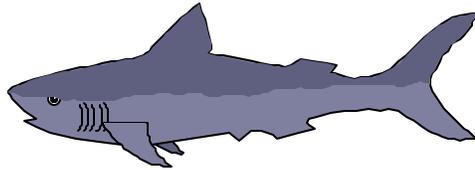


FISH



TALES

NMFS Disapproves Most of Council's SFA Amendments

The National Marine Fisheries Service ("NMFS") has disapproved the majority of the Gulf of Mexico Fishery Management Council's ("Council") amendments to its fishery management plans to address overfishing and bycatch in Gulf fisheries. As seen in our previous edition of *Fish Tales*, these amendments are required by the Sustainable Fisheries Act ("SFA") to tackle the three primary threats to our nations fisheries. These include the

protection of habitat essential to our fisheries, a methodology to assess and minimize bycatch to the extent practicable, and the end of the overfishing of our fisheries.

The amendments to address habitat were submitted in 1998 and partially approved by the NMFS earlier this year. The Council must now address the impacts of fishing gear on essential fish habitat and identify essential

fish habitat for additional managed species.

The amendments to address bycatch requirements and overfishing, submitted earlier this year have now been, for the most part, disapproved by the NMFS. These amendments are very important since they essentially establish the "game plan" for management of our fisheries.

In making this finding the
(Continued on page 4)

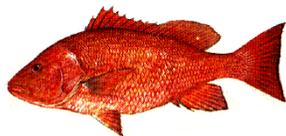
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Council, NMFS Set Red Snapper Catch Levels Too High

At its November 1999 meeting, the Gulf of Mexico Fishery Management Council (GMFMC) voted to retain the current 9.12 million pound catch level for red snapper in 2000 and 2001, pending next years scientific assessment of the species health. The GMFMC again decided to choose a catch level which is not supported by the best available scientific information.

Unfortunately, the news gets

worse. First, the Council decided to raise the legal size



Red Grouper. From the SAFMC web

limit for red snapper from 15 inches to 16 inches for recreational fishermen after reports from fishermen that higher size limits used in 1999

did more harm than good. Size limits, a traditional form for managing fisheries, are being used in this instance to stretch the fishing season, not help the fish.

Second, the Council voted to set firm dates for the recreational fishing season. The dates selected (subsequently modified by the National Marine Fisheries Service) are April 21 to October 31, 2000. While the GRN sympathizes
(Continued on page 2)

- Special points of interest:
- Council plans to address bycatch and overfishing in Gulf fisheries largely rejected
 - Proposed management measures for red snapper in 2000 again go against advice of scientists
 - The year 2000 promises to be an important one for Gulf fisheries
 - Measures designed to protect habitat essential to our fisheries fall under continued attack from regulated industries

A Quick Primer on Fishery Issues in the Year 2000

As we are all aware, the passage of the Sustainable Fisheries Act in 1996 significantly altered the manner in which Gulf fisheries are managed. However, many of the major changes envisioned by the Act have not taken shape yet. As we enter 2000, the time has now come for these changes to start taking form.

In an effort to improve the management of our nation's fishery resources, Congress required three central tasks for the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service. These include the identification and protection of habitat essential to the well being of our fisheries, the end to overfishing, and the identification and minimization of bycatch. Congress then established a framework for achieving these goals.

First, the Gulf Council had to complete plans to address these three areas by the end of October of 1998. Unfortunately, this didn't happen. With the exception of the habitat plan, delays by the National Marine Fisheries Service were felt

at the council level, causing the late submittal of plans to address overfishing and bycatch for the Gulf region.

Second, the NMFS would review the Council's plans to determine if they were adequate. Finally, after review, approved plans are to be implemented by the Council and the NMFS.

In the Gulf region, we are stuck between the second and third steps in most regards. As seen on page 1 of *Fish Tales*, the NMFS just disapproved the majority of the plans to address overfishing and bycatch. Similarly, the habitat plan was only partially approved. We are now left to wonder when these plans must be corrected and implemented. Without them, it looks as if a majority of fishery management work will be stuck in neutral.

If this is the case, it will be up to the conservation community to demand that these deficient plans be corrected immediately. We cannot let the reward for unacceptable plans be further delay. For example, the disapproved portions of the

habitat plan for the Gulf is still on the table, almost a year after it was found to be deficient. It is our job to ensure that the overfishing and bycatch plans do not encounter the same fate. These plans must be corrected and implemented immediately in the year 2000.

As you can see, 2000 is shaping up to be a big year in in pro-



Gag grouper. From the SAFMC web page.

protecting our fisheries in the Gulf. The most critical factor in whether or not we are successful in our efforts to ensure the provisions of the Sustainable Fisheries Act are fully implemented is public participation. It was a huge factor in last years successes and promises to be an even greater one this year. To this end, I encourage everyone to take an active role in safeguarding our fishery resources in 2000.

Red Snapper....

(Continued from page 1)

with the plight of charter and headboat operators on the unpredictable length of the fishing season, the net effect of this decision goes against common sense and the best interest of the fishery. The recreational fishery, managed under a quota system since 1997, continually captures about 1 million pounds more than its allotted share on an annual basis. A firm date certain, without an option for an early closure could push this number even higher. If anything should have been learned from the history of red snapper management, its that a firm date

certain where a quota is involved results in a race for fish. History shows us that fishermen faced with time limits will race to catch fish so that they can get their share before the deadline expires. This will more than likely result in an exceedance of the quota yet again.

Finally, the GMFMC proposal has already been approved by the NMFS effective January 2000. However, conservationists across the Gulf can still have their voices heard on this issue. The NMFS will be accepting comments on these provisions until January 19, 2000.

The GRN will send an action alert around in January containing actions to ensure that red snapper are managed utilizing the best available scientific information. In the interim you can call Roy Crabtree at the NMFS at (727) 570-5305 or Roy.Crabtree@noaa.gov. for further information.

The Plight of Fishery Habitat

There will be little hope for sustaining healthy marine fisheries if we continue to destroy the vital habitats needed by fish to feed, grow and breed. Increasingly, these areas are impacted by fishing operations, polluted by runoff from logging, farming, mining and urban wastes, misguided navigation and flood control projects, and development. The 1996 Sustainable Fisheries Act (SFA) was the first comprehensive attempt to protect this habitat, but implementation of the Act is not living up to its potential and industrial special interests are already attacking the conservation provisions of the law.

Protecting Essential Fish Habitat (EFH) was one of the main objectives of the SFA. The Act defined EFH as all areas crucial for spawning, breeding, feeding, and growth to maturity, and charged the nation's eight regional Fisheries Management Councils and the National Marine Fisheries Service (NMFS) with protecting them. According to the Act, all fisheries management plans must:

1. identify EFH and delineate areas of particular importance,
2. analyze the potentially damaging effects of current fishing practices, and
3. take action to protect the areas that had been designated EFH

The Councils, with the help of scientists from NMFS, engaged in a thorough information gathering process that allowed ample public participation. Together, they have identified EFH for most fisheries in a complete and appropriate manner. *But they haven't done enough to protect it.*

Protecting habitat from fishing

In the past decade, there has been growing concern that certain fishing activities are damaging fish habitat. Unfortunately, in the Gulf of Mexico little scien-

tific data has been gathered to address this issue. As a result, fishing operations in the Gulf of Mexico continue with no further restrictions or even plans to collect the data necessary to determine the severity of the impacts. This failure is particularly distressing because fishing is the one activity over which the Gulf of Mexico Fishery Management Council and NMFS have direct control.

Land-based polluters

Beyond this short-term failure to implement the SFA is a more insidious problem: land-based pollution and habitat loss. Organic pollutants, agricultural runoff, logging and mining, and urban waste are rapidly turning the nation's fish spawning rivers, estuaries and coastal waters into sterile wastelands and cesspools. In addition, over fifty percent of the historical wetlands of the Gulf of Mexico region have been destroyed. The state of Louisiana continues to lose approximately 35 square miles per year. Since ninety-five percent of the Gulf's commercially and recreationally important fish species depend on estuaries for some portion of their life cycle, this pollution and development poses an even greater long-term threat to habitat than fishing activities.

The SFA sought to address these problems by ensuring that federal agencies whose activities impact EFH consulted with NMFS before completion of their activities. Unfortunately, that is all the law requires. NMFS has no authority to stop projects that adversely impact important EFH. Notwithstanding, a coalition of special interests—including timber companies, feedlots, developers, and hydroelectric dam advocates—have joined forces with industrial fishing operators in an attempt to cripple the EFH provisions of the SFA.

Together, they are lobbying hard to delay the final implementation of the SFA,

hoping that if they stall long enough, they can remove critical EFH language from the law altogether. So far, lawyers and lobbyists for these special interests have held up finalization of the EFH regulations for two years.

The Gulf Council's failure to protect EFH from fishing activities is a problem that can hopefully be remedied under the SFA. However, if a coalition of industrial special interests, lawyers and lobbyists guts the SFA itself, there will be little chance of effectively protecting fish habitat in the near future.

How you can help

Thanks to the numbers of you who joined with the GRN in submitting a letter to NMFS demanding that measures to protect the EFH of the Gulf of Mexico be finalized immediately. This is an important first step in ensuring EFH is protected.

However, this alone is unlikely to be enough. Another valuable action is to write or call your Congressman and Senator, and let them know that habitat protection is vital for fisheries conservation. Emphasize that they should resist efforts to repeal or water down the EFH provisions of the SFA.

It is just as important to weigh in locally. Fisheries are both a regional concern and a national environmental issue, so local action is crucial. You can get involved by writing a letter to the editor of your local paper stressing the importance of healthy marine fish habitats. Or if you live near the coast, attend meetings of the Gulf Council and urge them to protect fish habitat.

Special thanks to the Marine Fish Conservation Network (MFCN) for submitting this article. It was edited slightly to better fit the Gulf region. For more information on the MFCN please call (202) 543-5509 or e-mail: mfcn@mindspring.com.



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“Working to Protect and Preserve the
Gulf of Mexico”

This publication is the product of the GRN working on the following issues of concern: overfishing, essential fish habitat, full implementation of the Sustainable Fisheries Act, and public education on the importance of sustainable fisheries management.

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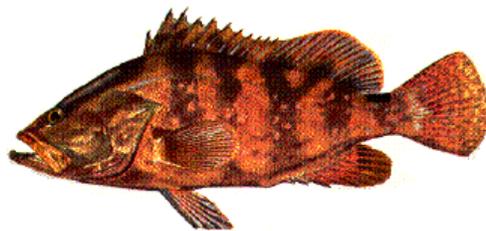
Council Plans Largely Rejected...

NMFS essentially agreed with comments submitted by the GRN that the bycatch requirements of the Act were not met. The NMFS found that no methodology for assessing the bycatch in all of our fisheries was established. In addition, the NMFS felt that the Council could do a better job in minimizing the amount of bycatch in Gulf fisheries.

The NMFS also found that the overfishing targets used by the Council were inappropriate to truly address the status of the stocks. As better information becomes available, the Council must utilize measurements that will provide a more adequate picture of the health of our fish stocks.

Finally, the NMFS disapproved the rebuilding plans for red snapper, king mackerel, jewfish, Nassau grouper, and red drum. These rebuilding plans are required to rebuild depleted Gulf stocks to a healthy level.

The GRN supports the majority of the findings of the NMFS analysis of the Gulf Council’s plans and believes that its findings are indeed correct. The Council must do a better job in outlining steps it plans to take in assessing bycatch in our fisheries,



Nassau Grouper, one of five overfished species in the Gulf. From the SAFMC webpage.

minimizing known bycatch, setting appropriate overfishing targets, and rebuilding plans for our depleted fisheries. However, many questions remain. How long will the NMFS allow the Council to correct these deficiencies? The Council and the NMFS, already a year behind the schedule established by Congress, need to promptly address the deficient plans and begin imple-

menting measures which will embrace the conservation goals of the Sustainable Fisheries Act.

The GRN will continue to follow this issue and let everyone know how they can help speed this process along. In the interim, we will work with the Council, the NMFS, and fishermen in arriving at solutions to the problems outlined in the NMFS rejection of the Council’s fishery management plans.