



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 Faber Place Drive, Suite 201, North Charleston SC 29405

Call: (843) 571-4366 | Toll-Free: (866) SAFMC-10 | Fax: (843) 769-4520 | Connect: www.safmc.net

Dr. Michelle Duval, Chair | Charlie Phillips, Vice Chair
Gregg T. Waugh, Executive Director

September 26, 2017

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

Dear Dr. Crabtree:

The South Atlantic Fishery Management Council (Council) requests that the National Marine Fisheries Service (NMFS) initiate emergency action pursuant to Section 305(c)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act as reauthorized to adjust the process used to set the annual catch limit (ACL) for red snapper established in Amendment 28 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP), and to temporarily set the red snapper total ACL to 42,510 fish with a recreational ACL of 29,656 fish and commercial ACL of 124,815 pounds whole weight for 2017. As a result of the process established through Amendment 28, the ACL for red snapper in 2017 is currently zero, primarily due to the estimate of discards in the private recreational sector. The estimate of discards from the private recreational sector is highly uncertain as indicated by Scientific and Statistical Committee discussions (May 2016 and April 2017), letters from the NMFS Southeast Fishery Science Center (dated February 15, 2017 and April 21, 2017), and numerous comments from stakeholders during scoping meetings and public hearings.

The South Atlantic red snapper stock was found to be overfished and undergoing overfishing but rebuilding in the last stock assessment (SEDAR 41 2017) based on data through 2014. As stated in the agency's letter to the Council (dated March 3, 2017), the Council has taken adequate management actions to address overfishing of red snapper. Since that time, the Council has received new scientific information described below indicating an increase in red snapper abundance in recent years despite harvest that took place during 2012-2014. There have also been multiple requests from the public for emergency action to open a season for red snapper. The Council is completing development of Amendment 43 to the Snapper Grouper FMP to revise the process to set the red snapper ACL. In Amendment 46 to the Snapper Grouper FMP, which the Council will discuss in December 2017, the Council will consider several other action items for red snapper, potentially including acceptable biological catch, best fishing practices, and private recreational permitting and reporting.

The NMFS 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 due to the recently discovered and unforeseen increase in red snapper abundance as indicated by the long-term Southeast Reef Fish Survey presented to the Council at their June 2017 meeting. The long-term fishery-independent survey shows a steep upward trend in relative abundance, reaching the highest levels to date in 2016. The survey suggests that the South Atlantic red snapper population has increased substantially since 2014. The increase occurred despite landings in 2012 to 2014 during short harvest openings and despite the associated discard mortality from 2012 through 2016. Furthermore, the waste of the resource due to continued discarding of red snapper while targeting co-occurring species represents a serious conservation and management problem that increasingly frustrates fishermen. Allowing limited harvest of red snapper would generate revenue for charter/headboat, commercial, and tackle/retail businesses. In addition, emergency regulations outweigh the value of proceeding through the normal rulemaking process since the time to complete notice-and-comment rulemaking would not allow for a fishing season in 2017, which would prevent projected economic gains from an open season for the fishing industry participants and communities. The Council concluded the benefits of requesting the emergency rule outweigh the value of the normal notice-and-comment rulemaking process. The public has had an opportunity to provide comments on the same alternative ACLs as they were presented during public hearings for Amendment 43, and the public will have additional opportunities to comment on red snapper management during development of Amendment 46.

While the limited season is open in 2017, the management measures established in Amendment 28 would remain in place: a recreational bag limit of one red snapper per person, a commercial trip limit of 75 pounds gutted weight, and no minimum size limit. Additionally, fishery-dependent biological sampling would be conducted during the open season to provide needed information for future stock assessments.

The amount of harvest requested by the Council is equivalent to the amount of harvest allowed in the 2014 fishing season. As discussed above, since 2014, the red snapper population has continued to increase as noted by the long-term Southeast Reef Fish Survey information presented to the Council in June 2017. In addition, information presented to the Council by the Florida Fish and Wildlife Commission on September 25, 2017, also documented increases in relative abundance of red snapper since 2014. Therefore, the Council has determined that allowing the limited amount of harvest in 2017 is unlikely to result in overfishing or change the red snapper rebuilding time period.

We appreciate your assistance in expediting implementation of this request. If you require any additional information, please do not hesitate to contact Gregg Waugh or Dr. Chip Collier.

Sincerely,



Dr. Michelle Duval
Chair

cc: Council Members & Staff
Scientific & Statistical Committee
Snapper Grouper Advisory Panel
Bonnie Ponwith, Theo Brainerd, Peter Thompson, Steve Turner, & Trika Gerard, SEFSC
Erik Williams, SEFSC
Monica Smit-Brunello, NOAA GC
Jack McGovern & Rick DeVictor, NMFS SERO