

NMFS/South Atlantic Fishery Management Council citing another clear violation of the MSA.

The Wreckfish quota was dropped from 2 million pounds down to approx. 200,000 #based on a *lack of landings*. *NMFS has never conducted a stock assessment on this species!*

This fishery is on a ITQ (individual quota) system with only 2 main participants (TWO) and a few others.

These participants have BOUGHT their ITQ shares investing significant financial resources in a fishery only to have the rug pulled out from under them by the NMFS simply because they were engaged elsewhere.

Because those participants had been engaged in other fisheries and not fishing for Wreckfish, NMFS used the lack of landings as the excuse to eviscerate the quota which reduced a productive fishery to one of the questionable viability.

The NMFS has shown an increasing penchant for disregarding the laws that it is mandated to abide by over the the past few years. This is another example.

Another example is the decision by the Special Master in a lawsuit brought against the NMFS for drastic reductions in the Shark quota: "*...acted arbitrarily, capriciously without candor to the Court and in Bad Faith*".

Black's Law Dictionary definition of Bad Faith is willful intent of wrongdoing. That usually will get a jail sentence for a fisherman or normal citizen.

The NMFS requires Congressional oversight before it completely destroys this country's commercial fishing industry.

Sid

--- On **Mon, 10/17/11**, **fishnmore@cfl.rr.com** <**fishnmore@cfl.rr.com**> wrote:

From: fishnmore@cfl.rr.com <fishnmore@cfl.rr.com>

Subject: MSA NS 1

To: mcurrin1@bellsouth.net, kim.iverson@safmc.net, boylesr@dnr.sc.gov, palmettobooks@bellsouth.net, tom@swatzel.com, roy.crabtree@noaa.gov, tburgess@embarqmail.com, bhartig@bellsouth.net, jolleyjw@yahoo.com, Mark.Robson@myfwc.com, michelle.duval@ncdenr.gov, seageorg@bellsouth.net, robert.mahood@safmc.net,

Doug.Haymans@dnr.state.ga.us, ga_capt@yahoo.com,
gregg.waugh@safmc.net, jessica.mccawley@MyFWC.com
Date: Monday, October 17, 2011, 8:03 AM

To: SA Council

According to MSA National Standard 1:

"Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry."

According to the NMFS the optimum yield (Section 2.4.2) is defined as;

"The yield produced by the target fishing mortality rate when the stock is at a target biomass level. The target fishing mortality rate is $F_{0.1}$ in the Southern Fishery Management Area and at an undefined level below $F_{threshold}$ in the Northern Fishery Management Area. The target biomass level is a proxy value for MSY conditions (Overfishing Definition Review Panel 1998). Optimum yield is therefore measurable, if some basic assumptions about the relationship between survey biomass measurements, fishing mortality, and commercial catch is made. The long-term yield, associated with optimum yield is estimated in Section 7.1.5.2.5.1."

In recent months the SA Council has violated the above laws regarding a variety of species including wreckfish. We do not have a stock assessment on wreckfish, yet the catch limits have been lowered based on historic landings. This is a violation of the MSA, NS 1 as shown above.

Very soon we will have new limits placed on mahi mahi based on historic landings of mahi mahi. There is no stock assessment on this species and yet the catch limits for this species are going to be lowered very soon based on fishing effort in the past. This management based on effort and prior landings is a violation of the law.

This council needs to reevaluate what it has done, what it is doing, and where this is headed. If you hold up these arbitrary catch limits next to the law, they do not hold up. This is a nation of laws and law abiding citizens. This council must be held to that same standard as everyone else. Please follow the laws that you were appointed to follow.

Thank you,

D. Nelson

