



OCT 28 2013

The Honorable David Vitter
United States Senate
Washington, DC 20510

Dear Senator Vitter:

Thank you for your letter outlining your concerns about the management of Gulf of Mexico fisheries and, in particular, allocation of the red snapper allowable catch quota. I appreciate the importance of ensuring the Nation's fishery resources are allocated to provide the greatest net benefits. Allocation is a very difficult issue that the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) works in partnership with the Regional Fishery Management Councils (Councils) to address at both the regional and national levels.

At a national level, as you referenced in your October 24, 2013, letter, NOAA has issued a Catch Share Policy that clearly states that underlying harvest allocations to fishery sectors (e.g. commercial and recreational) should be revisited on a regular basis whether they are a part of a catch share program or not. This was an important component of the Catch Share Policy and NOAA continues to support that statement.

To advance the national discussion about allocation, the current Acting Assistant Administrator for Fisheries, Sam Rauch, has met with the combined group of Council chairs, vice-chairs and Executive Directors (the "CCC") to urge them to commit to revisiting allocations on a regular basis at five meetings¹ over the past 3 years. In order to facilitate these discussions, in 2011, NMFS hired Lapointe Consulting Services to interview stakeholders about their perceptions toward fishery allocation decisions and provide recommendations for improvements. Several of the recommendations addressed improving technical guidance to support allocation decisions. This report also recommended, as you do in your letter, that NMFS provide more extensive guidance to the Councils on how to conduct allocation decisions. However, the CCC preferred to obtain scientific input to inform this guidance, and requested NMFS present a proposal at the February 2014 CCC meeting which would task the formulation of guidance to the CCC's National Science and Statistical Committee. NMFS agreed to do this and is preparing such a proposal. We will continue to work through the CCC to develop more extensive guidance on allocation decisions for the Councils.

At the regional level, NMFS has actively supported the Gulf of Mexico Fishery Management Council's (Council) review of fishery allocations in a number of ways. The agency worked with the Council to develop an allocation policy, which was adopted in October 2008. The Regional Administrator has emphasized the importance of reviewing fishery allocations in accordance

¹ 1. January 12, 2011, Washington, DC; 2. May 3, 2011, Charleston, SC; 3. January 25, 2012, Silver Spring, MD; 4. February 20, 2013, Silver Spring, MD; 5. May 10, 2013, Washington, DC.



with NOAA's National Catch Share Policy at several Council meetings. The Southeast Fisheries Science Center has produced three technical papers to inform Council discussions on allocation of red snapper, gag, red and black grouper between 2008 and 2012. Also, the agency presented information to the Council on the fundamentals of allocation in June 2012.

In addition, NMFS has contributed a great deal of input and analyses to the development of Amendment 28 to the Council's Reef Fish Fishery Management Plan, which evaluates alternative allocation scenarios for the red snapper fishery. As you know, reallocation is a controversial issue because it benefits one sector at the expense of another. The Council has added and removed species from Amendment 28 and tabled the amendment several times over NMFS' objection.

Despite the delay, the Council reinitiated work on Amendment 28 in June 2013, and NMFS is now working in conjunction with the Council's Socioeconomic Scientific and Statistical Committee to analyze the socioeconomic impacts of the current suite of alternatives to inform the Council's decision on a proposed path forward. However, the Council cannot take final action on the amendment at the October meeting because it is not on the agenda. By statute, the Council is precluded from taking actions on issues that are not properly noticed to the public 14 days in advance of the meeting. Nevertheless, Amendment 28 is still being developed, and NMFS believes that this is an important issue for the Council to act on. Therefore, NOAA's Southeast Regional Administrator, Dr. Roy Crabtree, will be requesting that the Council take up Amendment 28 at its February 2014 meeting.

As part of the deliberations on Amendment 28, the Council has considered a reallocation alternative similar to the 75 percent/25 percent split proposed in your letter. However, reallocating 25 percent of prospective red snapper allowable catches over 9.12 million pounds to accommodate red snapper bycatch in the Florida grouper fishery may require referendum under Section 407(c) of the Magnuson-Stevens Fishery Conservation and Management Act. A referendum may be required because the existing method of distributing commercial red snapper quota among individual fishing quota participants was established through a previous fishery management plan amendment that was approved by NMFS following two referenda. Such a referendum may delay action on reallocation.

One of the purposes, and a major strength of the Magnuson-Stevens Act, is development of fishery management plans through the transparent, stakeholder-driven Council process. The Act prescribes roles and responsibilities of the Councils and the Secretary of Commerce, and I cannot preempt the process in order to mandate a specific allocative outcome. The Council is the appropriate forum for addressing allocation of quota among different sectors in the fishery.

I appreciate your interest in Gulf of Mexico fishery management and look forward to continuing to work with you on fishery management issues, including the implementation of the National Catch Share Policy that addresses fishery allocation. If you have any further questions, please contact Amanda Hallberg Greenwell, Director of NOAA's Office of Legislative and Intergovernmental Affairs, at (202) 482-4981.

Sincerely,

A handwritten signature in black ink, appearing to read 'KDS', with a long horizontal flourish extending to the right.

Kathryn D. Sullivan, Ph.D.
Acting Under Secretary of Commerce
for Oceans and Atmosphere