesapeake Bay is at risk. Menhaden are the principal filter feeders of the Bay's waters - second only to oysters that are grossly depleted - as well as the primary food source for many popular sport and commercial fish, including striped bass. Menhaden Matter has been very clear in its statements that it does not wish to abolish the industrial fishing of menhaden.

A single Houston-based company, Omega Protein, which operates a newly enhanced fish processing facility in Reedville, Virginia, harvests 90 percent of the industrial fishery catch on the East Coast, with most coming from the Chesapeake Bay. The company has vigorously opposed catch limits on its operations, which use spotter planes and purse seines to harvest the fish, which are processed and reduced into fish meal and oil.

"Anglers and environmentalists have joined together to offer a reasonable solution to the current management deadlock, one that would provide some temporary protection while research is underway," says Ken Hinman, president of the National Coalition for Marine Conservation. "By refusing to consider it, the industry is out of step with the concerns of the public."

"For a fish that's so important in so many ways, it's nonsense to have a management plan that allows unlimited fishing," said Environmental Defense ocean program director David Festa. "Common sense calls for caps on catch levels and strong, proactive management measures." ❑

NOTES FROM UNDERWATER

A REASONABLE PROPOSAL DRAWS IRRATIONAL OPPOSITION

Four well-respected, veteran conservation organizations came together in 2004 to form an alliance called **Menhaden Matter**. These groups - the Chesapeake Bay Foundation, Environmental Defense, Coastal Conservation Association and the National Coalition for Marine Conservation - have joined their common concerns about the depletion of Atlantic menhaden and its adverse impact on the marine forage base into a set of reasonable recommendations to the Atlantic States Marine Fisheries Commission (ASMFC).

Central among these recommendations is that the ASMFC treat an uncertain but very risky situation with caution by placing a temporary ceiling on the menhaden harvest in Chesapeake Bay. That is, holding the catch right where it is while new research is carried out to give us a better understanding of how many fish can be safely removed without harming larger fish and birds that prey on menhaden. Or diluting the menhaden's ability to filter excess nutrients from the bay's water column.

Pretty radical stuff, eh? At least, that's what the menhaden reduction industry would like you to believe. They chafe at the notion of putting *any* catch limits on the nation's second largest (by volume) commercial fishery. No matter that this temporary measure wouldn't decrease the catch from what it's been in recent years but instead keep it from increasing

- something Omega Protein (sole operator of the reduction fishery in Chesapeake Bay) swears up and down they have absolutely no intention of doing.

Omega Protein evidently believes it is immune to regulation. Every other fishery in the bay, recreational or commercial, is subject to some type of catch and size limits. But not the take of menhaden, a keystone species that has been called "the most important fish in the sea."

Omega seems stuck in a time warp, somewhere in the mid-1990s, *before* signs of malnutrition and disease in striped bass prompted the first suggestions that fishery managers take some kind of action. No way, the industry said then. (In 1996, they even killed state funding for a Virginia study of the importance of the menhaden as a forage species for other Chesapeake Bay fish. Now, of course, all they want is studies!)

Since the mid-'90s, these problems have gotten worse in frequency and severity. The overall menhaden population has been in a steady decline for over a decade. Still, they stonewall any and all attempts to control their fishing. If anything, the stone wall has gotten higher and thicker.

- Last summer, the industry put the kibosh on a Menhaden Management Roundtable set up by the State of Virginia to explore conservation issues. They felt the panel was stacked against them. (They only had 11 of the 15 seats).
- At an October 12-14 ASMFC Atlantic Menhaden Workshop, they threatened to slap the commission with a lawsuit when the subject turned to possible interim management measures.
- At the ASMFC Menhaden Advisory Panel meeting October 28, a modest recommendation that the ASMFC evaluate a range of options - from no action to a cap on harvest (the most severe on the list) - was met with vigorous opposition, leaving the panel sharply divided with no hope for consensus on useful advice.
- At the November 9 meeting of the Menhaden Management Board, before the commission tabled a motion to cap the fishery, the head of Omega's Reedville plant testified that "We don't need more fish."

Don't you believe it.

With (supposedly) no plans to increase their catch, Omega Protein rejects a cap, which would cost them nothing - no sacrifice in revenue or jobs - while affording some measure of protection to resources of immense importance to the rest of the region's fishermen and economies. It's a compromise most environmentalists are willing to make, even though many would like more to be done. But the industry obviously isn't interested in compromise.

We are hopeful that soon the ASMFC commissioners, who over the past year have made an honest effort to address the concerns of anglers and conservationists, to examine the science and explore possible remedies, will see who is the real extremist here. And do the right thing. ❑

A RECKLESS REPORT ON RECREATIONAL FISHING

NEW STUDY DISTORTS SPORT'S IMPACT

A collection of facts is no more a science than a heap of stones is a house. – Jules Henri Poincare.

All fishing – yes, even angling for recreation – can have a significant impact on fish stocks and must be controlled. This is not news, of course. But the authors of a new "scientific" study purporting to assess The Impact of United States Recreational Fisheries on Marine Fish Populations evidently think they've discovered something, and they've sounded the alarm.

The study' results, published in the August edition of the august journal *Science*, generated well over a hundred stories in the national and international press. That's quite an achievement, considering how difficult it is to draw the mainstream media to a story about salt water fishing. The *Science* article, in this case, was aggressively broadcast by the environmental media outlet SeaWeb, accompanied by a 4-page news release playing up the "man bites dog" angle. To wit -- *Recreational fishing, generally thought of as a harmless pastime for millions of Americans, is in fact a major cause of overfishing. Worse, it is largely overlooked by fishery managers who are focused only on restricting commercial fishermen.*

Now *that's* news, and the press took the bait. Here are some sample headlines: "RECREATIONAL FISHING SERIOUSLY HARMS THREATENED SPECIES." "SPORTFISHING BAD FOR STOCKS." "RECREATIONAL ANGLERS MAY PROVE GULF'S WORST ENEMY." The stories under these baleful banners exposed the alleged plague of weekend warriors and their unregulated ruin.

Are we exaggerating? Judge for yourself these disapproving editorials. From the Santa Maria (CA)

Times: "Data show that recreational angling is responsible for over-fishing nearly a quarter of depleted species in U.S. coastal waters, and nearly 60 percent of certain depleted species along the Pacific coast. The study's conclusions have provoked a renewed call for restrictions similar to those imposed on commercial fishing operations and hunters... Hunters have co-existed comfortably with seasons and catch limits for many years. There is no reason why recreational fisherman can't do the same." And from the Wilmington (NC) Star-News: "The new study...offers a clear warning that we'd better regulate saltwater recreational fishing, as we've long regulated commercial fishing...If we don't put reasonable limits on how many can be hauled up, whole species will start to disappear."

With Malice Aforethought?

Such reactions might be justified if there were new evidence suggesting that sport fishing is an overlooked threat to the ocean. But there isn't. Not in this study, anyway.

Even the government's chief fisheries scientist doesn't see what all the fuss is about. "I don't think the study offers anything to the science or to the management of fish stocks," concludes Dr. Michael Sissenwine of the National Oceanic & Atmospheric Administration. He points out that its conclusions are based on the false premise that fishery managers aren't aware of sport fishing's impact and that they aren't regulating recreational fishermen. Not true, he says.

Indeed, the much-ballyhooed study is based on a number of wrong assumptions about recreational fishing, commercial fishing and fisheries management. It is laced with facts, but the authors – and the study's promoters in the environmental community - demonstrate a woeful lack of understanding of the world these facts come from – or even what they mean.

So how did these scientists arrive here? And why were their conclusions so heavily promoted?

Presented at a conference of fisheries professionals, this "study" would have caused hardly a ripple, although it would've surely been challenged on its merits. But it was clearly designed for maximum exposure, to get its message out without contradiction. It has every appearance of being done with malice, that is, with the intent to do harm to the image of recreational fishing. Was it? And if so, why?

Wrong Assumptions

Significantly, the study examines the impact of recreational fishing relative to commercial fishing, all the way through to its prosaic conclusion that "(i)f the goal of fishery management is to sustain viable populations and ecosystems, then recreational as well as commercial fishing require effective regulations." Editorial comments sprinkled throughout the article (and magnified in the SeaWeb press release) declare that "little attention has been paid to the recreational sector" because no one realized the magnitude of recreational catches – until now.

To be sure, leaders of the recreational fishing industry like to point out – okay, brag – that, while sport fishermen make about the same economic contribution to the U.S. economy (around $25 billion a year) as commercial fishermen, they land a fraction of the fish. That fraction, according to statistics from the U.S. Commerce Department, is around 1/40th or 2.5 percent.

The authors (four marine biologists from Florida State, Duke and Ohio Universities) estimate the angler share of the catch of all federally managed marine fish at 4 percent, then increase the share of the total catch by narrowing the scope of species considered. It goes higher when "large industrial fisheries" such as walleye pollock and menhaden are excluded, then to nearly a quarter to all fish when looking only at "populations of concern," that is, species that are designated overfished.

From this, the authors fashion their revelation. Many of the fish that sport fishermen target are overfished. For some overfished species, the recreational take is higher than the commercial. Therefore, recreational fishing is a significant cause of overfishing.

The most distressing thing is that the study doesn't lead to this conclusion at all. But the authors' spin and the press release that accompanied it do. That's because they base their conclusions on a number of faulty assumptions:

- The study starts by debunking the notion that recreational fishing accounts for only a tiny portion of total U.S. landings. It boosts that percentage to 10 percent right off by excluding landings of pollock and menhaden, the two largest commercial fisheries in the nation. Why? Because these colossal industrial fisheries have no recreational value and are not considered overfished. But pollock and menhaden are extremely important prey for many recreational and

commercial species, as well as mammals and seabirds. From an ecosystem standpoint, their massive harvest is a very serious concern, and we hate to see it minimized because it doesn't fit the authors' goal of exaggerating the impact of recreational fishing.

❍ The authors point out that, among "populations of concern," recreational landings account for 23 percent of the catch. From there they jump to the conclusion that, where the size of the current sport catch of certain overfished species exceeds the commercial– using bocaccio and red snapper as exhibits A and B – anglers are the primary cause of depletion. This assumption reflects a basic misunderstanding and unfamiliarity with these fisheries. In the case of bocaccio, this west coast rockfish was depleted by years of heavy commercial fishing, while angler catches were comparatively small. The commercial catch has collapsed to the point where the sport catch is now higher, although it has declined drastically, too. Gulf red snapper is another case in point. (Sample headline generated by the study – "Anglers Blamed for Red Snapper Decline.") Although today anglers land over half the snapper catch, bycatch in shrimp trawls is the largest source of mortality, the chief cause of overfishing, and the reason sport and commercial snapper fishing is unsustainable.

❍ The study generally ignores commercial bycatch and discards, again because it evidently doesn't fit the authors' purpose. They go out of their way to emphasize that the impact of recreational fishing is underestimated because of mortality associated with catch-and-release fishing and regulations that require discards (e.g., minimum sizes). But they say nothing about the uncounted millions of tons of fish tossed away routinely by commercial fishermen because they are unmarketable or of low value or due to ineffective regulations. Moreover, when assessing mortality of released fish, they focus on deepwater species, which have the lowest survival rate. Minimizing post-release mortality is a serious issue in many fisheries, but it's not served well by implying – falsely – that it's more of a problem in recreational fisheries or that managers aren't aware of it.

❍ Indeed, that the recreational fishing sector has been "overlooked" or is operating "below the radar screen" of fishery management is an underlying theme. It's simply not true. State and federal law books are packed with permit and reporting requirements, regulated seasons, minimize size limits, bag limits, prohibitions on sale, etc. Have been for years. The authors add insult to injury by claiming that regulation of recreational fishing is 20 years behind that of commercial fishing. If anything, anglers are decades ahead of their commercial brethren in terms of recognizing their own impact on the resource, voluntarily restricting their catch, and actually proposing regulations to protect fish populations, including for themselves.

All Fishing is Equal? (All Fishing is Bad?)

A **scientific study** is supposed to test a hypothesis, not set out to prove one. In trying to prove that recreational fishing is more harmful than people think, the authors have produced something you don't expect a science paper to be: ill-informed and malicious.

In a perverse way, the recreational community may have brought it on themselves. In response to environmental groups demanding no-fishing zones, some spokesmen made foolish pronouncements to the effect that angling shouldn't be prohibited from marine reserves because it doesn't have a significant impact on fish populations. Because this notion challenges the plans of some environmental and scientific groups to establish a network of reserves with no fishing whatsoever, somebody set out to prove it wrong.

Lost in all the brouhaha are some legitimate concerns. The aforementioned mortality of released fish, for example. Another is the issue of overall recreational fishing effort. With an increasing number of commercial fisheries coming under limited entry programs, the authors suggest that the number of anglers may need to be controlled, too.

They don't say what they have in mind, but it's an area that's ripe for further study (by someone else, though). What happens if a bag limit of one fish is still too many? If mortality of released fish, in an all-release fishery, is still too high? If we were to limit entry into a recreational fishery, how would it be done?

In thinking about these and other issues, we suggest fishery managers keep a few goals in mind:

- Promote those forms of fishing, recreational and commercial, which are manageable and sustainable and get rid of those that aren't.
- Provide the greatest opportunity for Americans to enjoy the oceans as the wild and abundant natural resource it should be.
- Maintain public access to marine resources – for food and recreation, for the individual citizen – and give it precedence over commerce.

❑

Congressional Report Card 2004

The supermarket-tabloid Weekly World News headlined its April 19, 2004 issue with the revelation that twelve members of Congress are extra-terrestrials. The issue includes helpful hints on "How To Tell If Your Congressman Is A Space Alien." If only it were so easy to tell if your representatives in Congress are friend or foe when it comes to protecting the future of ocean fishing.

Since 1995, the National Coalition for Marine Conservation has published its biannual Congressional Marine Fisheries Report Card in Sport Fishing magazine. We didn't publish the report in 2004 because there was not enough legislative action to assess (see cover story).

In the 5 report cards done to date, the following legislators have gotten the best marks: George Miller (D-CA), Wayne Gilchrest (R-MD), Sam Farr (D-CA), Jim Saxton (R-NJ) and Frank Pallone (D-NJ). The worst grades went to Richard Pombo (R-CA), Barney Frank (D-MA), Don Young (R-AK) and former members Billy Tauzin (R-LA) and Helen Chenoweth (R-ID).

NCMC RE-APPOINTED TO DOLPHIN ADVISORY BOARD

NCMC president Ken Hinman was re-appointed to the South Atlantic Fishery Management Council's Dolphin and Wahoo Advisory Panel. He will serve another 3-year term (through 2007). Ken has advised the council on dolphin management issues since 1997, and played a pivotal role in helping develop the 2004 Dolphin/Wahoo Fishery Management Plan, whose purpose is to prevent overfishing and preserve the predominantly recreational/rod-and-reel character of the fishery. Work with the council now focuses on monitoring the effectiveness of the plan's conservation measures, in particular constraints on the commercial fishery, and coordinating management with complementary plans being developed by the Gulf of Mexico and Caribbean councils.

NATIONAL COALITION FOR MARINE CONSERVATION

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national coalition
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The NCMC *MARINE BULLETIN* [No. 109] Spring 2005

ATLANTIC STATES VOTE TO LIMIT MENHADEN CATCH

MOTION TO FREEZE FISHING AND EXAMINE ECOSYSTEM CONCERNS GETS OVERWHELMING SUPPORT

The Menhaden Management Board of the Atlantic States Marine Fisheries Commission (ASMFC) voted overwhelmingly on February 9th to begin developing regulations to cap the purse seine harvest of Atlantic menhaden at recent levels through 2007.

The purpose of the action, which will include a limit on fishing in Chesapeake Bay, is to prevent further damage to the menhaden stock and harm to striped bass and other predators while the ASMFC works with its scientific advisors on a long-term ecosystem-based approach to managing the fishery. Anglers and environmentalists are concerned that concentrated harvest in the Chesapeake is harming the small pelagic fish's ecological role as forage for predators and as a filter of the bay's waters.

The National Coalition for Marine Conservation, along with its partners in the Menhaden Matter alliance (www.menhadenmatter.org), worked with the ASMFC to take this important first step toward protecting a resource that is vital not just to the bay but to the entire east coast food web. New research initiatives are expected to provide additional guidance on menhaden conservation over the next couple of years; in particular, what level of harvest is safe and sustainable for the long term. Meanwhile, limits on fishing will prevent a return to the high catch levels of the mid-1990s, when the first signs of forage-famine appeared in the form of skinny and diseased stripers.

A Win-Win Proposition

Many concerned about the menhaden harvest would like to reduce the catch right now, but uncertainties in the available science and how to manage on a multi-species, ecosystem basis make a precautionary freeze in catch the most viable short-term remedy.

This "compromise" is a win-win proposition for all concerned, including the ASMFC, which can call time-out to get the information it needs to better address the public's concerns, and the menhaden industry, which will not lose a single job in the meantime. Although that isn't stopping Omega Protein, whose Reedville, VA plant processes 90% of the fish, from griping to the press and the public that the catch-cap will put them out of business.

In response to worries the new, enhanced facility they built last year would lead to higher catches, Omega swears it has no plans to increase its catch. "The operation won't require any more fish than are already being harvested – it will allow us to make better use of the resource we already have," Jane Crowther, senior director of the Reedville refinery, told the ASMFC in February. "We don't need more fish for this facility. I think it's very important that you know that." So what's the problem? ❑

4 ROYAL STREET, SE LEESBURG, VA 20175

NOTHING REALLY CHANGES EXCEPT THE RULES

The late, great Hunter S. Thompson said that, and I couldn't help thinking how right he was, as I sat through a panel on reforming fishing laws at the recent conference, "Managing Our Nation's Fisheries." In the 28 years since the councils began implementing the Magnuson Fishery Conservation and Management Act, our fundamental problem hasn't changed. In most cases, without the proper constraints, we will overfish, to the point of resource depletion and harm to our fisheries. And we are more capable of overfishing than ever before.

In other words, despite increases in our knowledge of fish and fishing's impacts, our hard-earned experience repairing depleted fisheries, and a growing conservation ethic among many fishermen, if we were to remove today's rules - most notably, those contained in the 1996 Sustainable Fisheries Act - we'd quickly return to the days of pillage and plunder.

Since 1976, we've changed the rules many times. More than that, we've added regulations *ad infinitum*. Some might say *ad nauseum*. And lacking a common vision for our fisheries and a universal conservation ethic, we are becoming process-driven. Following the rules and regulations, more and more of them every year, leading us further away from a management system based on common values. And law without values is a bureaucracy without purpose. It's no more than a process.

The rules have become all-important. Which is why we're so focused on fiddling with them. We're now in the midst of yet another Congressional reauthorization of Magnuson, and it promises, once again, to be a tug-of-war over the rules. Yet it seems as if we've lost sight of where it is all supposed to be taking us.

I think of myself as a conservative conservationist. I'm a strong and unapologetic environmentalist. But I'm no fan of government bureaucracy, controlling and micromanaging every aspect of fishing, or wasting taxpayers' money. And I'm not happy that our system has become, as one panelist put it, a "costly, redundant and slow processing of actions and creation of disenfranchised, confused and frustrated user groups."

OCEAN VIEW

Commentary

But is the cause of this problem the rules themselves, and is the answer merely lifting the regulatory burden, as some propose? Or is it the lack of a coherent vision and political will behind the rules? Actually, it's both. And we'll never fix things - with more than a temporary fix, anyway - focusing on just the rules.

We can all join the chorus and chant the mantra of reform I heard at the conference: streamline, consolidate and simplify. But that will be impossible until we change more than the rules, and change the way we as a nation think about the ocean.

Ken Hinman, ***President***

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

The **NCMC** 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.

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Christine Snovell, *Director of Communications and Development*

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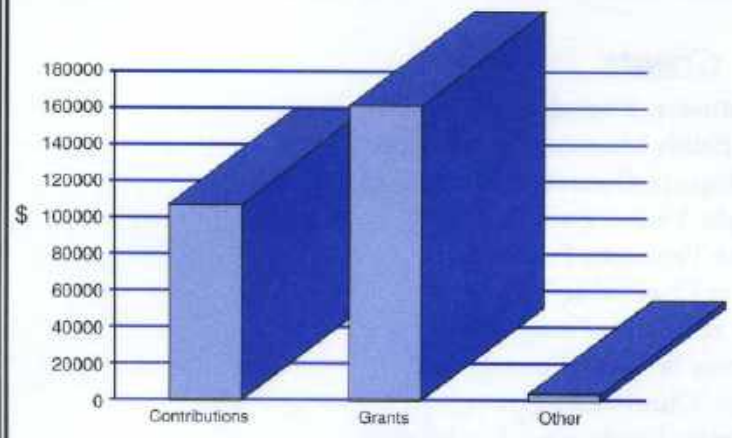
2004 FINANCIAL SUMMARY

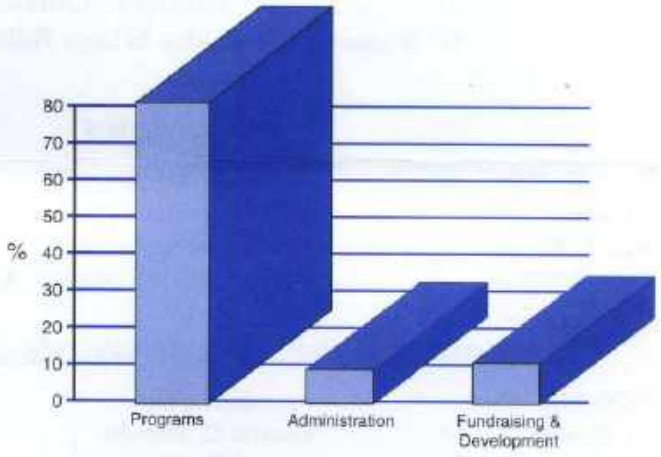
SOURCES OF REVENUE



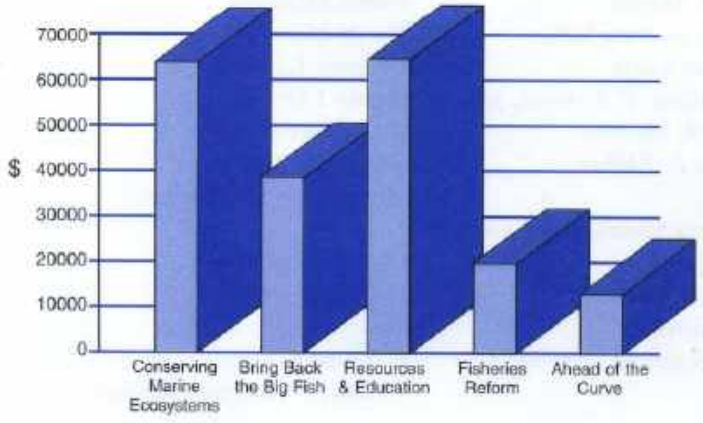
The NCMC receives financial support from private foundation grants and individual contributions. A list of contributing Foundations, Fellows and Sponsors is included on the reverse side of this page.

EXPENDITURES BY CATEGORY

We strive to allocate as much of every charitable dollar as possible directly to our conservation programs.



CONSERVATION PROGRAM EXPENDITURES



Allocation of expenditures among our five marine conservation programs varies from year-to-year, depending on changing needs and events.

2004 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 2004. 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 2004.

Grants

☆ Mostyn Foundation
☆ Curtis & Edith Munson Foundation
☆ Regional Marine Conservation Project
☆ Knight Vision Foundation
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NCMC SEEKS INTERNATIONAL PROTECTION FOR SARGASSUM

The National Coalition for Marine Conservation (NCMC) has formally proposed that the United States Delegation to the International Commission for the Conservation of Atlantic Tunas (ICCAT) take the lead this fall in protecting oceanic habitat. We've asked the US to seek adoption of a resolution recognizing the importance of pelagic *Sargassum* as essential habitat for the pelagic fisheries of the Atlantic, and calling on ICCAT's 39 member nations to protect concentrations of this floating brown weed from commercial harvest.

The importance of *Sargassum* to marlin, sailfish, tunas and swordfish is well understood, and recognized in the US Fishery Management Plans for Billfish and Highly Migratory Species. "Pelagic *Sargassum* supports a diverse assemblage of marine organisms including fungi, micro- and macro-epiphytes, sea turtles, numerous marine birds, at least 145 species of invertebrates, and over 100 species of fishes. The fishes associated with pelagic *Sargassum* include juveniles as well as adults, including large pelagic adult fishes. Billfishes and swordfish are among those that can be found at different life stages associated with *Sargassum*."

Indeed, many in the fishing community feel that the abundance of fish important to American sport and commercial fishermen is directly associated with the abundance of this sea-borne habitat. That's why there was such broad support for the South Atlantic Council's FMP for Pelagic *Sargassum* Habitat, approved by NOAA Fisheries in 2003, which limits any future exploitation of this essential marine habitat within US waters.

Protect the Sargasso Sea

Most *Sargassum* occurs beyond our waters, however. From the Billfish/HMS FMP: "In the warm waters between the western edge of the Florida Current/Gulf Stream and 20° N latitude and 40° N latitude, pelagic brown algae, *Sargassum natans* and *S. fluitans*, form a dynamic structural habitat. The greatest concentrations are found within the North Atlantic Central Gyre in the Sargasso Sea."

The *Sargassum* in US waters is a small part of the Sargasso Sea, which lies predominantly in international waters. The Sargasso Sea is home to a vast amount of the sea life in the warm waters of the Atlantic, providing nutrients and habitat for fish wandering the otherwise barren open ocean. Swordfish, billfish, dolphin and wahoo feed on the myriad organisms living in fields of *Sargassum* and may breed there, too. It acts as a nursery for the young, including eggs and larvae, of many fish species, which cling to the floating weed cover for protection.

Part of the NCMC's original motivation in 1998 for backing development of a US Pelagic *Sargassum* FMP was "(t)o strengthen the position of the U.S. in protecting *Sargassum* as essential habitat on the high seas." Without question, the biggest threat to this unique fish habitat is in the Sargasso Sea, where vessels from any number of countries fishing the area could mine the weed in huge quantities with impunity. During development of the US FMP, we heard reports (as yet unsubstantiated) of harvests by foreign vessels in the Sargasso. But whether or not it is occurring now, its adverse impact on Atlantic fisheries would be profound and that must not be allowed to happen.

Ecosystem-Based Conservation

Knowing the Sargasso Sea's ecological importance, we cannot know how much *Sargassum* can be harvested safely. Therefore, it would be in the interests of US fishermen and the fishermen of all nations of the Atlantic if ICCAT were to make a precautionary declaration through a new Resolution on Commercial Harvest of Pelagic Sargassum. Although such a resolution would not be binding, it would raise the importance of the matter before an international body representing the Atlantic's major and minor fishing nations.

Protecting pelagic *Sargassum* as essential habitat for fish managed and conserved by ICCAT falls within the Commission's responsibility. The loss of marine habitat can reduce the means to maintain fish populations at maximum sustainable levels. Furthermore, ICCAT's charter acknowledges that understanding the ecology of ICCAT-managed species is integral to their conservation. It is critical, then, that the Commission go on record urging the international community to work together to protect the Sargasso Sea as an abundant and productive habitat for the valuable fishes and fisheries of the Atlantic.

After all, ICCAT should, like all other ocean management bodies, be moving toward an ecosystem-based approach to fisheries conservation. ❑

NEW BIG FISH PLAN IN THE WORKS

New measures to conserve big fish off our shores, particularly Atlantic billfish, will be the subject of a NOAA Fisheries proposal unveiled this summer. Following release of Draft Amendment 2 to the Fishery Management for Atlantic Highly Migratory Species (HMS) in June, NOAA will take written comment from the public and hold hearings up and down the coast.

At a March meeting with the agency's HMS Advisory Panel, NOAA officials reviewed alternatives for improving conservation and management of tunas, marlin, sailfish, swordfish and sharks. The National Coalition for Marine Conservation's Ken Hinman, a member of the Advisory Panel, attended the three-day meeting and flagged the following issues of concern:

- Combining Management of all Atlantic HMS under a Single Plan. Since 1989, billfish have been managed separately, primarily because billfish are reserved for the recreational fishery where virtually all fish are released. Consolidation does make sense for practical reasons, since HMS fisheries overlap. However, it is crucial that the unique objectives of the Billfish Plan, including maintaining the highest population of fish for the angling sector, be maintained.
- Modifying Longline Closed Areas. Large longline closures implemented in 2000 have been effective in reducing bycatch of juvenile swordfish, billfish, giant bluefin tuna and sharks (from 30-70% reductions, depending on species). It is imperative that the existing no-longlining zones remain intact to continue protection for the new generation of swordfish and overfished billfish, while new areas are added to protect threatened white marlin.
- Increased Use of Circle Hooks. Switching from J-hooks to circle hooks could reduce post-release mortality of marlins by over 50%. With nearly 99% of billfish released, anglers need to focus on making sure as many as possible survive. A comprehensive educational program, using resources of the government and the recreational community, is needed to promote the voluntary (and correct) use of circle hooks.
- Other issues: Re-opening the traditional swordfish handgear category in the northeast so that this selective commercial fishery can grow as an alternative to longlining; ending the drift gillnet fishery for sharks in the southeast; and protecting smalltooth sawfish, a one-of-a-kind member of the shark family recently added to the endangered species list.

Visit the NCMC's web site and our new Big Fish action pages for more information and updates on the new plan, when and where to send comments, and the locations of public hearings. ❑

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PREY FOR THE BAY

MENHADEN PANEL ANSWERS ANGLER'S PLEAS - ASMFC LIMITS BAY REDUCTION HARVET FOR 5 YEARS STARTING IN '06

After receiving a record number of comments from the public - 26,000 in all - the Atlantic States Marine Fisheries Commission's Menhaden Management Board took final action on August 17th to set a limit on the amount of this small but ecologically important fish that can be taken from inside Chesapeake Bay.

The panel, composed of representatives from all Atlantic states, voted 12-2 to cap the harvest of menhaden by the reduction fishery at 105,800 tons, the average catch over the last 5 years. The cap will remain in place through 2010, while new research gets underway to explore links between overfishing of the bay menhaden population and malnutrition and disease in striped bass, which use the bay as their primary breeding ground.

Although menhaden and key predators like striped bass are found from Maine to South Carolina, nearly two-thirds of the coastwide menhaden harvest is concentrated in the Bay. The only states voting against the new limits were Virginia and North Carolina, homes to the coast's two reduction fleets and plants that process menhaden into fish meal and oil products.

A Cap Means Conservation

The ASMFC rejected an 11th-hour proposal from Omega Protein, which does most of its fishing in the Chesapeake. That proposal - asking the panel to forego regulations in favor of a "voluntary cap" of 131,000 tons a year for 5 years - was rejected. The industry cap would have permitted a 25 percent increase from recent levels and represents an amount not removed from the bay since the late 1990s, when the first signs of trouble appeared.

"We applaud the ASMFC for taking this first step toward an ecosystem-based approach to managing its fisheries," says Ken Hinman, president of the National Coalition for Marine Conservation. "This cap will reduce risk and prevent further harm to the food chain. It is clear the industry, despite all the concerns brought before the ASMFC over the last two years, wants to harvest substantially more menhaden from the bay, and this cap will make sure that doesn't happen."

Further reductions in harvest may be needed when the results of new ecological studies (along with a new stock assessment in 2006) come forward. The menhaden plan allows for changes in response to new information.

NCMC has been active on the striped bass/menhaden issue since 1997 but shifted its efforts into high gear in 2003. [see "Timeline for a Timeout," page 3] We are a founding member of *Menhaden Matter*, an alliance of fishing and conservation groups formed in early '04 to work with the ASMFC to limit the catch while developing a research plan to determine a safe level of harvest for the long run. ❑

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OVERFISHED, OR "DEFERRED ABUNDANCE"?

A group of PC British educators have recommended that schools, in order not to discourage students, replace the term "failed" with "deferred success."

Evidently NOAA Fisheries is similarly inclined. First, the agency puts off submitting its 2005 report card to Congress on the status of U.S. fisheries indefinitely. Presumably our fragile lawmakers, in the midst of renewing our nation's fisheries law (the Magnuson Act), might find these reports too discouraging.

Next, NOAA proposes replacing the word "overfished" with "depleted," on the grounds that, in addition to fishing, environmental causes such as predation, climate change and *natural disasters* may be responsible for population declines. These factors are real, but only in rare instances are they the primary cause of declines in commercially-targeted fisheries. But hey, we don't want the fishermen to feel like it's *their* fault, do we?

We might jokingly conclude the government is trying to get us to think of overfishing in a more positive way, as maybe "deferred abundance." But it's no joke. Newly proposed changes to Magnuson's National Standard Guidelines would permit overfishing to continue under new rebuilding plans and allow councils to defer rebuilding under these plans beyond the current limit of 10 years. Deferred success, indeed.

OCEAN VIEW

Commentary

Losing Old Friends

There's a saying that the only truly dead are those who have been forgotten. Anyone who knew **Stephen Sloan**, who died of cancer in April at 72, will not soon forget him. Stephen joined NCMC in 1975 and our Board of Directors a few years later. He was an angler, conservationist and author, and I knew him to approach each of these endeavors with unbridled passion and, oh yes, inimitable style.

His last book, "Thanatopfish: An Ocean Odyssey," was written when he knew he was dying. In it, he takes an imaginative journey in the afterlife, reincarnated as part of his beloved sea, rivers and streams "to relive some of my most pleasurable moments on earth." It is filled with all the stuff that fishermen and naturalists will appreciate, but above all, it is a deeply moving personal legacy. If you think you knew him, read this book to be sure you really did. Pleasant dreams, Steve.

Barely two weeks later we lost another good friend, **Guy C. Billups, Jr.**, a well known big game angler and philanthropist. Guy, as a charter member of the NCMC Board in 1973, was key in setting the distinctive course we continue on today. Inactive for years due to failing health, he nevertheless kept in touch and followed our progress. We're gonna miss him.

Ken Hinman, *President*

NATIONAL COALITION FOR MARINE CONSERVATION

Founded in 1973

The **NCMC** 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.

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TIMELINE TO A TIMEOUT
How We Got Here

Frustrated with the lack of traction on the menhaden issue, NCMC in 2003 did what we do best - acted as catalyst to spur action & then joined an alliance of anglers and conservationists to maximize public advocacy.

June 2003 – NCMC begins circulating a petition to curtail industrial netting in Chesapeake Bay, ultimately gathering close to 5,000 signatures.

December 2003 – NCMC petition puts menhaden at the top of the agenda at ASMFC Annual Meeting. We present a 9-page recommendation to the Menhaden Board, with detailed statement of the problem, urging ASMFC to begin the process of amending its interstate plan. Board refers NCMC paper to its Technical Committee for review, with instructions to report back for formal Board discussion and consideration of possible action in March.

February 2004 – NCMC participates in 2-day Technical Committee meeting devoted to reviewing our concerns.

March 2004 – At next Menhaden Board meeting, motion is made to consider a suite of management options to assess and prevent localized depletion in the Chesapeake. Postponed to future date.

April 2004 – NCMC forms Menhaden Matter with Chesapeake Bay Foundation, Coastal Conservation Association and Environmental Defense. Joint effort focuses on interim management while scientific uncertainties are addressed. Goal is to raise public awareness/input and develop ecological science to provide guidance to managers.

May 2004 – Motion passed to hold a special scientific workshop to assess menhaden's ecological status, with emphasis on role as forage in Chesapeake Bay.

October 2004 – 3-day scientific workshop held. Menhaden Matter publishes report, "Proactive Conservation Measures Are Needed Now to Protect the Ecological Role of Atlantic Menhaden and Chesapeake Bay," advocating immediate catch cap.

November 2004 – Motion to cap harvest is made, then tabled.

February 2005 – Motion to cap Chesapeake Bay purse seine harvest at average of last 5 years. Passes 12-2.

May 2005 – Hearings held in 12 states, public comment received is largest in ASMFC history.

August 2005 – Final action taken [see lead story].

THE DISAPPEARING, UNDERFED, MERCURY-FILLED BLUEFIN BLUES

NCMC PETITIONS FOR GULF LONGLINE CLOSURES AS NEW THREATS SURFACE

The perpetually over-stressed Atlantic bluefin tuna is once again the object of renewed conservation efforts. For years, it seemed like the bluefin would be left in limbo indefinitely while scientists examine questions about mixing between the western and eastern stocks. But now, new scientific information has come forward that answers some of these questions and calls for specific actions.

Ten years of research conducted by Dr. Barbara Block using pop-up tag technology (results published in the April issue of *Nature* magazine) confirms that there are two distinct east/west stocks of Atlantic bluefin tuna. The stocks mix, but only to feed, not to breed. The western bluefin spawning stock, which breeds in the Gulf of Mexico, is severely overfished.

Dr. Block's study points to the need for stricter controls on fishing in the central Atlantic mixing area, where the weaker western stock is subject to unsustainable fishing pressure under higher eastern Atlantic quotas, *and* in the Gulf of Mexico, where a high rate of fishing mortality continues despite international rules that prohibit targeting breeding bluefin. A substantial bycatch in the Gulf's yellowfin tuna longline fisheries threatens the survival of the remnant spawning population, Dr. Block says.

The National Coalition for Marine Conservation, Blue Ocean Institute, Monterey Bay Aquarium, Natural Resources Defense Council and Oceana are petitioning NOAA Fisheries to close the northern Gulf to pelagic longlining to protect giant bluefin during spawning season. The petition, filed June 2nd, calls for the federal government to prohibit longlining in a 125,000 square mile area from April 1st to June 30th. We will also attend the November ICCAT meeting to support new controls on fishing in the Central Atlantic.

Other news: Bluefin showing up each year in New England are getting progressively skinnier, suggesting a decline in forage fish such as herring, according to an unpublished study by the Large Pelagics Research Center [see p. 4] The 873-pound giant tuna caught off Delaware in July was found to have 2½ -times the legal level of mercury set by the U.S. FDA. ❑

NCMC WELCOMES NEW FISHERIES PROJECT DIRECTOR

Pam Lyons Gromen joined the staff of NCMC as Fisheries Project Director on August 15th. Pam brings to NCMC 14 years experience directing conservation and animal programs for public aquariums, working first for the National Aquarium in Baltimore. After advancing from an aquarist to a management position, Pam left the National Aquarium to accept a challenging position to structure and head the animal care staff while assisting in the design and construction of the Newport Aquarium, which opened its doors to the Greater Cincinnati community in May 1999.

During her time at Newport Aquarium, Pam orchestrated and developed the institution's conservation programs for which she received an appointment to the aquarium's WAVE Foundation Board. The Foundation currently manages several signature conservation efforts, including satellite tracking research on sea turtles. Among her favorite conservation partnerships is one she fostered with Project Piaba, a community-based conservation initiative whose primary objective is to promote sustainable fisheries within the Amazon Basin.

After 7 years, Pam is happy to return to the East Coast and to be working so close to her hometown of Baltimore. As a child, Pam recollects frequent visits to the shore, which she believes helped foster her appreciation of marine life and led her to choose Marine Biology as a major for her Bachelor Degree from Jacksonville University.

When asked what she looks forward to most in her new position, Pam says, "I am delighted to be joining the NCMC at a time when ocean governance reform is at the forefront of our nation's political agenda. It's exciting to be part of an organization that will help lead the direction for positive change." ❑

Montauk is
a storm wind
that sings with the sea,
blows chords through the trees,
and beats rhythm into the soul.

From Montauk Is: A Collection of Haiku and Short Poetry (and 75 photos) by NCMC Director W.D. "Bill" Akin. *Go to Amazon.com & search books for keywords Montauk Is Haiku*

HINMAN ASKED TO ADVISE ON LARGE PELAGICS RESEARCH

NCMC President Ken Hinman was selected to serve on the inaugural Board of Advisors for the new Large Pelagics Research Center at the University of New Hampshire (UNH). The key elements of the new Center, which aspires to become "a world leader in the study of large pelagic marine species," include: the *UNH Large Pelagics Research Program*, under the direction of lead scientist, Dr. Molly Lutcavage; a *Competitive Grants Program* in Large Pelagics Research; and two *Education Initiatives* coordinated through the UNH Marine Program.

"I'm excited about this new initiative, which promises to enhance and support the science and technology necessary to improve management of the full range of pelagic species," says Hinman. The Board is currently reviewing research proposals for 2006. For more information visit the Center's site at www.largepelagics.unh.edu. ❑

NMFS BACKS OFF PROPOSAL TO ALLOW LONGLINING IN CLOSED AREAS

The controversial proposal to allow longliners into closed areas in order to conduct dubious "research" has been shelved. On May 3rd, the National Marine Fisheries Service (NMFS) announced it would not be granting Exempted Fishing Permits to vessels to participate in a bycatch reduction research project devised by the longline industry.

The National Coalition for Marine Conservation opposed granting the permits on the grounds that the NMFS environmental assessment supporting the proposed action was inadequate and therefore violated the National Environmental Policy Act. We argued that the agency did not document why the research couldn't be just as effectively done in areas where the longline fleet is already fishing, without causing an

increase in mortality of juvenile swordfish and overfished marlins.

NMFS agreed to prepare an Environmental Impact Statement to fully assess the project and alternatives. Meanwhile, the agency will proceed with research into gear changes and other possible means of reducing bycatch in areas currently open to longline fishing. ❑

COUNCIL REVIEWS WEST COAST DRIFT NET/LONGLINE CLOSURES

The Pacific Fishery Management Council's Highly Migratory Species (HMS) Management Team and Advisory Subpanel met jointly in San Diego in August to review the status of the drift gill net and high seas longline fisheries.

A large area off southern Oregon and northern California was closed to all drift netting in 2001 to protect sea turtles snagged in the nets set for swordfish and thresher sharks. NOAA Fisheries enacted a temporary ban on longlining for swordfish on the high seas (beyond U.S. waters) in 2004, also to protect the leatherback and other endangered sea turtles.

The Pacific Council outlawed pelagic longlining within U.S. waters the same year. But while the longlining ban in U.S. waters is permanent, the drift net and high seas longline closures could be lifted if the Council can find a way to craft rules that allow some level of fishing while still giving turtles the protection required by the Endangered Species Act.

The National Coalition for Marine Conservation attended the August HMS meetings to assess the alternatives being considered, which include everything from the *status quo* (closures remain in effect indefinitely) to some combination of modified area closures, effort limits and hard caps on turtle mortality (i.e., the fishery shuts down when a certain number is reached).

We've flagged several areas of concern. In most cases, 100% observer coverage would be required, although NOAA admits that level of coverage is completely unrealistic. The agency remains vague about how many turtles it would permit the fisheries to sacrifice, which frustrates managers trying to evaluate the various alternatives. Finally, the focus on turtles has overshadowed the incidental catch of other species, such as striped marlin and a number of rare sharks, that is known to occur in both the drift net and longline fisheries.

The Pacific Council will consider alternatives for the drift gill net fishery at its November 2005 meeting. NCMC will continue to monitor developments and present testimony at that time. Alternatives for the high seas longlining will be considered at a later date; meanwhile that fishery will stay closed through 2006. ❑

SHARK SCIENTISTS WEIGH IN

RESOLUTIONS SEEK MORE CONSERVATION IN ATLANTIC, PRECAUTIONARY LIMITS FOR PACIFIC DOGFISH, AND MAKING SCIENCE MORE BINDING ON REGIONAL COUNCILS

Christine Snovell, NCMC staff member and member of the American Elasmobranch Society, attended the annual AES meeting in July. Scientists at the meeting presented the latest news in the biology, reproduction, habitat and conservation of sharks and other cartilaginous fish. The AES Conservation Committee adopted the following resolutions at the meeting (abbreviated):

- As the National Marine Fisheries Service (NMFS) is in the process of amending its fishery management plan (FMP) for Atlantic highly migratory species (HMS) including sharks; and the IUCN (World Conservation Union) has identified the great and scalloped hammerhead, porbeagle and some deepwater sharks as species of concern in the Atlantic; *THEREFORE BE IT RESOLVED* that the AES urges NMFS to include in Draft Amendment 2 to the HMS FMP options for stopping overfishing of large coastal sharks and adding other vulnerable and/or depleted shark species to the prohibited species list, particularly hammerheads, porbeagles and deepwater sharks.

- As NMFS and the Pacific Fishery Management Council are considering measures to limit the catch in a developing fishery for spiny dogfish off the

U.S. west coast; and the status of the Puget Sound spiny dogfish population is already of concern; and these sharks cross state and national boundaries; *THEREFORE BE IT RESOLVED* that the AES urges the Pacific Council and NMFS to work cooperatively with Pacific states and Canada to impose precautionary limits on catch in west coast spiny dogfish fisheries while comprehensive assessments and management programs are developed.

As the U.S. Fishery Management Councils face intense political pressure to improve short-term economic conditions of fisheries and often ignore recommendations from their own scientific committees to do so; and the U.S. Commission on Ocean Policy recommended amending the Magnuson Act to strengthen the role of the Councils' scientific committees and to require Councils to use recommendations from these committees; *THEREFORE BE IT RESOLVED* that the AES urges the U.S. Congress to pass legislation reauthorizing the Magnuson Act that serves to strengthen the role of science in fisheries management by requiring Councils to adhere to the advice of their scientific committees. ❑

2005 SURVEY RESULTS

Many of you took the time to return the member survey we mailed you in May, and for that, we thank you. Your comments are valuable in helping us improve our programs and services, and many of your suggestions are now under consideration. Overall, here's what the majority of you told us:

- ☑ The volume of mail we send you is just fine, please don't send more. Use the money to save the fish.
- ☑ You are using or intend to use our Email Action Network, or will check our web site's action items page, for the latest NCMC news and alerts.
- ☑ You like to know how we are using your donations and to be assured most of it is going into our conservation programs. (We recently posted financial graphs with this information on our web site. It is also available in the year-end newsletter.)
- ☑ When asked what NCMC could do more of, most of you responded 'keep fighting for the fish and sustainable fishing, and keep me informed!'

Lastly, our favorite comment as to how we can improve our member services. . . "Don't fix it if it ain't broke." ❑

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The NCMC *MARINE BULLETIN* [No. 111] Fall 2005

OFFSHORE AQUACULTURE

WILL THE U.S. PLUNGE IN WITHOUT TESTING THE WATERS?

By Pam Lyons Gromen

In June of this year, the National Offshore Aquaculture Act was introduced in Congress by the Bush Administration. This legislation seeks to expedite expansion of aquaculture into the U.S. EEZ (200-mile zone) in order to capitalize on the burgeoning global market in farmed seafood. However, research into the economic, social and environmental impacts of offshore aquaculture, also referred to as open water aquaculture, cannot fully assess the costs or justify the benefits of such a program, which would require a significant investment of federal funds.

Of greatest concern is the adverse impact offshore aquaculture may have on wild fish stocks and their ecosystems, not to mention the fisheries that depend on them. Although aquaculture is sometimes promoted as a way to reduce demand for wild fish, experience has demonstrated that pressure on the wild populations can actually intensify. When commercially important species are farmed, fishermen, in order to compete, are forced to increase their catch and lower prices.

Aquaculture-induced impacts can be felt throughout the food web. Carnivorous species that are high on the food chain require enormous quantities of wild-caught forage species (e.g., menhaden, sardines and anchovies) as feed. The Alaska Marine Conservation Council reports, "In the case of salmon farming in British Columbia, farms use between 2.7 and 3.5 tons of wild fish to make enough dry feed to raise one ton of salmon." In the case of bluefin tuna, this ratio increases to 5:1.

The aquaculture business is booming around the world, and the Bush Administration wants U.S. fish farmers to be part of the boom. Most of the seafood in the U.S. is imported, creating a trade deficit of $7 billion a year. The Pew Oceans Commission explains in their report on Marine Aquaculture in the United States, "While the U.S. ranks third in national consumption of seafood and fourth in total fisheries catch, the country ranks eleventh in aquaculture production with just 1.1 percent of global production by weight, or 1.6 percent by value."

As long ago as 1980, the U.S. government recognized the need for the country to develop aquaculture resources in order to compete with the expanding world market and that year passed the **National Aquaculture Act** "to encourage the development of aquaculture in the United States." Twenty-five years later, research on offshore aquaculture and its impacts has been limited, though progress has been made in closed-system aquaculture.

Bush Administration Asked to Proceed With Caution

While offshore aquaculture may hold promise for the U.S. economy, hasty development and vaguely-written standards could have dire consequences for the marine environment and those who depend on it for their livelihood.

In a report to Congress dated December 13, 2004, the Congressional Research Service acknowledged, "little

(Continued on Page 3)

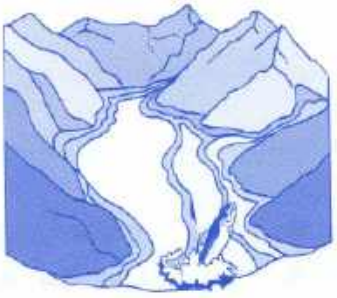
4 ROYAL STREET, SE LEESBURG, VA 20175

Ocean View

Commentary

PROTECT OUR WILD FISHERIES

The ever-present icebergs in Alaska's Prince William Sound, past which millions of young salmon swim each spring on their way to the open sea, as they have for millennia, belie how ephemeral nature can be. The ice, after all, is melting, and at a not-so-glacial pace. The colossal Columbia Glacier, which "calves" ice bergs into the Sound, is disintegrating at a rate of a million tons a day.



It serves as a metaphor for how easily our wild fish populations can slip away, unnoticed until you look around and they're gone. That's the way we lose fish habitat—death by a thousand cuts—and how we lose salmon—one river at a time.

Ichthyologists believe that salmon reflect their prehistoric fresh water origins since, although they spend most of their lives in salt water, they must reproduce in upland streams. For millions of years, this adaptation to both fresh and salt water served them well. But it is no longer an evolutionary advantage. Anadromous species have become the most vulnerable of all marine fish, as their habitat on land has come under assault. Of the nearly 500 animals listed under the Endangered Species Act, only 3% are marine fish. Most of these fish are salmon.

Alaska jealously guards its wild salmon fisheries. The salmon outside of Alaska fill the ESA list. Alaska's fears of losing its native river-runs of wild fish have come to pass in the Pacific Northwest and New England. There, fisheries are propped up by hatcheries, basically stocking programs. Their markets are supported by the farming of fish in pens, or what are essentially offshore feed lots.

A major element of Alaska's wild fisheries program is a statewide prohibition on the sale of farmed fish. Once welcomed by many as a way to take the pressure off wild fish stocks, aquaculture has a serious downside. For one thing, it tends to promote a foolish complacency when it comes to fish conservation, recalling the old potato chip slogan: "Kill all you want, we'll make more."

But more than that, there is a scary list of environmental problems associated with certain types of ocean aquaculture. Infections common among farmed fish are spread to wild populations by escapees, who interbreed and weaken the gene pool. Chemicals and other pollutants used in farming foul the waters near the pens. Forage fish are taken out of the mouths of wild fish and turned into fish meal for aquaculture .

In the lead article in this issue of the Marine Bulletin, Pam Lyons Gromen explains NCMC's position on offshore aquaculture, as adopted at our annual meeting in October. While the Bush Administration wants to dive right in, without safeguards, we're supporting the slower, more cautious approach recommended by Senator Lisa Murkowski from, you guessed it, Alaska. ❑

Ken Hinman, *President*

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(Offshore Aquaculture, cont'd from page 1)

evidence has been provided for the economic benefits of open ocean aquaculture development beyond the general acknowledgment that marine aquaculture has proven profitable elsewhere, especially in areas with little or no environmental regulation and/or enforcement... The present lack of knowledge, owing to limited experience and few studies focusing specifically on open ocean aquaculture, limits our understanding of potential environmental concerns."

In April 2005, Sen. Lisa Murkowski of Alaska, anticipating the Administration's push, proposed the National Stock Conservation Act, which would amend the National Aquaculture Act of 1980 to withhold permits for offshore aquaculture in the U.S. until studies of the social, economic and environmental impacts are conducted.

After examining the National Offshore Aquaculture Act, the NCMC has identified several areas of concern, most notably the exemption of offshore aquaculture operations from the Magnuson-Stevens Fishery Conservation and Management Act. The exemption from Magnuson-Stevens would open up the EEZ to foreign aquaculture operations, potentially impacting U.S. employment, especially to the extent farming competes with traditional fisheries. Even more alarming, national standards for conservation measures set out in Magnuson place would not apply to aquaculture.

In fact, Bush bill contains no environmental safeguards, leaving those to be worked out later in the development process. The act assigns all responsibilities for offshore aquaculture to the discretion of the Secretary of Commerce. No distinctions is made between responsibility for promoting aquaculture and accountability for regulating the industry, resulting in a potential conflict of interest.

After careful consideration, the NCMC has adopted the following policy which will guide the organization's actions regarding offshore aquaculture:

- The NCMC supports withholding offshore aquaculture permits until thorough research provides guidelines for the safe and sustainable operation, as outlined in the National Stock Conservation Act.
- The NCMC encourages selection of farmed species that are lower on the food chain as well as research into feeds that do not use wild-caught fish.
- Aquaculture is not a remedy for depleted fisheries. Conservation of wild stocks and sound fisheries management must remain paramount.
- Aquaculture should not include species for which wild stocks are robust, fished sustainably and yielding high economic value.
- Aquaculture in the U.S. EEZ should not include non-native species. ❑

NEW BIG FISH PLAN OUT FOR PUBLIC COMMENT

When NOAA Fisheries reviews a federal action under the National Environmental Policy Act, to avoid doing an Environmental Impact Statement it must make a "finding of no significant impact." In reviewing NOAA's Draft Amendment 2 to the Atlantic Highly Migratory Species Fishery Management Plan, released in August, we can't help making such a finding ourselves.

Sure, it contains some stuff to rile billfish anglers. But mostly it just doesn't do much at all. I once wrote about the first draft of the original HMS FMP, a hefty 1,500 pages, that never had so many trees given their lives for so little. At least in this digital age, when the plan comes on CD, the trees are spared.

NCMC is currently reviewing the 1,000-page document for how it measures up to the goals we've set for conservation of tunas, billfish and sharks and will be submitting comments, which are not due until March 1, 2006. [The lengthy public comment period is meant to allow Gulf Coast residents ample time to recover their lives in the aftermath of Katrina before turning their attention to fisheries issues.] We will publish detailed comments in the next issue of the Marine Bulletin. Until then, following is a summary of some of the key elements of the draft plan and NCMC positions:

• Plan Consolidation: The draft combines the HMS and Billfish Plans into a single comprehensive FMP. In our pre-draft comments, we supported consolidation provided the unique objectives of the billfish plan are maintained. Briefly, these goals are maintaining the highest availability of billfish to the U.S. recreational fishery by keeping mortality *as low as possible*, and reserving the resource for catch-and-release recreational fishing because of its social and economic benefits. NOAA Fisheries first proposed deleting these objectives. They have been re-instated in the Draft.

• Swordfish Recovery. We also objected when the pre-draft deleted a plan goal carried over from the original swordfish FMP meant to allow traditional hand-gear (harpoon and rod-and-reel) fishermen to participate more fully as the broadbill stock recovers. The draft re-inserts a revised objective, which is unsatisfactory in our view. Although it references traditional participants fully participating in stock recovery, it does not single out swordfish hand-gear fishermen for re-entry into the fishery. Since the longliners are actively trying to block any transfer of "their quota" to other gears by keeping entry limited, we believe it is critical – to a full recovery of

the swordfish stock - that we maintain a plan objective of returning as much of the fishery as possible to the traditional, selective and sustainable fishing methods. Otherwise, because longlines catch juvenile fish before they can reach breeding age, we'll never get back to having lots of big swordfish.

• Time-Area Closures: In our pre-draft comments, we supported maintaining the existing time-area closures to reduce longline bycatch. The draft would maintain these closures. It also would develop criteria for making modifications in the future, which is helpful. We will participate in developing those criteria. But the plan asserts that new closures would provide little additional benefit *at this time*. We disagree. We urged NOAA Fisheries to consider seasonal closures specifically to protect white marlin, e.g., in the Mid-Atlantic and northern Caribbean, because of its status as a Species of Concern under the Endangered Species Act. We also petitioned NOAA Fisheries to enact a closure in the Gulf of Mexico to protect bluefin tuna while spawning. [See also discussion above] We are already working with our co-petitioners on a separate track to get this enacted; we have solid science (Block *et al*) from the archival tagging studies done over the last 10 years. Both billfish and bluefin closures are included as alternatives, but rejected. We will work to build scientific and public support for these alternatives.

• Billfish: In our pre-draft comments, we emphasized that further management of the recreational fishery should focus on mortality, not landings; in other words, post-release survival of marlin and sailfish is where the focus of conservation should be. The draft proposes three measures to take effect in 2007: a 250 marlin hard quota (implementing an ICCAT recommendation); catch and release only for white marlin for five years; mandatory use of circle hooks in all billfish tournaments when using natural or natural/live bait combinations. The circle hook option - and we've strongly encouraged an aggressive educational program for non-tournament anglers as well - is the only one of these measures with potential to substantially reduce mortality in the recreational fishery given the already miniscule number of fish landed.

• Other Issues: NCMC will also be commenting on designation of essential fish habitat, currently just U.S. waters, but should be expanded to the geographic range of the species; conservation of finetooth sharks, which are now overfished, but mostly by non-HMS fisheries, requiring NOAA Fisheries to pressure the South Atlantic and Gulf Councils to act swiftly); and limited access permit reform (a promise to address in the future – see swordfish discussion above).

For more information on the plan, how to comment and updates, go to Action Items on our web site at www.savethefish.org. ❑

PROTECTING DEEP SEA CORAL HABITAT

On September 27, the NCMC and other like-minded conservation groups attended a meeting organized by Oceana and the Marine Conservation Biology Institute (MCBI) to discuss protection of deep sea corals. The NCMC agreed to support legislation recently introduced in Congress to protect deep sea coral ecosystems in U.S. federal waters from the irreparable damage caused by bottom trawl and dredge commercial fishing gear. The legislation is titled the "Bottom Trawl and Deep Sea Coral Habitat Act of 2005" and was introduced in both the Senate (S.1635) and the House of Representatives (H.R.3778) in September.

Deep sea corals are corals that occur below 50 meters and as such, do not contain symbiotic algae to produce their food. Because they inhabit such deep waters, scientists have only scratched the "depths" of understanding this unique group of animals. What they do know is that they are more abundant than shallow water corals. Occurring off all coasts of North America, deep sea corals are typically found along seafloor topographical features such continental margins, seamounts, canyons and ridges. Unfortunately, bottom fisheries hone into these structures to locate commercially valuable shellfish and groundfish, leading to significant bycatch and demolition of deep sea corals and sponges. NOAA Fisheries estimates than over one million pounds of deep sea corals and sponges are removed every year by commercial fishing in Alaskan waters, and ninety percent of this is attributed to bottom trawlers. Once destroyed, these slow-growing animals may take hundreds of years to recover.

Footage of deep sea corals filter feeding has documented numerous finfish species taking part in the feast of abundant plankton that thrives in these waters. The habitat created by the corals and sponges also provides breeding sites and protection for marine life. Over 1,300 invertebrates and 850 vertebrates have been observed in the Northeast Atlantic seamount alone. While deep sea coral habitats are considered as essential fish habitat by several fishery management plans, how they are protected is highly inconsistent, varying from council to council.

Oceana and the MCBI have been working to

protect deep sea corals since 1999, originally hoping to preserve these fragile habitats through a system of marine protected areas. The recent bill focuses conservation efforts on limiting the use of destructive fishing gear that includes both bottom trawlers and dredges. If enacted, the Bottom Trawl and Deep Sea Coral Act will become the first measure of its kind to switch the burden of proof to the fisheries instead of the resource and environment. The Act would freeze commercial bottom trawling and dredging operations in their current fishing ground footprints within the U.S. EEZ, only allowing expansion of these grounds once new areas are surveyed and found to not contain deep sea corals. Provisions are made in the Act to research and map the locations of critical deep sea coral ecosystems. If a deep sea coral ecosystem is found, either through research or indirectly as fisheries bycatch, then the area becomes a Coral Habitat Conservation Zone in which the use of bottom trawls and dredges are prohibited. (Other fishing gears may still be used.)

This application of a precautionary and ecosystem-based approach to fisheries management is timely as Magnuson-Stevens in undergoing revisions for reauthorization with many groups hoping for similar strategies to be applied throughout U.S. commercial fisheries. The NCMC strongly supports this shift towards ecosystem-based methodology and encourages the adoption of the Bottom Trawl and Deep Sea Coral Act. ❑

COUNCIL REVIEWS WEST COAST DRIFT NET/ LONGLINE CLOSURES

The Pacific Fishery Management Council held meetings in August and November to review the status of the drift gill net and high seas longline fisheries.

A large area off southern Oregon and northern California was closed to all drift netting in 2001 to protect sea turtles snagged in the nets set for swordfish and thresher sharks. NOAA Fisheries enacted a temporary ban on longlining for swordfish on the high seas (beyond U.S. waters) in 2004, also to protect the leatherback and other endangered sea turtles. Both closures measures were incorporated last year into the Pacific Council's new Fishery Management Plan for West Coast Highly Migratory Species

In that same plan, the Council outlawed pelagic longlining within U.S. waters. But while the longlining ban in U.S. waters isn't going to change anytime soon, the coastal drift net and high seas longline closures could be lifted if the Council can find a way to craft rules that allow some level of fishing while still giving turtles the protection required by the Endangered Species Act.

The National Coalition for Marine Conservation attended the August and November council meetings to assess the alternatives being considered, which include everything from the *status quo* (closures remain in effect indefinitely) to some combination of modified area closures, effort limits and hard caps on turtle mortality (i.e., the fishery shuts down when a certain number is reached).

We've flagged several areas of concern. In most cases, 100% observer coverage would be required, although NOAA admits that level of coverage is completely unrealistic. The agency remains vague about how many turtles it would permit the fisheries to sacrifice, which frustrates managers trying to evaluate the various alternatives. Finally, the focus on turtles has overshadowed the incidental catch of other species, such as striped marlin and a number of rare sharks, that is known to occur in both the drift net and longline fisheries.

The Pacific Council will adopt a suite of alternatives for the drift gill net fishery, including its preferred alternative, at is March 2006 meeting, after which the public will be asked to comment. NCMC will continue to monitor developments and present testimony when appropriate. Alternatives for high seas longlining will be considered at a later date; meanwhile that fishery will stay closed into 2007. ❑

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This is a great way to get late-breaking news on current issues. News and action items may include information on proposed fisheries regulations and how you can comment, and updates on final regulations. You can sign up for any of our 7 lists which consist of: Atlantic and Gulf of Mexico Big Fish, Pacific Big Fish, Fisheries Reform, Fish Habitat, Herring/squid/mackerel and other forage fish, Striped Bass/Menhaden, and Dolphin/wahoo. We will not inundate your mailbox (if you sign up for all 7 lists you'll get an average of 2 emails per month), we will not use your email address for any other purpose nor will we share it with anyone, and you can unsubscribe at any time.

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In late June, NCMC launched a new shopping cart on its web site, **www.savethefish.org**, to make purchasing memberships and merchandise much easier than in the past. We've done away with our somewhat cumbersome "order form," and replaced it with new membership, donation, publication and gallery pages. Improvements include being able to purchase or renew a membership at *any* dollar amount, make a one-time donation without joining the NCMC, earmark your gift to a particular conservation program, and more graphics were added to better display our publications and gallery items. We've already seen a notable increase in orders.

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