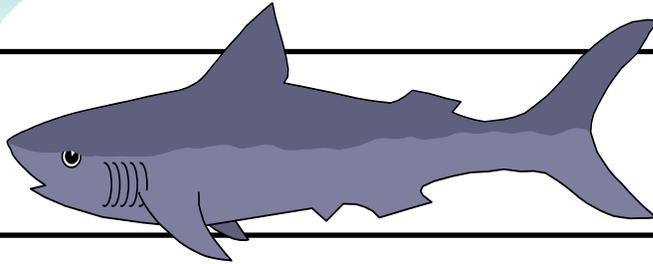


FISH



TALES

Gulf fisheries threatened by bycatch—GRN launches campaign to make “Every Fish Count”

The Gulf Restoration Network and our allies are kicking off our “Every Fish Counts” campaign focusing on bycatch, the accidental catch of any wildlife when other species or sizes are targeted. In most instances, bycatch is thrown

back into the water, dead or dying. Bycatch must be taken into account if we hope to achieve sustainable fisheries in the Gulf.

Identifying and reducing bycatch was prioritized by the Sustainable Fisheries Act of 1996. Recently, both the U.S. Commission on Ocean Policy and the Pew Oceans Commission highlighted bycatch as a continuing problem.

While some progress has been made to reduce bycatch in the Gulf of Mexico shrimp fishery through the use of bycatch reduction devices and turtle excluder devices, more needs to be done. In addition, the Gulf of Mexico Fishery Management Council (Gulf Council) continues to focus primarily on the bycatch associated with shrimpers while ignoring the fact that bycatch exists in all fisheries, including both commercial and recreational fishing.

The GRN’s “Every Fish Counts” campaign will focus on getting the Gulf Council and the National Marine Fisheries Service



NMFS has focused bycatch reduction efforts primarily on shrimp trawlers, demonstrated by the devices shown on these nets. Source, NOAA.

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(NMFS) to move forward with proactive measures to estimate and limit bycatch. We’ll be pressing the Gulf Council to adopt bycatch strategies at every available opportunity, as well as making the case to the public by working with the media and building coalitions with Gulf of Mexico fishing, diving and environmental groups.

New scientific information on red snapper demonstrates why bycatch reduction is critical for some species and why the Gulf Council should not limit its bycatch management to the shrimp fishery. The new information indicates that shrimp trawl bycatch is simply one of several problems for red snapper and bycatch from other reef fish fisheries is also significant.

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FISH OF THE SEASON

WARSAW GROUPEL (*Epinephelus nigritus*)

Warsaw groupers are categorized as deep-water groupers. Juvenile Warsaw groupers are found in bays and around jetties, shallow water artificial reefs, and offshore oil platforms. As they mature, they move to deeper reefs (76-219 meters).

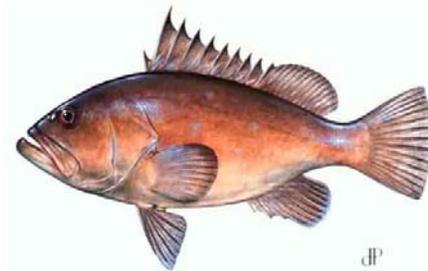
Warsaw groupers are protogynous hermaphrodites, starting life as a male and later becoming female. One of the largest grouper species, Warsaw groupers can grow to six feet long, weigh nearly 600 pounds, and live over 40 years. The largest Warsaw grouper caught in the Gulf weighed 288 lbs and was caught by Lynn D. Johnson in May of 2002 in the West Delta area off the shore of Louisiana.

Warsaw groupers are ambush predators that use their massive mouths to engulf

prey such as crab, shrimp, and fish.

Other names for Warsaw include black grouper and black jewfish.

Status: A species of concern under ESA, along with speckled hind, goliath grouper, and Nassau Grouper. Categorized as critically endangered by the International Union for Conservation of Nature and Natural Resources, identified as at risk of extinction by the American Fisheries Society.



Courtesy of the FL FWCC.

The most significant threat to Warsaw grouper comes from bycatch mortality. As a deep-water species, Warsaw groupers are not good candidates for successful re-release once caught.

Management: While the South Atlantic Fisheries Management Council considers the species overfished and experiencing overfishing, the Gulf Council classifies Warsaw grouper as "unknown" with no rebuilding plan. Currently managed under the commercial deep-water grouper quota (guttled weight quota of 1.02 million pounds annually) and a recreational bag limit of one speckled hind and one Warsaw grouper per vessel.

The Gulf Council should petition NMFS to consider Warsaw grouper "overfished" and as such develop a rebuilding plan that includes standardized methodology to assess the amount and type of bycatch affecting Warsaw grouper.

PRESIDENT BUSH'S RESPONSE TO OCEAN POLICY REPORT FAILS TO MATCH INITIAL BUDGET COMMITMENTS

The Gulf of Mexico has much to gain from the implementation of the recommendations of the U.S. Commission on Ocean Policy (U.S. COP). From the "Dead Zone" in the Gulf, to the more than 30 marine fish species that have been identified as at risk of extinction by the American Fisheries Society, the Gulf has many pressing conservation needs.

The good news is that President Bush responded to the U.S. COP report by creating a cabinet-level Committee on Ocean Policy, which will coordinate and direct the federal government's management of our marine resources. The Administration also released an "Ocean Action Plan," which reads like a list of past actions but does hold hope for additional action in the future.

The bad news is that the recent federal budget released by the White House cuts the budget of the National Oceanic and Atmospheric Administration (NOAA) by 9 percent. As home to the National Marine Fisheries Service, NOAA would need more resources to implement U.S. COP recommendations, not less. Out of the NOAA budget, the National Ocean Service saw its programs cut 38%, potentially affecting coral reef protection, coastal zone management, and the National Marine Sanctuary efforts in the Gulf. The budget is only a proposal, but many would have expected a more significant investment if the Administration is serious about advancing U.S. COP recommendations.

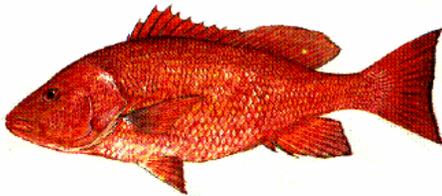
However, many remain hopeful. U.S. Ocean Policy Commissioner Dr. Frank Muller-Karger points out, "We need the White House to follow up specifically on developing a viable, long-term funding mechanism to implement all the recommendations listed in the final report of the U.S. Commission on Ocean Policy. Congress needs to be much more actively engaged to pass appropriate legislation. The public is a critical player because the marine resources and environments we are talking about really belong to all of us, and we need to hold the government accountable in how they manage our common property. They will not be able to do this if they don't come up with the funding."

We hope that President Bush takes full advantage of this opportunity to provide leadership to secure the future of our oceans and the Gulf. The U.S. COP has provided the navigation charts, and now President Bush needs to firmly take hold of the tiller.

NMFS TRICKY ON RED SNAPPER PLAN APPROVAL

The red snapper rebuilding plan, Amendment 22 to the Reef Fish Fishery of the Gulf of Mexico, was approved by NMFS on October 29, 2004, with curiously little fanfare. It was glossed over at the Gulf Council meeting in November and was not discussed until the January 2005 meeting, and regulations to implement the new plan will not ensue. NMFS says that the plan “does nothing” new, so new regulations are not required.

Unfortunately, the meager contents of the red snapper plan are not news to



those who have been urging the Gulf Council and NMFS to take action to help end overfishing and rebuild the depleted Gulf red snapper population. Flaws in Amendment 22 were apparent right from its inception.

Among other problems, there are very limited alternatives to improve management, bycatch reduction is insufficient, and the document is based entirely on outdated information. A new stock assessment that provides the best available science has been ongoing since 2004, but none of the new

information was considered in this plan. Rather, the agency intends to complete the assessment, then again go through the lengthy Council management process to put in new regulations. The current estimate for completion of that process is 2007.

So why did an outdated, limited “does-nothing” plan move forward? Some think to prevent potential legal challenges to the long-term problem of red snapper mismanagement. A legal challenge to agency action is proper once there is final agency action in the form of new regulations. Because this plan “does nothing” there will be no new regulations, thus a challenge seemingly could not be filed.

Because a new stock assessment is in process and should be completed in mid-2005, if an action is filed, it is very likely that new regulations will already be in progress by the time the issue comes up for court review, which could lead a judge to dismiss the case. Again, red snapper is left in management limbo. This is sadly consistent with red snapper history.

NMFS is the agency that should be leading good fisheries management, but it seems they are more concerned with manipulating existing laws to insulate bad management decisions from public challenge than actually protecting U.S. fisheries.

GREATER AMBERJACK UNDERGOING OVERFISHING: Stock Assessment Scheduled for 2005

NMFS notified the Gulf Council on January 6, 2005 that overfishing is occurring for greater amberjack stock. The 2003 landings indicate that there were 4.45 million pounds of greater amberjack landed, exceeding the 2003 TAC by more than 1.5 million pounds. Under current law, the Council has until January 6, 2006 to submit a plan to bring catch back into compliance with the rebuilding plan.

One significant problem is that a stock assessment for greater amberjack is scheduled to be conducted under the SEDAR (Southeast Data, Assessment and Review) process during 2005. SEDAR takes about a full year from start to finish, sometimes longer. Therefore, it is highly likely that regulations for greater amberjack will be due before the new stock assessment is completed.

Unfortunately, this is a recurring problem with Gulf reef fish fisheries. Red grouper and red snapper have recently gone through the same process, causing a significant amount of time and expense to be spent on drafting regulations that will be changed almost immediately based on new stock assessment results. A better way to manage fish is needed in the Gulf of Mexico.

COUNCIL APPROVES EFH AMENDMENT

In May 2000, various conservation organizations and fishing groups challenged the Gulf Council and NMFS on their lack of sufficient attention to fishing gear impacts and environmental consequences on essential fish habitat (EFH). Under the judicial decision and settlement agreement in the case of *American Oceans Campaign v. Daley* (D.D.C. Sept. 14, 2000), the Gulf Council and NMFS were required to prepare an Environmental Impact Statement (EIS) and subsequent fishery management plan (FMP) amendment

that complied with current law.

At the January 2005 meeting of the Gulf Council, it approved Generic Amendment 3 for Addressing Essential Fish Habitat Requirements, Habitat Areas of Particular Concern, and Adverse Effects of Fishing for each of its FMPs: Shrimp, Red Drum, Reef Fish, Stone Crab, Coral and Coral Reef in the Gulf of Mexico, and Spiny Lobster and the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. The EFH

Amendment contains protections from anchoring for discrete areas of the Gulf, including the Flower Gardens Banks National Marine Sanctuary and Pulley Ridge. However, a number of other important habitat areas were excluded due to pressure from some industry representatives.

The EFH Amendment is now at NMFS for final approval. Copies can be obtained by calling 813-228-2815 or by visiting the Gulf Council website at <http://www.gulfcouncil.org>.



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Every fish counts...

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For example, red snapper can be bycatch when vermilion snapper is targeted and vice versa. The vermilion season is open when red snapper is closed, so more red snapper are probably being killed out of season than expected. Vermilion snapper is often substituted for red snapper and at times is sold as red snapper.

Management measures for red snapper are designed to limit the species annual catch to 9.12 million pounds. When estimates of bycatch are included, the total mortality jumps to an unsustainable 12 million pounds. It's clear that something needs to be done.

GET INVOLVED

We need your help to hold the Gulf Council accountable. Let the Council know that as a concerned Gulf citizen, you want to ensure our fisheries are managed for future generations. Demand that the Council collect information on bycatch, as well as develop strategies to minimize bycatch for the entire Gulf's managed fisheries.

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JOIN THE GULF RESTORATION NETWORK'S "EVERY FISH COUNTS" CAMPAIGN:

To find out more about the campaign, contact Fisheries Campaign Director Aaron Viles at (504) 525-1528 ext. 207 or aaron@healthygulf.org.

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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GRN'S BYCATCH STATEMENT OF PRINCIPLES

1. All managed fisheries must develop bycatch estimates.

A sense of how many fish are being caught as bycatch is critical. Different programs exist to develop these estimates: on-board observers, recreational fisherman phone surveys, charter boat log books and port surveys. NMFS must fully fund and implement the most effective of these programs to ascertain a complete picture.

2. Bycatch estimates must take into consideration species thrown overboard because they are too small or out of season (regulatory discards) as well as those that have no value (economic discards).

Whatever the reason fish are thrown overboard, the end result is the same—many end up dead or dying. Complete bycatch estimates must include both types of discards.

3. Bycatch estimates must include all commercial and recreational fishing gear types.

The historical focus on shrimp trawl bycatch has unfairly placed the regulatory burden on only one aspect of the problem. All gear types have some levels of bycatch, so NMFS needs estimates for all gear types.

4. All efforts to estimate bycatch must be published in peer-reviewed academic journals.

The scientific process of peer review will allow for the most accurate and up-to-date information to be used to manage our fisheries in the Gulf of Mexico.

5. Once established, bycatch estimates for managed fisheries must be fully incorporated into management decisions, including calculations of yearly total allowable catches.

Many of the popular reef fish in the Gulf of Mexico are depleted, and a primary reason is that annual allowable catch totals do not account for bycatch. Anecdotal information indicates that if bycatch is included, actual take may be double the total allowable catch.

It's clear that unless the Gulf Council and NMFS work to establish solid bycatch estimates for managed species and include those estimates in annual allowable catch numbers, our Gulf fisheries will continue to be overfished.