THE PEW CHARITABLE TRUSTS

September 4, 2013

David Cupka
South Atlantic Fishery Management Council
4055 Faber Place Dr.
Suite 201
North Charleston, SC 29405

RE: Regulatory Amendment 17 – Protections for speckled hind and warsaw grouper

Dear Chairman Cupka,

On behalf of The Pew Charitable Trusts, please accept these comments for consideration by the South Atlantic Fishery Management Council (Council) at its September 2013 meeting. We urge the Council to continue developing Snapper Grouper Regulatory Amendment 17 (RA 17) by:

1) Approving strong *Purpose and Need* statements that prioritize areas where depleted populations of speckled hind and warsaw grouper are known to live and spawn;
2) Selecting a range of alternatives that includes the full set of marine protected areas (MPAs) identified in the Council's MPA Expert Workgroup (EWG) report;[1] and
3) Moving the Amendment toward public hearings in early 2014.

Purpose and Need Statement

Strong *Purpose and Need* statements should provide clear guidance and goals for RA 17. The Council has a unique opportunity to improve the effectiveness of the eight MPAs it established in Snapper Grouper Amendment 14 (2009).[2] The need for action remains the same, yet with increasing urgency as time passes: to reduce bycatch mortality that contributes to overfishing of some species and to rebuild vulnerable populations of slow-growing, long-lived, late-maturing fishes.[3] An analysis by NOAA Fisheries Service indicates that RA 17 could more than double protections for struggling populations of speckled hind and warsaw grouper if all EWG site recommendations were adopted.[4] Providing refuge areas[5] within productive hard-bottom reef habitats, such as those contained in EWG-recommended MPA sites, can also benefit co-occurring species high on managers' priority list because they are overfished and under rebuilding plans, including snowy grouper, red grouper, red snapper, and red porgy.[6]

[1] SAFMC. 2013(a). MPA Expert Workgroup: Meeting II Overview, 45pp.
[2] 74 FR 1621
[3] *Ibid.*
[4] NOAA Fisheries Service. 2013(a). Distribution of speckled hind and warsaw grouper in the U.S. South Atlantic. http://safmc.net/LinkClick.aspx?fileticket=QbZ7J7X9q8U%3d&tabid=760
[5] Sumaila, U.R., et al. 2000. Addressing ecosystem effects of fishing using marine protected areas. *ICES J. Mar. Sci.* 57: 752-760.
[6] NOAA Fisheries Service. 2013(b). Stock Status for FSSI Stocks, 2013 Second Quarter Update.

The current RA 17 Decision Document identifies four needs that the Amendment seeks to address: 1) reduce bycatch mortality for speckled hind and warsaw grouper; 2) protect sites of spawning activity of speckled hind and warsaw grouper; 3) protect deepwater habitat and associated species; and 4) monitor and assess the system in its effectiveness.[7] As written, however, the *Purpose* statement allows the Council to address only one of those needs by limiting its consideration of reconfigured and/or new MPA sites to those with "evidence of speckled hind or warsaw grouper spawning."[8]

To fully meet the critical management and conservation needs driving this action, the Council must look beyond just the areas where spawning for those two species has been observed to other areas where these fishes have been encountered. Occurrence data have been provided and analyzed in previous RA 17 documents.[9] **We urge the Council to modify the *Purpose* statement to include areas where speckled hind and warsaw grouper are known to occur and approve the *Purpose and Need* statements thus updated.**

Selecting Alternatives for Regulatory Amendment 17

New information on deep-water snapper and grouper habitat and spawning grounds has emerged and should guide the size and configuration of an expanded MPA system. The MPA site reconfigurations and expansions recommended by the EWG are an efficient way to maximize habitat conservation with minimum impact to fishing communities. The entire suite of EWG-recommended sites totals less than half of one percent of the South Atlantic Exclusive Economic Zone (EEZ).[10] In comparison, the deep-water closure briefly implemented through Snapper Grouper Amendment 17B (2011)[11] closed off 55% of the EEZ to deep-water fishing. Regulatory Amendment 17 offers better "bang for the conservation buck" than the Council's original large-scale closure through a significantly reduced footprint and the targeted nature of its semi-open MPA sites. While bottom-fishing would remain prohibited, surface trolling for pelagic species could continue, providing opportunities for commercial, charter, and headboat fishing, and recreational activities such as sport fishing tournaments.

The EWG report represents the best-available science under NOAA Fisheries' recently updated National Standard 2 guidelines that state:

> "*Fishery conservation and management require high quality and timely biological, ecological, environmental, economic, and sociological information to effectively conserve and manage living resources. Successful fishery management depends, in part, on the thorough analysis of this information, and the extent to which the information is applied . . .*"[12]

[7] SAFMC. 2013(b). Decision Document for Regulatory Amendment 17 to the Fishery Management Plan for Snapper Grouper Fishery of the South Atlantic Region (Marine Protected Areas), 22 pp.
[8] *Ibid.*, p.3.
[9] NOAA Fisheries Service. 2013(a).
[10] SAFMC. 2013(a).
[11] 75 FR 82280
[12] 16 USC 1851(a)(2), 50 CFR 600.315(a)(1)

The Council should therefore use the EWG-recommended MPA sites to develop a range of alternatives for RA 17 that include:

1. Reconfigurations of existing MPAs, which are estimated to increase the amount of known and probable speckled hind and warsaw grouper habitat by 5% (i.e. from 8% covered in the current MPA system to 13%);
2. Reconfigurations of existing MPAs **plus** new sites that would protect:
    a. An additional 2% of known and probable habitat for these two species across their range for a total of 15%);
    b. An additional 4% of known and probable habitat for these two species across their range for a total of 17%); and
3. The full suite of MPAs recommended by the EWG report, which are estimated to increase the total amount of protected habitat for these two species to 19%.[13]

We urge the Council to select the full suite of EWG recommendations as its preferred alternative, noting that scientific literature recommends protecting at least 20% of adult fish habitat for persistent populations[14] **and optimal benefits to fisheries.**[15]

All alternatives should undergo analysis and be brought back for Council consideration at the December meeting in Wilmington, NC. The Council could include this amendment in its regularly scheduled series of public hearings in early 2014 to solicit feedback on which alternatives achieve the best balance of ecological and socioeconomic goals for the region. We further recommend that the amendment be reviewed by the Science and Statistical Committee to ensure the sites selected are in line with the Council's stated goals as outlined in the proposed *Purpose and Need* statement, with modifications as outlined above, and by the Snapper Grouper Advisory Panel before a final Council decision.

Protected areas are a management tool that can provide broad ecological benefits to fish and fisheries[16] when properly designed and enforced as part of a larger management plan.[17] They are especially appropriate for restoring depleted fish populations[18] such as speckled hind and warsaw grouper because they can be developed to convey protection at critical times and places in a species' life history,[19] while minimizing impacts to other fisheries with their targeted placement. MPAs have been used to rebuild snapper and grouper spawning aggregations,[20] strengthen larval

[13] NOAA Fisheries Service. 2013(a).
[14] Halpern, B.S. 2003. The impacts of marine reserves: do reserves work and does reserve size matter? *Ecol. App.* 13: 117-137.
[15] Murawski, S.A., et al. 2005. Effort distribution and catch patterns adjacent to temperate MPAs. *ICES J. Mar. Sci.* 62: 1150-1167.
[16] Holmlund, C.M. and M. Hammer. 1999. Ecosystem services generated by fish populations. *Ecol. Econ.* 29: 253-268.
[17] Halpern, B.S., et al. 2010. Placing marine protected areas onto the ecosystem-based management seascape. *PNAS* 107: 18312-18317.
[18] Pauly, D., et al. 2002. Towards sustainability in world fisheries. *Nature* 418: 689-695.
[19] Coleman, F.C., et al. 2000. Long-lived reef fishes: the grouper-snapper complex. *Fisheries* 25: 14-21.
[20] Heyman, W.D. and B. Wade. 2007. Status of reef fish spawning aggregations in Belize. *Proc. Gulf Carib. Fish. Inst.* 57: 445-462.

dispersal and successful settlement,[21] and augment recruitment and fish population biomass.[22] They support ecosystem resilience in the face of natural and human stressors[23] and offer an important layer of management capacity to address system uncertainty.[24] Finally, a growing body of evidence suggests that well-designed MPAs directly enhance adjacent fisheries through spillover[25]and improved catch rates,[26, 27] with documented increases in fish size and mean community trophic level both inside and outside the MPA.[28]

We commend the Council on efforts begun in 2012 to develop a vision and strategic plan for a healthy future of the snapper grouper fishery. Protecting critical habitat and spawning grounds is a sound investment in that future and should be a pillar of the Council's strategic plan that demonstrates a commitment to ecosystem-based fishery management.[29] Ongoing research on existing MPA sites and a management plan that includes monitoring and evaluation, as noted in the RA 17 Decision Document,[30] will help managers improve their role in restoring fisheries and ecosystem health. Regulatory Amendment 17 is an important tool for realizing these shared goals.

Thank you for considering these comments. We look forward to working with you to achieve healthy fisheries and prosperous communities in the South Atlantic region.

Sincerely,

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Manager, U.S. Oceans, Southeast
The Pew Charitable Trusts

[21] Planes, S., et al. 2009. Larval dispersal connects fish populations in a network of marine protected areas. *PNAS* 106: 5693-5697.
[22] Stobart, B., et al. 2009. Long-term and spillover effects of a marine protected area on an exploited fish community. *Mar. Ecol. Prog. Ser.* 384: 47-60.
[23] Game, E.T., et al. 2008. Should we protect the strong or the weak? Risk, resilience, and the selection of marine protected areas. *Con. Bio.* 22: 1619-1629.
[24] Lauck, T., et al. 1998. Implementing the precautionary principle in fisheries management through marine reserves. *Ecol. App.* 8: S72-S78.
[25] Gell, F.R. and C.M. Roberts. 2003. Benefits beyond boundaries: the fishery effects of marine reserves. *TREE* 18: 448-455.
[26] Russ, G.R., et al. 2004. Marine reserve benefits local fisheries. *Ecol. App.* 14: 597-606.
[27] Kerwath, S.E., et al. 2013. Marine protected area improves yield without disadvantaging fishers. *Nature Communications* 4: doi:10.1038/ncomms3347.
[28] Stobart, B., et al. 2009.
[29] SAFMC. 2009. Fishery Ecosystem Plan of the South Atlantic Region, Volume I: Introduction and Overview.
[30] SAFMC. 2013(b), p.3.