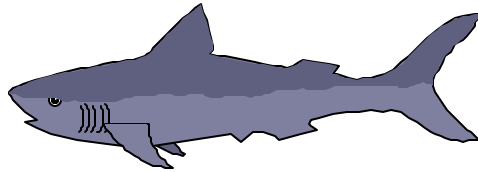


FISH



TALES

Council Approves Proposed Tortugas Ecological Reserve

In an almost unanimous vote, the Gulf of Mexico Fishery Management Council (“Council”) approved amendments to its fishery management plans prohibiting all fishing in two areas of the Dry Tortugas over which it has jurisdiction.

The proposed Tortugas ecological reserve, an area approximately 70 miles west of Key West, covers 185 square nautical miles and is split into two areas. Tortugas North includes deep-water coral plates and pinnacles, including Sherwood Forest, the north half of Tortugas Bank, and seagrass, hardbottom, and reef habitats. Tortugas South includes Riley’s Hump, an important spawning area for mutton snapper and other species. The Council has jurisdiction over 13 square nautical miles in Tortugas North and 60 square nautical miles in Tortugas South.

The closed area is expected to bring a variety of benefits including protection of biodiversity and essential fish habitat for a number of species, provide a study area for the benefits of marine reserves in managing Gulf fisheries, and serve as a source of baby fish which will replenish the entire Florida Keys tract and beyond.

In arriving at a 15-2 decision, the Council noted these

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- Special points of interest:
- Council approves Tortugas Ecological Reserve
 - Council lowers catch levels for overfished king mackerel
 - NMFS offers rebilling plans for red snapper; rebuilding information for groupers
 - Management at the National level heats up as Congress considers reauthorization of the Sustainable Fisheries Act
 - Help support strong national legislation to manage Gulf fisheries

Council Lowers King Mackerel TAC

Based on advice from its scientific advisory panels and a recent court decision involving Summer Flounder in the Mid-Atlantic states, the Gulf of Mexico Fishery Management Council (“Council”) proposed to lower total allowable catch (“TAC”) levels by 400,000 pounds for king mackerel in federal waters of the Gulf of Mexico for the coming year.

The proposed TAC of 10.2 million pounds is still over 1

million pounds higher than its scientific advisory panel recommended but is equal to



King Mackerel. From the SAFMC web

a 50% percent probability that this catch level will be consistent with rebuilding of the King mackerel fishery to a healthy level.

King mackerel is one of five species in the Gulf of Mexico officially considered “overfished” by the National Marine Fisheries Service (“NMFS”). Under the requirements of the Sustainable Fisheries Act, the Council must rebuild overfished fisheries such as king mackerel as soon as possible taking into the account the needs of fishing communities. In its amendment to the coastal migratory pelagic manage-

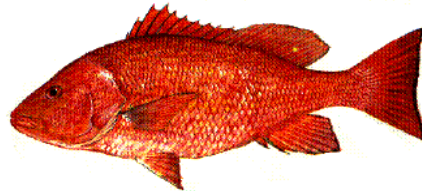
(Continued on page 2)

NMFS Proposes Rebuilding Plans for Reef Fish

The National Marine Fisheries Service (“NMFS”) recently proposed a rebuilding plan for red snapper and rebuilding information for groupers of the Gulf. Under the requirements of the Sustainable Fisheries Act (“SFA”) overfished species such as red snapper must be rebuilt under timeframes contained in the Act. The NMFS is now turning its attention to proposing plans which will contain an acceptable time frame and methods to reach rebuilding goals.

Red snapper, first identified as an overfished species in 1986, is currently subject to a rebuilding plan with 19 years remaining. However, changes to the law may permit a 30 plus year rebuilding period. Due to problems associated with this long time frame the NMFS is proposing that the Gulf of Mexico Fishery Management Council (“Gulf Council”) adopt a rebuilding plan which contains interim rebuilding goals. These goals, set at 5 to 10 year intervals, establish appropriate management measures and tracks the progress of the plan to see how it is doing. The GRN will be working with the

NMFS and the Council to ensure that this proposed plan complies with the best available scientific information and



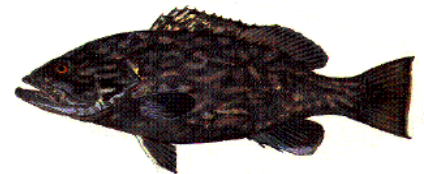
Red Snapper. From the SAFMC webpage.

requirements of the SFA.

The NMFS also recently provided the Gulf Council with information on grouper stocks in the Gulf in order to formulate rebuilding plans and management strategies for this fishery. Currently jewfish and Nassau grouper are considered overfished, with red grouper also preliminarily identified as overfished. Speckled hind, Warsaw grouper, jewfish and Nassau grouper are all potential candidates for listing under the Endangered Species Act. Gag grouper, the subject of two recently created marine reserves in the

Gulf, is considered to be approaching an overfished condition. The status of other groupers in the Gulf is unknown.

Both the grouper information and red snapper rebuilding plan will be reviewed by the Gulf Council’s reef fish stock assessment panel, a panel of scientists which provides analysis on reef fish to the Council.



Gag grouper. From the SAFMC web page.

King Mackerel....

(Continued from page 1)
ment plan last year, the Council proposed a ten year rebuilding period for returning king mackerel to a level scientists consider healthy. This plan was disapproved by the NMFS in November of last year based on the criteria utilized for ensuring king mackerel does indeed reach a healthy level. As a result, no rebuilding plan is currently in place for the fishery.

Though the TAC was lowered, the Council still chose a value higher than the approximately 8 million pounds their scien-

tific advisory panel recommended. The scientific advisory panel also warned the Council that recruitment, the number of young fish entering the fishery, has declined since the mid 1990s. This could impact the population in the coming years.

In arriving at a decision, the Council was briefed on a recent court decision involving summer flounder in the mid-Atlantic states which speaks directly to the issue of rebuilding overfished species. This decision found that the summer flounder rebuilding plan, with only a 17% chance

of success, violated the SFA. The language of the case indicates that their must be at least a 50% assurance that catch levels will meet rebuilding goals. In the case of king mackerel, that catch level was 10.2 million pounds, the value that was chosen.

The Council decision must now be reviewed and implemented by the NMFS before it becomes effective. Thanks to everyone who provided comments supporting a TAC consistent with science the law.

Fisheries Management Heating Up at the National Level

This year the Magnuson-Stevens Fishery Conservation and Management Act (FCMA) (the federal law governing our fisheries) is up for reauthorization by Congress. The GRN is supporting a bill introduced by Congressman Wayne Gilchrest (R-MD) entitled the "Fisheries Recovery Act". We are now hoping to add co-sponsors from the Gulf region on to this bill to successfully strengthen our fishery management laws. Below is an excerpt from an article submitted by the Marine Fish Conservation Network (MFCN), of which the GRN is a member, explaining the bill and why it is needed.

Responding to a growing concern that implementation of the 1996 Sustainable Fisheries Act (SFA) is not living up to expectations, Congressman Wayne Gilchrest (R-MD) introduced a bill in March to end overfishing, protect fish habitat and rebuild overfished stocks. The bipartisan Fisheries Recovery Act (H.R. 4046) would reinforce and strengthen the conservation provisions of the FCMA, the legislation which governs all federal marine fisheries.

To emphasize the timeliness of Rep. Gilchrest's bill, the Marine Fish Conservation Network (Network), a coalition of 97 environmental organizations, fishing associations and marine science groups, tallied the national costs of disaster relief resulting from fisheries mismanagement. According to the Network, U.S. taxpayers have paid more than \$160 million since 1994 to mitigate the disastrous economic and ecological impacts of management failures in New England, Alaska and the West Coast. And Congress is currently considering another \$421 million in aid packages.

"Taxpayers are having to cast a life line to fishermen and their families because Federal fishery managers have repeatedly failed to ensure the sustainability of the fisheries on which we all depend,"

said Lee Crockett, executive director of the Marine Fish Conservation Network. "What's worse is that those in charge of our fisheries still aren't doing what they must under the law to prevent future fishery disasters."

When Congress passed the SFA in 1996, it enacted strict new conservation mandates to stop overfishing immediately, rebuild overfished stocks, minimize bycatch, and protect essential fish habitat. The SFA requires NMFS to work with the nation's eight regional fishery management councils to develop management plans that meet SFA standards. The Act also requires NMFS to reject fishery management plans (FMPs) that do not measure up to SFA mandates. Yet reports published last year by the Network found that NMFS approved the vast majority of the FMPs submitted to the agency, even though they failed to fully satisfy the requirements of the SFA. Even as NMFS approved the plans, the agency's own scientists were preparing to report to Congress that overfishing levels in the U.S. were at an all time high. They also would report in October 1999 that they did not know the status of nearly 75 percent of the nation's "managed" fish stocks.

"The Sustainable Fisheries Act was a good piece of legislation," said Lee Crockett, "but it has a few loopholes that some fisheries managers have exploited to avoid making tough decisions. The Fisheries Recovery Act spells out the conservation mandates in a way that can't be ignored."

Specifically, Gilchrest's bill would: **1.** Eliminate overfishing of all species and prohibit the overfishing of weak fish stocks in mixed stock fisheries; **2.** Make bycatch avoidance a priority by requiring the councils to develop bycatch reduction targets and schedules to reach those targets. The new law also would close a loophole that currently allows the coun-

cils to define the bycatch problem away; **3.** Better protect essential fish habitat (EFH) by requiring the councils to ensure that new fishing gear or practices will not adversely affect EFH before granting permits to utilize such gear or practices in a given area.; **4.** Establish a mandatory fishery observer program in each fishery to provide the reliable data necessary to manage marine fish under the Magnuson-Stevens Act; **5.** Conserve marine ecosystems by requiring the councils to develop comprehensive fisheries ecosystem plans for each major marine ecosystem within their jurisdiction; and **6.** Ensure precautionary fisheries management by requiring the councils to prepare fishery management plans that err on the side of conservation when fisheries data are unreliable or uncertain.

Representatives Sam Farr (D-CA), Phil English (R-PA) and Jim Greenwood (R-PA) joined Congressman Gilchrest as original cosponsors of the Fisheries Recovery Act.

How you can help

The SFA passed in 1996 because it had strong, bipartisan support in Congress—over 300 representatives and 99 Senators voted for it. If the Fisheries Recovery Act is to be enacted, it will need similar Congressional support. You can help by writing or calling your Congressman and Senator. Many legislators are not aware that America's fisheries are in trouble again. Let them know that there are still significant problems with fisheries management and urge them to cosponsor the Fisheries Recovery Act, HR 4046. There is a sample letter on the Network web site (www.conservefish.org - "hot issues") that you are welcome to copy in part or in full.

If you have any questions, or would like a more detailed summary of the Fisheries Recovery Act, please contact the Marine Fish Conservation Network—(202) 543-



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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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Tortugas...

benefits, the overwhelming support for the reserve (the Council received over 1,500 letters), and the process the Florida Keys National Marine Sanctuary (FKNMS) program used in identifying this area for special protection.

As noted in the previous issue of *Fish Tales*, the FKNMS assembled the “Tortugas 2000” working group and a sanctuary advisory council which included a diverse group of stakeholders potentially affected by the decision. These stakeholders worked together to design the protected area so that everyone could live with it. The result was broad support from all parties involved.

While this is a great victory, the Tortugas process is a long one with many potential stumbling blocks. A variety of entities must also approve regulations consist-

ent with the establishment of an ecological reserve. These entities include the state of Florida, the National Park Service, the FKNMS, and the National Marine Fisheries

proved by the NMFS before they can be implemented.

The GRN would like to thank everyone who joined our sign-on campaign or sent letters of support for the reserve to the Council. Your efforts made a huge difference.



Deliberations of the Gulf Council over the Tortugas at the meeting in Key Largo.,

Service (NMFS). Under the Council process, the amendments proposed by the Council to prohibit all fishing must be ap-

With this significant achievement behind us, I urge everyone to stay involved so that we make this one victory of many. For starters, If you did not receive the brochure we sent entitled *Saving Florida’s Last Wild Ocean Place*, please call or e-mail us for a copy. Then stay tuned for ways that your voice can help make the difference in ensuring the reserve becomes a reality.