Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

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Mr. Rodney Barreto, Chairman
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Dear Mr. Barreto,

This letter advises you that the Gulf of Mexico Fishery Management Council is considering changes in management through two amendments currently being developed: the Annual Catch Limit/Accountability Measures Generic Amendment and Amendment 10 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic. These amendments could effectively transfer management of selected stocks in Federal waters to the Florida Fish and Wildlife Conservation Commission (Florida FWC). These changes include potential delegation to the Florida FWC any or all of the stocks listed below. For some of the stocks listed, the Council is considering removal of the stock from the applicable Fishery Management Plan. The Council respectfully requests Florida FWC's assistance in determining whether such actions are appropriate. Many of these species are currently managed by Florida FWC, with the Gulf of Mexico Fishery Management Council (and in the case of spiny lobster, the South Atlantic Fishery Management Council) as well as, the National Marine Fisheries Service adopting compatible regulations. In addition, a majority of the harvest of these species primarily takes place in Federal waters adjacent to Florida or in Florida state waters of the Gulf of Mexico and the South Atlantic Ocean.

<u>Species for potential delegation:</u>
Mutton snapper, *Lutjanus analis*
Yellowtail snapper, *Ocyurus chrysurus*
Octocorals, nonencrusting species of the Subclass Octocorallia
Stone crab species, *Menippe adina* and *Menippe mercenaria*
Caribbean spiny lobster, *Panulirus argus*
Nassau grouper, *Epinephalus striatus*

The Magnuson-Stevens Fishery Conservation and Management Act allows a state to regulate a fishing vessel outside the boundaries of the state in the following circumstances (16 U.S.C. 1856):

> (A) The fishing vessel is registered under the law of that State, and (i) there is no fishery management plan or other applicable Federal fishing regulations for the fishery in which the vessel is operating; or (ii) the State's laws and regulations are consistent with the

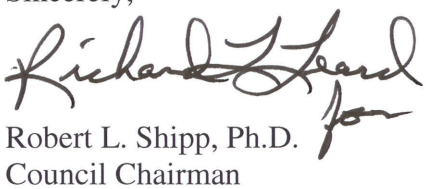
fishery management plan and applicable Federal fishing regulations for the fishery in which the vessel is operating.

(B) The fishery management plan for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

If Florida FWC is willing to accept management of any or all of these species, the Council would work closely with the commission to fulfill the Federal requirements of the National Standard 1 Guidelines. For stocks that are delegated these guidelines require setting annual catch limits for each stock or stock complex by 2010 for all stocks experiencing overfishing and by 2011 for all others. In addition, the guidelines require accountability measures that should be instituted either during the fishing season or post season when, and if, the annual catch limit is exceeded.

The Council respectfully requests that you examine and consider these management changes including delegation of any or all of the species listed. If you have any questions, do not hesitate to contact the Council.

Sincerely,



Robert L. Shipp, Ph.D.
Council Chairman

RLS:SA:CMS:tk

c: William Teehan
Gulf Council
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South Atlantic Council