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Testimony before the South Atlantic Fishery Management Council  
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Good morning Chairman Cupka and Council members,

My name is Holly Binns and I represent the Pew Environment Group. Today, we'd like to start off by thanking the Snapper Grouper Advisory Panel, and AP chairman Don DeMaria in particular, for coming to the Council with proactive suggestions for protecting Warsaw grouper and speckled hind, including spawning aggregation closures.

We are very concerned that the deepwater closure included in 17B was the only tool the Council utilized to address bycatch, as required by the MSA, and if you remove that, then it is likely that overfishing will be occurring for these species. Nearly all the species in this region are plagued by high levels of unmonitored bycatch.

While we hope that overfishing for species like red snapper has ended, without bycatch reduction and monitoring you can never be sure. However, we are cautiously optimistic that a series of spawning and bycatch closures, if located in areas that are biologically significant, could help these vulnerable species to recover.

We also have some recommendations regarding the Comprehensive ACL / AM Amendment. The proactive approach is intended to prevent overfishing by setting cautious limits to keep fish populations from plummeting to critically low levels, and set the course for a healthy, balanced ocean ecosystem. However, we do have some concerns about changes made to the Comprehensive ACL amendment in committee this week.

In particular, although we are pleased that four species were added back, we are concerned about the removal of nearly half of the species from the Snapper-Grouper FMU without a more thorough review of landings trends, life history characteristics and other information. The South Atlantic Bight is a unique and valuable ecosystem, and the snapper grouper FMU reflects the biological diversity and multi-species nature of our fisheries.

However, this can also lead to species identification issues. In addition, many of these species are particularly vulnerable to overfishing for a variety of reasons: some are long-lived, some form known spawning aggregations that are easily targeted, and some change sex during their lives, making it critical that a good number survive long enough to make that transition.

Landings should not be the only criteria used determine whether species should be removed from the FMU because that only tells a small part of the story. A more thorough analysis would help the Council to better identify which species are appropriate for removal and which should be retained in the FMU because landings trends or other data indicates that there may be a problem with the fishery, because they are co-caught with other major species, or for other reasons.

We are also concerned that the accountability measures for the commercial sector for species that are not overfished do not adequately account for management uncertainty. Even commercial fisheries with relatively timely data collection and in-season closures routinely exceed their quotas. In NOAA's preliminary report on the 2010 – 2011 fishing season,<sup>1</sup> four commercial fisheries were closed in-season when landings were projected to be met.

One example is the 2010 season for vermilion snapper. The season is split in two, and the first half of the season caught 103% of that time period's quota. The second part of the season, despite being closed early, caught 140% of the quota.<sup>2</sup>

Even fisheries with relatively low management uncertainty are apt to exceed the ACL on occasion and cause overfishing to occur. AMs including annual catch targets (ACTs) must be designed to account for both the inability to exactly constrain catch and the uncertainty in catch reporting. Managing to an ACT provides a buffer, or margin for error. This makes it less likely that the ACL is exceeded, which can lead to payback provisions or shorter seasons in subsequent years.

We encourage the Council to re-address these issues before you finalize the Comprehensive ACL Amendment. Thank you again for the opportunity to bring these concerns to your attention and we look forward to continuing to work with you to ensure healthy, productive fisheries in this region.

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<sup>1</sup> NOAA Fisheries, Preliminary 2010-2011 Commercial South Atlantic Landings, SAFMC Briefing Book, November, 2010.

<sup>2</sup> NOAA Fisheries, Preliminary 2010-2011 Commercial South Atlantic Landings, SAFMC Briefing Book, November, 2010.