



Chairman Duane Harris
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Submitted electronically on June 5, 2009

Amendment 17 to the South Atlantic Snapper-Grouper Fishery Management Plan

Dear Chairman Harris,

On behalf of the Pew Environment Group's *End Overfishing in the Southeast* campaign, we are writing to provide recommendations on the development of Amendment 17 to the South Atlantic Snapper-Grouper Fishery Management Plan (Amendment 17).

We are gratified to see the South Atlantic Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) move with haste and purpose to meet the 2010 deadline to set annual catch limits (ACLs) and accountability measures (AMs) for all species undergoing overfishing. Overfishing is damaging to both the natural resources of the South Atlantic region, and to the long-term viability of our fishing industry and fishing communities. The Council's actions in the next two years can end the chronic overfishing and low yields of our region's valuable fisheries.

Furthermore, we are pleased that the amendment takes a broader ecosystem view of the overfishing problem. The deep-water closed season is a difficult but necessary step to end the chronic overfishing of Warsaw grouper and speckled hind, which are both listed as critically endangered by the International Union for Conservation of Nature (IUCN) Red List, and to pursue the long-term health of other species in the assemblage.

The single most important step the Council can take to ensure Amendment 17 ends chronic overfishing is to incorporate the overfishing limit (OFL) and allowable biological catch (ABC) numbers that we anticipate the Science and Statistical Committee (SSC) will recommend at the Council meeting in June.

There are four parts of Amendment 17 that, in our view, will need updating to fully comply with the recently reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the finalized National Standard 1 (NS 1) guidelines. Fundamental measures to prevent and

end overfishing that are required by the new National Standard 1 guidelines to comply with the MSA are addressed incompletely in the latest draft of the amendment. Updates or further explanations should, at a minimum, address the following overfishing requirements related to establishing ACLs and AMs:

1. The Council's Science and Statistical Committee (SSC) must provide the Council an allowable biological catch (ABC) that accounts for scientific uncertainty;
2. The overfishing level (OFL) cannot equal the allowable biological catch or the annual catch limit;
3. Management uncertainty must be explicitly accounted for separately from post-quota bycatch mortality – in other words, a buffer must account for the lag in catch reporting, and possible inaccuracies in catch reports. For effort reduction management measures, such as bag limits and size limits, the efficacy of such measures must be accounted for in the reduction from ACL; and
4. There must be accountability measures for exceeding the annual catch limit.

1. The Council's Science and Statistical Committee (SSC) must provide the Council an allowable biological catch that accounts for scientific uncertainty.

We strongly urge the Council to accept the advice that comes from its SSC as the best available science. We find that the Council's proposed use of old overfishing level recommendations from the SSC is not the best possible option. These recommendations were not made as ABCs, and do not incorporate appropriate scientific uncertainty. However, in June 2008, the SSC complied with the request of the Council, and designated ABCs for these 10 species. In the absence of anticipated new recommendations on OFL and ABC at the upcoming June 2009 Council meeting, we suggest that the Council and NMFS accept the June 2008 ABC recommendations from the SSC as interim measures. The mandatory reliance of the Council on its SSC to determine the allowable biological catch is one of the cornerstones of the reauthorized MSA, and we emphatically urge the Council to reconsider its interim ABC numbers.

2. The overfishing level cannot equal the allowable biological catch, which cannot equal the annual catch limit.

The NS 1 Guidelines state that "if a Council recommends an ACL which equals ABC, and the ABC is equal to OFL, the Secretary may presume that the proposal would not prevent overfishing, in the absence of sufficient analysis and justification for the approach."¹

In many cases, the Council appears to be choosing to use an overfishing level recommendation from 3-10 years ago as the *de facto* ABC recommendation from the SSC. The Council needs to ensure that in each case, the recommended ACL is not equal to ABC or the ABC equal to OFL

¹ National Oceanic and Atmospheric Administration, 50 CFR Part 600, Magnuson-Stevens Act Provisions; Annual Catch Limits; National Standard Guidelines

without proper justification. Given that each of the ten species addressed in Amendment 17 are undergoing chronic overfishing, we are unclear as to what that justification could be. For many of these species, the previous optimum yield (OY) number is used as an ACL. While this does create a buffer between OFL and the ACL, it does not account explicitly for scientific or management uncertainty. An additional buffer should be established from the ACL to account for management uncertainty by using a system of Annual Catch Targets (ACTs) and AMs. Currently in Amendment 17, 75% F_{MSY} is used as a proxy for ACL. We find that this is only an appropriate proxy where there is not enough data for a probability-based approach. We urge the Council to use 75% F_{MSY} as a generic proxy for ACL only for species for which there is no catch history data, and not for stocks with full stock assessments.

3. Management uncertainty must be explicitly accounted for separately from post-quota bycatch mortality.

Management uncertainty includes the ability to monitor the fishery in a timely manner and how the past performance of the fishery aligns with established catch levels or quotas. NS1 requires the Council to consider management uncertainty in setting catch levels. We are pleased to see the Regional Administrator's in-season closure authority stated clearly in the FMP, but strongly urge the Council to go further and explicitly consider management uncertainty when setting the ACL or ACT. Corrections after the fishing year because of late reporting or misreporting are likely without adequate consideration of management uncertainty and benefit neither the resource nor the users of the resource. Furthermore, if adjustments are not made, they will likely lead to even greater overages. Annual catch targets (ACTs), particularly in the recreational sector, should account for that management uncertainty, and should be applied to all species covered by Amendment 17. Fisheries without a separate recreational ACLs should not be exempt from having an ACT if there is any significant recreational catch in that fishery, in which case the ACTs should be applied to whole fishery. In the absence of detailed management efficacy data, a uniform ACT buffer should suffice until such information can be gathered. While the guidance allows for certain fisheries to forgo ACTs with proper justification and adequate in-season management, there are no species in Amendment 17 that have timely or accurate enough reporting to justify the elimination of the ACT in our judgment.

4. There must be accountability measures for exceeding the annual catch limit.

The Magnuson-Stevens Fishery Conservation and Management Act of 2006 (MSA) says that:

“Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall establish a mechanism for specifying annual catch limits in the plan [...] at a level such that overfishing does not occur in the fishery, *including measures to ensure accountability.*” [italics added by author]

The preferred alternative for each species must include accountability measures for the commercial and recreational sectors. The range of accountability measures laid out in

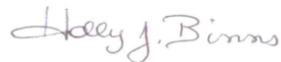
Amendment 17 as of February 2009 is well thought out and appropriate, but no fishery should be exempt.

We thank the Council and staff for their hard work and dedication to the South Atlantic region, and for considering these thoughts on the proposed Amendment 17 to the South Atlantic Snapper-Grouper Fishery Management Plan. Positive steps are being taken in Amendment 17 to address overfishing and meet the 2010 deadlines. We look forward to continuing to work with the Council and staff in order to end overfishing and move towards sustainable fisheries for the long-term health of our natural resources and communities. Please do not hesitate contact us if you would like to discuss any of these recommendations.

Sincerely,



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