

# The Horizon

FOR THE FUTURE OF FISHING

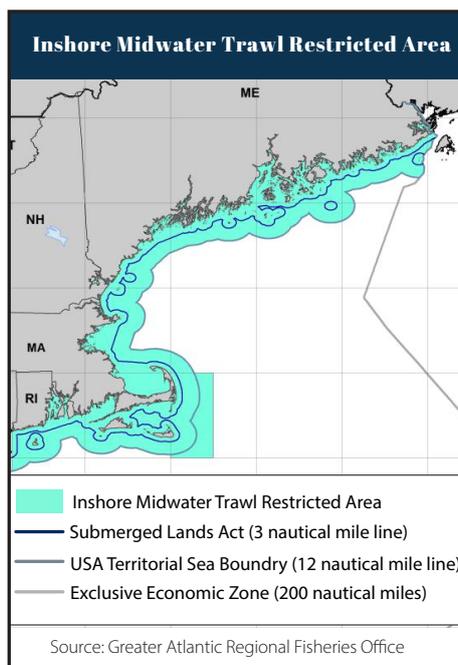
## Safeguarding Forage

By Roger Fleming

### New Action Underway in New England to Protect Critical Forage Species

For the past year, Wild Oceans and a core group of partners built a coalition of more than thirty recreational fishing, watershed, and environmental organizations to bring about a new action to develop near-shore protections for Atlantic herring, river herring and shad. In September, the New England Fishery Management Council voted to initiate an action, Amendment 10 to the Atlantic Herring Fishery Management Plan, to develop and implement management actions designed to help attain optimum yield and improve the conservation status of Atlantic herring. The Council stated this will be achieved by accounting for its critically important role as a forage species in the ecosystem and minimizing user conflicts created by competing interests on the herring resource between the directed herring fishery and other user groups, including commercial and recreational fisheries, whale watching, and tourism.

The Council initiated Amendment 10 in response to a U.S. Federal District Court decision striking down the “Buffer Zone” implemented in Amendment 8 to the Plan. The court found a lack of documented evidence of localized depletion in the record for the decision, the stated rationale put forward by the New England Council



and National Marine Fisheries Service. The Buffer Zone provided a spatial management component to Amendment 8’s efforts to improve ecosystem considerations in the Atlantic herring fishery through an ecosystem-based control rule. When it was in place from 2021 to 2022, the Buffer

Zone prohibited midwater trawl gear from fishing within 12 miles of shore in the New England region, bumping out 20 miles around Cape Cod. Because of their size and tow-speed, mid-water trawlers, often working in pairs towing a small-mesh net between them, can capture millions of Atlantic herring, river herring, and shad in a single trip. Federal fisheries data collection programs are not designed to detect

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localized depletion; however, that does not mean that stakeholders who depend on a healthy forage base are not seriously impacted by the largest vessels on the East Coast operating close to shore. Hundreds of stakeholders – striped bass anglers, commercial groundfish and tuna fishermen, whale and bird watching tour operators – had testified that midwater trawls were affecting their businesses by rapidly depleting areas of forage or causing other conflicts.

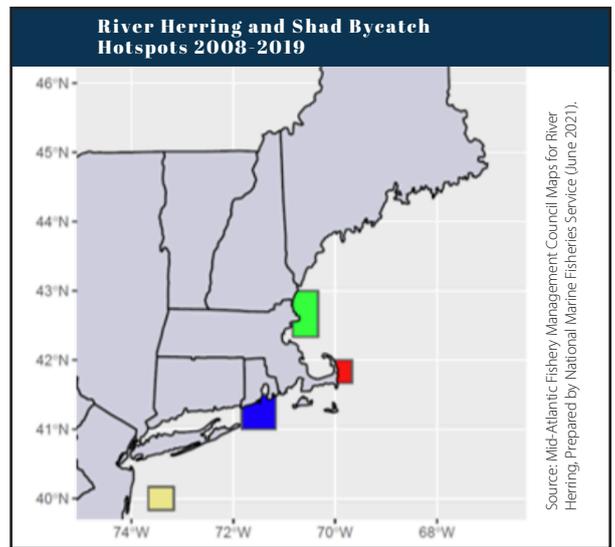
In view of the court's ruling, the Council has squarely rooted the purpose of Amendment 10 in the Magnuson-Stevens Act's National Standards, in particular National Standard 1 which requires that fishery management measures prevent overfishing while achieving optimum yield on a continuing basis. The 2022 Atlantic Herring Stock

ensure that optimum yield is achieved by accounting for where, when, and how that harvest takes place. This can protect spawning grounds, reduce bycatch, reduce user conflicts, and leave bait in the water for fish and fishermen alike, all helping to rebuild the resource and ensure that the benefits provided by the Atlantic herring resource are shared by all stakeholders.

The news got even better at the New England Council's December meeting as development of new nearshore river herring and shad protections were added to Amendment 10. Wild Oceans has pointed out for years that existing river herring catch caps in the Atlantic

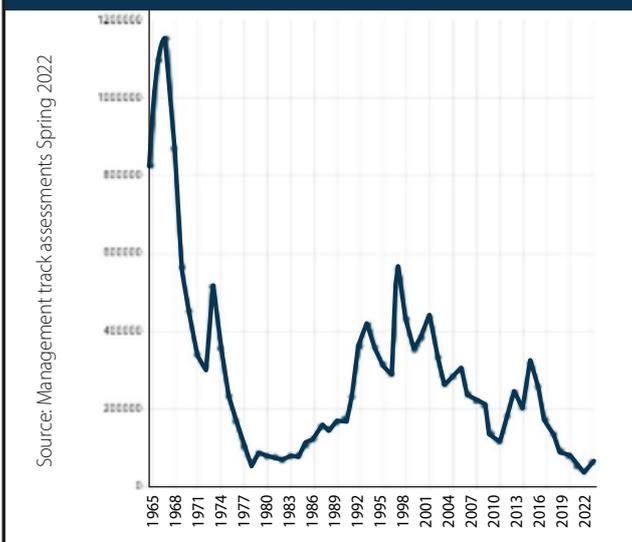
herring fishery are inadequate because they are not based on river herring and shad biology and fail to effectively incentivize bycatch avoidance because of chronically poor catch monitoring. A 2021 Mid-Atlantic Council report identified four persistent river herring and shad bycatch hotspots using observer data for three time periods ranging from 2008 to 2019. This timeframe precedes implementation of the Amendment 8 Buffer Zone, thus

indicating what bycatch could look like in its absence. When compared to the Buffer Zone map above, it indicates that river herring and shad populations were afforded protection by the Buffer Zone. This was confirmed in a recent paper discussed in our Spring edition of *The Horizon*, which found that nearly 6 million river herring were killed as bycatch over the study time-period and concluded that southern New England and mid-Atlantic alewife populations would have benefitted if the Amendment 8 Buffer Zone had remained in place. Recognizing the significant overlap between Amendment 10's purpose to develop new nearshore spatial and temporal protections for Atlantic herring and the desire to address the times and locations where river



herring and shad are most vulnerable to incidental catch, the Council expanded the scope to include consideration of time/area closures or revised catch caps. At the New England Council's January 12 Atlantic Herring Committee meeting, the Committee developed a draft Amendment 10 scoping document and hearing schedule for consideration by the Council. Under the proposal, virtual and in-person public scoping hearings and opportunity for written comment will take place this March and April. This will provide an opportunity for stakeholders affected by the fishery to bring forward examples of impacts of the directed Atlantic herring fishery on their businesses or recreational interests, including user conflicts with midwater trawlers or other herring fishing gear, options for new time/area closures along the coast, and other environmental or socioeconomic issues that should be analyzed by the Council as it moves forward with Amendment 10. Wild Oceans will continue to lead efforts to protect the critical forage base in New England.

### Atlantic Herring - Northwestern Atlantic Coast 2022 Assessment



Assessment shows that overfishing had been occurring for years, with herring currently deemed overfished and at historically low levels of abundance. The Atlantic herring plan defines optimum yield as the amount of fish that provides the greatest overall benefit to the Nation and requires maintenance of a biomass that supports the ocean ecosystem, predator consumption of herring, and a biologically sustainable human harvest. This includes recognition of the importance of Atlantic herring as one of many forage species of fish, marine mammals, and birds in the region. While the fishery control rule helps to ensure that the overall harvest accounts for region-wide ecosystem needs, spatial/temporal measures are needed to help



#### Wild Oceans Welcomes Roger Fleming to the team!

Roger is the Director of Blue Planet Strategies, a firm he co-founded in 2019 to help solve the complex challenges to our oceans using science, law, education, and the power of partnership. Roger is an ocean law attorney with 20 years of experience in ocean law, policy development, and campaign strategy.

Throughout his career he has represented and worked on campaigns on behalf of recreational and commercial fishermen, local NGO and watershed groups, and some of the world's largest conservation organizations. Prior to 2019, Roger worked at Earthjustice, federal and state governments, and has taught at the University of Maine School of Law's Center for Ocean and Coastal Law. Roger is working with Wild Oceans to help us achieve a vibrant future for fishing by building coalitions and engaging in marine fisheries management using science, law and ecosystem-based solutions.



## New Horizons

By Rob Kramer

Have you noticed the new design of our newsletter Horizons? While excited and pleased with the update, it comes with a bit of sadness. Most readers were probably unaware, but in addition to her many other duties, Wild Oceans Executive Director Pam Lyons Groman was also our Editor and creative mind behind Horizons. After nearly two decades in the world of fish, Pam decided that it was time to change her career focus and will now be applying her enormous talents coordinating outdoor education school programs for a local nonprofit near her home in Ohio. We are extremely happy for Pam and are certain she will continue to do great things. Arguably the greatest departing gift we can give Pam is to continue the amazing

work that she invested so much of her life in. And indeed, there is much to be done to realize Pam's vision of protecting Atlantic forage fish and therefore the integrity of the Atlantic ecosystem!

That's why one of the first things we did was to reach out to long-time colleague Roger Fleming with Blue Planet Strategies. Roger has worked on various campaigns with us since 2005 and brings over 20 years of experience in ocean law, policy development, and campaign strategy to Wild Oceans. In our cover story, Roger introduces the new Atlantic Herring Campaign in the Northeast and shares the progress we have made with proposed Amendment 10. We are extremely grateful to have Roger as part of our team.

We are also excited to announce the addition of long-time friend Regina Gray of Gray Design Inc. to assist us with our newsletter production and communication efforts. Regina brings a wealth of talent to this important part of our work, and we look forward to this new collaboration.

And finally, speaking of gratitude, it is also this time of year when we thank our many supporters. On page 4 in our Ocean Honor Roll section we pay tribute to the many individuals, businesses and foundations that have enabled us to do the work we have been able to do for the last 50 years. We could not make the kind of progress we are making without your loyal support. From all of us at Wild Oceans, THANK YOU!

## For the Future of Fishing

**Wild Oceans is a 501(c)(3) non-profit organization dedicated to keeping the oceans wild to preserve fishing opportunities for the future.**

### Our 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 fish habitat and water quality

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Wild Oceans extends a debt of gratitude to the foundations, companies, groups, and individuals who support our work. We could not do what we do for the past 50 years without people like you. THANK YOU!

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## Shining a Spotlight on Blue Shark By Theresa Labriola Pacific Program Director

### Making the Case for Blue Shark Conservation on the International Stage

In the late 19th century North Sea coastal states cooperated to implement the first multilateral regulations to govern fishing activities at sea and outside territorial waters. Since then, we have seen the creation of more than a dozen Regional Fishing Management Organizations (RFMOs) to manage the conservation and exploitation of marine resources within the exclusive economic zones and in areas beyond national jurisdiction. These RFMOs have focused on halibut, krill, salmon, whales, and of course tunas, but have left some ocean predators such as marlins and sharks as an afterthought. This year, we began working with colleagues to shine a spotlight on the impact of indiscriminate fishing on blue sharks by revealing their ecological importance, their economic status, and their need for conservation.

Sharks represent some of the largest megafaunal predators and functionally unique species in pelagic ecosystems, and they play a critical role in regulating the structure, function, and stability of oceanic ecosystems. As apex predators they control population dynamics and spatial dynamics of prey. Their presence has a cascading effect throughout the ecosystem ultimately influencing community structure, function and diversity.

Commercial fishing has left its mark on sharks and their dependent ecosystems. Blue sharks are at high risk of overfishing in all oceans due to their overlap with industrial fisheries operations in coastal waters and on the high seas and their inherently lower reproductive rates compared to tunas and other target species. Over the last 50 years, the spawning biomass of both Atlantic blue shark stocks has nearly halved. The Pacific stocks have declined over the past 50 years and there is substantial uncer-



tainty in the stock assessment. At the same time, the Pacific Ocean accounts for the majority of the global blue shark catch.

Despite widespread regulatory change to reduce the catch of sharks through trade restrictions, marine protected areas, shark fin bans, and catch limits, fishing-induced mortality globally has continued to increase. The annual global catch of blue sharks exceeds seven million individuals. Fishing vessels might not target blue shark, but blue sharks make up a whopping 60% of all reported global shark catch and 36% of all traded shark meat. Forty-one percent of all traded shark fins come from blue sharks. The sheer volume of catch makes blue shark a high value industry that may exceed \$411 million per year. That's higher than any of the prized bluefin tuna species.

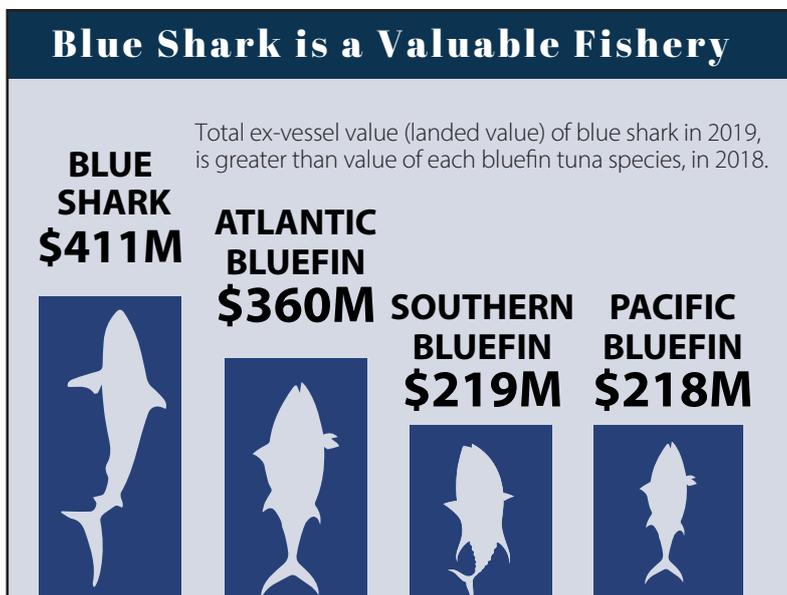
International fishery organizations have few limits on blue sharks. While tuna stocks and many other species are now subject to comprehensive management procedures, similar measures have not yet been initiated for commercially exploited blue sharks despite their economic and ecological importance. The absence of comprehensive management procedures threatens the long-term sustainability for fishing and for maintaining populations at levels to perform their vital role in marine ecosystems.

This year, Wild Oceans joined colleagues to ask the International Convention for the Conservation of Atlantic Tunas (ICCAT) to reduce the catch of North Atlantic and South Atlantic blue shark and task their scientists with developing long term options for managing blue shark. ICCAT took our

advice and adopted new recommendations on total allowable catch and quota allocation for both the northern stock (30,000 mt) and southern stock (27,700 mt). While the limits don't reach the level of precaution we asked for, this is a step in the right direction and acknowledges the importance of managing the blue shark fishery for conservation. ICCAT also tasked their scientists with reporting back in two years on the feasibility, cost, options and tentative roadmap for redeveloping a management strategy evaluation including a harvest control rule with associated limit, target and threshold reference points.

In the Pacific, we asked the Western and Central Pacific Fisheries Commission to establish limit reference points for the North Pacific and South Pacific blue shark stocks that are at least as precautionary as those for target tuna species. Accepting a higher risk for vulnerable sharks is not scientifically justified in view of their high biological susceptibility to overfishing and their important trophic role in the ecosys-

tem that depends on healthy stocks. We also asked them to create a plan to develop and implement comprehensive harvest strategies for blue shark. Despite the opportunity for precautionary management, WCPFC took no action on blue shark at their annual meeting overwhelmed by negotiations on an expiring tropical



tuna measure.

For decades, we have fought for better management of billfish at the tuna RFMOs. We can now use the lessons learned to also shine a spotlight on blue sharks. RFMOs often characterize sharks as non-target or by-catch, denying sharks the benefit of long-term management plans given to tunas. We've moved the needle on billfish and intend to pursue the same for blue sharks.

# A Big Win for the Little Fish

By Pam Lyons Gromen  
Executive Director

## Mid-Atlantic Council Adopts Unmanaged Forage EFP Guidance

On December 13th, more than two years of work to advance protection of the mid-Atlantic prey base concluded with a win. The Mid-Atlantic Fishery Management Council (Council) approved the Guidance Document for Council Review of Exempted Fishing Permit (EFP) Applications for Unmanaged Forage Amendment Ecosystem Component Species (Unmanaged Forage EFP Guidance). The new guidance fortifies the Council's Unmanaged Forage Omnibus Amendment (UFOA) goal: "to prohibit the development of new and expansion of existing directed commercial fisheries for unmanaged forage species until the Council has had an adequate opportunity to assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem." The UFOA was implemented in 2017 and was a hard-fought victory for many recreational fishing and conservation groups working to conserve the region's forage fish.

Wild Oceans brought the need for unmanaged forage fish EFP guidance to the Council's attention in 2021, when an application for a high-volume Atlantic thread herring fishery was submitted to NOAA's Greater Atlantic Regional Fisheries Office (GARFO). Atlantic thread herring, a small oily fish that is widely preyed upon by fish, seabird and marine mammal predators, is one of over 50 mid-Atlantic forage species protected through a 1,700-pound possession

limit established in the UFOA. To exceed this limit, fishermen have to seek approval through NOAA Fisheries' EFP process. Out of the gate, the Atlantic thread herring EFP application called for catch limits up to 100,000 pounds using industrial-size purse seines without any observer oversight, and if approved, it would have negated the conservation efficacy of UFOA. NOAA Fisheries follows national regulations when the agency reviews EFP permit applications, and those regulations do not take into consideration ecosystem impacts such as the effect of large-scale forage fish removals. However, the agency does solicit comments from fishery management councils, which can significantly influence the agency's decision.

Wild Oceans alerted our allies to the pending application, and together, we submitted comments for the Mid-Atlantic Council's October 2021 meeting, urging the Council to recommend that GARFO disapprove the Atlantic thread herring EFP and then initiate a set of guidelines to ensure that future unmanaged forage EFP proposals are designed to meet the Council's ecosystem goals.

The Unmanaged Forage EFP Policy and Process initiative was included in the Council's 2022 Implementation Plan, but it was not until 2023 that work was undertaken by the Council's Ecosystem and Ocean Planning (EOP) Committee. Throughout the development of the guidance document, Wild Oceans closely followed every step in the process, providing a number



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<http://www.mafmc.org/forage>

of recommendations that were well-received by the EOP Committee and incorporated into the final draft.

Within the new guidance, contents for Unmanaged Forage Species EFP applications are clearly outlined, notably including "expected impacts of all catch of target and incidentally caught species on fisheries, fishing communities, essential fish habitat, marine mammals, threatened and endangered species, and the marine ecosystem" to ascertain consistency with the Unmanaged Forage Omnibus Amendment's goal. The Council's application review process is also described, adding much-needed scientific rigor, transparency and clarity. Applications are requested one year prior to the desired start of exempted fishing activities to allow for review by the Council, the Council's Scientific and Statistical Committee, EOP Committee, and EOP Advisory Panel. Additionally, the guidance clarifies that any reports on outcomes of EFP fishing activity should be submitted to the Council, in addition to GARFO, no later than six months after concluding the fishing activity.

Prior to the Council's December meeting in Philadelphia, Wild Oceans once again took point on a letter with our conservation partners, this time expressing our strong support for the adoption of the Unmanaged Forage EFP Guidance. Our dedication and persistence over the last two years paid off with a unanimous Council vote to approve the new document.

### LARGE MARINE FISH CONSERVATION

■ The Pacific Fishery Management Council met in Spokane, WA from September 9-14. Our Pacific Program Director, Theresa Labriola, attended the Council meeting as well as the Highly Migratory Species Management Team (HMSMT) and Advisory Subpanel (HMSAS) meetings. The Council considered whether to manage opah, a pelagic species caught predominately by Hawaii permitted longline vessels operating 200 miles offshore and landed into California. Landings of opah averaged over 300 metric tons per year from 2014-2020. The Council advisors suggested the Council add opah to the Highly Migratory Species Fishery Management Plan as an “ecosystem component species (ECS)” instead of a “management unit species” (MUS). We disagreed with this advice as it seemed inconsistent with the Magnuson Steven’s Act. MUS typically include species caught in federal waters in quantities sufficient to warrant federal conservation and management. On the other hand, ECS achieve ecosystem management objectives. We encouraged the Council to liaise with the Western Pacific Fishery Management Council to better understand and evaluate their current opah management before moving forward with supplemental regulations. The Council agreed to do so as they continue to monitor the landings opah.

■ Wild Oceans President Rob Kramer traveled to San Diego California in December to work on logistics for the 7th International Billfish Symposium which will be held there next October (see symposium update on back cover). There he met with President & CEO Don Kent and Chief Science Officer Danielle Haulsee of Hubbs-SeaWorld Research Institute (HSWRI). HSWRI has generously agreed to provide venue space for the symposium at their San Diego facility on Mission Bay. The Dana on Mission Bay was also selected as the host hotel for the event and will offer a reduced room rate for symposium participants. More information can be found at <https://bfsymposium.org/>.

■ Theresa attended the biannual meeting of the NGO Tuna Forum on September 26-27. The Tuna Forum is an independent collection of NGOs committed to engagement, with the goal of aligning on collaborative efforts that identify priorities and provide advice for Regional Fishing Management Organizations and market actors on issues of tuna fisheries management. Members agreed on priorities for IATTC and WCPFC and formed an ad-hoc blue shark working group to develop a global strategy to advance management of blue shark.

### SUSTAINABLE FISHING PRACTICES

■ The Pacific Fishery Management Council is planning a workshop to develop an HMS Roadmap that replaces the Swordfish Management and Monitoring Plan and considers the range of species, in addition to swordfish, that may be economically important to west coast fishermen. It will also explore new fishing opportunities. In September, Theresa attended a joint planning meeting of the Council’s HMSMT and HMSAS. The advisors were tasked with developing proposed goals and a draft agenda for the workshop. Theresa advocated for focusing part of the workshop on alternative gear development by identifying gear characteristics, such as circle hooks and active tending, that reduces bycatch while maintaining target species catch. She also suggested the Council develop objective performance criteria for gear testing that clearly define the goals we seek to achieve with new gear. Theresa reiterated these suggestions at The Pacific Council meeting in Garden Grove, CA, November 2-7. The Council reaffirmed their support for an HMS workshop that encouraged gear innovation and established performance criteria for new gear.

■ Theresa is also a member of the Permanent Advisory Committee (PAC) to the U.S. Commissioners to the Western and Central Pacific Fisheries Commission (WCPFC). The PAC met remotely on October 1-2

for their fall meeting. The upcoming WCPFC meeting promised to focus on tropical tunas, however Theresa gained support for bluefin tuna conservation measures that keep existing catch limits in place until the stock rebounds further and for striped marlin rebuilding analyses that consider boat-side measures such as the use of circle hooks or the mandatory release of live marlins.

■ The WCPFC meeting took place in the Cook Islands from December 4-8, and Theresa participated remotely as a member of the U.S. Delegation. Members of the WCPFC continued to express concern about the lack of any catch limits or other plan to rebuild striped marlin. However, with their attention focused on renewing the tropical tuna measures, no member was willing to divert resources towards resolving the problem.

### ECOSYSTEMS

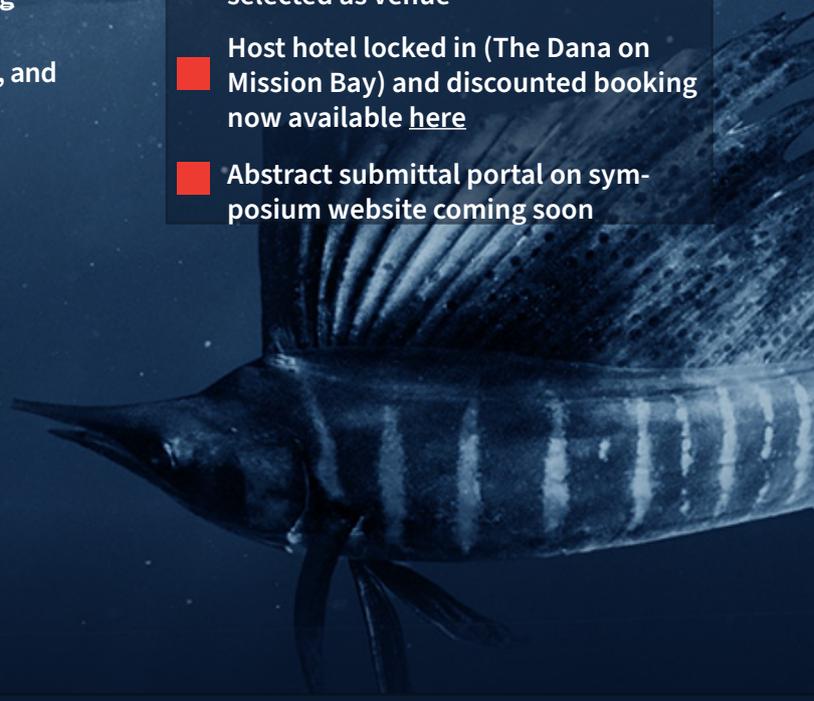
■ Roger Fleming represented Wild Oceans at several meetings of the New England Fishery Management Council (NEFMC) and its Atlantic Herring Committee to advocate for continued development of the new near-shore Atlantic herring fishery buffer zone and related river herring and shad bycatch reduction measures. At its September meeting in Plymouth, MA, the Council voted to formally initiate the new action, Amendment 10 (see cover story), and defined its purpose to develop and implement management actions designed to attain optimum yield and improve the conservation status of Atlantic herring. The Council stated this will be achieved by accounting for its critically important role as a forage species in the ecosystem and minimizing user conflicts created by competing interests on the herring resource between the directed herring fishery and other important user groups, including commercial and recreational fisheries, whale watching, and tourism. The Council tasked its plan development team with creating a draft scoping document and hearing schedule for adoption at its January 2024 meeting.

■ In December, Wild Oceans consultant Anna Weinstein and President Rob Kramer attended the Mid-Atlantic Fishery Management Council meeting to track two significant issues that we have been engaged on all year. The first were discussions of the Council’s Guidance Document for Council Review of Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species (see article on page 6). After more than two years of working on this important issue, we were pleased when the Council voted unanimously to approve this new guidance, thus establishing a permanent review step in the consideration of new EFP’s. Anna and Rob were also there to follow the Council’s discussions of their 2024 Implementation Plan. The Council reviewed and approved the Plan after making several revisions and agreed to retained in the Plan the priority of “Exploration of a modeling approach for shad and river herring bycatch avoidance approaches.” This was a top priority for Wild Oceans. Prior to the meeting, we organized a coalition of partners and submitted a letter with 18 different groups supporting this action.

■ Roger also attended the NEFMC Newport, RI meeting in December. At this meeting, the Council expanded the scope of Amendment 10, deciding to include consideration of river herring and shad management measures (e.g., revised catch caps or time/area closures), to address the incidental catch of shad and river herring by the directed Atlantic herring fishery. This is a significant development because the Council had previously stated it did not have staff capacity to develop a stand-alone river herring and shad action. At its January Atlantic Herring Committee meeting, the Committee developed a draft Amendment 10 scoping document and hearing schedule for consideration by the Council at its late-January meeting. Under the proposal, virtual and in-person public scoping and hearings will take place this Spring in March and April where we will provide comment.

# Seventh International Billfish Symposium Update :

- New website launch:  
<https://bfsymposium.org>
- Dates of October 8th, 9th, and 10th, 2024 locked in
- [Hubbs - SeaWorld Research Institute](#) selected as venue
- Host hotel locked in (The Dana on Mission Bay) and discounted booking now available [here](#)
- Abstract submittal portal on symposium website coming soon



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