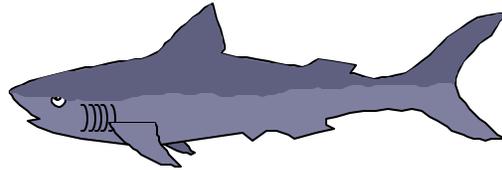


# FISH



# TALES

## Greetings From Your New Editor

For those of you who have received Fish Tales in the past, join me in wishing Chris Dorsett all the best as he takes his considerable talent and fisheries knowledge to the West Coast, as Pacific Fish Conservation Manager with Ocean Conservancy.

As the new editor, greetings, and thank you for your continued support and interest in achieving sustainable fisheries in the Gulf of Mexico. If you are checking out Fish Tales for the first

time, we hope it will give you some idea of how the law seeks to protect fish in the Gulf of Mexico from overfishing, and how the Gulf Restoration Network (GRN) is working to ensure that our fishery management system works as it was intended.

In this issue, we hope to give you a useful overview of how the regulatory system works, and keep you informed of recent developments on issues we feel are particularly urgent.

Please take time to read the action alerts we enclose in our quarterly issue of Fish Tales. It is always important to let our regulators know there is strong interest in a healthy and sustainable Gulf of Mexico.  
*Sallie E. Davis*

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## Continuation of Gag Grouper Protection Areas Being Considered

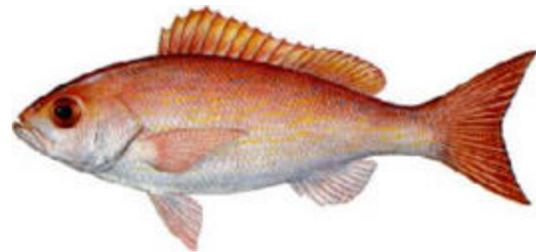
Gag grouper (Gag) are a slow-growing, long-lived reef fish. Juvenile Gag are found in in-shore seagrass beds, while adults inhabit coral reefs, hard bottom, and wrecks. Gag are particularly vulnerable to rapid overfishing because of their reproductive behaviors. For example, gag aggregate to spawn for relatively short periods of time at specific locations. While gathered in this way, they are easily caught. Heavy fishing pressures can wipeout entire aggregations, as observed in the Experimental Oculina Research Reserve.

Additionally, Gag are hermaphroditic, starting out as females with some then changing to male over time. Heavy fishing pressure on aggregations may be disrupting social interactions and has led to a decline in the number of males and the average size of gag as the older, larger fish are caught. While an unfished stock would be expected to include 37 percent males, NOAA Fisheries (the agency charged with protecting gag from overfishing) estimated that in 2000 males made up only 5 percent of adults.

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## FISH OF THE SEASON

### Vermilion Snapper



Family Lutjanidae, SNAPPERS  
*Rhomboplites aurorubens*

(Photo courtesy of Florida Fish and Wildlife Conservation Commission)

If you've been to a seafood restaurant and ordered "snapper," you may have enjoyed a vermillion snapper, which belongs to the same family as the red, grey and mutton snappers. Historically, vermillion snapper could be found from North Carolina waters through the Caribbean and Gulf of Mexico to Brazil, inhabiting offshore reefs and banks.

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## Gag Grouper. . .

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**A fishery in trouble.** Gag grouper were recently recognized by the American Fisheries Society, the nation's oldest professional society, as "at risk of extinction" in North America. NOAA Fisheries found that gag grouper was indeed "approaching an overfished condition" in 1998. Although the agency has since reconsidered its findings, saying that the stock is not overfished and not undergoing overfishing, genetic studies indicate inbreeding may be occurring. This finding would be consistent with the low proportion of males, the loss of spawning aggregations, and an overall reduction in the population size.

**Creating safe havens with closures.** In June 2000, NOAA Fisheries implemented a series of management measures to protect gag grouper. One of those measures was the creation of two areas, the "Steamboat Lumps" and "Madison/Swanson" sites, where fishing for grouper is not permitted, because they are spawning aggregation areas. These closed areas should ensure that gag will not be targeted while they are aggregated together there for spawning. The closure time period was due to expire next year, however during the Gulf Council meeting in March, 2003, the Council designated a six-year extension as their preferred alternative. The Council also had the option of extending the closure for another ten years instead of six, which would have allowed scientists to better evaluate the effectiveness of the closure on stock health. Nevertheless it is encouraging to see the Gulf Council continuing to utilize these protections.

**Next steps.** Working with the other gulf-wide public interest conservation organizations, Gulf Restoration Network wrote NOAA Fisheries requesting that the agency **reconsider** its determination that gag grouper was not overfished and not undergoing overfishing. We hold that NOAA's determination of gag grouper's status is counter to existing scientific information, and called upon the agency to; (1) specifically defend their chosen methodology; (2) update the criteria NOAA uses to determine status so that it reflects the gag's unusual life history, and (3) explain how NOAA will incorporate existing scientific literature that indicates the gag grouper stock is at risk. NOAA Fisheries has assured GRN that a response is being crafted. Look for an action alert on the continuation of protected areas in future.

### Some Key Definitions . . .

**Bycatch** – the unintended take of marine life in the process of catching a target species.

**BRD** – A bycatch reduction device is used to reduce the amount of incidental killing or injuring of marine life. An example is the turtle excluder device (TED) used on shrimp nets.

**Fish** – For purposes of management under federal law, fish includes every form of marine life except mammals and birds.

**Overfished** – A stock of fish is considered overfished when total numbers have dropped to such a low level that new management strategies are necessary to improve the rate of rebuilding and increase the total stock size.

**Overfishing** – A fish stock is undergoing overfishing when so many fish are being caught that the fish stock cannot maintain itself at a sustainable level.

**FMP** – A Fishery Management Plan is the primary vehicle used by the federal government to managing our public fisheries in keeping with the Sustainable Fisheries Act of 1996.

## Protecting our Marine Fish: How the Law Works

The fish that live within the territorial waters of the United States are a renewable and important public resource that Congress saw fit to protect through federal legislation, called the Magnuson-Stevens Fishery Conservation and Management Act as amended in 1996 by the Sustainable Fisheries Act. Because our fisheries contribute to food supply, recreation, and our Nation's health and economy, primary responsibility for carrying out the Act's provisions rests with the Secretary of the Department of Commerce. Within Commerce it is currently the National Oceanographic & Atmospheric Administration, specifically NOAA Fisheries (formerly the National Marine Fisheries Service), that is delegated the specific responsibility as the regulating agency.

**The Councils.** The Act established eight **regional management councils** – the Gulf of Mexico Fisheries Management Council

being one – to handle fish stocks in federal waters in a zone state territorial waters to 200 miles out. Their key management role is to develop a **fishery management plan** (FMP) for each commercial or recreationally caught species, based on the best scientific information available. Each plan must meet the **national standards** provided in the Act, for preventing or ending overfishing of the stock of fish, and providing for rebuilding of depleted stocks up to optimum yield as quickly as possible. If a plan is in place, but new information shows it needs revision, the Council will draft an "Amendment" to the plan, which follows the same review and comment path as a plan.

**The States.** The states have direct management authority over species that reside almost exclusively in state waters such as oysters, crabs and speckled trout. States work in cooperation with

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## How it Works . . .

*(Continued from page 2)*

each other on management plans through the Gulf States Marine Fisheries Commission, which also manages the menhaden or poage fishery.

**NOAA Fisheries Review.** Council plans are sent to the agency for review and a 60 day public comment period. However, NOAA Fisheries can step in with their own plan (called a Secretarial Plan or Amendment) if a fishery is in trouble and the Council has not acted in time, or has come up with a plan that fails to meet the

requirements of the Act. The agency also handles management of fish such as sharks, sailfish, and tuna – fish that are highly migratory – as well as protected species.

### **Your Rights – Their Obligation.**

Don't forget that it is the right of every interested person, whether an organization or an individual member of the public, to be notified when there is a draft plan or amendment ready for review or when changes to the law or regulations are being proposed. Any **public comments**, spoken or written, you provide during a comment period automatically become part of the record. It is then the

agency's responsibility to make sure that its final decision is supported by the record, and not arbitrary, or contrary to the law.

*For upcoming opportunities to comment, see Happenings, page 4.*

**NOTE:** This summary cannot cover every aspect of the Act, codified at 16 U.S.C. 1801 et. seq. For the full text, go to: [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov)

## Update on Our December 2002 Reef Fish Action Alert



Thanks to all who responded to the action alert in our last issue of Fish Tales (December, 2002) regarding six seriously depleted grouper and snapper fish populations. We are pleased to announce that some progress has been made in moving towards rebuilding these fisheries. However the work is never done and we must remain vigilant in communicating to the resource managers (NOAA Fisheries and the Gulf Council) that we will not accept anything other than responsible and sustainable management of our fisheries.

**Red Grouper** was determined to be overfished in the year 2000. The Gulf Council missed the deadline for ending overfishing and establishing a rebuilding plan. We asked that you urge the Council and the agency to take immediate action to end overfishing. When the Council did not act in time NOAA Fisheries was required by law to step in, which they did with a draft of red grouper rebuilding plan called "Secretarial Amendment 1" (amending the Reef Fish Fishery Management Plan). We submitted comments in January at the Council meeting on the draft plan and sent letter to NOAA Fisheries detailing our specific concerns about the plan. We also asked NOAA Fisheries to enact an "interim rule" to end overfishing of red grouper while the details of the permanent plan are worked out over the next few months. We expect a response from NOAA Fisheries before the end of March. While encouraged that NOAA Fisheries and the Gulf Council are moving forward on the red grouper rebuilding plan we find it greatly disturbing that the catch rate they have recommended is not precautionary. We will be working diligently to encourage NOAA Fisheries and the Council to lower the three-year initial catch rate recommendation of 6.55 million pounds a year to 6 million pounds a year or less. Expect more in our June issue on your chance for public comment on the draft plan. It will be critical to address some of the shortfalls of Secretarial Amendment 1 at that time, both for the GRN staff and our members!

**Warsaw grouper** and **Speckled Hind** have been designated by NOAA Fisheries as candidates for listing under the Endangered Species Act since 1997 and were identified by the American Fisheries Society as "at risk of extinction" in 2000. With landings of these species increasing, and no action by NOAA Fisheries and the Gulf Council to protect them, the Gulf Restoration Network, working with Reefkeeper International, Environmental Defense and The Ocean Conservancy, specifically requested that NOAA Fisheries and the Gulf Council include management measures to protect these fish in "Amendment 18" to the Reef Fish management plan, as required by law. This was also the request urged in our December 2002 action alert, and in January the Gulf Council acted to include development of status criteria for Warsaw grouper and speckled hind in amendment 18. Though a step in the right direction, and one that should yield important management information, there are still issues that **must** be addressed. We will continue to

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## Vermilion Snapper . . .

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The vermilion snapper gets its name from the reddish color over its whole body, though it also has diagonal blue lines on its upper scales and yellow streaks below. After spawning, which starts in April and runs through September, it takes the female from three to four years to mature. At full size the vermilion snapper can grow to 24 inches and up to 6 pounds on a diet of small, swimming crustaceans and mollusks.

During the 90's the only snapper that exceeded vermilion as a source of revenue for reef fish fishermen in the Gulf of Mexico was the red snapper. In addition this fish, though not a usual target of pleasure fishing, makes up an integral part of an extremely valuable recreational fishery, one that is particularly active in northern Florida and Alabama.

Despite regulations prohibiting commercial fishermen from taking vermilion under 10 inches, and a rule limiting recreational fishermen to 20 total reef fish, the vermilion snapper was found to be in trouble. In 1998 the agency responsible for maintaining a healthy stock of this public resource (NOAA Fisheries) determined that vermilion snapper would become overfished in two years unless management steps were taken. The most recent NOAA Fisheries Stock Assessment indicates that, as predicted, vermilion snapper *has* become overfished and is currently undergoing overfishing.

Fortunately Congress provided for steps that can be taken to bring the vermilion back. What is needed, and legally required, is for NOAA Fisheries to take immediate steps to end overfishing and to rebuild the stock of vermilion snapper in the Gulf of Mexico.

*For current management status see Action Alert Update, page 3.*

### Happenings

April 17, 2003 Public Comment deadline for National Standard 1.  
May 12-15, 2003 Council meeting in Panama City Beach.

## Action Alert Update . . .

pursue Warsaw grouper and speckled hind issues, seeking a declaration that these species are “overfished” and seeking a reduction of fishing pressure on them and on other deep-water groupers. The public will have an opportunity to comment, probably in the fall, before Amendment 18 is finalized. We will keep you informed.

**Nassau and goliath grouper** were designated as overfished in 1997. As a result the Gulf Council is required by law to develop a rebuilding plan. In our last alert we asked that members call on the Council to begin drafting rebuilding plans. GRN and the collaborating groups mentioned above have notified the Council of the need to incorporate rebuilding plans into Amendment 18. As of January 2003 the Council *has* included options for developing rebuilding plans for goliath and Nassau groupers. Also notable, and extremely important, is the fact that the Gulf Council established a moratorium on landing goliath or Nassau grouper. This means that the entire total allowable catch is currently zero. It is critical that these protective measures are continued for both the goliath and Nassau grouper. GRN staff will be tracking developments with both plans. Once again your opportunity for public comment will be during public review process for Amendment 18, which should be this fall.

**Vermilion snapper** has been identified as overfished and is currently undergoing overfishing. The Gulf council and NOAA fisheries have yet to establish any rules to protect vermilion snapper, despite declining numbers over a ten year period. The Gulf Restoration Network, along with Reefkeeper and The Ocean Conservancy have notified both the Council and NOAA Fisheries of their non-compliance with the Sustainable Fisheries Act. In light of the situation a NOAA Fisheries interim rule to immediately end overfishing is warranted. GRN has drafted letter to NOAA notifying them that an immediate interim rule is required to end current overfishing of vermilion snapper.

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