



## SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

TEL 843/571-4366 FAX 843/769-4520

Toll Free: 1-866-safmc-10

email: safmc@safmc.net Web site: www.safmc.net

Ben Hartig, Chair  
Dr. Michelle Duval, Vice-Chair

Robert K. Mahood, Executive Director  
Gregg Waugh, Deputy Executive Director

December 10, 2013

Dr. Roy E. Crabtree  
Regional Administrator  
NOAA/NMFS Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701

Dear Dr. Crabtree:

Pursuant to Section 305(c)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management (Magnuson-Stevens) Act as reauthorized, the Council requests emergency measures to adjust the commercial Annual Catch Limit (ACL) for blueline tilefish based on the results of the 2013 stock assessment (SEDAR 32 2013). Specifically, the Council requests that the National Marine Fisheries Service initiate emergency action to:

- Set the blueline tilefish ACL at the yield at  $75\%F_{MSY} = 224,100$  pounds whole weight (lbs ww).
- Apply the allocations for blueline tilefish to the 224,100 lbs ww ACL. The allocations are 50.07% commercial and 49.93% recreational. The commercial ACL would be 112,207 lbs ww and the recreational ACL would be 111,893 lbs ww.
- Take blueline tilefish out of the Deepwater Complex and adjust the Deepwater Complex ACLs accordingly: deepwater complex ACL = 79,684 lbs ww, commercial ACL = 60,371 lbs ww and recreational ACL = 19,313 lbs ww.

The South Atlantic blueline tilefish stock was found to be overfished and undergoing overfishing (SEDAR 32 2013). The Council received notification of the status of the stock via letter dated December 6<sup>th</sup>, 2013. As outlined in the Magnuson-Stevens Act, the Council has until December 6<sup>th</sup>, 2015 to implement management measures to end overfishing and establish a rebuilding plan for blueline tilefish in the South Atlantic. The Council has begun development of Amendment 32 to the Snapper Grouper Fishery Management Plan for that purpose.

The current ABC for the blueline tilefish stock (631,341 lbs ww) is nearly three times the estimate of equilibrium MSY from the recent SEDAR 32 assessment (226,500 lbs ww). Stock projections indicate that continued removal of this amount of fish over the next 2 years, while the Council develops management measures to end overfishing by December 6, 2015, will likely reduce the stock to very low levels. This will result in extremely low allowable harvest levels in

2016 and beyond. To prevent this potential reduction in stock abundance, the Council is requesting an emergency rule to reduce ACL to 75% of the MSY yield.

The Policy Guidelines for the Use of Emergency Rules (62 FR 44421, August 21, 1997) list three criteria for determining whether an emergency exists: (1) recent, unforeseen events or recently discovered circumstances; (2) serious conservation or management problems in the fishery; and (3) emergency regulations outweigh the value of advance notice, public comment, and deliberative consideration of the impacts to the same extent as would be expected under the normal rulemaking process. This emergency rule is requested to address the serious conservation issue that may result from continued harvest of the current excessive ACL of blueline tilefish. In addition, the stock assessment results are new information that requires the Council respond quickly. The Council concluded the benefits of this emergency rule outweigh the value of the normal notice and comment process. The public will have a number of opportunities to comment during development of Amendment 32 that will contain a permanent solution to this unforeseen change in stock status.

Furthermore, blueline tilefish were placed in the Deepwater Complex when the Council established ACLs and accountability measures for unassessed snapper grouper species through the Comprehensive ACL Amendment. The Deepwater Complex comprises blueline tilefish, blackfin snapper, black snapper, misty grouper, queen snapper, sand tilefish, silk snapper, and yellowedge grouper. Adjusting the blueline tilefish ACL will also require adjustment of the Deepwater Complex ACL as described above and establishment of accountability measures for blueline tilefish as appropriate.

We appreciate your assistance in expediting implementation of this request. If you require any additional information, please do not hesitate to contact Bob Mahood.

Sincerely,



Ben Hartig  
Chairman

cc: Council Members & Staff  
Scientific & Statistical Committee  
Snapper Grouper Advisory Panel  
Bonnie Ponwith, Theo Brainerd, Tom Jamir, & Larry Massey, SEFSC  
Monica Smit-Brunello, NOAA GC  
Phil Steele & Jack McGovern, NMFS SERO