



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

September 11, 2009

Dear Chairman Harris,

We are writing to urge the South Atlantic Fishery Management Council (Council) to place science-based decisions at the heart of fisheries management in the South Atlantic region. We commend the Council on its recent actions to end overfishing of vermilion snapper and gag grouper in compliance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). We now urge the Council to continue to set management measures based on the best scientific information available¹ by incorporating the Scientific and Statistical Committee's (SSC's) recent Acceptable Biological Catch (ABC) recommendations into the South Atlantic region's fishery management plans, and by setting annual catch limits (ACLs) at or below the ABC level.

When Congress reauthorized the Magnuson-Stevens Act, its intent was for the SSC to play a key role in the determination of science-based catch limits. Specifically, the role of the SSC is described:

(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices. 16 U.S.C. § 1852.(g)(1)(B).

In addition, Section 302(h) requires that the Councils:

(6) develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g);" 16 U.S.C. § 1852(h)(6).

¹ National Standard 2 requires that "[c]onservation and management measures shall be based upon the best scientific information available." *Id.* § 1851(a)(1).

At a recent meeting in Stuart, Florida, the Council's SSC established a control rule for determining ABC for species under Council jurisdiction and generated ABCs for some species in Amendments 17a and 17b. We urge the Council to approve the SSC-recommended control rule in Amendments 17a and 17b, approve the current SSC ABC recommendations and determine ABCs based on this control rule as soon as possible.

Following approval of the ABCs and ABC control rule, we urge the Council to move forward in setting ACLs based on the SSC ABC recommendations to safeguard both the health of ocean ecosystems and the long-term economic benefits from fisheries, as well as to abide by the revised Magnuson-Stevens Act. Now more than ever, our region needs science-based management.

The Council's commitment to act as good stewards of the region's public trust marine resources and the coastal economy was demonstrated when it voted to address overfishing of red snapper earlier this year and in the recent finalization of Amendment 16 to end overfishing of gag grouper and vermilion snapper. These were necessary decisions to ensure sustainable fish populations, productive ecosystems and healthy coastal economies.

The Magnuson-Stevens Act requires that ACLs and AMs be in place by the 2010 fishing season for all species experiencing overfishing, and by 2011 for all other species.² Under the Council's current schedule for implementing Amendments 17a and 17b, the 2010 deadline will not be met. As you develop mechanisms for setting ACLs and accountability measures for South Atlantic fish species, we remind you of your new legal responsibilities to set ACLs that end overfishing and do not exceed the fishing level recommendations of the SSC. We urge you to approve the SSC's ABC control rule and control rule values and explicitly incorporate them in Amendment 17, and to set catch limits and targets sufficiently below the ABCs to account for management uncertainty. We look forward to working with you to ensure healthy, sustainable fish populations for future generations.

Sincerely,

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² 16 U.S.C. § 1853 note.