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*Managing fish and wildlife
resources for their long-
term well-being and the
benefit of people.*

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September 19, 2008

Dr. Roy Crabtree
Regional Administrator
National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

Dear Dr. Crabtree:

The Florida Fish and Wildlife Conservation Commission (FWC) has been participating in the development of individual fishing quotas (IFQ) for several years. We have encouraged FWC staff to work with the Gulf of Mexico Fishery Management Council (Council) and the National Marine Fisheries Service in the development of the IFQ program for the commercial harvest of red snapper, and more recently, the proposed plan for gulf grouper. The FWC recognizes and supports the many good features inherent in this approach to managing commercial fishing. Subsequent to the Council's approval of a specific IFQ plan for grouper, and in response to concerns raised by individual commissioners and the public, the FWC requests the following:

First, the FWC urges that extreme care be taken to ensure that the grouper IFQ program strictly adheres to provisions and spirit of the Magnuson-Stevens Fishery Conservation and Management Act, which stipulates "*no creation of right, title, or interest.*" The FWC recognizes and supports the safeguards built into federal law, which clearly state that limited access programs (aka, IFQ) "*shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder.*"

Second, we request that the Council incorporate very specific language in the IFQ program that is faithful to the Magnuson-Stevens Act, which states that the Secretary of Commerce will "*ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges.*" While we recognize that the program contains a cap on individual shares, the FWC wants to ensure that this program is managed to prevent a small number of individuals or corporate entities from acquiring and controlling an excessive share of the fishery either directly or indirectly.

Finally, the FWC has long sought a review by the Council of its allocation policies with regard to grouper species. Specifically in regards to gag, red and black grouper, which are all very important fisheries in Florida, the FWC requests that socio-economic and other factors be weighed carefully when reviewing the amount of fish allocated between the commercial and recreational fishing communities.

We fully understand that the issue of allocation across sectors is not linked to the IFQ program. However, we also know that allocation is an important aspect of the management of this fishery, and we request that the Council address our request either prior to or concurrent with the implementation of the IFQ program without delay in the implementation of the IFQ program. The FWC again strongly requests the establishment of an allocation that reflects the relative values of these fisheries in Florida and takes into account a suite of socio-economic factors in order to establish a fair and accurate allocation. The FWC also requests that a schedule for revisiting these allocations be adopted.

The FWC looks forward to working with the Council and other federal partners as we explore new and innovative ways to manage our marine fisheries.

Sincerely,


Chairman Rodney Barreto
Vice Chairman Brian Yablonski
Commissioner Richard Corbett
Commissioner Kenneth W. Wright
Commissioner Kathy Barco
Commissioner Ronald M. Bergeron
Commissioner Dwight Stephenson

cc: Tom McIlwain, Chairman, Gulf of Mexico Fishery Management Council