

**DRAFT 11/6/14**

This letter is submitted on behalf of the South Atlantic Fishery Management Council (South Atlantic Council) in response to the proposed rule to list Nassau grouper (*Epinephelus striatus*) as Threatened under the Endangered Species Act (ESA). The South Atlantic Council manages Nassau grouper in federal waters in both the South Atlantic and Gulf of Mexico.

The South Atlantic Council recommends that NMFS consider additional sources of information about Nassau grouper in the final determination of this listing. Nassau grouper are an aggregating species which experienced overfishing in the US territorial waters and led to the current overfished condition of the stock. Harvest of Nassau grouper has been closed in US South Atlantic since 1992 and Puerto Rico and the US Virgin Islands since 2005. In addition to the harvest closure, spawning area closures have been put in place in the US Virgin Island and Puerto Rico. Both of these management measures have been suggested as mechanisms to protect aggregating fish.

Jackson et al. (2014) indicated there were genetic differences among sub-populations of Nassau grouper in the Caribbean. The genetic breaks occurred on deep channels that prevent migration of adults which has been reported to be over 100 miles (Bolden 2000). Self-recruitment is very important for Nassau grouper (Jackson et al. 2014) and potentially has been tracked in populations where effective management regulations were established (Kadison et al. 2010, Heppel et al. 2012). The protection of spawning aggregations has been and will be crucial to the rebuilding of this stock.

One stock assessment has been completed on Nassau grouper in US waters (Ault et al. 2008). The stock in Puerto Rico was overfished and overfishing was occurring based on data collected before management actions were taken to reduce mortality due to fishing. The B/BMSY indicated the stock was low (11%) but not less than other stocks assessed in the same document. Since this is an aggregating species at known spawning sites, tracking the health of spawning aggregations is another important component of the sustainability of the stock. Cited in many documents has been the collapse of the spawning aggregations for Nassau grouper in several areas. In Puerto Rico, the spawning aggregations remained in present on 14 out of 19 sites (García-Sais et al 2008).

Kadison et al (2010) indicated there have been increases in the number of fish and the size of fish at a historic spawning site in US territorial waters. The tripling of the index in US Virgin Islands was accompanied by an expanded size structure and had an increase in recruitment to the spawning stock. The authors indicated that spawning population at other locations has likely been fished out.

An assessment for Nassau grouper in the Bahamas indicated the stock was fully exploited when the tracking of the spawning aggregation started (Ehrhardt and Deleveau 2007). Due to the overexploitation, regulations were established to rebuild the population and tracked a spawning aggregation in the Little Cayman after closing the spawning area for seven years. Heppel et al. (2012) noted an increase in the abundance of Nassau grouper in the spawning area by 2009. This increase in abundance was only reported at one location.

Additionally, the South Atlantic Council recommends that NMFS considers the active role of the Council in the protection of Nassau grouper. Harvest of the species has been prohibited in the South Atlantic since 1992, when the Council set the quota and bag limit to zero for Nassau

grouper in response to concerns for the stock (SAMFC 1991). Additionally, Council actions have established areas in the Nassau grouper range with closed or limited fishing, which may contribute to protection of spawning aggregations and habitat. These include the Oculina Experimental and Closed areas (SAFMC 1994; 2004; 2013); special management zones (SMZs) off Ft Pierce, FL,(SAFMC 1989a) and off Key Biscayne, FL, (SAFMC 1989b); and several deepwater MPAs (SAFMC 2007). These are in addition to protected areas within the Florida Keys National Marine Sanctuary (over 160 square miles of no-fishing zones) and in the Tortugas Ecological Reserve, including Riley's Hump, a key grouper spawning site in the Florida Keys that has been closed to fishing since 2001.

The South Atlantic Council is also considering creating spawning SMZs through expanding existing closed areas or establishing additional SMZs to protect spawning habitat for key species, including Nassau grouper. Through a collaborative process with stakeholder involvement, the Council intends to identify specific areas that will provide the highest level of spawning habitat protection. Additional information about the process and potential actions is available at <http://safmc.net/meetings/public-hearing-and-scoping-meeting-schedule> under Snapper Grouper Amendment 36 scoping materials.

The moratorium on harvest, in addition to South Atlantic actions to protect spawning habitat and spawning season closure for all shallow water grouper, have likely aided the conservation of Nassau grouper in the region.

The South Atlantic Council recommends that NMFS consider and incorporate all information sources and all existing protection measures in the South Atlantic and Gulf of Mexico regions when evaluating whether additional action is necessary for Nassau grouper. It is the Council's conclusion that the actions taken are sufficient to provide the level of protection needed for stock rebuilding.

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