
GULF FISHERY NEWS

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

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COUNCIL VOTES TO RAISE GAG/BLACK GROUPEL SIZE LIMITS AND TO ESTABLISH A 666 SQUARE MILE CLOSED FISHING AREA IN GULF EEZ

The Gulf Council, at its March 1-4, 1999 meeting in Baton Rouge, Louisiana, voted to phase in a minimum size limit increase for gag and black grouper from the current 20 inches total length (TL) to 24 inches TL. If approved by the National Marine Fisheries Service (NMFS), the 24-inch minimum size limit for the commercial fishery would take effect immediately upon implementation. For the recreational fishery, the minimum size limit would be raised initially to 22 inches, and then be raised by 1 inch per year until it reaches 24 inches. The measure is intended to protect juvenile gag, which reach 50 percent female maturity at 24 inches TL. While the measure will provide some additional protection for juvenile true black grouper, which reach 50 percent female maturity at about 33 inches TL as well, the primary reason for including black grouper in the proposal is to avoid confusion that could result from the fact that gag are also known locally as black grouper.

The Council also voted to create a closed fishing area in the exclusive economic zone (EEZ) of the Gulf of Mexico. Within this area, the Council has proposed a prohibition on all reef fish fishing year-round. The area consists of six contiguous blocks that straddle the 40 fathom boundary west of the Florida Middle Grounds which cover approximately 666 square miles. This is a prime spawning area for gag, and the closure will protect spawning aggregations which occur from January to April. In addition, the year-round closure will protect a portion of the male gags, which stay offshore after spawning. The proportion of males in the gag population has declined to between 2 and 10 percent of the population in recent years, and some

NEXT COUNCIL MEETING

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biologists have expressed concern that spawning success could be adversely impacted by an insufficient number of males, or that a long-term loss of genetic diversity could result from inbreeding within the stock. The year-round closure will also protect spawning aggregations of other species that use these reefs as spawning sites, such as scamp.

The Council considered and rejected measures for a reduced bag limit for gag, commercial vessel trip limits, and closures of the gag fishery during all or part of the spawning season.

These proposals will be submitted to NMFS as a *Regulatory Amendment to the Reef Fish Fishery Management Plan to Set 1999 Gag/Black Grouper Management Measures*. The public will have an additional opportunity to comment directly to NMFS on these measures when it publishes proposed rules prior to making a final decision.

FINAL ACTION TAKEN ON SUSTAINABLE FISHERIES ACT AMENDMENT

The Sustainable Fisheries Act (SFA) of 1996 requires the regional Councils and NMFS to define maximum sustainable yield (MSY) and adopt new and generally more conservative definitions of overfishing and optimum yield (OY). The SFA does not involve any immediate regulatory changes, but it affects the fundamental goals of fishery management and will have long-term impacts on virtually every fishery resource under management. The old overfishing levels were based on the minimum stock size that would prevent a stock from collapsing. However, these stock sizes can only sustain harvest rates less than MSY. The new overfishing levels must be based on the stock size that will allow a stock to produce MSY on a continuing basis. The Council took final action on its Sustainable Fisheries Act Amendment in January at the Biloxi meeting, and the amendment has been forwarded to NMFS for review, approval, and implementation. Currently, the overfishing threshold for most finfish species is defined as 20% SPR. The proposed new MSY and overfishing thresholds for finfish species are:

- 30% SPR for Gulf group king mackerel
- 30% SPR for Gulf group Spanish mackerel

- 30% SPR for cobia
- 30% SPR for cero
- 30% SPR for dolphin
- 30% SPR for bluefish
- 30% SPR for little tunny
- 30% SPR for red drum
- 30% SPR for all reef fish except red snapper, jewfish, and Nassau grouper
- 26% SPR for red snapper
- 50% SPR for jewfish
- 50% SPR for Nassau grouper

For the above species, OY (the target stock level for species that are not overfished) has been proposed to be 10 percentage points higher than the overfishing threshold.

New MSY definitions and OY targets have also been proposed for crustacean fisheries under federal management (shrimp, spiny lobster, and stone crab). Contact the Council if you would like details on the new proposals regarding the crustacean fisheries proposals. None of these stocks are overfished.

Under these new definitions, several species that are not now considered overfished will be reclassified. Among those that will likely be reclassified as overfished and require rebuilding plans are:

- Gulf group king mackerel, currently at 23% SPR.
- Vermilion snapper, currently at 20%-25% SPR.
- Gag, currently at 21% SPR.

Red drum, jewfish, and Nassau grouper are already classified as overfished. Harvest of these species is already prohibited in federal waters, so the new overfishing thresholds will have no effect on regulations for these species.

Red snapper are already classified as overfished, with a SPR of 0.5%. However, under the new NMFS guidelines for establishing rebuilding periods, the Council has proposed extending the recovery target date for red snapper from 2019 to 2033.

The public may comment on the amendment provisions and draft regulations for 60 days when NMFS publishes a notice of availability of the amendment and proposed rules.

RED SNAPPER COMMERCIAL LANDINGS DATA FOR 1999 SPRING QUOTA

The National Marine Fisheries Service, Southeast Regional Office (NMFS-SERO) has provided landings estimates for Gulf of Mexico red snapper for the commercial season that started February 1, 1999. All landings have been converted to whole weight. The commercial fishery is open from noon on the 1st to noon on the 15th of each month until the 3.06 million pound sub-quota is reached. These estimates have been provided by port agents, and are subject to minor revision as more complete data become available.

The 1999 red snapper commercial quota is 4.65 million pounds (pending NMFS approval), subdivided into 3.06 million pounds under a February 1 opening, and 1.59 million pounds (or the remaining quota) under a September 1 opening. The commercial fishery is open the first 2 weeks of each month (noon on the 1st to noon on the 15th) until each sub-quota is reached. Because of the "derby" nature of this fishery, landings are monitored weekly through port agent reports. The commercial red snapper landings data, as provided by NMFS-SERO as of March 7, 1999, total 1,873,288 pounds or 61 percent of the spring sub-quota. For comparison, commercial landings during the same period last year were 1,652,713 pounds. Landings through March 7 represent about 61% of the 3.06 million pound spring sub-quota.

COMMERCIAL PERMIT MORATORIUMS TO BE EXTENDED

The Council, through amendments to FMPs, proposes to extend the duration of the moratorium on the issuance of commercial vessel permits for reef fish and for king mackerel. Alternatives for consideration by the public include letting the moratoriums lapse in 2000 or extending the moratoriums for 3 or 5 years so that other types of permanent limited entry systems can be developed. Public hearings on the 2 amendments will be held in June from 7:00 p.m. to 9:00 p.m. in Madeira Beach, FL; Panama City, FL; Gulf Shores, AL; and Port Aransas, TX. The Council will take final action after hearing testimony at its July 12-15, 1999 meeting in Key West, Florida.

FISH TRAP PHASE-OUT ENTERS PHASE 2

Phase 2 of the fish trap phase-out program in the Gulf of Mexico, limited transferability of fish trap endorsements, took effect on February 8, 1999. The 10 year phase-out on the use of fish traps in the Gulf of Mexico began on February 7, 1997, following a 3-year moratorium on issuance of fish trap endorsements. At that time, the use of fish traps was banned west of Cape San Blas, Florida, and fish trap endorsements were issued only to owners of vessels that were in the fish trap fishery between January 1, 1991 and November 19, 1992. A total of 88 fish trap endorsements were issued. However, 2 vessels subsequently left the fishery, so there are currently 86 fish trap endorsements. During the first 2 years of the phase-out (phase 1), these fish trap endorsements were fully transferable to the owners of any other reef fish permitted vessel. Under phase 2, which began on February 8, 1997 and will last until February 7, 2007, transfer of fish trap endorsements is limited to other vessels owned by the same person, immediate family members, owners of permitted reef fish vessels that were in the fish trap fishery between November 20, 1992 and February 6, 1994 and did not qualify for the original endorsement (an estimated 54 vessels), and other persons upon death or disability of the endorsement holder. The regulations do not affect leasing of endorsements. The NMFS will continue to allow leasing of fish trap endorsements to other reef fish permitted vessels without restriction.

Proposed regulations under Reef Fish Amendment 16A would shorten the fish trap phase-out period to February 7, 2001 south of 25.05 degrees north latitude (off the Florida Keys) and require an electronic vessel monitoring system and additional reporting requirements for vessels in the fish trap fishery. The proposed amendment would also allow vessels fishing spiny lobster or stone crab traps to retain hook-and-line caught reef fish if the vessel has a reef fish vessel permit and the fish do not exhibit a condition called "trap rash". This amendment has been submitted to NMFS and is currently under their review. NMFS issued a request for comments, and that comment period ended February 16, 1999.

COUNCIL APPOINTS ADVISORS

The Council appointed members of advisory panels, stock assessment and socioeconomic panels, and scientific and statistical committees for a two-year period. These panels and committees advise the Council on almost all fishery management issues. Copies of the membership lists for these panels and committees can be obtained by calling or writing to the Council office. The Council proposes to add two more members to the Reef Fish Stock Assessment Panel. Scientists with expertise in population dynamics of fish stocks, who are interested in serving, should provide a resume to the Council office.

COOPERATIVE TEXAS CLOSURE APPROVED

At its January meeting, the Council approved of continuing the cooperative closure of the shrimp fishery off Texas for the 1999 fishing season. As in the past, this closure will be effective for the entire EEZ off Texas and it will be consistent with the closure of the state's waters. The Council also voted to ask the NMFS to conduct a social and economic analysis of the Texas closure by January 2000. The Council also reviewed an options paper for a scoping document that would address permitting, registration, logbooks, observers, and vessel monitoring systems in the shrimp fishery of the Gulf. The Council elected to proceed with further refinement of this document, but voted to proceed more rapidly with the development of an amendment to address bycatch reduction in the remainder of the Gulf off the west coast of Florida where bycatch reduction devices (BRDs) are not currently required. (See following article.)

VESSEL MONITORING

With regard to vessel monitoring, the Council reviewed a status report by NMFS on vessel monitoring systems (VMS) in the Gulf and planned activities at the national level. The Council voted to participate in a workshop with the South Atlantic and Caribbean Councils to review the potential needs for VMS in the respective Councils' jurisdictions and to proceed with the development of a background paper on potential VMS applications for managed fisheries in the Gulf.

DISCUSSION PAPER ON MARINE RESERVES

At its March and May meetings, the Council is preparing a discussion paper on the use of marine reserves as a management tool and as scientific study areas. The discussion paper is intended to provide the public with a summary of the scientific information on effects of reserves, their potential uses to enhance marine fishery organisms, and the benefits and costs to the public. When the discussion paper is completed the Council will hold a series of workshops to allow the public to discuss the concepts and reach a consensus on whether marine reserves could and should be used to solve some of the problems affecting marine populations and ecosystems.

SHRIMP TRAWL BYCATCH IN EASTERN GULF

At its May meeting, the Council will begin review of an options paper for draft Shrimp Amendment 10 to address shrimp trawl bycatch in the Gulf of Mexico east of Cape San Blas, Florida. The reduction of bycatch, where practicable, is mandated by the Sustainable Fisheries Act (SFA) which amended the Magnuson-Stevens Act. The Council previously developed Shrimp Amendment 9 which was implemented in May of 1998 and required the use of BRDs in shrimp trawls used west of Cape San Blas in federal waters. The purpose of that amendment was primarily to reduce the incidental bycatch of juvenile red snapper from trawls, because such a reduction was judged to be necessary in order to restore the overfished red snapper stock. Amendment 10 is being developed to comply with National Standard 9. The options paper will subsequently be revised into a draft amendment that will go to public hearings in the late summer or fall.



AMENDMENTS TO MAGNUSON-STEVENS ACT

During 1999 and likely part of 2000 Congress will consider reauthorization the Magnuson-Stevens Act and may amend provisions of the Act. At its May meeting, the Council will begin considering changes to the Act that could be recommended to Congress for consideration. In subsequent meetings during the reauthorization process the Council will review the recommendations for amendments developed by the Administration and by the Congressional committees.

UPCOMING MEETINGS

Please call the Council office if you would like more information on the following meetings:

Mackerel Stock Assessment Panel

March 29 - April 1, 1999

Miami, Florida

Socioeconomic Panel

April 15-16, 1999

Tampa, Florida

Mackerel Advisory Panel

April 26, 1999

Tampa, Florida

Standing and Special Mackerel

Scientific and Statistical Committee

April 27, 1999

Tampa, Florida

Public Hearings on Commercial Vessel Permit

Moratoriums for Reef Fish and King Mackerel

June, 1999 (exact dates to be announced)

Madeira Beach, Florida; Panama City, Florida;

Gulf Shores, Alabama; and Port Aransas, Texas

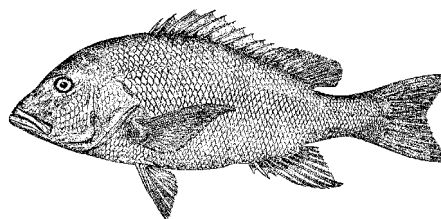
ERRATA AND UPDATE PAMPHLET AVAILABLE FOR FISHING REGULATION BROCHURES

An "Errata and Update" pamphlet is available that supplements the Commercial and Recreational Fishing Regulation Brochures that were published in October 1997. The Errata and Update pamphlet contains corrections and changes to the recreational and commercial fishing regulations for the Gulf of Mexico federal waters since the regulation brochures were published.

The current Errata and Update pamphlet is dated March 1999. It is periodically revised to reflect changes in the fishing regulations until the next full revision of the fishing regulation brochures. All 3 brochures are available from the Council office (toll free 888-833-1844). Persons or organizations who would like copies of the pamphlets in quantity are encouraged to contact the Council office with their requests.

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FIRST QUARTER ENFORCEMENT REPORTS

Florida Commercial Dive Fisherman Assessed \$35,000 for Violating Federal Fishing Laws

A Jacksonville commercial dive fisherman has admitted to violating 21 counts of the Magnuson-Stevens Fishery Conservation and Management Act and agreed to pay a lump sum penalty of \$35,000. Dan Robert Lindley reached a settlement agreement with the National Oceanic and Atmospheric Administration Office of General Counsel that will also include a 90-day revocation of his federal fisheries permits and probation for 5 years. "If Lindley commits any federal fisheries violations during his probationary period, he will immediately incur an additional \$33,000 in penalties and his federal permits could be permanently revoked," said NOAA prosecuting attorney Robin Jung.

"The evidence clearly revealed that Lindley was engaged in a high stakes, systematic poaching operation and habitually disregarded any resource

conservation laws," said Jung. The 21 violations include:

- 9 counts of harvesting lobsters during closed season
- 1 count of harvesting and stripping eggs from bearing lobsters
- 1 count of making false statements to law enforcement officers
- 1 count of disposing of evidence during a boarding
- 9 counts of exceeding commercial trip limits for other species of regulated fish

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USCG Officers from the Cutter Point Countess, working with a NMFS Special Agent in Key West, Florida, seized 60 fish traps from the F/V RHONDA M on December 17, 1998. The captain was charged for failure to comply with the construction limitations on traps, for transferring fish to another vessel at sea, for failure to display a valid vessel permit, and for making oral and written false statements to an officer.

NOVAs ISSUED BETWEEN OCTOBER 1, 1998 AND DECEMBER 31, 1998

CASE NUMBER	RESPONDENT NAME	AREA	LE UNIT	CASE DESCRIPTION	NOVA AMOUNT
SE970042LA	Norman E. McCarty, Jr.	GOM	USCG	Possess red snapper from Mexican waters	\$10,000
SE970395FM	William Oosterga	GOM	NMFS	(1) Failure to retrieve and return to port with all traps (2) Fish traps without escape panels	(1) \$10,000 (2) \$10,000
SE980029FM	Finely L. Williford, Jr.	GOM	NMFS/LA	Land large coastal shark during closure	\$12,000
SE980030FM	Steven H. Loga Larry Loga Tuna Fresh, Inc.	GOM	NMFS/LA	Purchase large coastal shark during closure	\$6,000
SE980180FM	Scott A. Bachman Li'l Adam, Inc.	SA	NMFS/FL	(1) Shark finning (2) Possess undersized cobia	(1) \$12,000 (2) \$100
SE980267FM	Le Van Tran Theresa Sac Tran	GOM	USCG	Exceed bag limit without permit for shark	\$6,000

*NOTICE OF PROPOSED FORFEITURE
**NOTICE OF PERMIT SANCTION

SETTLEMENTS BETWEEN OCTOBER 1, 1998 AND DECEMBER 31, 1998

CASE NUMBER	RESPONDENT NAME	AREA	LE UNIT	CASE DESCRIPTION	FINAL AMOUNT	FORFEITED AMOUNT	PERMIT SANCTION
SE970011FM	Lacy O. Pennington June S. Pennington	GOM	NMFS /LA	Failure to comply with red snapper closure	\$10,000	\$4,094	
SE970011FM	Freddie L. Knowles	GOM	NMFS /LA	Failure to comply with red snapper approval	\$5,000		
SE970072FM	Tony G. Nguyen Red Fin, Inc.	GOM	USCG	Possess shark carcasses during closed season	\$12,000		30 days
SE970088FM	Raymond B. Ballard Nanni M. Ballard	GOM	FL	Possess fish in excess of trip limit	\$1,000	\$210	
SE970316LA	Alan D. Cisneros Kentucky Fisheries, Inc.	GOM	USCG	Take shrimp without valid Mexican permit	\$2,000		
SE970352FM	Cuong Vo	GOM	USCG	Possess red snapper during closure	\$1,250	\$173	
SE970957MS	Edward C. Grempe	FKNMS	FL	Operate a vessel so as to strike or damage seagrass	\$4,000		
SE970959MS	Frederick W. Lawrence	FKNMS	FL	Operate a vessel so as to strike or damage seagrass	\$1,500		
SE980267FM	Le Van Tran Theresa Sac Tran	GOM	USCG	Exceed bag limit without permit for shark	\$4,000	\$3,447	
SE980971MS	Frank E. Opalka Joseph Colabella	FKNMS	FL	Operate a vessel so as to strike or damage coral	\$3,500		
SE980972MS	Scott A. Seamans	FKNMS	FL	Operate a vessel so as to strike or damage seagrass	\$1,500		

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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 news release was provided by grant funds pursuant to National Oceanic and Atmospheric Administration Award No. NA97FC0010.

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