

GULF FISHERY NEWS

VOLUME 20, NO. 4

JULY-AUGUST 1998



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.

In This Issue:

REEF FISH

**NMFS RELEASES REMAINING RED SNAPPER TAC
COUNCIL TO CONSIDER TACs FOR VERMILION SNAPPER AND GAG**

COASTAL PELAGICS

FINAL ACTION TAKEN ON COASTAL MIGRATORY PELAGICS (MACKEREL) AMENDMENT 9

SHRIMP

COUNCIL TO CONSIDER DEVELOPMENT OF SHRIMP AMENDMENT 10

MISCELLANEOUS

**COUNCIL TO TAKE FINAL ACTION ON EFH AMENDMENT
COUNCIL TO CONTINUE WORK ON SFA AMENDMENT
COUNCIL TO REVIEW RESULTS OF BRD EVALUATIONS
NEW MEMBERS APPOINTED TO COUNCIL**

ENFORCEMENT

**STING OPERATIONS NETS LOBSTER VIOLATORS
TORTUGAS SHRIMP SANCTUARY VIOLATIONS INCREASE - SOLUTIONS CONSIDERED
DEALER CHARGED WITH RED SNAPPER VIOLATIONS TOTALING \$1.26 MILLION**

REEF FISH

NMFS RELEASES REMAINING RED SNAPPER TAC

Through an emergency action, the National Marine Fisheries Service (NMFS) will make available 3.12 million pounds of reserve total allowable catch (TAC) to the commercial and recreational Gulf of Mexico red snapper fisheries. The commercial portion of the 3.12 million pound reserve TAC (1.53 million pounds) is expected to generate revenues of \$2.7 million in the red snapper commercial fishery. The fishery will open at noon, local time, on September 1, 1998, for the first 15 days of each month until the commercial portion of the reserve is landed. Notification of the actual commercial closure date, once available, will be published in the Federal Register and an additional Fishery Bulletin.

The emergency action also will allow the recreational fishery to remain open until 12:00 a.m., September 30, 1998, when the projected red snapper recreational TAC is projected to be filled. The fishery will then be closed through December 31, 1998. During the closure, the bag and possession limit is zero for all red snapper harvested in or from the EEZ in the Gulf of Mexico.

The Council had scheduled a meeting by conference call on August 27 to take emergency action to release the remaining TAC. Because of the NMFS action, that meeting was canceled.

COUNCIL TO CONSIDER TACs FOR VERMILION SNAPPER AND GAG

At its September 14-17, 1998 meeting, the Council will review stock assessment information for vermilion snapper and gag (frequently called black grouper) and determine whether the information supports specifying total allowable catch (TAC) for either of these stocks. If the Council specifies TAC it may specify a

NEXT COUNCIL MEETING

September 14-17, 1998
Adam's Mark Hotel & Resort
64 South Water Street
Mobile, Alabama 36602
(334) 438-4000



commercial quota, size limits, bag limits, and seasonal or areal closures for the stock. The Reef Fish Management Committee will review all the stock assessment information and develop its recommendations to the Council at its meeting beginning at 8:00 a.m. on Tuesday, September 15, 1998. The period for public testimony on these issues will begin at 3:00 p.m. on Wednesday, September 16, 1998.

COASTAL MIGRATORY PELAGICS

FINAL ACTION TAKEN ON COASTAL MIGRATORY PELAGIC (MACKEREL) AMENDMENT 9

At its July 1998 meeting, the Council took final action on "Amendment 9 to the Fishery Management Plan (FMP) for Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic." Because the FMP is a joint plan with the South Atlantic Council, both council's must take action on the amendment, and the South Atlantic Council previously approved preferred alternatives at its June 15-19, 1998 meeting. The following is a summary of the actions being proposed in Amendment 9. Amendment 9 will be forwarded in early September 1998 to the National Marine Fisheries Service (NMFS) for implementation.

Section 2.1 Fishing Year - Both councils approved as their proposed alternative Section 2.1.5 - Status Quo - Recreational fishing year begins January 1, and commercial fishing year begins July 1 of each year.

Section 2.2 Sale of King and Spanish Mackerel - The Gulf Council maintained as its preferred alternative Section 2.2.2, Option a - Prohibit the sale of Gulf group king and Spanish mackerel by all persons fishing under the recreational allocation (bag limits), including charter and head boat operators along with a provision that any fish that is caught by a recreational fisherman be counted only against the recreational quota, regardless of its disposition. The South Atlantic Council maintained a preferred alternative of Status Quo. Note: Because both councils are not in agreement, the status quo regulations will be maintained.

Section 2.3 Reallocations of TAC for the Commercial and Recreational Sectors for Gulf Group King Mackerel - Both

councils approved as their proposed alternative Section 2.3.3 - Reallocate the percentage of the commercial allocation of TAC for the North Area (Florida east coast) and South/West Area (Florida west coast) of the Eastern Zone to 46.15% North and 53.85% South/West. With regard to reallocations by user group, both councils approved the proposed alternative of Section 2.3.5 - Status Quo - Allocation remains at 68% recreational and 32% commercial.

Section 2.4 Subdivision of the Commercial Hook-and-Line King Mackerel Allocation of TAC for the Gulf Group, Eastern Zone, South/West Area (Florida West Coast) into Subzones by Area - Both council approved the proposed alternative - Section 2.4.1 - Subdivide the commercial hook-and-line king mackerel allocation for the Gulf group, Eastern Zone, South/West Area (Florida west coast) by establishing 2 subzones with a dividing line between the 2 subzones at the Collier/Lee County line.

Section 2.5 Establish Regional Allocations of the Commercial Hook-and-Line TAC for King Mackerel in the South/West Area of the Eastern Zone (Florida West Coast) based on the Historical catches from the Subzones Identified in Section 2.4.1 - Both councils approved as the proposed alternative Section 2.5.5 - Establish regional allocations for the west coast of Florida based on subzones indicated in 2.4.1 with 7.7% of the Eastern Zone allocation of TAC being allowed from Subzone 2. The remainder of the Eastern Zone allocation of TAC will be divided as follows:
 50% - Florida east coast
 50% - Florida west coast
 50% - Net Fishery
 50% - Hook-and-Line Fishery.

Section 2.6 Subdivision of the Commercial King Mackerel Allocation of TAC for the Gulf Group, Western Zone - Both councils selected as the proposed alternative. Status Quo - do not subdivide TAC in the Western Zone.

Section 2.7 Establish Trip Limits for Commercial Vessels Fishing for Gulf Group King Mackerel in the Western Zone (AL/TX) - Both councils approved as the proposed

SHRIMP

COUNCIL TO CONSIDER DEVELOPMENT OF SHRIMP AMENDMENT 10

At the July meeting, NMFS requested the Council to begin preparation of Amendment 10 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. The primary provisions would apply to all craft engaged in fishing for shrimp in the exclusive economic zone and include mandatory: (1) permits; (2) logbooks; (3) observers; and (4) vessel monitoring system (VMS). Amendment 10 would require the owners of the shrimp craft to comply with the logbook, observer, and VMS provisions if selected by the Science Director, Southeast Fisheries Science Center. These provisions are similar to the requirements found in the NMFS Interim Rule.

The Shrimp Committee and Council will consider this request at the September Council meeting.



MISCELLANEOUS

COUNCIL TO TAKE FINAL ACTION ON EFH AMENDMENT

At its July meeting, the Council reviewed all the public comments and comments from Council advisory groups on the changes that should be incorporated in the draft Essential Fish Habitat (EFH) Amendment. This amendment, which was required by the Sustainable Fisheries Act, (SFA) identifies and describes EFH for the stocks managed under the seven Council fishery management plans (FMPs), along with describing the threats to EFH. At the September 14-17, 1998 Council meeting in Mobile, Alabama, the Council will review all the changes made to the amendment based on these comments and will take final action to approve the amendment after hearing public testimony. The period for public testimony will begin at 8:45 a.m. on Wednesday, September 16, 1998. Persons interested in testifying must fill out a registration card before the beginning of the testimony period.

- Section 2.8 Restrictions on the Use of Net Gear to harvest King Mackerel in the South/West Area of the Eastern Zone (Florida West Coast) - Both councils approved as the proposed alternative Section 2.8.2, Option a - Establish a moratorium on the issuance of commercial king mackerel gill-net endorsements. Reissue commercial king mackerel gill-net endorsements to only those vessels that: (1) had a commercial mackerel permit with a gill-net endorsement on or before the moratorium control date of October 16, 1995 (Amendment 8), and (2) had landings of king mackerel using a gill net in one of the two fishing years 1995-96 or 1996-97 as verified by NMFS or trip tickets from the FDEP. With regard to transferability of gill net endorsements, both councils approved as a proposed alternative Section 2.8.3, Option b - Commercial king mackerel gill net endorsements may be transferred to immediate family members (son, daughter, father, mother, or spouse) only. Both councils also approved as a proposed alternative Section 2.8.4, Option b - Prohibit the use of gill nets or any other net gear for the harvest of Gulf group king mackerel south of an east/west line at the Collier/Lee County line.
- Section 2.9 Size Limits - Both councils approved as the proposed alternative Section 2.9.1 - Increase the minimum size limit for Gulf group king mackerel from 20 inches to 24 inches fork length (FL).
- Section 2.10 Establish a Purse Seine Allocation for Gulf Group Spanish Mackerel - Both councils approved as the proposed alternative, Status Quo - do not allow a purse seine allocation of TAC for Spanish mackerel.
- Section 2.11 Retention and Sale of Cut-Off (Damaged) Fish - Both councils voted to approve as the proposed alternative Section 2.11.1 - Allow the retention and sale of cut-off (damaged) legal-sized king and Spanish mackerel within established trip limits.

COUNCIL TO CONTINUE WORK ON SFA AMENDMENT

The provisions of the Sustainable Fisheries Act (SFA) require the Council to amend all its FMPs to provide for reporting of bycatch, minimizing of bycatch or the mortality of bycatch which cannot be avoided, specifying criteria for identifying when stocks are overfished, management measures to rebuild overfished stocks, assess the effects of management on fishing communities, and specifying the data to be reported by each fishing sector. The Council is addressing these issues for its seven FMPs through a generic SFA Amendment. NMFS also published the National Standard Guidelines which provide guidance to the Council on addressing the overfishing criteria and rebuilding periods.

In July, the Council selected its preferred alternatives in the draft SFA Amendment related to reporting of bycatch and measures to minimize bycatch and bycatch mortality. The Council also selected its preferred alternatives for the overfishing criteria for the shrimp, spiny lobster, and stone crab fisheries. The process for selection of an overfishing threshold (maximum fishing mortality rate) and an overfished threshold (minimum stock size) require reassessment of maximum sustainable yield (MSY) and optimum yield (OY) which was done for the crustacean stocks. The Council deferred any action to select the overfishing criteria for reef fish, coastal migratory pelagics and red drum to the September meeting to allow an ad hoc Finfish Stock Assessment Panel (FSAP) more time to develop recommendations on these issues. The FSAP met in August. The draft SFA Amendment will be completed for Council review in November and will be presented at public hearings in December.

COUNCIL TO REVIEW RESULTS OF BYCATCH REDUCTION DEVICE (BRD) EVALUATIONS

The Council, in September, will review the results of a research program to determine the effectiveness of bycatch reduction devices (BRDs) installed in shrimp trawls to reduce the levels of juvenile red snapper taken as bycatch. The research program was carried out under a NMFS interim rule that had made the release of all of the 3.12 million pounds of red snapper TAC contingent on the research determination that the BRDs reduced red snapper bycatch by 60 percent. NMFS has subsequently released the TAC (see accompanying story) and has announced that the agency is confident that BRDs can produce the necessary reduction in red snapper bycatch within the next two years.

NEW MEMBERS APPOINTED TO COUNCIL

Two new members were appointed by the Secretary of Commerce to the Council for three-year terms.

Mr. Douglas Horn, an officer of Clark Seafood Company in Pascagoula, Mississippi for the past 30 years, was appointed to the Mississippi obligatory seat. Clark Seafood harvests and processes snapper, grouper, and other finfish. Mr. Horn served on the Red Drum Advisory Panel to the Council and as an advisor to the Gulf States Marine Fisheries Commission (GSMFC) in the development of a fishery management plan for black drum. He is a former commissioner for the Mississippi Department of Marine Resources.

Mr. Alex Jernigan, who was appointed to the Florida obligatory seat, is a retired, former principal of the engineering firm Post, Buckley, Schuh, and Jernigan, Inc., which has 18 branch offices in Florida and Georgia. He is an active sport fisherman and serves as a director of the Coastal Conservation Association, Florida (CCAF). He served as Chairman of the Board of CCAF in 1985 through 1988. The CCAF is devoted to the protection of Florida's marine resources. Mr. Jernigan served as a member of the Gulf Council for 9 years, ending in 1991. During that period, he served a term as both chairman and vice chairman of the Council.

The new Council members may be reached at:

R. Douglas Horn
c/o Clark Seafood
Post Office Box 220
Pascagoula, Mississippi 39567
Phone: 228-762-4511
Fax: 228-769-5108

Alex M. Jernigan
One Genie Court
Yankeetown, Florida 34498
Phone: 352-447-0538
Fax: 352-447-0538
email: ajernigan@xtalwind.net



STING OPERATION NETS LOBSTER VIOLATORS

In response to high levels of theft of spiny lobsters from commercial traps, the Florida Marine Patrol (FMP), with cooperation from federal agencies, carried out a sting operation that resulted in 36 cases of illegally selling lobster. FMP officers were brought in from outlying districts for surveillance, undercover operations, patrols, and intelligence-gathering details. The U.S. Coast Guard and National Marine Fisheries Service (NMFS) personnel joined in the effort to apprehend trap thieves and create a lasting deterrent. Since the detail began on August 5, at least 50 arrests have been made for resource violations.

TORTUGAS SHRIMP SANCTUARY VIOLATIONS INCREASE - SOLUTIONS CONSIDERED

NMFS, at the request of the Council, hosted a meeting to seek solutions to the increasing number of cases of illegal fishing in the Tortugas Shrimp Sanctuary. Twelve representatives of the shrimp industry from Florida to Texas attended to hear summaries of the current problem and of the enforcement capabilities and efforts of the enforcement agencies, which included the Florida Marine Patrol, the U.S. Coast Guard, and NMFS. Other representatives in attendance included those of the Florida Marine Fisheries Commission (FMFC), NOAA General Counsel, and the Council.

It was a general consensus of the enforcement agencies personnel that the operations of the patrol vessels were becoming closely monitored and reported to shrimp vessels, and that violations likely were occurring on almost every night the patrol vessels were absent. The industry leaders suggested several actions that possibly could be used to obtain greater compliance. These included increasing the penalty on the vessel operator or master and requiring a master license for shrimp vessel operators that could be revoked for multiple violations. Bob Jones, of the Southeastern Fisheries Association, suggested invoking the Lacey Act, which provides penalties for transporting illegally taken fish across state boundaries (i.e., from the EEZ to state jurisdiction). He pointed out that this will allow both civil and criminal penalties against persons selling and persons buying the illegal shrimp.

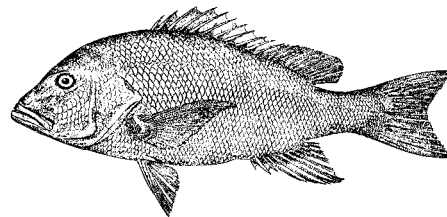
DEALER CHARGED WITH RED SNAPPER VIOLATIONS TOTALING \$1.26 MILLION

Enforcement agents from the National Marine Fisheries Service have served A.C. Williams Seafood Company, Inc., and the president of the company, Allen C. Williams, Jr., with 90 civil counts of federal fishery violations, including purchasing red snapper during a commercial closure, falsifying records, and purchasing federally regulated fish without a federal dealer's permit, announced by the Commerce Department's National Oceanic and Atmospheric Administration (NOAA).

The Pensacola, Florida company was also charged with two civil counts of Lacey Act violations involving false labeling of interstate shipments of red snapper. The shipments of more than 30,000 pounds of red snapper over a two-year period allegedly went to dealers in New York City's Fulton Fish Market.

NOAA's Office of General Counsel issued Allen C. Williams, Jr. and A.C. Williams Seafood Company, Inc. a Notice of Violation and Assessment for \$1.26 million and a Notice of Permit Sanction which will forbid him or his company from dealing in federally regulated species of fish for a period of three years from the date the permit sanction becomes effective.

A.C. Williams Seafood has been a target of a NMFS and Florida Marine Patrol investigation that began in 1996 when agents received information and complaints that indicated Williams Seafood was allegedly shipping red snapper through interstate commerce to the Fulton Fish Market in New York during the closed red snapper season.



GULF FISHERY NEWS WANTS YOUR NEWS AND VIEWS

GULF FISHERY NEWS is a publication of the Gulf of Mexico Fishery Management Council. Any material in this newsletter may be reprinted or reproduced. We would like to hear from you regarding fishery questions you would like to see covered in GULF FISHERY NEWS. Send your comments to GULF FISHERY NEWS, c/o Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, Florida, 33619-2266. Telephone: 813-228-2815 (toll-free 888-833-1844). Fax: 813-225-7015. E-mail: gulf.council@noaa.gov

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 news release was provided by grant funds pursuant to National Oceanic and Atmospheric Administration Award No. NA87FC0003.

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
3018 U.S. Highway 301 N.
Suite 1000
Tampa, Florida 33619-2266

FIRST-CLASS MAIL
POSTAGE & FEES PAID
U.S. DEPARTMENT OF COMMERCE
PERMIT NO. G-19

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER