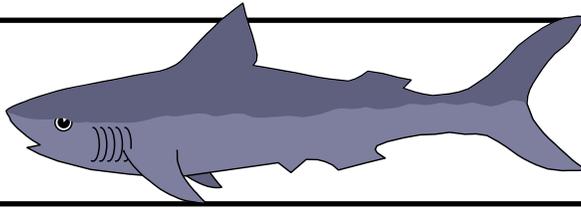


FISH



TALES

Report by U.S. Commission on Ocean Policy Calls For Change in Ocean Management



Two major reports on the United States' ocean policies, one recently released by a government commission and the other by an independent panel, agree that change is urgently needed.

In 2000, the U.S. Congress passed the Oceans Act, which created **the U.S. Commission on Ocean Policy**. The Commission comprises 16 bipartisan members from diverse backgrounds who were appointed by the President. The Commission is charged with establishing findings and making recommendations for a new comprehensive national ocean policy. On April 20th, 2004, the Commission issued its Preliminary Report for review by U.S. governors and interested stakeholders.

The Pew Oceans Commission, an independent bipartisan panel, was convened in 2000 to complete a careful review of laws, policies, and institutions affecting the oceans. The Pew Commission's diverse members included former White House Chief of Staff Leon Panetta, a California congressman, scientists, governors and members of the public and private sectors. The PEW Commission issued its report to the nation, *America's Living Oceans: Charting a Course for Sea Change*, in May of 2003.

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FISH OF THE SEASON

Speckled Hind *Epinephelus drummondhayi*

Speckled hind, one of the most beautifully colored fish off the southeastern United States, is actually a grouper. The speckled hind gets its common name from the multitude of tiny white spots that cover the reddish-brown head, body and fins. Other names for this grouper species include the strawberry grouper, Kitty Mitchell, and the calico grouper.



Speckled hind inhabit warm, moderately deep waters from North Carolina to Cuba, including Bermuda, the Bahamas, and the Gulf of Mexico. Its preferred habitat is hard bottom reef in depths ranging from 150 to 300 feet.

The speckled hind was added to the Endangered Species Act (ESA) candidate list in 1997. The major threat to speckled hind is mortality as the result of fishing. Sadly, since designation as a candidate species, harvest of speckled hind has increased. (See page 3 for more information on speckled hind and other deep water groupers).

U.S. Commission on Ocean Policy Recommends Change (Continued)

Not surprisingly, the U.S. Ocean Commission and PEW Oceans Commission reports both found that our oceans are in trouble. Moreover, they arrived at many of the same conclusions with regard to weaknesses in the nation's current oceans policy and made similar recommendations for change. Their overriding finding: major changes in policy are urgently needed. Overfishing and habitat destruction, the results from a fragmented system for managing our oceans and coasts, are creating the potential for the collapse of the nation's ocean ecosystems.

In the opinion of both commissions, a fundamental change is needed to improve decision-making in the nation's ocean management. Specifically, U.S. management of ocean and coastal resources should be "ecosystem-based," meaning that it needs to be able to account for the interrelationships among the ocean, land, air, and all living creatures. Both commissions have also identified a need for change in the national oceans management structure, including the creation of a National Oceans Council (NOC) within the Executive Office of the President. As envisioned by the U.S.

Commission on Ocean Policy, the NOC would be chaired by an assistant to the President and would be composed of all cabinet secretaries and independent agency directors with ocean-related responsibilities.



With regard to fisheries management, the two commissions agreed that the current system must be improved if we are to manage fisheries sustainably for the long-term. First and foremost, fishery managers must move to a more ecosystem-based approach, which would require that managers look beyond the health of a single fish species. Other factors must be considered, including the health of other species that may not be commercially important, the impact of pollution, habitat destruction, and the like.

Recognizing that a transition to ecosystem-based management will take time, the U.S. Ocean Commission asserts that specific reforms to the current management system can produce immediate improvements. For example, fisheries are currently managed through a single agency, the National Marine Fisheries Service (NMFS), which looks to eight regional fisheries management councils for management recommendations. With few exceptions, the majority of council members are commercial and recreational fishing representatives. Both commissions recognize that, due to an inherent conflict of interest and a lack of scientific expertise, allowing the recreational and commercial fishing industries to determine the allowable level of fishing pressure is problematic. The U.S. Ocean Commission recommended that the role of the regional management councils change. The councils should continue to be responsible for developing regulations that are workable on the water and fair allocations of allowable catches. However, the amount of fish that can be caught, or the total allowable catch, should be set at or below the allowable biological catch determined by the councils' science and statistical committees' scientists. In this way, science would control the allowable take and the potential for conflict of interest would be removed.

Other fisheries-related recommendations made by the commissions for NMFS and the regional councils include:

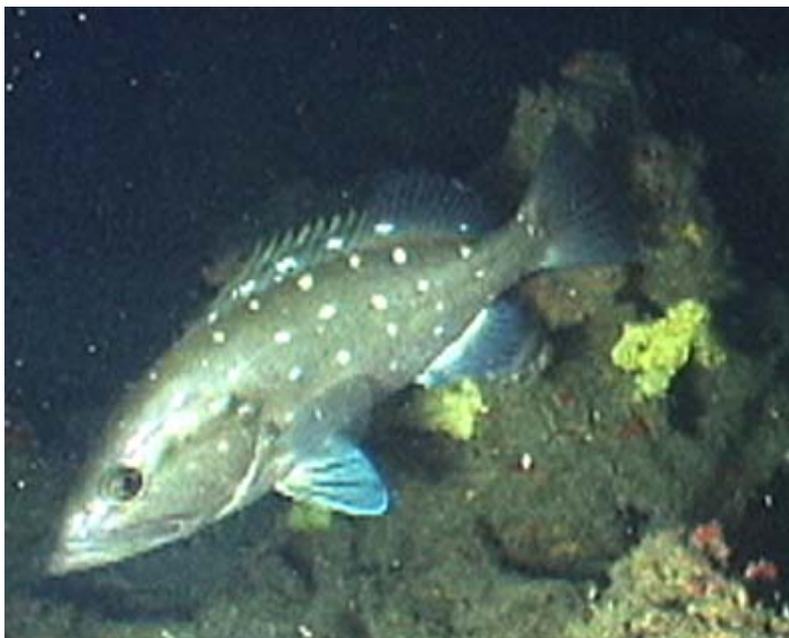
- Developing a process for independent review of scientific information;
- Creating an annual, prioritized list of needed management information that should be incorporated into NMFS' research, analysis, and data collection program;
- Creating new statutory authority to develop interstate fishery management plans that comply to the national standards in the Magnuson-Stevens Fishery Conservation and Management Act; and
- Broadening the membership of the Regional Fishery Management Councils to include members of the public outside the "fish harvesting industry."

The recommendations of the U.S. Commission on Ocean Policy and the Pew Oceans Commission were not limited to the fisheries arena. The report also addresses needed changes in the management of coasts and their watersheds, people against natural hazards (i.e., floods, hurricanes), sediments and shorelines, coastal water pollution and much more.

Deep Water Grouper at Risk

Little is known about deep-water grouper. Many people have never heard the names before: yellowedge, misty, snowy, marbled and warsaw groupers as well as speckled hind and scamp. These groupers are usually found at depths of at least 80 feet. Snowy and misty grouper have been found at depths greater than 1,000 feet.

The National Marine Fisheries Service (NMFS) has completed few conclusive studies on the status of deep water grouper in the Gulf of Mexico. But what we do know about the deep water grouper population status gives us great cause for concern. We know that the speckled hind is designated as “overfished” in the South Atlantic, meaning that the population is severely depleted. Additionally, in 1997, NMFS was so concerned about the status of speckled hind in the Atlantic and the Gulf of Mexico that it was listed as a candidate species under the Endangered Species Act (ESA). Warsaw grouper was also listed as a candidate species for the ESA.

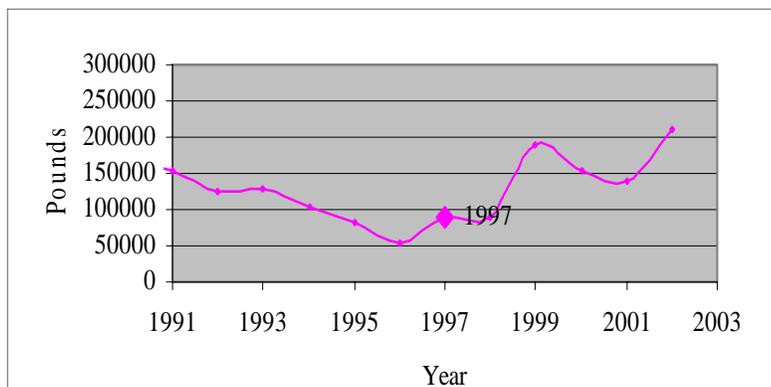


The snowy grouper, above, has been discovered at depths greater than 1000 feet. Little is known about the fish. Photo courtesy of NOAA Fisheries.

Concerns for grouper status have been voiced by national and international fisheries experts. A 2000 report issued by the American Fisheries Society (AFS), the nation’s oldest professional society representing fisheries scientists, identified the marbled, yellowedge, Warsaw and snowy groupers and the speckled hind and scamp as being at risk of extinction. Experts at the International Union for Conservation of Nature (IUCN) also found that the marbled, Warsaw and snowy groupers and speckled hind were endangered. ***In short, scientists agree that if something is not done to protect them these grouper species could become extinct in the foreseeable future.***

Deep water groupers, like other fish in the Gulf of Mexico, are managed by NMFS and the Gulf of Mexico Fishery Management Council (the Council). Sadly, neither agency has taken the action needed to protect deep water groupers and, in fact, have in some cases allowed the take of these species to increase. For example, despite being listed as a candidate species under the ESA in 1997, the takings of speckled hind and Warsaw grouper have increased 33 percent and 24 percent respectively. *(The total increase in landings of warsaw grouper over the past decade is depicted in the graph below.)* NMFS and the Council recently had an opportunity, through Secretarial Amendment 1, to decrease catch of deep water grouper by 10 percent, but they instead chose to continue the current catch rates despite all signs indicating trouble.

In addition, although no scientific assessments regarding the status of the species have been completed to justify the action,



In 1997, Warsaw grouper were made candidates for listing under the Endangered Species Act, but catches continue to rise.

NMFS recently changed the status of both warsaw and speckled hind from candidates for ESA listing to “species of concern.”

It is a shame these species are not being protected, because deep water grouper are fascinating fish with mysterious behavior and amazing abilities to adapt. For instance, **yellowedge grouper** is an extremely long-lived species, sometimes living to 85-years-old, much older than originally estimated. Yellowedge grouper burrow and dig trenches which they later live in and sometimes share with other fish. They have been observed hundreds of feet below the surface digging long trenches, some 50 feet or longer. **Warsaw grouper** can grow to be hundreds of pounds. So large

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This publication is the product of the GRN working on the following issues of concern: over-fishing, essential fish habitat, full implementation of the Sustainable Fisheries Act, and public education on the importance of sustainable fisheries management.

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Deep Water Grouper (Continued)

(Continued from page 3)

are these fish that were they to wear a human hat, they would require a size 113. **Marbled grouper** are probably the most secretive of the groupers and are rarely seen. They have been documented on rock ledges at 300 feet but are spooked off by the slightest disturbance. As a result, nothing is known of their biology. **Scamp** can be found in both shallow and deep water and are popular sport and commercial fish. There is a minimum size limit for the catch of scamp: fish under 16 inches are thrown back. Unfortunately, new research has shown that 100 percent of all fish discarded after being brought up from great depths die. Little is known about the effect of commercial and recreational catch and bycatch on the current health of scamp populations. The NMFS was scheduled to complete a stock assessment of scamp in 2004. However, at the request of the Council, NMFS has postponed that assessment.

It is critical that NMFS and the Council give priority to determining the health of deep grouper stocks, particularly in light of the opinion of the American Fisheries Society and the IUCN that several species of deep water grouper are endangered and possibly at risk of extinction. Absent such assessments, commercial and recreational catch and incidental take of these species should be

US Ocean Commission: What's Next? (Continued)

(Continued from page 2)

Non-fisheries recommendations include:

- Increasing attention to ocean education through coordinated and effective formal and informal programs;
- Strengthening the link between coastal and watershed management;
- Setting measurable water pollution reduction goals, particularly for nonpoint sources, and strengthening incentives, technical assistance, and other management tools to reach those goals;
- Establishing an Ocean Policy Trust Fund based on revenue from offshore energy activity and other new and emerging offshore uses to pay for implementing these recommendations.

What's Next?

The deadline for the submission of comments on the U.S. Ocean Commission report is June 4, 2004. The GRN is working with groups nationally to craft comments on relevant chapters of the report. After the close of the comment period, the U.S. Commission on Ocean Policy will finalize the report and formally submit it to the President. At that point, the real work begins. It will be incumbent on the GRN and the public to advocate for implementation of the Commission's recommendations by the administration and the U.S. Congress. The GRN will be watching this process carefully and calling on you to help us press for needed changes in the nation's ocean policy.

To obtain a copy of the entire U.S. Commission on Ocean Policy report and to monitor progress towards implementation, please go to: www.oceancommission.gov. You can obtain a hard copy of the Pew Ocean Commission report from the GRN (while copies last).

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