



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Mr. Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service//NOAA
U.S.S. Department of Commerce
1315 East - West Highway
Silver Spring, MD 20910

Dear Chris:

Congratulations on your new position. You bring a unique perspective to this leadership position and we look forward to working with you as partners in the management of our Nation's fishery resources. We regret the rescheduling of the South Atlantic Fishery Management Council's (Council's) September meeting due to Hurricane Irma did not allow for you to attend and participate in a dialogue on federal fishery management as originally planned. Our next meeting is March 5-9, 2018, in Jekyll Island, Georgia, and we hope you will join us, if your schedule allows.

As requested in place of the in-person conversation, the Council developed the following points to bring to your attention as you consider addressing Council-related activities:

1. BUDGET

- A. The Council requests that the Regional Fishery Management Council's (RFMC's) portion of the Council/Commission budget line item be funded at \$30,000,000.** This level of funding is necessary for the Council to adequately do our job and meet the current Magnuson-Stevens Act (MSA) and NMFS/NOAA directives. We expect RFMCs will be level-funded, which represents a decrease in funding due to the rising cost of operations. In 2016, the RFMCs received a total of \$28,636,000; the Council/Commission budget line item was \$23,940,000 and NMFS provided an additional \$4,696,000 in funding to meet regulatory requirements, conduct stock assessments, provide Science and Statistical Committee peer review, etc. NMFS has provided these additional funds in prior years and is expected to continue the practice. The RFMC's continued operation would be at risk if the NMFS budget were reduced. Increasing the Congressionally-specified RFMC portion of the Council/Commission budget line item to \$30,000,000 requires an additional \$1,364,000 and would give the RFMCs greater confidence that their continued operations would not be at risk each year.

B. The Council requests NMFS provide funds for Council operations at the start of a new budget year, as necessary. The lack of an approved budget at the start of a new budget year can significantly inhibit the Council’s ability to conduct business. In 2017, for example, the Council would not have been able to meet payroll if we did not have two external NMFS grants. RFMCs can plan for carryover funds to cover the start of a new budget year; however, this is not always possible and carryover funds are not always sufficient, as was the case this year. Advance planning of this nature becomes even more challenging near the end of a five-year grant cycle.

2. REAUTHORIZATION OF MSA – The items below highlight the Council’s priorities as part of MSA reauthorization.

The Council developed position statements on a range of key issues being considered as part of the MSA reauthorization process. The full position statements are contained with the Council Coordinating Committee (CCC) Working Paper’s regional perspectives enclosed with this letter.

A. Allow phase-out of overfishing over three years. Recent revisions to the National Standard 1 guidelines allowing for a “phase-in” approach do not provide this flexibility, as they still require annual catch limits (ACLs) be reduced to at least below the overfishing limit (OFL) immediately. Overfishing declarations may result from multiple problems in fisheries, including excess fishing, environmental changes, and other factors that tend to develop over many years. Attempts to solve problems in a single year, especially in multi-species fisheries, generally result in severe restrictions with disastrous social, economic, and data collection consequences. A three-year phase-in of catch reductions reduces negative social and economic impacts that would occur if overfishing was ended immediately. The Council has proven success with three-year phase-in reductions to end overfishing for black sea bass and snowy grouper. Black sea bass was completely rebuilt within the rebuilding schedule. Overfishing ended for snowy grouper and, while still overfished, it was 10 years ahead in its rebuilding schedule according to the most recent assessment. The Council believes this strong evidence supports the consideration of longer timeframes to end overfishing.

B. Provide flexibility to manage the recreational sector without in-season closures. ACL management poses a special challenge for recreational fisheries in the southeast because the management paradigm and the data collection systems are simply mismatched. In general, when recreational fisheries are catching a lot of fish, it is due to a high abundance and/or availability of fish in the water. Unfortunately, with the resource challenges (funding and personnel) in the Southeast, many of our assessments cannot be updated in a timely enough fashion to allow for an increase in abundance to be translated into an increase in the ACL. As a result, when a big year class enters a fishery (a good thing) the current management paradigm forces the Council to react as if something bad happened, penalizing the fishery with an in-season closure or a reduction in the following year’s fishing season. This is an artifact of managing with ACLs that could be addressed by allowing flexibility in how ACLs are applied on an annual basis. There is a fundamental disconnect between the types of information we have available to manage

our recreational fisheries and the way the Council is required to apply accountability measures (AMs). The process would work much better if the Council had greater flexibility in applying ACLs/AMs, particularly in the recreational sector.

- C. Expand the conditions for exemption from ACL requirements to include species like spiny lobster and dolphin because other management tools may provide greater biological benefit and can promote sustainable harvest.** Species with short life cycles or unique life histories should be exempt from ACL requirements and associated AMs when these management systems provide no or minimal biological benefit to the sustainability of these stocks. The ACL and AM system has immense value in management and sustainable harvest of most fishing stocks under federal FMPs, but this does not hold true for all species. For example, the southeastern U.S. spiny lobster stock should be exempt from ACL requirements and associated AMs because it is unique among all federally-managed species in regard to its life cycle and stock dynamics. Recruitment to the southeastern U.S. spiny lobster stock is not linked to local production or stock size and more than 50% of the recruitment comes from external sources. Based on these characteristics, ACLs and AMs provide no biological or conservation benefit to the southeastern U.S. spiny lobster stock. Dolphin exhibit one of the fastest individual growth rates of any recreationally or commercially targeted species, reach sexual maturity within six months of age, are protracted batch spawners, and most (>96%) individuals live less than two years with a maximum age of four years. Given these life history characteristics, dolphin could be compared to an annual crop. Thus, establishing an ACL for this species may not be appropriate.
- D. Maintain maximum flexibility in applying a referendum should catch share programs or changes to the existing catch share program be considered in the future.** The Council's only IFQ program, wreckfish, was established in 1992. Since that time, the Council has considered but not pursued the use of catch shares in the snapper grouper mixed-use fishery and the golden crab fishery. While the Council is not currently considering additional catch share programs, the topic is controversial in the South Atlantic. Therefore, it is important that the Council maintain maximum flexibility in applying referenda to any potential, future catch share program.
- E. The existing exempted fishing permit (EFP) procedures provide a sufficient framework for the expedited, uniform, yet regionally-based process envisioned to test solutions and collect data to address specific management issues.** EFPs have been used in the South Atlantic to advance and support fisheries management. The Council and NMFS Southeast Regional Office recently launched development of a review process for EFPs that will provide both the Council and the public an opportunity to provide NMFS comments on EFP applications. Thus, some of the proposed legislative changes to current EFP regulations may be unnecessary and overly prescriptive, and may unintentionally constrain the Councils' ability to address specific management issues in an expedited fashion. Additionally, restricting EFPs to one year may limit their utility as some projects cannot be completed within that time. Furthermore, a multi-layer review process could impact the ability to address a management need in a timely fashion and unnecessarily deter applicants.

F. Another term is needed to distinguish *overfishing* from stock declines due to non-fishing causes. The Council believes additional terminology would clarify when an overfishing determination is the result of issues such as habitat availability or shifting species distribution, rather than fishing activities. However, the Council has some reservation about using the term *depleted* for this distinction because the term has specific meaning under the Marine Mammal Protection Act and the Endangered Species Act.

G. Cooperative data collection can benefit the Council process and decision-making. Fisheries management can be improved by incorporating additional data, analyses, stock assessments, and surveys from state agencies and non-governmental sources; increasing public involvement and transparency regarding scientific data; and prioritizing improvements to data collection and stock assessment in the southeast. Formation of a federal-state partnership program to improve data collection for recreational anglers would be beneficial. While the South Atlantic Council supports collaborative efforts to improve incorporation and collection of data, we are concerned that some of the proposed legislative changes would be overly prescriptive.

The Council's commitment to improving stakeholder involvement by supplementing existing data collection efforts in the region is exhibited through its Citizen Science Program (Program). Initiated in 2017, the Program aims to advance fisheries management through collaborative science with fishermen, scientists, and managers. The Program will ultimately support citizen science projects to address critical data gaps and improve stock assessments and management decisions.

H. Current recreational harvest estimates are inadequate for in-season ACL management. Improvements to recreational harvest estimates are needed. Recreational fishing is incredibly important to the South Atlantic. Nearly 17 million recreational fishing trips are reported by the Marine Recreational Information Program (MRIP) for the South Atlantic in 2016, representing 30% of the nationwide total. Over 1.6 million of these trips were taken in the Exclusive Economic Zone (EEZ), meaning nearly one-third of all recreational fishing trips in the EEZ occurred in the southeast. These values for 2016 are by no means anomalous; the South Atlantic has accounted for 28% of all trips, and 34% of EEZ trips, reported by MRIP during 1981-2016.

The Council believes MRIP was not designed to provide data for in-season ACL management. The current MRIP methodology cannot be modified nor can sufficient funding be provided such that in-season ACL management will work. The Council believes alternative methods to collect recreational data for federally-managed species (e.g., state electronic logbook programs, federal for-hire electronic logbook programs, and electronic logbook programs for private recreational anglers) should be fully implemented where they are available and developed where they do not yet exist.

Requirements to manage fisheries with specific ACLs under the Reauthorized MSA have significantly increased the importance of recreational catch estimates provided by MRIP. This has led to closer scrutiny of MRIP methods, which has in turn led to a number of changes in those methods over the years. While many knowledgeable experts and scientific reviewers agree that these changes have reduced bias and improved the statistical properties of the estimates, there remains considerable skepticism among the fishing public, state managers, and Council members that the MRIP program accurately reflects recreational catch and effort. This skepticism is particularly acute among those who fish in the EEZ in the South Atlantic and pursue species managed by the Council, as many of these species fall into the category of “rare events”, exhibiting catch estimates that are prone to outliers and high uncertainty. Most, if not all, of the species in our snapper grouper complex can likely be considered “rare events” in regard to MRIP sampling effort. The Council recognizes that no generalized survey, such as MRIP, is likely capable of providing accurate, robust estimates of rare events in a cost-effective manner. Unfortunately, there is nothing in the MSA that relaxes the requirements for management by ACLs when the only accepted monitoring program is simply incapable of providing estimates that meet the accuracy standards demanded for management by ACLs. As a result, several recent, high profile, and unexpectedly large MRIP estimates have led to recreational fishery closures in the region. They have also generated significant dissatisfaction among anglers who are increasingly aware of the shortcomings and challenges of MRIP.

Prior to requirements to manage by ACLs, large increases or “spikes” in MRIP estimates did not exert much effect on the management program, as the Marine Recreational Fisheries Statistics Survey (as it was then called) was intended to provide information on overall trends of recreational fishing, with less accuracy and precision expected of individual estimates. Now that MRIP is the only tool approved to assess whether landings meet or exceed ACLs, unexpected spikes in MRIP estimates have led to controversial recreational fishery closures that, to many observers, are based on outlier values and not actual landings or fishery trends.

3. UNFUNDED MANDATES – The Council has concerns regarding the resources available (for both the Council and the agency) to meet additional mandates when there are basic data needs in the region that have gone unmet for years.

NMFS has produced several policy directives over the past 18 months related to climate science, ecosystem-based fisheries management, and bycatch reduction as well as catch share program review guidance and stock assessment prioritization tools, all of which include a significant number of tasks for Council staff and NMFS staff. While the Council understands that these efforts are intended to prioritize and coordinate the agency’s science products and management endeavors, we believe that the success of such initiatives is dependent on data that are either incomplete or do not exist in the southeast region.

Lack of resources at both the Science Center and Regional Office for such basic needs as collection and processing of biological samples, economic/social information, and data management ensures that the sophisticated approaches outlined in the above policy directives

will be out of the South Atlantic Council's reach. Currently, the Council does not receive annual Stock Assessment and Fisheries Evaluation (SAFE) reports for our managed species due to these very same resource limitations. While the Council believes strongly that many of these approaches are necessary, we do not believe that they are achievable within the proposed timeframe given current resource constraints now and in the foreseeable future.

4. DATA COLLECTION IMPROVEMENTS

The Council offers the following points to augment the information presented in the Recreational Data Collection section under Reauthorization of MSA and includes statements on commercial, biological, and fishery-independent data collection.

- A. For-hire vessel electronic reporting will greatly improve the timeliness and accuracy of for-hire catch data.** The Council sent its for-hire amendment for formal review on March 3, 2017 and requested mandatory for-hire electronic reporting become effective January 1, 2018.
- B. Commercial electronic logbooks will reduce the reporting burden on fishermen and greatly improve the timeliness of commercial data, which can be used to verify dealer-reported data.** Effective March 1, 2018, NMFS will begin allowing commercial fishermen to voluntarily provide required logbook data electronically.
- C. Electronic reporting and federal permitting for private recreational anglers may improve recreational harvest and effort estimates.** The Council requests that NMFS work with the Council to explore the utility, feasibility, and value of federal permits and mandatory reporting for private recreational anglers. The Council is currently working with ACCSP, state, and private partners on a NMFS-funded project to develop and test an app-based permitting and reporting system for these anglers.
- D. Develop a written plan for collecting adequate length, age, and reproductive samples for those species for which an age-based stock assessment is possible.** SEDAR stock assessment reports continue to indicate a dearth of age, length, and reproductive data. ACCSP sets sampling targets for commercial fishery-dependent data collection for the entire east coast; however, there is no written plan to ensure those samples are collected.
- E. Provide full funding for fishery-independent sampling programs because they are critical for effective and sound fisheries management.** National Academy of Science reviews have indicated the importance of having sound fishery-independent sampling programs for stock assessments, such as MARMAP, SEAMAP, and SEFIS. Funding shortfalls have prevented the MARMAP bottom longline survey from being conducted and this has negatively impacted stock assessments.

As you can see, there are a wide range of topics that are exceptionally important to the Council. Full discussion on many of these issues along with examples are provided within the CCC Working Paper's regional perspectives (attached). We appreciate your consideration of our points as you develop your vision for NMFS and we are ready to work with you in any way possible. Again, we congratulate you on your new leadership role, and we look forward to welcoming you at a Council meeting in the near future.

Still digging,

A handwritten signature in cursive script, appearing to read "Charlie Phillips".

Charlie Phillips, Chair
South Atlantic Fishery Management Council

cc: Council Members and Staff
Council Executive Directors
Sam Rauch and Alan Risenhoover
Scientific and Statistical Committee
John McGovern, Andy Strelcheck, and Rick DeVictor
Monica Smit-Brunello
Cisco Werner, LeAnn Hogan, Theo Brainerd, and Erik Williams