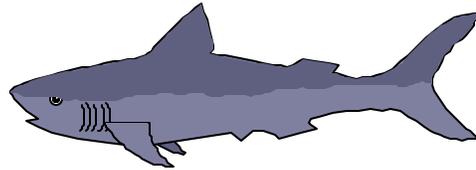


FISH



TALES

The Sustainable Fisheries Act Celebrates Its Five Year Anniversary

While October 11, 2001, marked the five year anniversary of the passage of the Sustainable Fisheries Act (SFA) there is little reason to celebrate in the Gulf region. The sweeping changes envisioned by Congress to properly manage Gulf fish species and their habitats have yet to be realized.

The SFA, amendments made by Congress to the

Magnuson Stevens Fishery Conservation and Management Act of 1976 significantly changed the course of fisheries management in this country. In response to declining fish species including high profile collapses in New England, Congress required that specific steps be taken by regional fishery management councils and the National Marine Fisheries Service

(NMFS).

Major tenets of the SFA include new requirements to: (1) identify and protect habitats essential to our fisheries, (2) end the over-exploitation of marine fish species and rebuild those already overexploited to healthy levels, and (3) identify and minimize “bycatch”, the catch of unwanted marine life caught with target species.

Perhaps more importantly, Congress established strict timelines to ensure these requirements were completed in a timely manner. First, Congress required that the regional management councils, including the Gulf of Mexico Fishery Management Council (GMFMC), amend existing fishery management plans (reef fish, shrimp, stone crab, spiny lobster, corals, coastal migratory pelagics and red drum) to incorporate these new requirements by October 11, 1998. These amendments

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- Special points of interest:
- Majority of the changes envisioned by Congress still yet to be implemented in the Gulf region
 - Significant bycatch problems remain in Gulf fisheries
 - Fishermen still taking too many Gulf fish, updated rebuilding plans for depleted species still not completed
 - Habitat protection provisions at least two years from completion
 - Marine Fish Conservation Network report assesses SFA implementation across the nation

Key SFA Mandates	Complete	Incomplete
Identify Essential Fish Habitat		X
Minimize Impacts of Fishing Gear		X
Implement a Bycatch Reporting System		X
Minimize Bycatch to the Extent Practicable		X
Establish Objective and Measurable Criteria to Determine the Health of a Species		X
End Overfishing		X
Implement Updated Rebuilding Plans for Overfished Species		X

Gulf Council, NMFS Does Little to End Overfishing and Rebuild Depleted Species

Pursuant to the Sustainable Fisheries Act of 1996 (SFA) the Gulf of Mexico Fishery Management Council (Gulf Council) and the National Marine Fisheries Service (NMFS) must:

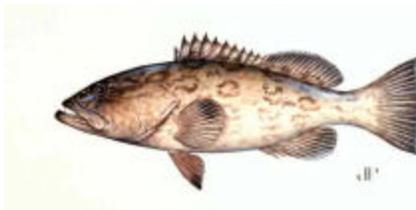
1. Establish objective and measurable parameters to determine the health of a managed species;
2. End the overfishing of any managed species; and
3. Rebuild depleted Gulf fisheries

Unfortunately, little has been done in all three of these areas. The Gulf Council submitted revised fishery management plans to address these mandates in early 1999. For the most part, Gulf Council amendments were correctly rejected by the NMFS in their review process for not being consistent with the SFA. Over two years later, little has been done to correct these faulty amendments leaving us, for the most part, in a pre-SFA management mode.

First, the Gulf Council had only one of four parameters to determine the health of a species approved by the NMFS. These parameters are critical as they define the health of a species. Without it, management measures must rely on less stringent pre-SFA definitions.

The Gulf Council did make a good faith effort to establish these parameters, however their use of previously used proxies to estimate these parameters that was widely used in the Southeast region was disapproved by the NMFS. Unfortunately, we now find ourselves dependent on scientific assessments for individual species to identify the correct parameters. So far they have been generated

for the following species: red snapper, red drum, king mackerel, greater amberjack, and Spanish mackerel, representing five out of the fifty-seven species managed in the Gulf region. This lack of information will significantly hinder implementation



Gag Grouper. Courtesy of the Florida Fish and Wildlife Conservation Commission (FWCC).

of the SFA unless the NMFS comes up with an interim solution.

Second, the Gulf Council has done little to end “overfishing” of key species in the region since passage of the SFA. Red grouper, gag grouper, vermilion snapper, and red snapper were all identified as undergoing overfishing in the NMFS’s 2000 Report to Congress on the Status of our Fisheries. Although steps were taken to help protect gag grouper in 2000, these measures did not end overfishing as required by the Act. Vermilion snapper have been identified as a species where overfishing is occurring for three years since passage of the SFA with no action taken. Red grouper are currently the subject of a fishery management plan due for completion in March 2002 with the opportunity to end overfishing for both it and potentially gag grouper. Finally red snapper, a species first identified as depleted in 1988 continues to be the subject of overfishing, *even under a proposed rebuilding plan* to rebuild the species back to a healthy level.

King and Spanish mackerel are success stories in the region in terms of ending overfishing. Both species have seen drops in fishing mortality rates, partially due to steps taken by the Gulf Council and the NMFS. However, there is some speculation that catch rates of king mackerel have dropped due to high levels of mercury found in this species, a method of reducing overfishing that we certainly don’t want in our region.

Finally, post SFA measures to rebuild depleted species have been weak at best. There are currently seven species managed by the Gulf Council that are overfished. These include red drum, red grouper, red snapper, Nassau grouper, goliath grouper, king mackerel and greater amberjack. Unfortunately, due to the lack of sufficient parameters to assess rebuilding goals, rebuilding plan development is moving slow for Nassau grouper, goliath grouper and red drum. For those species where this information is available, things have also moved slowly. An updated rebuilding plan, still does not exist for king mackerel. Red snapper is part of a proposed revised rebuilding plan that was three years in the making and greater amberjack and red grouper are scheduled to have a rebuilding plan formulated by spring of 2002. Accordingly, no revised plans are in place in the Gulf region over five years after passage of the Act.



Nassau grouper. Courtesy of the FWCC

Gulf Council Does Little to Assess Bycatch, Takes Some Action to Reduce What Is Known

For the first time in fisheries management history, the Gulf of Mexico Fishery Management Council (Gulf Council) and the National Marine Fisheries Service (NMFS) must assess and reduce “bycatch”, the unintended capture of marine organisms in the process of catching a target species. The Sustainable Fisheries Act requires that:

1. A standardized reporting system be established to assess the amount and types of bycatch in all Gulf fisheries; and
2. Bycatch be minimized to the extent practicable and for that bycatch which cannot be reduced, minimize the mortality of such bycatch.

The Gulf Council and NMFS have done little in addressing the first point but have taken some steps with regard

to the latter. Thus, much work is left to be done five years after passage of the SFA.

In early 1999 the Gulf Council submitted amendments to its seven fishery management plans to address bycatch requirements of the SFA. For the most part, the Gulf Council’s proposals were correctly rejected as not complying with the SFA by the NMFS. In fact the only action approved was a change to stone crab traps to reduce bycatch. Gulf Council action to implement bycatch reduction devices in the shrimp fishery, devices used in the nets of shrimp that allow finfish to escape, did not go far enough in meeting the bycatch reduction requirements of the SFA according to NMFS as the use of these devices is lim-

ited west of Cape San Blas, FL.

Proposals to establish a reporting system to collect bycatch data were also rejected as nothing was established by the Gulf Council. Under their proposal the Gulf States Marine Fisheries Commission will assume control of designing and implementing this system. Unfortunately, this has not yet been accomplished. The NMFS did, pursuant to a Gulf Council request, start a program to collect bycatch data in the commercial reef fish fishery. In addition, the Gulf Council is proposing a permit requirement for the shrimp fishery to collect better data on how many shrimp vessels exist in the fishery. Still, the Gulf Council and the NMFS have fallen well short of meeting SFA requirements.



Five Year Anniversary of the SFA....

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would then be reviewed and approved or disapproved by the NMFS for implementation.

Secondly, Congress set up specific time periods to end overfishing and rebuild overfished species.

The following issue of Fish Tales is designed to assess the five year anniversary of the SFA by taking inventory of how the mandates of the Act have been implemented and applied in the Gulf of Mexico. We concen-

trate first on if the major tenets of the SFA have been completed in this region in the past five years (see chart on page 1 for a summary of key SFA mandates) and then explore what the Gulf Council and the NMFS have done to meet these mandates in our region. For a look at implementation issues in other regions of the country check out the Marine Fish Conservation Network’s Report *Caught in the Act* available on their website at www.conservefish.org.



Essential Fish habitat in the Laguna Madre, TX



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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.

The GRN would like to thank Pew Charitable Trusts, Rockefeller Brothers, and the Curtis and Edith Munson Foundation, for making our work possible.

Plans to Protect Fisheries Habitat Back At Square One

Perhaps one of the most important aspects of the Sustainable Fisheries Act of 1996 is the formal recognition of the importance of habitat in healthy fisheries. The SFA created new mandates for the Gulf of Mexico Fishery Management Council (Gulf Council) and the National Marine Fisheries Service (NMFS) to:

1. Identify habitats essential to our fisheries;
2. Minimize the impacts of fishing gear on these habitats to the extent practicable; and
3. Require federal agencies whose activities negatively impact fisheries habitats consult with the NMFS.

The Gulf Council amended its seven fishery management plans to meet these requirements in late 1998. The Council's proposed amendments were for the most part rejected by the NMFS as not being

consistent with the SFA. Rejected provisions include not identifying essential habitat for all fifty seven managed species and not assessing and minimizing the impacts of all but four fishing gear types used in the Gulf of Mexico. Those fishing gear types whose analysis and subsequent lack of action was approved including hook and line gear, trawls, pots and traps were challenged by a number of GRN member groups in the Gulf region. As a result of the court ruling in *AOC v. Daley* (detailed in the last edition of *Fish Tales*), the Gulf Council is now back at square one in identifying habitats essential to our fisheries, assessing the adverse impacts of fishing gears and minimization of the adverse impacts on fishery habitats.

Fortunately, work is being done by the Gulf Council and the NMFS to correct these deficiencies. Based on research done by the Gulf States Marine Fisheries Commission, the NMFS produced a report assessing the real and potential impacts of fishing gears on habitat in

this region. This report is serving as the foundation for Gulf Council work to correctly analyze fishing gear impacts. Whether or not any actions are taken to minimize adverse impacts is still a big unknown.

Furthermore, the Gulf Council is working to identify habitats essential to our fisheries. Work is expected to be completed sometime in 2003 on both of these issues.

On a positive note, NMFS is working with other federal agencies to ensure that any proposed projects analyze the adverse impacts on fish habitat caused by the project. While proper analysis done by agencies such as the U.S. Army Corps of Engineers is still in question, federal agencies have at least incorporated this analysis into their work.