



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

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MAR 25 2009

F/SER25: JCM

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

Dear Mr. Harris:

This letter advises you that NOAA Fisheries Service (NMFS) has partially approved Amendment 16 to the Fishery Management Plan for Snapper-Grouper Fishery of the South Atlantic Region (Amendment 16) on March 24, 2009. Approved actions in Amendment 16 include: Measures to end overfishing of gag and vermilion snapper and protect shallow water grouper species during their January-April spawning season; a provision to allow the Regional Administrator to adjust management measures for vermilion snapper based on the recently completed Southeast Data Assessment and Review stock assessment; specification of the total allowable catch and interim allocations for gag and vermilion snapper; updated management reference points for gag and vermilion snapper; and a requirement that dehooking tools be used, as needed, to reduce bycatch mortality of snapper-grouper species.

NMFS has disapproved the venting tool provision in response to public comment and new information received during the comment period that suggests venting tools may actually increase the mortality of some species depending on the capture depth. Thus, the venting tool provision contained in Amendment 16 is overly broad and inconsistent with the administrative record for this amendment and the Administrative Procedure Act. I intend to work with the Council to develop guidance on the species and depths for which venting is most appropriate. Once this guidance is developed and reviewed, the Council may choose to submit a revised venting action in another amendment to the Snapper-Grouper Fishery Management Plan.

The notice of availability for the amendment was published in the *Federal Register* on December 24, 2008, with a comment period ending February 23, 2009 (73 FR 79037). The proposed rule was published on February 6, 2009 (74 FR 6257), with a comment period ending on March 9, 2009. A final rule, which would give effect to the proposed actions and regulations, should be published in the *Federal Register* shortly.

NMFS appreciates the Council's ongoing efforts to end overfishing and protect snapper-grouper species in the South Atlantic region. Please contact me if you have any questions.

Sincerely,

Roy E. Crabtree, Ph.D.
Regional Administrator

