Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 15, 2010

Dr. Roy E. Crabtree, Administrator
Southeast Regional Office
NOAA/National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701-5505

RE: National Marine Fisheries Service – South Atlantic Fishery Management Council – Amendment 17A to the South Atlantic Snapper Grouper Fishery Management Plan, Draft Environmental Impact Statement.
SAI # FL201003095139C

Dear Dr. Crabtree:

The Florida State Clearinghouse has coordinated a review of the proposed amendment under the following authorities: Presidential Executive Order 12372; Section 403.061(40), *Florida Statutes*; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

Based on the information contained in the submittal and comments provided by the Florida Fish and Wildlife Conservation Commission (FWC), the state has determined that the proposed federal action is consistent with the Florida Coastal Management Program. We request, however, that the concerns identified by the FWC be addressed prior to implementing the proposed regulatory measures. Please refer to the enclosed FWC letter and contact Mr. Mark Robson in the FWC Division of Marine Fisheries Management at (850) 487-0554 or Mark.Robson@MyFWC.com for further information and assistance.

Thank you for the opportunity to review this proposal. Should you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2170.

Yours sincerely,

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm
Enclosure
cc: Mary Ann Poole, FWC

Florida State Clearinghouse

Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chairman
Miami

Richard A. Corbett
Vice Chairman
Tampa

Kathy Barco
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Brian S. Yablonski
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Greg Holder
Assistant Executive Director

Karen Ventimiglia
Deputy Chief of Staff

Office of Planning and Policy Coordination
Nancy Linehan
Director
(850) 487-3794
(850) 410-5265 FAX
(850) 410-5272
(850) 922-5679 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

April 9, 2010

Ms. Lauren Milligan
Florida State Clearinghouse
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000

Re: SAI #FL201003095139C – South Atlantic Fishery Management Council – Amendment 17A to the South Atlantic Snapper Grouper Fishery Management Plan - Draft Environmental Impact Statement (DEIS)

Dear Ms. Milligan:

The Division of Marine Fisheries Management within the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated agency review of the Draft Environmental Impact Statement (DEIS) for Amendment 17A to the South Atlantic Snapper Grouper Fishery, and provide the following comments and recommendations under the National Environmental Policy Act and the Coastal Zone Management Act/Florida Coastal Management Program.

Background

In July 2008 the South Atlantic Fishery Management Council (Council) was notified by the National Oceanic and Atmospheric Administration's (NOAA) Fisheries Service that the South Atlantic red snapper population was overfished and undergoing continued overfishing. In accordance with provisions of the Magnuson Stevens Fishery Conservation and Management Act, the Council had one year to develop a plan to end overfishing and rebuild the stock. The Council asked NOAA Fisheries Service to implement an interim rule closing all directed fishing of red snapper while it worked on a plan amendment to address red snapper overfishing. NOAA Fisheries Service implemented an interim rule on January 4, 2010.

Proposed Action

If approved, Amendment 17A would continue the closure of all directed fishing for red snapper in the Exclusive Economic Zone (EEZ) of the South Atlantic. Additionally, to address a high rate of incidental harvest and discard mortality of red snapper by fishermen targeting other species of snapper and grouper, the Council is considering a large area that would be closed to fishing for all 73 species in the Council's snapper-grouper fishery management unit. Other actions are included to establish rebuilding timeframes, schedules, and strategies; allowing certain fishing activity in the proposed closed area; and requiring the use of circle hooks to reduce discard mortality of red snapper.

The State of Florida is represented on the Council by FWC staff and is actively participating in the continued development of Amendment 17A. These comments are to emphasize key issues that remain of concern to FWC.

Comments and Recommendations

Comment #1
The current preferred alternative for the maximum sustained yield goal is based on a proxy recommended by the Council's Science and Statistical Committee (the yield at a 40% spawning potential ratio [SPR]). This choice, while conservative, allows for less harvest at the beginning of the rebuilding period, ultimately providing a reduced level of F (fishing mortality). The effect is to accept a greater immediate impact on fishermen and fishing communities in the short-term, effect a more rapid rebuilding of stocks, and maintain a smaller level of annual harvest. The FWC representative has on several occasions attempted to have the management goal changed from a 40% to a 30% SPR standard. This alternative goal has been considered and evaluated; however, the Council has maintained the 40% standard as its preferred alternative.

Recommendation #1
The FWC continues to recommend a 30% SPR standard as an acceptable goal in light of the considerable economic impacts that the amendment is likely to have on fishermen and the fishing communities of northeast Florida. The previous stock assessment for red snapper identified the 30% SPR value as the standard. Values in that range have been identified and accepted for the red snapper fishery in the Gulf of Mexico. Given the lengthy rebuilding schedule and strategy that is being developed for this fishery and given the indications of population resiliency in the face of continued overfishing, the FWC believes that the small amount of additional fishing mortality that would be accommodated with a 30% SPR proxy is an acceptable risk. This view is taken in light of the significant, cumulative negative impacts that proposed regulatory actions of the Council to address requirements of the Magnuson-Stevens Act are having on fishermen and coastal communities of Florida.

Comment #2
The proposed closed area to reduce incidental harvest and discard mortality of red snapper is being designed in an effort to have the area be only as large as needed to keep fishing mortality (due to discards) within or under the rate sufficient to end overfishing on an annual basis. Unfortunately, because of the coarse scale of available harvest data and high uncertainty in a number of critical assumptions, the Council is forced to examine closed-area configurations without a high degree of confidence that these areas will sufficiently reduce the incidental harvest of red snapper.

Recommendation #2
The FWC continues to support adoption of the smallest possible area that has a reasonable chance of ending overfishing given the high uncertainty in predicting how effective the areas are likely to be in reducing discard mortality. The current preferred alternative does use the smallest of a number of areas considered. The FWC recommends continuing to use that alternative and further recommends that the Council and NOAA Fisheries Service adopt contingent actions to reduce the area further if the

latest stock assessment underway indicates that additional fishing mortality can be accommodated without overfishing.

Comment #3
The Council is considering a rebuilding plan that, in most respects, adopts a very risk-averse approach (see Concern #1 above). Given the stringent requirements of the Magnuson Stevens Act, this approach is certainly understandable. The unanticipated consequence of the reauthorization of the Act, however, has been that the Council and NOAA Fisheries Service are being required to implement significant harvest reductions for 10 species of snapper and grouper that are important to commercial and recreational fishermen, thereby creating a significant impact on fishermen and fishing communities.

Recommendation #3
Given the multiple impacts of federal fishery management actions underway, the Council should consider, wherever possible, accepting some additional risk in developing a rebuilding plan in Amendment 17A. This could be done in light of the fact that the current rebuilding schedule extends to 2044. For example, the FWC recommends that the Council continue using F (rebuild) in projections and accept projections that achieve the minimum allowable chance of rebuilding the fishery by the 2044 timeframe.

The FWC appreciates the opportunity to provide input on the DEIS for Amendment 17A. If you have any questions or would like to discuss our comments, please contact Mark Robson in the Division of Marine Fisheries Management at (850) 487-0554 or Mark.Robson@myfwc.com.

Sincerely,

Mary Ann Poole

Mary Ann Poole
Commenting Program Administrator

map/lg
ENV 1-3-2
Amendment 17A_Snapper-Grouper_2694_040910