

# Southeastern Fisheries Association, Inc.

*Proudly serving the Commercial Fishing Industry for over 50 years!*



## Hotlines Online Edition



September 2003

### REGIONAL COUNCILS ASK FOR CRIMINAL PENALTIES ON FISHERMEN

At a recent meeting of the chairmen of the eight Regional Fishery Management Councils, they voted unanimously to recommend inclusion of



criminal penalties for Magnuson Act violations. The Council chairmen sent letters to US Secretary Donald Evans on July 2, 2003, requesting "criminal penalties similar to those for wildlife violations also be imposed for fishery violations."

While this request sounds somewhat reasonable on the surface, the truth of the matter is any criminal sanctions will only be imposed on commercial fishing. There is very little effort on the part of NMFS to stop illegal sale of seafood caught in federal waters by anglers. It seems they ignore the largest area of poaching and illegal sale in order to concentrate on catching a

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SFA is a non-profit association founded in 1952, charged with maintaining a viable seafood industry in the Southeast.

Robert P. Jones, Editor

commercial fishing boat. In the *Gulf Fishery News* July/August edition the Councils chairmen are quoted as saying, "Illegal harvesting can jeopardize the health of these stocks, prolong or prohibit their recovery, and it is tantamount to stealing from the people of the U.S." Do they mean this to apply to sport fishermen or just commercial fishermen? The chairs seem to be saying that civil fines are "just a cost of doing business" for the commercial fishermen but some of the civil fines are enormous, depending on who you are. The Administrative Judge protocol used by NMFS is draconian. It's like the prosecutor hiring his own judge and with such a situation the conviction rate is probably 99% in favor of the government so going before one is futile.

Until an equitable law enforcement system is designed, the selective law enforcement perpetrated against the commercial fishing industry will continue. Invoking criminal penalties to put commercial violators in jail while recreational poachers are ignored is against the concept of justice and equal protection under the law.

### ANGLER OUTCRY URGES ANHEUSER-BUSCH AND WEST MARINE TO DROP TIES TO PRO-WILDERNESS GROUP

In a new release from the American Sport fish Association, they say. "In

response to the grassroots efforts of outraged anglers, both Anheuser-Busch and West Marine have dropped their financial support for the



Ocean Conservancy, a leading advocate of extreme ocean wilderness areas." Further, "Anheuser-Busch and Busch Entertainment Corporation have not, do not, nor never would support any activities to limit the rights of recreational fishermen," stated an Anheuser-Busch spokesman.

What a broad statement by one of the nations biggest corporations. Surely they must mean they oppose No Fishing Zones and not legitimate regulations that limit the number or size of fish taken by anglers.

### THE PEW COMMISSION AND THE OCEAN CONSERVANCY

The following is from an editorial in the Portland, Maine Press Herald on August 30, 2003.

"The No. 1 threat to the health of the oceans, the group (Pew Oceans Commission) said, is commercial overfishing. That might come as a surprise to most people who remember the dramatic newscast of oily birds and mam-

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## Part of the Education Process of the PUBLIC:

On your next order for business checks from your bank have printed just above the signature line "Commercial Fishing makes this payment possible"



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*mals after the Exxon Valdez went aground in Prince Williams Sound, said Roger Rufe. Rufe is a retired U.S. Coast Guard vice admiral who now is president and CEO of the Ocean Conservancy, as well as one of the commission members. Obviously, oil spills are extremely damaging, he said, but the damaging impacts on the ocean are ongoing and unseen."*

Roger Rufe would be hard pressed to make that statement about commercial overfishing being the culprit if he was aware of who gets the fish in the southeastern United States. With recreational anglers allocated all marlins, billfish and most swordfish down here as well as 90% of the mahi-mahi, 86% of amberjack, 100% of redfish, 80% of trout, 100% of snook, 50% of snapper and grouper how would he be able to spin the truth in order to stick with the agenda of stopping commercial fishing wherever possible.

### SSA CONTINUES TO MATURE

The Southern Shrimp Alliance continues to mature as a force in Congress on behalf of the southern shrimping industry. Their new website can be found at: [www.shrimpalliance.com](http://www.shrimpalliance.com) and anyone interested in the domestic shrimping

issues should take a look and participate in this organization. Congratulations to Johnny Williams and Sal Versaggi for their work in this effort.

### WORLD WILDLIFE FUND RECOMMENDS CLOSING 40% OF OCEANS

At one point in time the most radical environmental groups were calling for setting aside 20% of the oceans as NO FISHING ZONES but that "modest" amount has been doubled to 40% by the World Wildlife Fund according to the *Financial Times* of London. According to the "scientists" at the University of York, a massive expansion of marine reserves is needed to replenish global fisheries.

Could it be that Pew grants are attracting a new genre of researchers who are willing to push whatever needs to be pushed in order to get funding?

### FWC CREATES LIAISON WITH COMMERCIAL FISHING INDUSTRY

FWC now has a "Marine Fisheries Commercial Outreach position" that should improve the dissemination of information between the regulator and the regulated. The person in charge is Ms. Ming Lee who can be reached at 850/922-4340 Extension 204. Her

email is [ming.lee@fwc.state.fl.us](mailto:ming.lee@fwc.state.fl.us) and she would be glad to hear from you.

### SPORT MAGAZINE PUBLISHER VERBALLY ATTACKS JUDGE

A column published in the Fort Myers News Press on August 31, 2003 by Kevin Lollar, told of the ongoing conflict between fishermen and Fish & Wildlife on how to measure nets. In a decision on a pretrial motion, JUDGE EDWARD J. VOLZ JR., said, "*the state's mathematical method of determining whether commercial seines are legal is not based on any "statue, rule or regulations."* Judge Volz excluded the seized nets as evidence in the case and the attorney for the fishermen said, "*You can't convict someone on a net violation without a net."*

Karl Wickstrom, magazine publisher, was quoted in the article as saying "*the ruling only means that Mann (defense attorney) managed to confuse Volz."* Wickstrom further stated according to the article, "*He's (Judge Volz) lost track of common sense. It's an absurdity. It violates the intent of the amendment, state law and the laws of all states."*

Those are pretty strong words against a sitting judge showing the emotionalism Wickstrom brings to any issue concerning fishing nets. If there is anyone confused on this issue, it's not Judge Volz.

### VESSEL MONITORING SYSTEMS ON ROCK SHRIMPING IN SOUTH ATLANTIC TO TAKE EFFECT

On October 14, 2003, all rock shrimp vessels must have an approved and operating vessel monitoring system on board or face arrest.

There are those within the industry



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who look upon these devices as a means to learn more about the rock shrimp fishery and to quantify some of the science used in the management of this fishery. Others in the industry see this as an ankle bracelet foisted on them by big brother to spy on their culture and method of making a living. No matter which camp anyone is in, the regulation will be in effect and must be obeyed.

**HOW IS YOUR HACCP PLAN?**

Do you have all the currently required record keeping system in place? Are your probe and sensory evaluation logs current and complete? Are you doing all the Daily Sanitation checks required under the HACCP regulations? Would a complete and thorough look at your HACCP Plan and facility help you do a better job? If so just call Bob Jones at SFA and set up an appointment for a mutually convenient time. Costs are modest for the peace of mind such an inspection will give your company.

**SPEAKING OF HACCP**

Some seafood dealers around the state have noticed that they get regular inspections from FDA and DACS while it appears that their competitors are never checked. SFA brought this to the attention of FDA during an informal meeting with some of the officials and found out there is a criterion for an FDA inspection and that if all three requirements are not present; the likelihood of an FDA inspection is remote.

So, what are the three criteria used to initiate an FDA visit?

1. Products handled must be used in interstate commerce.

**Southeastern Fisheries Association  
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2. Facility must do at least \$500,000 of business annually or at least 25% of their business is wholesale.
3. Products handled must be those that can result in harm to the consumer if not handled properly or be ready-to-eat products.

Florida Department of Agriculture (DACs) on the other hand inspects every facility licensed by the agency that handles food. There is no criteria exempting any facility and DACs has adopted the federal HACCP Regulation as part of the state regulation, so there is an opportunity for all seafood wholesale dealers to be inspected by DACs for compliance with HACCP.

If any member of SFA feels their competitor meets these requirements and is not being inspected by FDA the name and address of that facility can be forwarded to SFA office in Tallahassee for notification to FDA.

**FISHERMAN RON CRUM  
FILES SUIT IN FEDERAL  
COURT**

According to the September 5 issue of *The Franklin Chronicle*, Ron Crum of Wakulla County, Florida has filed an

action against Governor Jeb Bush, the Fish & Wildlife Commission, comparing how he has been intimidated to such a degree he feels terrorized similar to the Holocaust and fears for the safety and welfare of his wife, children and grandchildren. One of the major complaints is the harassment from the FWC helicopter he says that hovered over Mr. Crum's house causing emotional stress and fear for his family. Mr. Crum also claimed that he initiated a complaint in November 2000 to the



Director of Investigations, Office of the Chief Inspector general in the Governors office. The investigation

was assigned to Officer Troelstrup but, the legal brief alleges, Officer Troelstrup failed to complete the investigation. Crum asserts in the *Chronicle* article that Officer Troelstrup told him that his life was threatened and he was encouraged to stop the investigation. At issue here is the use of a 500 square foot net constructed to allow Mr. Crum the ability to continue his livelihood. Retired Circuit Judge Charles D. McClure is representing Mr. Crum in this litigation.

We invite anyone receiving this newsletter, who is not already a member of SFA to join us and become an activist for your business. We are here to respond to your business needs in the state capital and around the Southeast Region. We can help you only if we know you and correspond with you regularly.....We would look forward to serving you and your company!

**Welcome to SFA New Members:** SFA is proud to welcome the following new members into its growing family of successful seafood companies. We encourage each member to support one another for the overall good of maintaining an economic and cultural presence for commercial fishing in America as well as providing marine protein to the people.

New HACCP member:  
City Seafood/Fish House Wholesale - Everglades City - Jon Kreider

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## **ALASKA EXEMPTED FROM FEDERAL LAWS**

The Senate Appropriations Committee has approved a provision in the fiscal year 2004 funding bill for the Depart-

ment of Commerce exempting the fisheries under the **North Pacific Fishery Management Council in Alaska** from former President Clinton's Executive Order on **Marine Protected Areas and the Essential Fish Habitat provisions** of the Magnuson-Stevens Fishery Conservation and Management Act until the act is reauthorized. If it is fair for Alaska to be exempt from the requirements of Marine Protected Areas and Essential Fish Habitat then all other Fishery Management Councils should be added to this exemption.

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