Gulf Restoration Network

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FISH TALES

Procedural Change Threatens Deepwater Grouper Species

Procedural changes made by the Gulf of Mexico Fishery Management Council (Gulf Council) in establishing a rebuilding plan for depleted red grouper may threaten deepwater groupers in the Gulf of Mexico. At their recently completed December meeting, the Gulf Council voted to halt development of Reef Fish Amendment 18 in order to expedite development of a legally required rebuilding plan for red grouper. Rather than proceeding with a full plan amendment, the Gulf Council will utilize a regulatory amendment, a procedural vehicle used to expedite development and implementation of fishery management regulations. This procedural shift may have important consequences for other reef fish species.

The reason for the procedural shift is twofold. First, the Sustainable Fisheries Act of 1996 (SFA) requires that the Gulf Council develop a rebuilding plan for any marine fish species identified as "overfished" within one year of such identification. Red grouper was identified as overfished in October of 2000. Accordingly, the Gulf Council has

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Special points of interest:

- Deepwater grouper species may not get needed protection
- Two additional reef fish species poised to join list of depleted Gulf fish species
- Gulf Council misses one year deadline for proposing a plan to rebuild red grouper, hopes to take action in March 2002
- NEPA provides the Gulf Council and the NMFS with an opportunity to better manage the Gulf's fisheries
- All eight scientifically assessed reef fish species most likely overexploited

Gray Triggerfish, Vermilion Snapper May Soon Join List of Overfished Gulf Species

Two new reef fish have been preliminarily identified as "overfished" by the National Marine Fisheries Service (NMFS) and the Gulf of Mexico Fishery Management Council's (Gulf Council) Reef Fish Stock Assessment Panel, paving the way for a formal "overfished" designation by the NMFS. Formal designation will require the Gulf Council to prepare rebuilding plans within one year for both species.

Gray triggerfish and Vermilion snapper represent classic examples of "effort shifting" in fisheries management. This phenomenon occurs when fishing restrictions are placed on commercially or recreationally more "desirable" species, shifting fishing effort to those considered "under utilized". As key species such as groupers and red snapper become depleted, fishermen look to other species to supplement their catches. Here is a look at these two species.

Gray triggerfish are found throughout the Gulf of Mexico, ranging from Nova Scotia to Argentina. Gray triggerfish are unique members of the Gulf's reef fish

Gray triggerfish. Courtesy of the FWCC.

The Role of the National Environmental Policy Act in Managing the Gulf's Fisheries

While the Magnuson-Stevens Fishery Conservation and Management Act (FCMA) may be the primary law governing management of our federal fishery resources, it certainly isnt the only law applicable to our fisheries. Laws such as the Clean Water Act, Coastal Zone Management Act and the Endangered Species Act have a great impact on the management of our fisheries. One law not normally associated with fisheries management, but of extreme importance, is the National Environmental Policy Act of 1970 (NEPA). The following article explains how NEPA applies to fisheries management in the Gulf of Mexico and what opportunities it presents to GRN members and the federal agencies responsible for managing the marine ecosystem.

What is NEPA?

Enacted in 1970, NEPA is one of the most important laws governing our environment. NEPA has three basic purposes: (1) to declare a national policy to encourage the productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and (3) to enrich the understanding of the ecological systems and natural resources important to the Nation. To achieve these purposes, NEPA requires that any action taken, authorized or funded by the federal government that significantly affects the quality of the human environment prepare an environmental impact statement (EIS) to explore the environmental consequences of that action and propose alternatives to that action that may be less environmentally destructive. NEPA does not force a federal agency to adopt a specific action. It does however, force the agency to carefully explore the environmental effects (direct, indirect and cumulative) of its proposed actions and explain why it decided on a particular action.

Considering that NEPA was enacted in 1970 why is it such a hot topic in fisheries management now?

Pursuant to the Sustainable Fisheries Act, the 1996 amendments to the FCMA, the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service (NMFS) were tasked with a number of actions to improve fisheries management in the Gulf region. Specifically, the Gulf Council and the NMFS must minimize bycatch, stop excessive fishing pressure on fish species, rebuild depleted species, and protect habitats on which our fisheries depend. In response to these requirements, the Gulf Council drafted amendments to its seven fishery management plans to address these items. However, in the case of amendments to protect fisheries habitats (and in the GRN's opinion the others as well) a federal court found that the Gulf Council and the NMFS did not comply with NEPA in analyzing the impacts of fishing gear on Gulf habitats (see the March 2001 issue of *Fish Tales* for a discussion of this case).

As a result, the Gulf Council and NMFS are now struggling to incorporate proper NEPA analysis into all of their proposed fishery management regulations leading to gridlock in many instances (for example the red grouper rebuilding plan detailed in the article on page 1).

What opportunities does this EIS present for the Gulf of Mexico?

NEPA presents the Gulf Council and the NMFS an important opportunity to thoroughly review the present state of the Gulf's fisheries and identify actions to improve their outlook. The full analysis of environmental impacts (including direct, indirect and cumulative) associated with activities that impact Gulf fisheries provides the opportunity for better, more holistic and environmentally conscious, decision making amongst government agencies *for the entire Gulf*. For the first time ever, these agencies must analyze the impacts of specific actions such as the impacts of fishing gear on fish habitat in conjunction with the impacts of wetland loss, the Dead Zone, oil and gas activities, global warming, etc. presenting Gulf activists a golden opportunity to have the Gulf Council and NMFS provide information and analysis on how the issues many of us work on affect the Gulf's fish species.

While this opportunity exists, supporters of the "status quo" are likely to arise claiming that the lack of specific information precludes any action. This is where we need your help. A number of GRN members have joined together to ensure we do not waste this valuable opportunity. We must broaden this "task force" to include members that can bring valuable information to the table on the topics of water quality, wetlands destruction and associated topics that are critical in any discussion of fisheries habitat. The EIS being developed should not be viewed as solely a "fish" issue but rather an EIS for the entire Gulf ecosystem. Please contact the GRN if you are interested in becoming involved in this effort. With your help we can make the best of this opportunity.

Gulf Council Kicks Off The New Year With Reef Fish Rebuilding Plans

As we start the new year, the Gulf of Mexico Fishery Management Council (Gulf Council) will be working on a number of rebuilding plans for depleted reef fish in the Gulf of Mexico.
Reef fish, a term collectively describing 42 formally managed species of fish associated with reefs or hard bottom, are an important part of the Gulf's economy and ecology. Reef fish are divided into six families: triggerfish (1 species), jacks (4 species), wrasses (1 species), snappers (14 species), tilefish (5 species), and groupers (17 species). Of these 42 species, scientists unfortunately have enough information to only assess the health of the 8 species shown in the accompanying chart. As you can see, the health of the eight species is not good. The GRN will be working in the coming year to ensure success oriented rebuilding plans are completed to return this important fishery complex to healthy levels. Please stay tuned for action alerts on how you can help in this effort.

Status of Scientifically Assessed Reef Fish in the Gulf of Mexico

Species	*Condition*	*Rebuilding Plan?*
Grey Triggerfish	Identified as Overfished	Most likely required by 2003
Greater Amberjack	Overfished	Required by February 2002
Red Snapper	Overfished	Revised 32 year rebuilding plan under review by the NMFS
Vermilion Snapper	Identified as Overfished	Most likely required by 2003
Goliath Grouper (Jewfish)	Overfished, Candidate Species under the Endangered Species Act (ESA)	Revised plan due in January 2002
Nassau Grouper	Overfished, Candidate Species under the ESA	Revised plan due in January 2002
Red Grouper	Overfished	Ten year rebuilding plan scheduled to be developed by March 2002
Gag Grouper	Approaching Overfished	No rebuilding plan required at this time

Grey Triggerfish, Vermilion Snapper….

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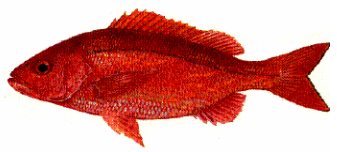
complex as they build nests for spawning. The parents then guard the nest until the young fish have hatched. Juvenile gray triggerfish are normally associated with sargassum mats or other floating objects until they become adults and move onto reef like structures.

Landings of this fish increased from approximately 1.5 million pounds in the mid 1980s to almost 3 million pounds in 1990, mostly in the recreational sector. Recently, catches have decreased to under 1 million pounds creating concern that past fishing pressure has decreased population size.

Vermilion snapper, a species considered to be "approaching an overfished condition" for the past several years has also been preliminarily identified as overfished in Gulf waters. Vermilion snapper are found throughout the Gulf of Mexico from North Carolina to Brazil. They are typically found with red and other snappers on reef like structures throughout the Gulf.

Landings of vermilion snapper increased from the early 1980s through the 1990s, peaking at 3.5 million pounds in 1993. By 1999 landings fell to 2.1 million pounds, decreasing from levels in the early 1990s. The majority of the catch is taken by the commercial sector.

An official declaration of overfished by the NMFS is expected sometime in January. The GRN and our member groups will work to ensure that adequate rebuilding plans are formulated for these two species.



Vermilion snapper. Courtesy of the SAFMC.

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"Working to Protect and Preserve the Gulf of Mexico"

Deepwater Groupers.....

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missed the October 2001 deadline. Second, the Gulf Council decided to complete and environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA) as a result of a recent court decision finding a previous management decision did not comply with NEPA (for a full discussion of how NEPA relates to fisheries management see page 3). Gulf Council efforts to comply with NEPA via Amendment 18 were correctly considered inadequate by the National Marine Fisheries Service (NMFS). Correcting these deficiencies could take over a year, jeopardizing necessary management measures for red grouper and creating serious violations of the SFA's one year provision for rebuilding plans mentioned above. Accordingly, the Gulf Council will switch from a full plan amendment and delay its work on the environmental impact statement to finish work on the red grouper rebuilding plan.

Warsaw grouper. Courtesy of the FWCC.

The change in the vehicle for adopting this rebuilding plan from a full plan amendment (Amendment 18) to a regulatory amendment may have serious repercussions. The use of a regulatory amendment only allows consideration of very specific issues. For example, Amendment 18 contained measures to protect grouper species that are part of the Gulf's reef fish complex. If, as is anticipated, cuts in catch levels are made in red grouper, the most important reef fish economically on the west coast of Florida, fishermen may shift effort to other species thereby increasing fishing pressure on other reef fish. This problem is of particular importance in the grouper fishery where four managed grouper species are identified as candidates for listing under the Endangered Species Act (ESA) and ten out of the fifteen managed grouper species were identified by the American Fisheries Society as at risk of extinction in North America. Two species the GRN and our members are most concerned about are speckled hind and Warsaw grouper. These two members of the Gulf Council's deepwater grouper complex, are candidates under the ESA. Any restrictions in fishing effort on red grouper could increase fishing pressure on these imperiled species. Accordingly, its critical that measures are taken to protect these and other species from shifts in fishing effort. The GRN will be carefully monitoring this situation to ensure protective measures for these species are not lost due to this procedural change. Stay tuned for how you can help in this effort.