



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Ben Hartig, Chair
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Robert K. Mahood, Executive Director
Gregg T. Waugh, Deputy Executive Director

May 6, 2015

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

Dear Dr. Crabtree:

During their March 2015 meeting, the South Atlantic Fishery Management Council (Council) voted to request that the National Marine Fisheries Service (NMFS) implement an emergency rule to extend regulations approved in Snapper Grouper Amendment 32 (blueline tilefish) to the Mid-Atlantic and New England Council jurisdictions. This request was conditioned on the Council's Scientific and Statistical Committee (SSC) determining that the SEDAR 32 assessment is applicable to the entire Atlantic Coast. The Council's recommendations are intended to prevent overfishing of blueline tilefish. The full Council motion is as follows:

DIRECT THAT THE SSC DETERMINE, AT ITS APRIL 2015 MEETING, THE GEOGRAPHIC RANGE COVERED BY THE SEDAR 32 ASSESSMENT. IF WARRANTED, REQUEST EMERGENCY ACTION TO EXTEND REGULATIONS PROPOSED IN AMENDMENT 32, ONCE THE AMENDMENT IS APPROVED, TO THE AREAS THAT THE SSC CONSIDERS ARE REPRESENTED BY THE STOCK ASSESSMENT.

The SSC met and reviewed SEDAR 32 and the more recent data on catches since 2011, the last year of data in the assessment. The NMFS Southeast Fisheries Science Center (SEFSC) presented updated information on catch by area and reviewed the information from north of North Carolina used in the stock assessment (document prepared by Dr. Kevin Craig, lead blueline tilefish assessment scientist, SEFSC and Jason Didden, MAFMC Staff). Also, Dr. Cynthia Jones and Michael Schmidtke presented the Old Dominion University life history study. The SSC concluded the following:

- **SSC Consensus: After reconsideration of the SEDAR 32 assessment and all the supplemental information provided, the SSC still agrees that the SEDAR 32 assessment applies to the entire coast wide stock and is still considered BSIA.**

- The most compelling piece of information is that regardless of the location of the landings of blueline tilefish, they seem to be being harvested from the same areas.

Pursuant to Section 305(c)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management (Magnuson-Stevens) Act as reauthorized, the Council requests emergency action to extend blueline tilefish measures recently implemented in Snapper Grouper Amendment 32, based on the results of the 2013 stock assessment (SEDAR 32 2013), through the Mid-Atlantic and New England Council areas. Specifically, the Council requests that the National Marine Fisheries Service initiate emergency action to establish the following:

- COMMERCIAL TRIP LIMIT = 100 LBS WW
- RECREATIONAL BAG LIMIT = 1/VESSEL/DAY MAY THROUGH AUGUST AND NO RETENTION DURING THE REMAINDER OF THE YEAR.
- COMMERCIAL AND RECREATIONAL ACCOUNTABILITY MEASURES (details are in Attachment 1).

The South Atlantic blueline tilefish stock was determined to be overfished and undergoing overfishing (SEDAR 32 2013). The Council received notification of the status of the stock via letter dated December 6, 2013. As outlined in the Magnuson-Stevens Act, the Council had until December 6, 2015 to implement management measures to end overfishing and establish a rebuilding plan for blueline tilefish in the South Atlantic. The Council completed Amendment 32 to the Snapper Grouper Fishery Management Plan for that purpose and regulations were effective March 30, 2015.

The 2014 OFL of 224,100 lbs ww was exceeded in 2014 (preliminary landings estimated to be 374,184 lbs ww as of the March 2015 South Atlantic Council meeting). The 2015 commercial landings are 107,509 lbs ww or 603% of the commercial ACL of 17,841 lbs ww, and the commercial sector was closed on April 7, 2015. The 2015 OFL of 54,612 lbs ww has already been exceeded (double the OFL) without counting any of the recreational harvest in the South Atlantic Council's area or any of the recreational or commercial harvest north of North Carolina. Thus the overfishing that occurred in 2014 is continuing in 2015. Therefore, these regulations should be extended into the Mid-Atlantic and New England Council areas immediately to prevent further overfishing during 2015 and 2016.

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 will result from the continued overfishing of blueline tilefish. In addition, the stock assessment results and high landings from north of North Carolina 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 38 that will contain a permanent solution to this unforeseen change in stock status and harvest.

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

Enclosure

cc: Council Members and Staff

Rick Robins and Chris Moore, MAFMC

Terry Stockwell III and Thomas Nies, NEFMC

Scientific and Statistical Committee

Snapper Grouper Advisory Panel

Bonnie Ponwith, Theo Brainerd, Tom Jamir, and Larry Massey, SEFSC

Monica Smit-Brunello, NOAA GC

Jack McGovern and Rick DeVictor, NMFS SERO

ATTACHMENT 1

Blueline Tilefish Accountability Measures from Amendment 32

Commercial Accountability Measure: If commercial landings as estimated by the Science and Research Director reach or are projected to reach the commercial annual catch limit, the Regional Administrator shall publish a notice to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the South Atlantic exclusive economic zone is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued as appropriate, without regard to where such species were harvested, i.e., in state or Federal waters.

Additionally, if the commercial annual catch limit is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total annual catch limit (commercial annual catch limit and recreational annual catch limit) is exceeded.

Recreational Accountability Measure: If recreational landings reach or are projected to reach the recreational annual catch limit for blueline tilefish, National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, regardless of stock status, unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.

If recreational landings, as estimated by the Science and Research Director, exceed the recreational annual catch limit, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the length of the fishing season and the recreational annual catch limit in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total annual catch limit (commercial annual catch limit and recreational annual catch limit) is exceeded. The length of the recreational season and recreational annual catch limit will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.