

Lateral Lines

CCA eNewsletter

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Process or Proclamation?

From the South Atlantic to the western Pacific, federal marine management is a study in contrasts

The United States acted twice at the beginning of 2009 to impose restrictions on vast sections of ocean, dictating the future accessibility of those important resources. One action took years of scientific study and required dozens of public meetings attended by hundreds of concerned citizens, and thousands of hours of effort and organization before being implemented. The other took just months and was accomplished by the stroke of a pen. Taken together, the two recent marine management actions have cast a confusing net over the world of federal fisheries management.

In one case, the National Marine Fisheries Service announced plans to establish eight management areas off the coasts of North Carolina, South Carolina, Georgia and Florida designed to recover stressed populations of deep-water snapper and grouper. The federal rule, prepared by the South Atlantic Fishery Management Council, will prohibit bottom fishing in the designated areas, but will allow trolling and surface fishing over the protected bottom habitat.

Designation of the areas is the result of an extensive public process over several years that included input from various user groups, including the sportfishing community and commercial fishers.

"We regret that past management failures have left us today with a very short list of options for recovering these important species," said Frederic Miller, chairman of Coastal Conservation Association's (CCA) National Government Relations Committee. "However, we recognize that properly managing long-lived, slow-growing deepwater species is a particular challenge, and the careful process that produced these management measures demonstrates exactly how these decisions should be made. The South Atlantic Council should be commended for pursuing a course of action that was based on science and invited public comment on all the various management options that were presented."

The federal rule, known as Amendment 14, also includes a provision that allows for the ban on bottom fishing in affected areas to be reviewed, adjusted and ultimately lifted when the science indicates that populations of snapper and grouper have recovered enough to satisfy the management goals. The designated areas range from nine to 30 nautical miles offshore and vary in size from 50 to 500 nautical square miles.

"It should never be an easy or quick decision to close public waters to the public, but unfortunately there are situations where that is the best management tool available to recover certain marine resources," said David Cummins, president of CCA. "When we are presented with that situation, it demands a thorough, open process guided by science to develop the trust and support of everyone involved in the fishery. We hope the process that developed Amendment 14 can serve as a blueprint for the careful use of closed areas in fisheries management in the future."

In stark contrast, the President recently announced the creation of marine monuments in the western Pacific, marking the second time in two years that the rarely used Antiquities Act has been used to create a marine monument.

"The Antiquities Act is sparse on process. In fact, it has none," said Matthew Paxton, federal lobbyist for CCA. "The law in its entirety is roughly one page long and has four sections, one of which provides absolute discretion for the President to establish national monuments. There is no NEPA process, no opportunity for public comment and no chance for judicial review. This is dramatically different than the process used by the South Atlantic Council."

The Bush Administration used the Act in 2006 to create the Northern Hawaiian Islands Marine National Monument, at the time the largest marine reserve in the world. Earlier this week, the Administration used the Act once again to declare marine monuments in the Pacific Ocean at three other locations: Rose Atoll, the Marianas Trench and the Pacific Remote Island Area (PRIA). The new monuments will span more than 195,000 square miles.

"No matter how noble the intention, management by proclamation is not the way to properly manage our oceans," said Miller. "These are staggeringly large areas of ocean that have been summarily taken out of any public process. The Antiquities Act discounts the importance of receiving critical input from all user groups and providing a comprehensive evaluation of alternatives before any restricted area is put in place. Using the Antiquities Act as a convenient and expeditious way to lock up the marine environment runs counter to the entire conservation ethic."

The Northern Hawaiian Islands Marine National Monument was created as a no-fishing zone and allows neither commercial nor recreational fishing. In announcing the new marine monuments, the President cited a recent Executive Order requiring that recreational fishing be managed as a sustainable activity in such areas, but a final decision on whether or not to allow it in the new marine monuments could be years away.

CCA Texas announces new habitat initiative

In an effort to further enhance Texas' coastal habitats, CCA Texas recently pledged \$100,000 of seed money to start the Habitat Today for Fish Tomorrow (HTFT) initiative. The HTFT is a bold, new step in conservation for CCA Texas that will fund and initiate habitat restoration projects such as reef construction, marsh replenishment and beach and bay debris clean-ups.

"CCA Texas has been extremely successful in so many aspects of fisheries management that we believe the time is ripe to expand our horizons. We have created labs for research and constructed hatcheries that have produced millions of fingerlings. Now it's time for habitat to be added as another arrow in our conservation quiver," said CCA Texas Executive Director Robby Byers. "This program is a vision implemented by our volunteer leadership that will have a profound effect on the Texas coast."

CCA Texas has a rich history of supporting habitat restoration and clean-up projects, including the Sportsman's Road project in Galveston, the Goose Island project in Rockport, the Bahia Grande wetlands restoration project in the Rio Grande Valley, and the Big Bay Debris Clean-up in the Corpus Christi area.

"This is a tremendous step for CCA Texas. The doors that we are opening today will have a substantial effect tomorrow," said CCA Texas President Bill Schwarzlose.

"Our organization is blessed to have a membership that understands the importance of working to improve our coastal habitat. This is a far-reaching and intensive endeavor, but we are certain that the results of this program will be well worth the effort."

The HTFT initiative will be funded through CCA Texas fundraising dollars as well as outside support from individuals, corporations and foundations.

"This initiative is based on the dynamic vision of our organization. By partnering with corporate supporters, other conservation groups and governmental agencies we will achieve a lasting success," said HTFT Director John Blaha. "CCA Texas has had tremendous success in various endeavors by partnering with other major players in the conservation arena. This program will be no different. We plan on building a bridge to all concerned parties in order to have a positive effect on our coastal resources. Truly, this is an exciting time in the history of CCA Texas and Texas' coastal resources."

Study reveals economic reality for Gulf grouper

CCA-funded study shows value of 100 percent recreational allocation.

In an important development in the debate over the proper management of gag and red grouper in the Gulf of Mexico, a newly released economic study of the fishery finds that a 100 percent allocation to the recreational sector would yield maximum economic value to society.

Gulf grouper has been a hotly debated issue in the Gulf of Mexico Fishery Management Council, which is meeting this week in Mississippi to discuss grouper management among other issues. The study's economic findings should add a new twist to the management of this intensely debated fishery.

"Most in the recreational community would not be surprised by these results, but I think many federal managers have ignored this reality," said Frederic Miller, chairman of the Coastal Conservation Association National Government Relations Committee. "This fishery would yield more jobs and economic output from a 100 percent recreational allocation."

The study was conducted by Brad Gentner, who ran the recreational economics data collection program for the National Marine Fisheries Service (NMFS) for eight years before starting his own company, Gentner Consulting Group. As a NMFS economist in the Division of Economics and Social Analysis, he specialized in survey design, recreational fisheries demand and welfare analysis, non-market valuation, and economic impact modeling for recreational fisheries.

Gentner's study, [Allocation of the Gulf of Mexico Gag and Red Grouper Fisheries](#), used economics to analyze grouper allocations in the Gulf of Mexico. Among other findings, his analysis revealed that recreational gag grouper fishing generates \$107 million in value added, \$60.8 million in income and supports 1,513 jobs while red grouper fishing generates \$35.2 million in value added, \$20 million in income and supports 501 jobs. Commercial gag grouper fishing generates \$16 million in valued added, \$7.7 million in income and supports 322 jobs while red grouper fishing generate \$49 million in valued added, \$23.7 million in income and supports 988 jobs. The majority of the economic impacts in the commercial sector in both fisheries occur in the retail and restaurant sectors, and Gentner concludes that those sectors would experience very few losses with a 100 percent recreational allocation.

"This study cannot be ignored. More than ever allocation is a critical component of virtually every fishery management system," said Chester Brewer, vice chairman of the CCA National Government Relations Committee. "With this information in hand, it is outrageous that the Gulf Council should establish an Individual Fishing Quota system for Gulf grouper without first addressing the allocation issue."

Click here for a press release, [Short Term Gain, Long Term Loss](#), on the latest decisions from the Gulf of Mexico Fishery Management Council regarding Gulf grouper.

Major illegal fishing bust rocks Chesapeake Bay

The U. S. Justice Department late last week announced that, along with state investigators, it had conducted a multi-year investigation resulting in charges being brought against individuals who had harvested and sold illegally hundreds of thousands of pounds of striped bass from the Chesapeake Bay and the Potomac River. Charges had been brought against four Maryland watermen, one Virginia waterman, two Washington fish dealers and an upscale Georgetown fish market.

According to the Department's announcement, the individuals and corporation were charged with violating the Lacey Act, which is a Federal law prohibiting individuals or corporations from creating false records for fish or wildlife, and from transporting, selling, or buying fish and wildlife harvested illegally. Specifically, it was alleged that the commercial fishermen transported and sold striped bass, knowing that they had falsely recorded on their permit allocation cards the numbers and weight of the striped bass they caught and failed to accurately record the times the fish were actually harvested.

Statement by Andy Hughes, chairman, Coastal Conservation Association Maryland, in response to the United State Fish and Wildlife investigation of the poaching of striped bass in the Chesapeake Bay:

The amount of crime that the Federal Joint Investigative Taskforce has uncovered is both alarming in its scope and tremendously disappointing in that it was not dealt with many years earlier. This abuse of the Chesapeake's striped bass resource is a crime against all Maryland citizens and those throughout our region that enjoy the Chesapeake Bay. It's no different than stealing money from the bank accounts of everyone who values the Chesapeake.

Coastal Conservation Association Maryland commends the Federal Government for its comprehensive investigation. For years the commercial fishery has been seen as a sacred cow in Maryland. The focus must now turn to serving all of Maryland's citizens, not just commercial interests.

Maryland's Natural Resources Police (NRP) especially deserve our support. NRP officers continually have been given more responsibilities while their manpower and budgets have been slashed. NRP, the state's only enforcement agency with marine capabilities and responsibilities, must protect the state's fisheries, wildlife, game, shell fish, park laws and boating regulations. Additionally, it is responsible for marine patrols of such Homeland Security sites as the Calvert

Cliffs Nuclear Power Plant. Yet, the number of NRP officers has been cut by more than 40 percent in the past 20 years. More responsibility, less manpower—it just doesn't make sense.

We can't bring back the striped bass that have been stolen from us, but we can learn a lesson. The challenge for elected and appointed leaders in Maryland now is the future. Our leaders must design and implement an enforceable plan to assure that crime of this nature does not occur again in all fisheries, not just striped bass. They must provide the resources that will allow this plan to be enforced effectively. Maryland's leaders must accept this responsibility, not hope that the Federal government will again come to their rescue. To do less, would be to fail our citizens.

Next Stop: Ocean Floor

Angler dollars turn subway cars, tanks and ships into fish habitat offshore Georgia.

*By Spud Woodward
Assistant Director of the Coastal Resources Division
of the Georgia Department of Natural Resources*

Mike Zacchea is a long way from home – about 900 miles south of New York City, in fact. It's early November 2008, and he's standing at the stern of the *R/V Marguerite*, which is loitering above the HLHA reef site, 23 nautical miles east of the Georgia coast. In the distance, a tug pulling a barge loaded with 44 subway cars approaches. What brings Zacchea and this strange cargo to such a remote destination?

To answer that question we must go back to 1999. Zacchea, Asset Recovery Officer for New York's Metropolitan Transit Authority (MTA), was faced with the challenge of disposing more than 1,300 Redbird subway cars, so called because of their dark red color. After more than a half-century of service, some would be converted to work trains and others preserved for historical purposes. Still, more than 1,200 cars had to go somewhere.

Zacchea had an idea. Instead of scrapping the cars in the traditional manner, they could be used to create fish habitat. Even when stripped of their running gear, each car tipped the scales at close to 10 tons, making it sufficiently heavy to stay put in strong ocean currents – a prerequisite for materials used at offshore artificial reefs. He immediately began working through the tangled web of government procedures to make his vision a reality.

Zacchea made contact with artificial-reef coordinators up and down the East Coast to gauge their interest in the cars. The cars would cost nothing, but the state would be expected to cover the price of transportation. Some state agencies declined because of concerns about pollution or lack of funding, while others, such as Georgia, leapt at the opportunity.

In 2002, 48 cars splashed down on the CCA and L reefs offshore Georgia, thanks to funding made possible by CCA Georgia. The CCA reef was renamed CCA-JL in 2008 in memory of James Lynah, a Georgia chapter founder and stalwart supporter of the state's conservation programs.

Not one to rest on his laurels, Zacchea saw that another 1,600 subway cars, originally put into service in the 1960s, were in the queue for decommissioning. He

leveraged the success of the Redbird project to gain support for "reefing" the cars coming off the line.

Beginning in January 2008, MTA started routing retired cars to an Upper Manhattan rail yard for processing.

Be sure to read the March/April issue of TIDE magazine to find out more about the Georgia artificial reef program.

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The History of Exclusive Fishing Rights – Exclusive fishing rights tend to maximize benefits to the commercial fishing industry while mostly ignoring the beneficial economic impacts of recreational fishing. – By Matthew Paxton

Floundering for Answers – Overfished for decades, winter flounder pose a remarkably complex conservation challenge in the Northeast. – By Charles A. Witek III

Next Stop: Ocean Floor – A patch of ocean bottom off the coast of Georgia is the last stop for a barge-load of subway cars from New York City. – By Capt. Spud Woodward

The Big Fix – A diversion project in Louisiana has revived the Barataria Basin, sparking an explosion of native vegetation and fish populations. – By Chris Macaluso

Time for Top-End Trout – Early spring on the upper Texas coast can be the best of times and the worst of times for determined anglers aiming for trophy speckled trout. – By Joe Doggett

What's Old Is New Again – Tired of watching "regular" baits get pecked to pieces by unworthy foes? Pinning on a blue crab almost guarantees something big will latch onto your line. – By Joe Richard

Toasty Tarpon Springs – This area of Florida has some of the state's most pristine sea grass beds, along with sandy potholes, oyster mounds, mangrove edges and sandbars. – By David A. Brown

The People's Fish – The humble yellow perch is the focus of CCA Maryland's push for the state to manage fishery resources for abundance first and harvest second. – By C.D. Dollar

Tagging Team – Mike Patrick is one of the most active fish taggers in the country, and his efforts have provided a stream of data on many coastal and offshore species. – By Al Rogers