



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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DRAFT

XXX, 2010

The Honorable Gary Locke, Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Locke:

On October 27th, 2009, I testified on the implementation of the Magnuson-Stevens Fishery Conservation and Management Act before the Subcommittee on Insular Affairs, Oceans and Wildlife House Committee on Resources. My comments highlighted issues before the Council involving significant economic impacts based upon proposed closures and deficiencies in the current data collection system. I have attached my testimony and wish to make you aware of the Council's belief that the current data delivery system is grossly inadequate to properly implement the system of annual catch limits (ACLs), accountability measures (AMs), and management measures that the Council is establishing in Snapper Grouper FMP Amendments 17A and 17B and the Comprehensive ACL Amendment.

Data Deficiencies

Fisheries management in the South Atlantic suffers from a chronic, yet well-documented, lack of basic data which hampers scientists' abilities to evaluate exploited populations and managers' abilities to develop and ensure accountability with management measures. Required data are simply stated: accurate catch statistics, adequate biological sampling (including size and age data), and comprehensive population monitoring. The lack of these data adds uncertainty at all levels of scientific and management processes. The Reauthorized Magnuson-Stevens Act (RMSA) requires the Councils to account for such uncertainty in establishing limits, which translates into an obligation to be increasingly conservative in management specifications. Therefore, it is highly likely that fisheries on stocks that are not overfished nor experiencing overfishing will face increasingly restrictive regulations as such uncertainties are addressed by the Scientific and Statistical Committee (SSC) in meeting their mandate to account for these uncertainties and prevent overfishing. One of the biggest challenges, and an issue that constituents find most difficult to grasp, is that stock and fishery uncertainty must be treated as a 'one-tailed' situation. This requires that managers and scientists always error on the side of caution

and make recommendations that do not exceed the lower bound of what is in fact a two-tailed, and in many cases very wide, confidence interval.

Snapper Grouper FMP Amendment 17A

In July 2008, following the completion of a red snapper stock assessment, the Council received notice from Dr. Roy Crabtree, NOAA Southeast Regional Administrator, that the red snapper stock was overfished and undergoing overfishing. The notification provided that the council had **one year to prepare a plan amendment or proposed regulations to end overfishing of red snapper** in accordance with the Magnuson-Stevens Act. During its March 2009 meeting, the Council approved a motion (on a 7 to 6 vote) to request a closure for all red snapper fishing through the use of an interim rule to help address overfishing. A final interim rule, establishing a prohibition of red snapper, was published December 4, 2009; the regulations are effective January 4 to June 2, 2010. The Magnuson-Stevens Act allows the extension of interim regulations for a period of 186 days if the Council is actively preparing a fishery management plan to address overfishing on a permanent basis. The interim rule is designed as a short-term measure until more permanent measures can be implemented to end overfishing and rebuild the red snapper stock. Long-term measures are being considered in Amendment 17A to the Snapper Grouper Fishery Management Plan currently under development.

Amendment 17A would **prohibit the retention of red snapper throughout the entire EEZ**. In addition, the regulations would **prohibit the harvest of all snapper grouper species in a large area** to deal with the excessive bycatch mortality of red snapper as fishermen pursue other species in the snapper grouper species complex. The alternatives for the closed areas focus on locations where concentrated landings of red snapper are reported, primarily off the coasts of Georgia and the north and central east coasts of Florida.

The economic impacts (and associated social impacts) of implementing the RMSA for the red snapper fishery will be significant. Although the average overall expected reductions in net operating revenues range from 4 percent to slightly more than 12 percent for the entire commercial snapper grouper fishery, the effects of Amendment 17A are highly focused on fishermen in northeast Florida and Georgia because those regions represent the center of the red snapper fishery. Fishermen in these areas will incur the largest losses in absolute and relative terms. The predicted reductions in net operating revenues for fishermen in northeast Florida and Georgia are expected to range between 64 and 71 percent depending on which closure alternative is chosen by the Council.

The recreational fishery will be heavily impacted as well, with expected reductions in consumer surplus and net operating revenues ranging from \$9.2 to \$19.5 million depending on the alternative chosen. Florida and Georgia recreational anglers and for-hire operations will experience reductions in consumer surplus and net operating revenues ranging from 91 percent to 96 percent of the above estimates. Since the current data collection system in the Southeast is largely dependent on fishery-dependent data (supplied by fishermen and dealers), the Council and NMFS are faced with the inevitable question: **How will the current data collection system monitor the recovery of the red snapper stock when fishery dependent data will be absent in the core red snapper area if the closures are implemented?**

Letter Chairman Harris NMFS Secretary Locke
Snapper Grouper FMP Amendment 17B, Comprehensive ACL Amendment, and Other
Amendments

Revisions to the Magnuson-Stevens Act in 2006 require that by 2010, FMPs for fisheries determined by the Secretary of Commerce to be subject to overfishing must establish a mechanism for specifying ACLs at a level that prevents overfishing and does not exceed the recommendations of the respective Council's SSC or other peer-reviewed process. The Council is proposing, in Amendment 17B, a system of ACLs, AMs, and management measures for nine species undergoing overfishing. The Council will be sending Amendment 17B to the Secretary of Commerce for formal review and implementation later this month; final regulations are expected by January 2011.

The Council believes that data deficiencies outlined above will affect the ability to accurately monitor mortality in relation to the ACLs, especially within the recreational sector. As a result, the Council will need to set ACLs that are considerably lower than the SSC's recommendations in order to prevent a trigger of AMs. Allowable harvest that is set considerably lower than historical catch levels will translate into adverse, short-term effects to the fishing communities.

For example, one of the proposed measures in Amendment 17B would prohibit retention of black sea bass by recreational fishermen when the recreational ACL is met. In addition, if the recreational ACL is exceeded, the ACL would be reduced in the following year by the amount of the overage. If the ACLs are underestimated, a fishery closure could unduly penalize the recreational sector. In turn, unrecorded mortality (bycatch mortality not fully captured) could be expected to translate into adverse effects to the resource.

In summary, the Council does not believe that a sufficient data delivery system is in place to properly implement the system of ACLs and AMs that the Council is establishing in Amendments 17A and 17B and the Comprehensive ACL Amendment. The Southeast Region of the U.S., including the South Atlantic, Gulf of Mexico, and Caribbean, has not been funded at the level needed to provide data and stock assessments on as timely a basis as is needed for the three Councils in this region to effectively and efficiently do their job. Also, the NMFS Southeast Fisheries Science Center and the Regional Office are not adequately funded to provide timely stock assessments that drive Council based management recommendations. We respectfully request that adequate funding be provided so that NMFS and the Councils can do the job Congress has outlined.

We recognize that we are all spread very thin. However, let me assure you the Council is working hard to successfully implement the mandates of the Reauthorized Magnuson-Stevens Act with the resource currently available.

Sincerely,

Duane Harris
Chairman

cc: Council Members and Staff