

April 1, 2009
(MASGP-09-001-04)

CONTROL DATE ESTABLISHED FOR GULF COMMERCIAL REEF FISH FISHERY

At its January 2009 meeting, the Gulf of Mexico Fishery Management Council (Council) voted to establish a control date for all Gulf of Mexico commercial reef fish vessel permits. The control date will allow the Council to evaluate fishery participation and address any level of overcapacity. On March 18, 2009, NOAA Fisheries Service published an advanced notice of proposed rulemaking establishing a control date of December 31, 2008, for the commercial reef fish fishery operating in federal waters of the Gulf of Mexico.

A control date is a date chosen by a fishery management council that may be used as an eligibility criterion allowing future access to fisheries, or sectors of fisheries. Control date notices let fishermen know that a fishery management council is considering future action to restrict access to the fishery and are intended to discourage speculative entry into a fishery. The establishment of this control date does not commit the Council or NOAA Fisheries Service to any particular management regime or criteria for entry into this fishery. Fishermen would not be guaranteed future participation in the fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The Council may choose to use a different control date, or to give variably weighted consideration to fishermen active in the fishery before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be considered for entry into the fishery. The Council may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

Written comments on this advanced notice of proposed rulemaking must be received no later than 5 p.m., Eastern time, on April 17, 2009, in order to be considered by NOAA Fisheries Service. Electronic copies of the advanced notice of proposed rulemaking, published in the *Federal Register* on March 18, 2009, may be obtained from the *Federal Register* Web site at <http://www.gpoaccess.gov/fr/index.html>, or by sending a written request to:

NOAA Fisheries Service
Southeast Regional Office
Sustainable Fisheries Division
263 13th Avenue South
St. Petersburg, Florida 33701

You may submit comments by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>. To submit comments through the Federal e-Rulemaking Portal, enter "NOAA-NMFS-2009-0039" in the keyword search, then select "Send a Comment or Submission." NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.
- **Mail:** Cynthia Meyer, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, Florida 33701

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

ADOPT-A-STREAM

The Mississippi Wildlife Federation, along with the Mississippi Department of Environmental Quality, will hold a two-day Adopt-A-Stream workshop at Paul B. Johnson State Park near Hattiesburg on June 9 -10. Adopt-A-Stream is a program that promotes environmental stewardship through training workshops, outdoor field activities, and by introducing participants to watershed action projects. The two-day program provides an in-depth study of watersheds as well as hands-on training in chemical and biological parameters important to a healthy stream. A watershed characterization tool, using the latest in Geographic Information Technology, will examine the conditions of different watersheds. Registration is available on the Mississippi Wildlife Federation/Adopt-A-Stream website: www.mswildlife.org or by contacting Debra Veeder, Adopt-A-Stream Coordinator at (601)206-5703 or dveeder@mswf.org for a registration form. The registration deadline is May 15.

SEA GRANT FISHING PAGE LAUNCHED

A new Web page from the Mississippi-Alabama Sea Grant Consortium (MASGC) offers a pathway to many Internet sites that provide valuable information to recreational and commercial fishermen. The page includes links to information about Northern Gulf Coast tides, reefs, water temperatures, fishing regulations, boating and fishing forums and more. To check out the site, go to www.masgc.org/fishing.

CALIFORNIA COURT REJECTS WARNINGS ON CANNED TUNA

For the second time in three years, a California court has refused to require mercury warnings in conjunction with the sale of canned tuna. The state attorney general's office, prompted by environmental groups, has tried to insist on warnings to accompany canned tuna. In 2004, the state failed in its efforts to have a lower court mandate caution labels directly on tuna cans. In a January appeal of that decision they modified their request, this time asking for signs in stores instead. On March 11, 2009, the court denied that request too. The ruling comes in the wake of an extensive Food and Drug Administration (FDA) draft report on mercury in seafood that illustrates how concerns over the trace amount of mercury found in fish are overstated. The report lends evidence to the conclusion that, given the average American diet, the real concern is not eating enough seafood.

"The courts have now spoken on this issue twice," said John Connelly, President of the National Fisheries Institute (NFI). "Tuna is a safe, healthy product and one of the most inexpensive forms of protein for American families – attempts to depict it in any other light do a disservice to consumers in California and at large."

California's attorney general sued American tuna canners citing Proposition 65, a state regulation that mandates warnings on products that cause reproductive harm or cancer. Canned tuna is one of the best sources of essential omega-3's, key to baby brain and eye development as well as heart health, and is an affordable contribution to a healthy diet. "It is simply not a product that California, or any other state, should expend resources warning consumers away from," said Jennifer McGuire, NFI's registered dietitian.

(Source: [http:// www.AboutSeafood.com](http://www.AboutSeafood.com).)

RECREATIONAL SEASON FOR GAG REOPENED

The Gulf of Mexico Fishery Management Council reopened the recreational season for gulf gag grouper in the federal waters of the Gulf of Mexico April 1. Anglers may keep 2 gags per person within the five-grouper aggregate. A pending amendment to the Reef Fish Fishery Management Plan, when implemented, will reduce the aggregate grouper bag limit from five to four and increase the red grouper bag from one to two. Implementation is expected sometime this summer. The minimum recreational size limit for gag is 22 inches total length, 20 inches total length for red grouper.

TOURNAMENT RELEASED BASS MAY BE A VIOLATION OF ALABAMA PUBLIC WATER STOCKING REGULATION

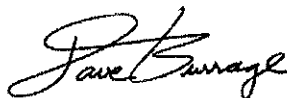
The Alabama Department of Conservation and Natural Resources' Wildlife and Freshwater Fisheries Division has recently become aware of a type of fishing tournament where rules permit anglers to fish in various water bodies and then bring their catch to a particular lake for a weigh-in ceremony where fish are then released alive into that body of water. For example, fish caught from Martin, Guntersville, Smith and Neely Henry could all be arriving at an official weigh-in site on Lay Lake where they are released following the weigh-in. Moving live fish from one lake to another is a direct violation of Alabama's public water stocking regulation. The State of Alabama's regulation of Public Water Stocking (220-2-.129) reads:

"It shall be unlawful to intentionally stock or release any fish, mussel, snail, crayfish or their embryos including bait fish into the public waters of Alabama under the jurisdiction of the Division of Wildlife and Freshwater Fisheries as provided in Rule 220-2-.42 except those waters from which it came without the written permission of a designated employee of the Department of Conservation and Natural Resources authorized by the Director of the Division of Wildlife and Freshwater Fisheries to issue such permit. The provisions of this rule shall not apply to the incidental release of bait into the water during the normal process of fishing."

According to Stan Cook, Chief of Fisheries for the Division of Wildlife and Freshwater Fisheries, this regulation has been in place for many years and is intended to protect the quality and integrity of sport fisheries. He says, "Moving fish from one reservoir to another can have a number of detrimental consequences; examples include 1) moving fish caught from lakes with consumption advisories into lakes without advisories; 2) introducing genetically inferior strains of spotted bass into our world-class spotted bass fisheries on the Coosa River; 3) introducing diseases such as the Largemouth Bass Virus, which decimated many of our bass fisheries in Alabama beginning in the late 1990s; 4) diluting the genetic benefits of our Florida bass stocking program; and 5) introducing non-native, potentially harmful species into lakes where they do not currently exist." (Source: <http://www.outdooralabama.com/news>)

This information was compiled by Dave Burrage, Peter Nguyen and Benedict Posadas. For more information, visit our office at 1815 Popps Ferry Road, Biloxi, MS 39532 or telephone (228) 388-4710.

Sincerely,



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