

# GULF FISHERY NEWS

VOLUME 25, NO. 3

May-June 2003

*GULF FISHERY NEWS is a publication of the Gulf of Mexico Fishery Management Council for persons interested in the Gulf's fishery resources. Editor: Steven Atran.*

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## **MADISON-SWANSON AND STEAMBOAT LUMPS RESERVES FINAL ACTION DELAYED WHILE ADDITIONAL RESEARCH IS CONDUCTED**

Due to uncompleted research that is needed by the Council to make final decisions regarding fishing restrictions within the Madison-Swanson and Steamboat Lumps marine reserves, the Council has delayed final action on Reef Fish Amendment 21 (continuation of the Madison-Swanson and Steamboat Lumps Reserves) from the May Council meeting until the July 14-17, 2003 meeting in Naples, Florida. This research is being conducted as part of a settlement to a legal challenge brought against NMFS by Florida Coastal Conservation Association (CCA) in response to a Council request made in 2001 to the NMFS Highly Migratory Species Division to prohibit fishing within the reserves for species under their jurisdiction (sharks, billfish, swordfish, tunas). CCA maintains that trolling for pelagic and surface fish does not impact reef fish and should be allowed within the reserves. The Council feels that gear capable of surface trolling is also capable of fishing for reef fish,

and that allowing surface trolling while prohibiting other types of fishing will create enforcement problems. NMFS is holding the Council's request in abeyance while research is conducted to determine the enforceability and impacts on reef fish of allowing trolling in the reserves.

Preliminary results of the research being conducted in the Madison-Swanson reserve were presented by NMFS researchers at the May Council meeting. Those preliminary results were that: (1) reef fish are relatively easy to catch with recreational fishing gear while trolling in the reserve; (2) a wide variety of reef

### **NEXT COUNCIL MEETINGS**

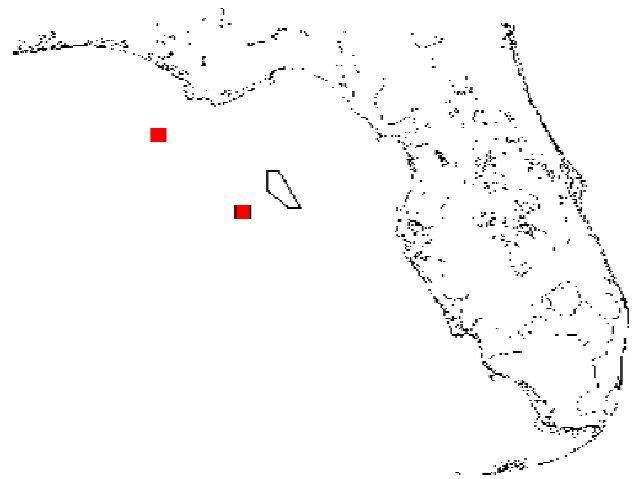
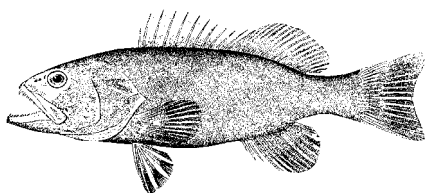
**July 14-17, 2003**  
**Naples Beach Hotel & Golf Club**  
**851 Gulf Shore Boulevard North**  
**Naples, Florida 34102**



fish are susceptible to trolling gear including scamp, speckled hind, Warsaw grouper, red snapper, and greater amberjack; and (3) enforcement personnel have great difficulty determining depth of trolled lines from adjacent vessels. A portion of the study dealing with the question of whether there are seasonal differences in susceptibility of deep species to trolling is continuing into the summer months and has not yet been completed.

CCA representatives at the Council meeting felt that the preliminary results failed to satisfy the terms of the settlement. Although the results demonstrated conclusively that it is possible to catch reef fish with trolling gear, the vessel operated at very slow speeds in order to allow the gear to reach deep-water. CCA stated as part of their objections that vessels trolling for surface species would be trolling at faster speeds and using different methods than those used in the research runs, and they felt that enforcement officers and Coast Guard pilots should be able to differentiate surface from deep-water trolling from the speed of the boat, the noise of the engine, the angle of the lines, and the tension of the rods and outriggers. CCA provided more detailed objections in a May 30, 2003 letter to NMFS Regional Administrator Roy Crabtree.

A final report on the NMFS research is expected at the July 14-17, 2003 Council meeting in Naples, Florida which will include the unfinished portions of the research project as well as address the objections raised by CCA. In addition, the Council added two new alternatives to Amendment 21 for consideration in July. One of the new alternatives would prohibit possession of any reef fish in the closed areas (reef fish can currently be possessed provided the vessel is transiting and not fishing in the areas). The other new alternative would allow only surface trolling in the closed areas, and would define surface trolling as fishing with lines trailing behind a vessel which is in constant motion with a visible wake at speeds in excess of 4 knots, such trolling may not involve the use of down riggers; wire lines, planers, or similar devices.



No-take zones created June 2002. Upper rectangle is Madison/Swanson site. Lower rectangle is Steamboat Lumps. Florida Middle Grounds HAPC is also shown for comparison.

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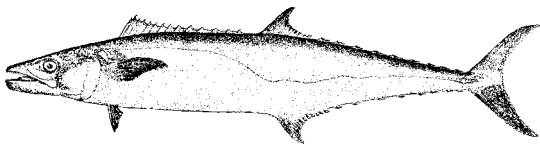
## **NEW MANAGEMENT MEASURES BEING CONSIDERED FOR COASTAL PELAGIC SPECIES**

At its May 2003 meeting, the Council reviewed a set of scoping options for Amendment 15 to the Coastal Migratory Pelagics FMP. The options considered included: (1) adding additional species to the management unit such as - dolphin, wahoo, little tunny, cero, bluefish, blue runner, and blackfin tuna; (2) prohibit the sale of recreationally caught fish under the Coastal Migratory Pelagics FMP; (3) possibly increasing the minimum size limit or reducing the bag limit on cobia; and (4) establishing a standardized bycatch reporting methodology for the Coastal Migratory Pelagics FMP as required by Section 303 (a)(11) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The Council also voted to add an alternative to require a commercial vessel permit to sell mackerel. The current federal king and Spanish mackerel permits are issued in order for the owner/operator to exceed the bag limit. To legally sell mackerel, they need only to comply with applicable state law.

Another addition made to the scoping document was to consider changes to the commercial Gulf group king mackerel fishery boundary line between the

eastern and western zones, currently set at the Alabama/Florida border. This could include possible changes to the commercial allocations between these 2 zones. Please note that the Gulf group king mackerel fishery's total allowable catch (TAC) is currently allocated 68% to the recreational sector and 32% to the commercial sector. The commercial sectors allocation is split with 69% going to the eastern zone and 31% to the western zone. Stock assessments in 1996 and more recently in 2001 indicated that cobia are separate migratory groups, if not separate stocks, in the Atlantic and Gulf of Mexico. Consequently, the Council added an option that would separate Gulf and Atlantic migratory groups. Finally, the Council voted to add an option for a single Coastal Migratory Pelagics vessel permit with separate endorsements for the managed species that fishermen desired to harvest. Because the Coastal Migratory Pelagics FMP is a joint plan with the South Atlantic Fishery Management Council (SAFMC), the options have been submitted to the SAFMC for review and possible additions.

The current moratorium on the issuance of new Gulf group king mackerel permits will expire on October 15, 2005. Consequently, the Council voted to develop options to end the moratorium and replace it with a permanent license limitation system. This process will likely be conducted through a separate amendment and will also be conducted in concert with the SAFMC.



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### **COUNCIL PROVIDES RATIONALE FOR REQUIRING BRDS OFF SOUTHWEST FLORIDA**

The Council received a status report from NMFS at the May Council meeting about Shrimp Amendment 10, which was submitted to NMFS in July, 2002 and is currently undergoing review in the Southeast Regional Office. Shrimp Amendment 10 proposes to expand the areas where shrimp trawls are required to

use bycatch reduction devices (BRDs). NMFS Regional Administrator Roy Crabtree felt that the amendment contained a lack of rationale for the proposed requirement to use BRDs in shrimp trawls that are used in federal waters of Statistical Subareas 1-3 (essentially off Monroe and Collier Counties on the southwest coast of Florida). As a result, the Council wrote a letter to NMFS further explaining its rationale for requiring BRDs in shrimp trawls throughout the west coast of Florida as opposed to exempting this small area. The Council's rationale for this proposal was as follows.

It's true that invertebrates, against which BRDs are not very effective in reducing bycatch, make up a large portion of the bycatch in Statistical Subareas 1-3; and the ratio of finfish to shrimp is approximately 1.13 to 1. However, many of the invertebrate species do not suffer bycatch mortality, and even though invertebrate bycatch may not be affected by the use of BRDs, finfish bycatch will be reduced; and it will probably be reduced by at least 30%. Additionally, although most of the finfish bycatch does not include managed species, these species have ecological importance and are equally subject to the MSFCMA requirement under National Standard 9 to reduce bycatch where practicable.

BRDs are currently required in all Florida state waters and in all waters of the EEZ west of Cape San Blas, Florida. Expanding the BRD requirement to include all Gulf EEZ waters will eliminate any dividing lines between where BRDs are and are not required, and will reduce a significant enforcement problem.

The Council believes that it is practicable to require BRDs throughout the EEZ of the Gulf (with the exemption of vessels trawling for royal red shrimp beyond the 100-fathom contour and vessels trawling for groundfish or butterfish, as well as a single try net with a headrope length of 16 feet or less per vessel and no more than two rigid-frame roller trawls limited to 16 feet or less, such as those used in the Big Bend area of Florida), and that additional bycatch reduction will result in better compliance with National Standard 9 (minimize bycatch).

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## GULF STOCKS SHOW IMPROVEMENT IN NMFS 2002 STATUS OF STOCKS REPORT

The National Marine Fisheries Service recently released its *2002 Report to Congress on the Status of the U.S. Fisheries*. This is the sixth annual report on the status of all stocks included in fishery management plans produced by NMFS or by the Regional Fishery Management Councils. This year's report identifies 932 marine fish stocks (including invertebrates) in the EEZ, of which 259 are considered major stocks and 673 are considered minor stocks (defined as stocks with less than 200,000 pounds of landings, except for Pacific salmon). The status is known for 62% of the major stocks, but only 11% of the minor stocks. NMFS does not routinely assess the status of many of the minor stocks because generally they are not targeted in fisheries and have a low probability of becoming overfished. Nearly 9 billion pounds of landings are attributed to the major stocks, accounting for 99.9% of the nation's total landings.

Nationwide, the number of stocks classified as *undergoing overfishing* (being fished at a rate that exceeds a maximum fishing mortality threshold) increased from 65 in 2001 to 66 in 2002. The number of stocks classified as *overfished* (stock biomass is below a minimum threshold) increased from 81 in 2001 to 86 in 2002.

In the Gulf of Mexico, there are 57 stocks managed by the Gulf Council and 10 stocks managed jointly by the Gulf Council and South Atlantic Council. Of these 67 stocks, 31 are classified as major stocks, and 36 as minor. In 2001, 308,746,000 pounds of landings came from species managed by the Gulf Council, and 47,542,000 pounds from species managed jointly by the Gulf and South Atlantic Councils. The major stocks accounted for 354,943,000 pounds, or 99.6% of the total<sup>1</sup>.

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<sup>1</sup> These numbers only reflect landing from stocks managed by the Gulf Council or jointly by the Gulf and South Atlantic Councils. They do not include stocks that are managed by other agencies, such as inshore species, menhaden, or highly migratory species.

There were 4 stocks in the Gulf classified as *undergoing overfishing* in 2002, down from 5 in 2001. The stocks *undergoing overfishing* in 2002 were **red snapper, red grouper, vermilion snapper, and red drum**. Gag, which was classified as *undergoing overfishing* in 2001, was reclassified to *not undergoing overfishing* in 2002. There are 20 stocks classified as *not undergoing overfishing*: **Gulf group king mackerel, Atlantic group king mackerel, Gulf group Spanish mackerel, Atlantic group Spanish mackerel, little tunny, greater amberjack, gag, Nassau grouper, goliath grouper, spiny lobster, stone crab, brown shrimp, pink shrimp, white shrimp, royal red shrimp, fire corals, hydrocorals, octocorals, stony corals, and black corals.**

There were 7 stocks in the Gulf classified as either *overfished* or *approaching an overfished condition* (defined as likely to become overfished within two years) in 2002, down from 8 in 2001. The stocks classified as *overfished* in 2002 were **Gulf group king mackerel, red snapper, red grouper, greater amberjack, red drum, Nassau grouper, and goliath grouper**. Gag, which was classified as *approaching an overfished condition* in 2001, was reclassified to *not overfished* in 2002. There are 10 stocks classified as *not overfished*: **Atlantic group king mackerel, Gulf group Spanish mackerel, Atlantic group Spanish mackerel, little tunny, gag, spiny lobster, stone crab, brown shrimp, pink shrimp, white shrimp.**

In addition, based on a new red grouper stock assessment in 2002, the Gulf Council's Reef Fish Stock Assessment Panel concluded that red grouper are now above the minimum stock size threshold for declaring a stock *overfished*. However, that finding came too late to be incorporated into the 2002 Status of Stocks report. All Gulf stocks which are classified as *overfished* either have a rebuilding plan in place or under development. (Nassau grouper and goliath grouper do not formally have a rebuilding plan, but all harvest of these species is prohibited. Rebuilding plans for these species will be included in Reef Fish Amendment 18, which is currently under development.)

An online version of the 2002 Status of Stocks report is available at:

<http://www.nmfs.noaa.gov/sfa/reports.html>.

	2001	2002
<b>Undergoing Overfishing?</b>		
Yes	5	4
No	19	20
Not Known	40	40
Not Defined	3	3
<b>Overfished?</b>		
Yes	7	7
Approaching Overfished Condition	1	0
No	9	10
Not Known	41	41
Not Defined	9	9

Status of the 67 stocks managed by the Gulf Council or jointly by the Gulf and South Atlantic Councils.

## **STATUS OF ESSENTIAL FISH HABITAT ENVIRONMENTAL IMPACT STATEMENT**

At a special June Council meeting in New Orleans, the Council reviewed the Essential Fish Habitat Draft Environmental Impact Statement (EFH DEIS). The main purpose of the meeting was to select preferred alternatives for identifying EFH, designating Habitat Areas of Particular Concern (HAPC), and identifying alternatives for preventing, mitigating, or minimizing adverse effects of fishing on EFH. The Council will again review the DEIS and finalize it at their July meeting.

### *Identifying Essential Fish Habitat*

Eight alternatives were developed for ways to identify EFH in the Gulf of Mexico. The first alternative was no action that would result in EFH not being designated. The second alternative was the status quo alternative that would define EFH based on the Council's 1998 Generic EFH amendment EFH designations. The third alternative would define EFH based on specific habitat types. The fourth EFH alternative would be based on known species distributions. The fifth alternative would be based on areas of highest species density based on information in the NOAA Data Atlas. The sixth alternative would define EFH based on areas of highest species density based on the NOAA Data Atlas and functional relationships. The seventh alternative was based on salinity ranges. The eighth alternative was based on habitat suitability modeling. In previous Council meetings, the Council considered alternatives 3, 7,

and 8, but rejected these alternatives based on comments from the Council's Technical and User Group Review Panels.

For the Red Drum Fishery Management Plan (FMP), the Council selected Alternative 6 as their preferred alternative for defining EFH. This area consists of all Gulf of Mexico estuaries; waters extending from the western edge of Vermilion Bay, Louisiana to the eastern edge of Mobile Bay, Alabama out to depths of 22 fathoms; waters extending from Crystal River, Florida to Naples, Florida between depths of 5 and 10 fathoms; waters extending from Cape Sable, Florida to the boundary between the areas covered by the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council (SAFMC) between depths of 5 and 10 fathoms.

For the Reef Fish FMP, the Council selected Alternative 6 as their preferred alternative. This area consists of all U.S. Gulf of Mexico estuaries and waters extending from the US/Mexico border to the boundary between the areas covered by the Gulf of Mexico Fishery Management Council and the SAFMC out to depths of 100 fathoms

The Council selected Alternative 6 as their preferred alternative for the Coastal Migratory Pelagics FMP. This area consists of all U.S. Gulf of Mexico estuaries and waters extending from the US/Mexico border to the boundary between the areas covered by the Gulf of Mexico Fishery Management Council and the SAFMC out to depths of 100 fathoms.

For the Shrimp FMP, the Council selected Alternative 6 as their preferred alternative. This area consists of all U.S. Gulf of Mexico estuaries and waters extending from the US/Mexico border to Fort Walton Beach, Florida out to depths of 100 fathoms; waters extending from Grand Isle, Louisiana to Pensacola Bay, Florida between depths of 100 and 325 fathoms; waters extending from Pensacola Bay, Florida to the boundary between the areas covered by the Gulf of Mexico Fishery Management Council and the SAFMC out to depths of 35 fathoms, with the exception of waters extending from Crystal River, Florida to Naples, Florida between depths of 10 and 25 fathoms and in Florida Bay between depths of 5 and 10 fathoms.

The Council selected Alternative 6 as their preferred alternative for the Stone Crab FMP. This area

consists of all U.S. Gulf of Mexico estuaries and waters extending from the US/Mexico border to Sanibel, Florida out to depths of 10 fathoms; waters extending from Sanibel, Florida to the boundary between the areas covered by the Gulf of Mexico Fishery Management Council and the SAFMC out to depths of 15 fathoms.

For the Spiny Lobster FMP, the Council selected Alternative 6 as their preferred alternative. This area consists of the Gulf of Mexico waters extending from Tarpon Springs, Florida to Naples, Florida between depths of 5 and 10 fathoms; waters extending from Naples, Florida to the boundary between the areas covered by the Gulf of Mexico Fishery Management Council and the SAFMC out to depths of 52 fathoms.

The Council selected Alternative 4 as their preferred alternative for the Coral FMP. This area consists of the total distribution of coral species and life stages throughout the Gulf of Mexico including the East and West Flower Garden Banks, Florida Middle Grounds, southwest tip of the Florida reef tract, and predominant patchy hard bottom offshore of Florida from approximately Crystal River south to the Keys, and scattered along the pinnacles and banks from Texas to Mississippi, at the shelf edge.

#### *Designating Habitat Areas of Particular Concern*

The Council had several options to choose from for designating HAPC. These ranged from designating specific habitat types as HAPC to designating specific areas. The Council decided to create a new alternative that would designate only those areas the Council has previously identified as requiring additional protection. These areas were the East and West Flower Garden Banks, the Florida Middle Grounds, the Tortugas Ecological Reserve, and the Madison-Swanson marine reserve.

#### *Mitigating Adverse Effects of Fishing on EFH*

Several alternatives existed for identifying alternatives for preventing, mitigating, or minimizing adverse effects of fishing on EFH. The alternatives ranged from no action, gear modifications, gear restrictions in certain areas, effort reduction, and total gear prohibitions in certain habitat. The Council decided to bundle several actions together in their preferred alternative. These actions included regulating fishing weights on vertical line fishing gear

used over coral reefs in HAPCs, prohibiting bottom anchoring over coral reefs in HAPCs, prohibiting the use of bottom longlines, buoy gear, and all traps/pots on coral reefs, requiring a weak link in the tickler chain of bottom trawls, and prohibiting the use of trawling gear on coral reefs. The Council also wanted to examine other alternatives for possible inclusion in a future amendment. These new alternatives included rationalizing fishing effort in the reef fish and shrimp commercial and for-hire industries and requiring the use of vessel monitoring systems in the shrimp and reef fish commercial and recreational for-hire fisheries in the EEZ.

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## **NMFS IMPLEMENTS REVISED CHARTERBOAT/HEADBOAT MORATORIUM RULE**

(NMFS Southeast Regional Office) - NOAA Fisheries announces the publication of a final rule to revise, consistent with the intent of the Gulf of Mexico Fishery Management Council, one of the eligibility criteria for obtaining a charter vessel/headboat moratorium permit for the Gulf reef fish or Gulf coastal migratory pelagic fisheries. The effective date of the final rule is June 16, 2003.

This final rule will:

- Remove the requirement to have had a valid permit on the effective date (July 29, 2002) of the final rule that implemented the original moratorium, thereby making the eligibility criterion less restrictive;
- Reopen the application process for obtaining Gulf charter vessel/headboat moratorium permits and extend the applicable deadlines; a qualified applicant who desires a charter vessel/headboat permit for the Gulf reef fish or Gulf coastal migratory pelagic fisheries must submit an application for such permit to the Regional Administrator (RA) postmarked or hand-delivered no later than September 15, 2003. Application forms are available from the RA;
- Extend the expiration dates of valid or renewable open access permits for these fisheries until November 13, 2003. Beginning

November 13, 2003, the only valid charter vessel/headboat permits for Gulf reef fish or Gulf coastal migratory pelagic fish are those that have been issued under the moratorium;

- Clarify, as requested by the Gulf Council, a constraint on issuance of historical captain permits under the moratorium;
- Extend the expiration date of the moratorium to June 16, 2006, to account for the delay in implementation resulting from this revision.

Those persons who previously applied for and NOAA Fisheries advised they were eligible, or those persons who have received a moratorium permit, need not and should not reapply.

Copies of the final rule and supporting documents are available from the same address or by calling 727-570-5305.

This Small Entity Compliance Guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. Any discrepancies between this document and the rule as published in the Federal Register will be resolved in favor of the Federal Register.

This and other news releases are available on the SERO homepage at <http://caldera.sero.nmfs.gov>. To obtain considerable recorded information about our missions, services, and management measures, call our toll free public service line at 1-866-570-5301. If the information you need is not available on that line, you can leave us a message and we'll get back to you within one business day. NOAA Fisheries is an agency of the Commerce Department's National Oceanic and Atmospheric Administration.

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## **FISHERIES MANAGEMENT EXPLAINED BY SEA GRANT PUBLICATION**

A guide to understanding how the federal fisheries management process works has been published by the Mississippi-Alabama Sea Grant Consortium, and can be downloaded from the internet. *Understanding Fisheries Management: A Manual for Understanding the Federal Fisheries Management Process, Including Analyses of the 1996 Sustainable Fisheries Act (second edition)* explains in plain language an

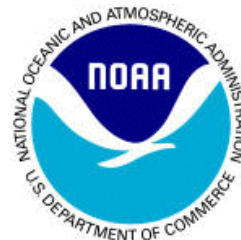
incredible amount of information in only 53 pages. It includes a wonderful glossary and many useful graphics. It's available on line at:

<http://nsgl.gso.uri.edu/masgc/masgch00001.pdf>

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## **NMFS IS CHANGING ITS NAME TO NOAA FISHERIES**

The National Marine Fisheries Service (NMFS), in order to better reflect its status as an agency of the National Oceanographic and Atmospheric Administration (NOAA), is in the process of changing its name to NOAA Fisheries. In order for the name change to be official, it needs to be authorized by Congress. In the meantime, both names may be used interchangeably when referring to the agency.



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## **NOAA NATIONAL OCEAN SERVICE CREATES NEW CHART UPDATE WEB SITE**

(NOAA NOS) - Mariners now have a new and easier way to access and update information for their nautical charts. The NOAA National Ocean Service Office of Coast Survey has launched its new Chart Update Web site offering streamlined access to chart updates. The new NOAA Chart Update Web site, accessible at <http://nauticalcharts.noaa.gov>, provides access to chart updates that have been published in the United States Coast Guard Local Notice to Mariners, National Imagery and Mapping Agency Notice to Mariners and Canadian Coast Guard Notice to Mariners. Chart updates include information on aids to navigation changes, hazards to navigation or other essential information for safe navigation such as water level depth conditions on maintained harbor channels, bridge and cable clearances and regulatory changes.

This new site offers the user three options to access chart update data. The first option allows the user to

enter the NOAA chart number and receive a list of chart updates from the most current to the oldest printing of the chart. The user can also enter a specific location name (such as a city, town or waterway name) or the name of a major United States port facility to receive a list of NOAA chart numbers pertaining to that area. The final option allows users to see all chart updates from previous chart editions.

The NOAA Chart Update Web site also includes features that will allow the user to view and print images for Army Corps of Engineers maintained channel depth tabulations and small page size chart update images called "Chartlets". These images are available by NOAA chart number through the three search mechanisms mentioned above.

The chart updates available on this site reflect the same chart update information available on the NOAA Print-on-Demand paper charts, the NOAA raster chart update service, and the NOAA Electronic Navigational Charts (NOAA ENC®).

While information provided on this Web site assists in the updating of nautical charts, it is not intended to be used as a substitute for the United States Coast Guard, National Imagery & Mapping Agency or Canadian Coast Guard Notice to Mariner publications. Temporary changes to aids to navigation, special published announcements and other important information affecting navigational safety are not available on this Web site.

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## **LONGLINE FISHING IN TORTUGAS ECOLOGICAL RESERVE BRINGS \$20,000 PENALTY**

### **Settlement Also Reached in 2002 Case**

(NOAA Florida Keys National Marine Sanctuary) - Attorneys for the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) have issued a \$20,000 civil penalty in the case of a vessel cited for illegal longline fishing in the Florida Keys National Marine Sanctuary's protected Tortugas Ecological Reserve. NOAA has also obtained a settlement in a December 2002 Tortugas shrimping case.

Florida Fish and Wildlife Conservation Commission (FFWCC) officers assigned to the sanctuary were on

routine patrol in the Tortugas aboard the Point Monroe on March 26, 2003, when they boarded the fishing vessel Can Do, owned by Can Do of Pinellas, Inc., and operated by Stephen P. Thorsteinsson of Madeira Beach, Fla.

A marine fisheries inspection revealed that the Can Do had set five miles of longline gear within the Riley's Hump area of the Tortugas Ecological Reserve. A sanctuary officer who remained aboard the vessel as the crew recovered its gear reported that six sandbar sharks, sixteen blacktip sharks, one silky shark and two blacknose sharks were dead when brought aboard. The officer ordered the crew to release two goliath grouper (formerly called jewfish), two mutton snapper, one black grouper, and one red grouper recovered alive.

Riley's Hump lies in the Tortugas South section of the reserve, which is closed to all activity except for continuous transit by vessels with their fishing gear stowed.

The vessel owner and operator face an additional \$7,500 penalty for a second federal count of failing to comply with rules for the at-sea fisheries observer program. FFWCC officers also wrote a state citation to ship operator Thorsteinsson for having dogs aboard a commercial fishing vessel that processes fish on board. Proceeds of \$254.40 from the sale of 636 lbs. of shark meat and \$405.00 from the sale of shark fins remain in escrow pending the settlement of the case.

NOAA attorneys recently prevailed in another Tortugas reserve case, when Christine Ho of Abbeville, La., owner of the Miss Christine V, and vessel captain Cu T. Nguyen of Port Arthur, Texas, agreed to a \$15,000 settlement for shrimping in the reserve. The Coast Guard vessel Nantucket cited the Miss Christine V on Dec. 16, 2002 and escorted the vessel to Key West, where its catch of 1,117 lbs. of pink shrimp was seized and sold by a NOAA agent. As part of the settlement, Ho and Nguyen will forfeit the \$1,733.38 proceeds from the sale.

The Tortugas Ecological Reserve, established in 2001, protects 151 square nautical miles of deep coral reefs and essential habitat for fish and other marine life. The reserve is the largest of the sanctuary's network of 24 "no-take" areas set aside to protect habitat and preserve the diversity of marine life in the coral reef ecosystem of the Florida Keys.



The Florida Keys National Marine Sanctuary, designated in 1990, protects 2,900 square nautical miles of coral reefs, seagrass meadows, hardbottom communities, mangrove shorelines and mud and sand habitat through a state and federal partnership.

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**TWO FISH DEALERS, ONE RESTAURANT AND 12 FISHERMEN PENALIZED \$171,000 AND 330 DAYS OF SANCTIONS FOR ILLEGAL SALE OF RECREATIONALLY HARVESTED REEF FISH**

(NOAA Fisheries, Silver Spring, MD) - A ten-count Notice of Violation and Assessment (NOVA) and a Notice of Permit Sanction was issued by NOAA's Office of General Counsel for Enforcement and Litigation (GCEL) to Mastry's Bait and Tackle, Inc., of St. Petersburg, Fla., for alleged violations of the Magnuson-Stevens Fishery Conservation and Management Act. The alleged violation occurred when Mastry's unlawfully purchased reef fish harvested in federally managed waters from recreational fishermen fishing aboard the headboat FV Florida Fisherman II. Mastry's failed to maintain records regarding these purchases, as required. The National Oceanic and Atmospheric Administration (NOAA) is an agency of the Commerce Department.

These civil penalties, totaling \$105,000 and a 300-day permit sanction, were the result of a joint investigation conducted by NOAA Fisheries Office for Law Enforcement (OLE) and the Florida Fish & Wildlife Conservation Commission (FFWCC). The permit sanction prevents violators from fishing in Federal waters during the specified time-period.

Similarly, Nachmans Native Seafood, Inc. of Seminole, Fla. was assessed a \$5,000 NOVA and a 30-day Permit Sanction, and Matoi Sushi, Inc., a restaurant in Tampa, Fla., was issued a \$7,500 NOVA for purchasing recreationally caught reef fish.

The 12 recreational fishermen alleged to have sold these fish to the dealers were also penalized \$1,500 for each count of illegally selling the reef fish to Mastry Bait and Tackle, Inc., Nachman's Native Seafood, Inc., Madeira Beach Seafood, and Matoi Sushi. Several fishermen had multiple-count penalties.

All recipients of a Permit Sanction and Notice of Violation and Assessment have 30 days to request a hearing on the allegations and assessments.

The FWCC initiated the investigation after receiving complaints that recreational fishermen from aboard the headboat FV Florida Fisherman II were unlawfully selling reef fish caught in the Gulf's Economic Exclusion Zone.

Gulf reef fish are subject to annual quotas split between the commercial and recreational fisheries as determined by the Gulf of Mexico Fishery Management Council. Only reef fish harvested under the commercial quota may be sold. Recreational fishermen are subject to individual catch limits, and a Gulf reef fish possessed under the catch limits may not be sold or purchased.



**NOVA QUARTERLY REPORT**  
**January 1, 2003 through March 31, 2003**

Case No.	Respondent's Name	Vessel Name	Area	LE Unit	Case Description	NOVA Amount	NOPF Amount	NOPS Duration
SE020261FM	BSA Charters, Inc. Adam Ray Miller, II	MELANIE DAWN	GOM	FFWCC/ NMFS	exceed bag limit for red snapper	\$3,000.00		5 days
SE020165FM	Airline Seafood, Inc. Kevin Keane	N/A	GOM	NMFS	i) fail to maintain Gulf reef fish dealer records ii) fail to comply with purchase restrictions	i) \$2,000.00 ii) \$2,000.00		5 days
SE020179FM	Earl McIntosh	MR. J.	GOM	FFWCC/ NMFS	possess stone crab trap in the management area during closure	\$1,500.00		
SE020281ES/FM	S&T Marine, Inc. Steven Nguyen	CAPT. SCOTT II	GOM	USCG	i) TED violation ii) BRD violation	i) \$2,000.00 ii) \$6,000.00		
SE020286ES	An Quang Duong Tong Van Nguyen	CAPT. PHU HAI	GOM	USCG	TED violation	\$2,000.00		
SE020287FM (charged individually)	<u>Greg Abrams</u> Jerry Key	THE SHADOW	GOM	USCG NMFS	fish in area closure (Madison-Swanson)	<u>\$80,000.00</u> \$8,000.00	\$3,320.75	180 days
SE025132FM	Tu Van Pham Hoang Duc Nguyen	RISING SUN	GOM	USCG FFWCC	fish in Tortugas shrimp sanctuary	\$15,000.00		
SE025138FM	Tu Van Pham Hoang Duc Nguyen	RISING SUN	GOM	USCG FFWCC	fish in Tortugas shrimp sanctuary	\$15,000.00		
SE025145MS	Todd U. Mathis, Sr.	unnamed	FKNMS	FFWCC	fish in sanctuary preservation area	\$ 750.00		
SE025177MS	Phillip Alexander Parks	unnamed	FKNMS	FFWCC	fish in sanctuary preservation area	\$ 600.00		
SE025190MS	Dino Rocco Precopio	unnamed	FKNMS	FFWCC	operate vessel in such a manner as to strike or otherwise injure coral, seagrass or any other immobile organism	\$1,000.00		
SE025194MS	Noel DeArmas	unnamed	FKNMS	FFWCC	fish in sanctuary preservation area	\$1,000.00		
SE025229MS	Pretty Penny, Inc. Rodney Rogers	PRETTY PENNY	FKNMS	FFWCC	fish in Tortugas North Ecological Reserve	\$35,000.00		
SE025278MS	Fernando Alvarez Alberto Dominguez Jorge Luis Ramirez Lazaro Rodriguez	unnamed	FKNMS	FFWCC	i) fish in sanctuary preservation area ii) interfere, obstruct, delay or prevent investigation, search or seizure	i) \$500.00 ii) \$1,000.00		
SE025309MS	Joseph Frey	unnamed	FKNMS	FFWCC	operate vessel in such a manner as to strike or otherwise injure coral, seagrass or any other immobile organism	\$625.00		

Case No.	Respondent's Name	Vessel Name	Area	LE Unit	Case Description	NOVA Amount	NOPF Amount	NOPS Duration
SE025319MS	Anthony John Griffith	MAMA MIA	FKNMS	FFWCC	operate vessel in such a manner as to strike or otherwise injure coral, seagrass or any other immobile organism	\$2,500.00		
SE025335MS	Ana Lorena Abou Jaoude Joseph Abou Jaoude	unnamed	FKNMS	FFWCC	fish with speargun	\$650.00		
SE025378MS	Kenneth Lloyd Verble	BAHAMA MAMA	FKNMS	FFWCC	operate vessel in such a manner as to strike or otherwise injure coral, seagrass or any other immobile organism	\$2,500.00		
SE025381MS	Michael Ray Freeman	unnamed	FKNMS	FFWCC	move, remove, take, harvest, damage, disturb, break cut or possess any livin or dead coral	\$1,000.00		
SE025382MS	Jorge Regueiro	CAPTAIN'S LADY	FKNMS	FFWCC	fish in sanctuary preservation area	\$3,500.00		
SE025430MS	Elina Milian Mojena Tomas DeArmas	unnamed	FKNMS	FFWCC	fish in sanctuary preservation area	\$1,000.00		
SE025419MS	Michael Gagliano James W. Compton, Jr.	Unnamed	FKNMS	FFWCC	move, remove, take, harvest, damage, disturb, break, cut or possess living or deal coral	\$2,500.00		
SE025420ES	Darrin Coulon	DRAKES DREAM	GOM	USCG	TED violation	\$1,500.00		
SE025425MS	Ricky Lee Potts	SEA MIST	FKNMS	FFWCC	operate vessel in such a manner as to strike or otherwise injure coral, seagrass or any other immobile organism	\$2,500.00		
SE025426MS	Jeffrey Scott Brumberger	HI HO	FKNMS	FFWCC	operate vessel in such a manner as to strike or otherwise injure coral, seagrass or any other immobile organism	\$1,000.00		
SE025446MS	David Wolkowsky William N. Benson	unnamed	FKNMS	FFWCC	operate vessel in such a manner as to strike or otherwise injure coral, seagrass or any other immobile organism	\$2,000.00		
SE025447MS	Christine Ho Cu T. Nguyen	MISS CHRISTINE V	FKNMS	USCG	fishing in Tortugas North Ecological Reserve	\$20,000.00	\$1,733.38	
SE033007FM	Irving Bang, Sr. Jo Jo's Seafood, LLC Robert E. Moore C. P. Niquet	LADY ANNABELLE	GOM	NMFS LDWF	fish during commercial closure (red snapper)	\$15,000.00	\$1,042.25	30 days

**SETTLEMENTS BETWEEN January 1, 2003 and March 31, 2003**

<b>Case No.</b>	<b>Respondent Name</b>	<b>Area</b>	<b>LE Unit</b>	<b>Vessel Name</b>	<b>Case Description</b>	<b>Final Amount</b>	<b>Forfeited Amount</b>	<b>Days of Sanction</b>
SE980215FM	E.J. & Joey, Inc. Armado Escamilla-Cisneros	GOM	USCG	E.J. & JOEY	i) BRD violation ii) fail to release undersize red snapper iii) exceed bag limit for Gulf Red Snapper	\$4,219.11		
SE000464FM	R. C. Busch	GOM	USCG	ISLA SOY COMO SOY	BRD violation	\$1,500.00		
SE010640FM	Irvin Bang, Sr.	GOM	LDWF	LADY ANGIE	i) fish without permit ii) interfere with enforcement	\$3,000.00	\$336.00	
SE000642FM	Gonzalez Trawlers, Inc. Alfredo Garcia	GOM	USCG	COMPADRE	BRD violation	\$3,000.00		
SE015437ES	David E. Cook	So. Atlantic	USCG	CAPT. DADDY	TED violation	\$1,000.00		
SE020183FM	Charles P. Gramling, Jr.	GOM	FFWCC	BACK OFF	i) fish without permit ii) fish during closure (reef fish stressed area)	\$3,000.00		
SE020205FM	Mary-Lisa, Inc. James M. Story	GOM	SCDNF/ NMFS	MARY LISA	i) land shark fins w/o carcasses ii) fail to have shark fins/carcasses landed and weighed at the same time iii) make false statements	\$8,000.00	261 lbs. Shark fins	
SE020239ES	Capt. Cecil, Inc. Darrell Hargett	So. Atlantic	NCMP	CAPT. CECIL	TED violation	\$5,000.00	\$5,950.90	
SE025030MS	Pablo Rioseco Pedro Rioseco Jose Miranda-Corrales	FKNMS	FFWCC	FRANCISCO	i) fish in ecological reserve ii) anchor in Tortugas Ecological Reserve iii) enter Tortugas South area of Tortugas Ecological Reserve	\$4,000.00		
SE025206MS	Frank Curcio	FKNMS	FFWCC	SECRET FORMULA	operate a vessel in such a manner as to strike or injure coral, seagrass, or other immobile organism	\$400.00		
SE025235MS	Spencer Sykes	FKNMS	FFWCC	unnamed	operate a vessel in such a manner as to strike or injure coral, seagrass, or other immobile organism	\$1,500.00		

Case No.	Respondent Name	Area	LE Unit	Vessel Name	Case Description	Final Amount	Forfeited Amount	Days of Sanction
SE025335MS	Joseph Abou Jaoude Ana Lorena Abou Jaroude	FKNMS	FFWCC	unnamed	speargun fishing	\$150.00		
SE025378MS	Kenneth Lloyd Verble	FKNMS	FFWCC	BAHAMA MAMA	operate a vessel in such a manner as to strike or injure coral, seagrass, or other immobile organism	\$2,000.00		
SE025419MS	Michael Gagliano James Compton, Jr.	FKNMS	FFWCC	unnamed	take, harvest, damage, disturb, break, cut or possess living or dead coral	\$2,500.00		
SE025425MS	Ricky Lee Potts	FKNMS	FFWCC	SEA MIST	operate a vessel in such a manner as to strike or injure coral, seagrass, or other immobile organism	\$1,800.00		
SE025446MS	William Benson David Wolkowsky	FKNMS	FFWCC	unnamed	operate a vessel in such a manner as to strike or injure coral, seagrass, or other immobile organism	\$750.00		

**TENTATIVE AGENDA FOR THE JULY  
GULF COUNCIL MEETING**

**COMMITTEE SCHEDULE**

**Monday, July 14, 2003**

**8:30 a.m. - 9:00 a.m.**

Joint SSC and AP Selection Committees  
(**Tab G**) (**CLOSED SESSION**)

- Appointments

**9:00 a.m. - 12:00 noon**

Joint Personnel/Administrative Policy/Budget  
Committee (**Session Partially Closed\***)

- Staff Disability Program
- Personnel Issues
- Budget Issues
  - Relating to Personnel
  - Relating to Joint Council Meeting
- Administrative Handbook

\*Administrative handbook and part of budget  
action will be acted upon in open session.

- recess -

**1:30 p.m. - 5:30 p.m.**

Reef Fish Management Committee (**Tab B**)

- SEDAR Process
  - SSC Recommendations
  - RFSAP Recommendations
  - Committee Recommendations
- Final Amendment 21/EA
  - Final Trolling Survey (David)
  - Staff Presentation
  - Committee Recommendations
- Options Paper for Vermilion Snapper  
Regulatory Amendment (Hood)
- Alternatives for Red Snapper Rebuilding  
Plan
  - RFSAP Recommendations
  - Committee Recommendations
- Draft Reef Fish Amendment 18 Options  
Paper

- recess -

**Tuesday July 15, 2003**

**8:30 a.m. - 10:00 a.m.**

Reef Fish Management Committee (Continued)

**10:00 a.m. - 11:00 a.m.**

Joint Reef Fish/Red Drum/Mackerel Management  
Committee (**Tab E**)

- Scoping Document for Generic  
Aquaculture Amendment

**11:00 a.m. - 1:00 p.m.**

Shrimp Management Committee (**Tab D**)

- Status of Shrimp Stocks (Nance)
- Revised Amendment 13/EA Options Paper
- Revised Amendment 14/EA Options Paper
- Demonstration of Trawls and TEDs  
(Bergman)

- recess -

**2:00 p.m. - 5:00 p.m.**

NOAA Fisheries 2003 Constituent Sessions

- recess -

**6:00 p.m. - 8:00 p.m.**

NOAA Fisheries 2003 Constituent Sessions

**Wednesday, July 16, 2003**

**8:30 a.m. - 10:00 a.m.**

Mackerel Management Committee (**Tab C**)

- Cobia Management Information
- Amendment 15 Scoping Document
- SAFMC Recommendations

**10:00 a.m. - 12:00 noon**

Migratory Species Management Committee (**Tab  
H**)

- Proposed Rule for Amendment 1 of HMS  
FMP

**COUNCIL AGENDA**

**Wednesday, July 16, 2003**

-recess-

- I. Call to Order and Introductions - Fensom (1:30 p.m. - 1:35 p.m.)
- II. Adoption of Agenda - Fensom (1:35 p.m. - 1:40 p.m.)
- III. Approval of Minutes (**Tab A**) - Fensom (1:40 p.m. - 1:45 p.m.)
- IV. EPA Report on Dispersal of Wastewater from Piney Point Phosphate Plant - EPA (1:45 p.m. - 2:15 p.m.)
- V. Public Testimony<sup>2</sup> - Fensom
  - a. Reef Fish Amendment 21/EA (**Tab B**)
  - b. DEIS for Essential Fish Habitat (EFH) Amendment (**Tab J**) (2:15 p.m. - 4:30 p.m.)
- VI. Joint SSC Selection/AP Selection Committee Reports (**Tab G**) (**CLOSED SESSION**) (4:30 p.m. - 5:00 p.m.)

- X. Committee Reports
  - a. Reef Fish Management (**Tab B**) - Minton (1:30 p.m. - 3:00 p.m.)
  - b. Shrimp Management (**Tab D**) - Perret (3:00 p.m. - 3:15 p.m.)
  - c. Mackerel Management (**Tab C**) - Fischer (3:15 p.m. - 3:30 p.m.)
  - d. Migratory Species (**Tab H**) - Dumont (3:30 p.m. - 3:45 p.m.)
  - e. Joint Reef Fish/Mackerel/Red Drum (**Tab E**) - Minton/Fischer/Foote (3:45 p.m. - 4:00 p.m.)
  - f. Joint Personnel/Administrative Policy/Budget (**Tab F**) - Foote/Saucier (**Open Session**) (4:00 p.m. - 4:30 p.m.)
  - g. Logo Committee (**Tab M**) - Basco (4:30 p.m. - 4:45 p.m.)

-recess-

**Thursday, July 17, 2003**

- VII. Pulley's Ridge Coral Study (**Tab I**) - Halley (8:30 a.m. - 9:00 a.m.)
- VIII. Designation of Sawfish as an Endangered Species (**Tab L**) - Lee (9:00 a.m. - 9:30 a.m.)
- IX. Review and Approval of DEIS for EFH Amendment (**Tab J**)
  - a. Contractor's Presentation - Lovett (9:30 a.m. - 10:00 a.m.)
  - b. Council Review and Approval - Morris/Rester (10:00 a.m. - 12:00 noon)

- XI. SAFMC Liaison Report - Morris (4:45 p.m. - 5:00 p.m.)
- XII. Enforcement Reports - Sherlock/Livingston (5:00 p.m. - 5:15 p.m.)
- XIII. Council Chairs Meeting - Fensom/B. Walker/Swingle (5:15 p.m. - 5:30 p.m.)
- XIV. Regional Administrator's Report - Crabtree (5:30 p.m. - 5:45 p.m.)
- XV. Directors' Reports - R. Williams/Minton/Perret/Foote/Osburn/Simpson (5:45 p.m. - 6:15 p.m.)
- XVI. Other Business (**Tab K**) - Fensom (6:15 p.m. - 6:30 p.m.)

**Please note:** The above agenda is tentative.

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<sup>2</sup> Persons testifying must turn in the registration card prior to the start of the testimony period.

## GULF FISHERY NEWS WANTS YOUR NEWS AND VIEWS . . . .

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The Gulf of Mexico Fishery Management Council is one of eight regional fishery management councils that were established by the Magnuson-Stevens Fishery Conservation and Management Act in 1976. The Council is responsible for the development and modification of fishery management plans (FMPs) that are designed to manage fishery resources in the exclusive economic zone (EEZ) of the Gulf of Mexico from state boundaries to the 200-mile limit. This is a publication of the Gulf of Mexico Fishery Management Council and financial assistance for this newsletter was provided by grant funds pursuant to National Oceanic and Atmospheric Administration Award No. NA03NMF4410028.

### **July Meeting:**

July 14-17, 2003  
Naples Beach Hotel and Golf Club  
851 Gulf Shore Boulevard North  
Naples, FL 34102

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GULF OF MEXICO FISHERY MANAGEMENT COUNCIL  
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