**DRAFT 9/8/14**

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 has played an active role in the protection of Nassau grouper for many years. 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 Tortguas 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, have aided the conservation of Nassau grouper in the region. The South Atlantic Council recommends that NMFS take all existing protection measures in the South Atlantic and Gulf of Mexico regions into consideration when evaluating whether additional action is necessary. It is the Council’s conclusion that the actions taken are sufficient to provide the level of protection needed for stock rebuilding.

References Cited

South Atlantic Fishery Management Council (SAFMC). 1989a. Regulatory Amendment 2 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Final Environmental Assessment, Initial Regulatory Flexibility Analysis, and Regulatory Impact Review. South Atlantic Fishery Management Council, 1 Southpark Cir., Suite 306, Charleston, SC.

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SAFMC. 1991. Amendment 4 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Final Environmental Assessment, Initial Regulatory Flexibility Analysis, and Regulatory Impact Review. South Atlantic Fishery Management Council, 1 Southpark Cir., Suite 306, Charleston, SC. Available at: <http://safmc.net/Library/pdf/SGAmend4.pdf>

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SAFMC 2013. Amendment 8 to the Fishery Management Plan for coral, coral reefs, and live/hardbottom habitats of the South Atlantic Region with Environmental Assessment, Regulatory Impact Review, and Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, N. Charleston,SC. Available at: <http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/coral/2014/am8/documents/pdfs/coral_am8_ea.pdf>