

Dr. Roy Crabtree
Regional Administrator
National Marine Fisheries Service
9721 Executive Center Drive North
St. Petersburg, FL 33702

December 16, 2014

RE: Minority Report for October 2014 Meeting of the Gulf of Mexico Fishery Management Council

Dear Dr. Crabtree:

The minority report attached is being submitted regarding the passage of Amendment 40 at the October 2014 Gulf of Mexico Fishery Management Council Meeting.

We respectfully ask that you please consider this minority report and ensure that it is transmitted to the Secretary of Commerce if the Amendment moves forward from your office for further consideration.

Minority Report for October 2014 Meeting of the Gulf of Mexico Fishery Management Council

Introduction

As voting members of the Gulf of Mexico Fishery Management Council (hereinafter “Council”), we are submitting this minority opinion under Section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (hereinafter “Act”) in response to an action that was adopted at the October 2014 meeting of the Council. The action in question was:

Motion: To approve Amendment 40 and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as modified in discussion as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

Motion carried 10-7 by roll call vote.

Mr. Perret	Yes	Ms. Bosarge	Yes	Mr. Greene	Yes
Mr. Williams	Yes	Mr. Walker	Yes	Mr. Riechers	No
Mr. Sanchez	Yes	Dr. Crabtree	Yes	Ms. Bademan	No
Mr. Pearce	Yes	Mr. Diaz	No	Mr. Fischer	No
Dr. Dana	Yes	Mr. Boyd	No	Mr. Anson	Yes
Mr. Matens	No	Dr. Stunz	No		

Amendment 40’s sector separation divides the recreational quota of the allocated red snapper stocks into separate private angler and charter for-hire components.

The action adopted by the majority lacks support, especially from the Gulf states, and hinders future management of the fishery. This amendment and this vote signify that federal management of the red snapper fishery is broken. The way Amendment 40 was pushed through the Council process does not foster cooperative and collaborative work between the Council and the Gulf states to manage this fishery.

Most importantly, it violates several National Standards. As such it is both bad policy, and in violation of the Act. For these reasons, the Secretary should reject the amendment.

1. The Problems with Amendment 40

Despite growing popularity and demand for red snapper, private anglers will be extremely disappointed next year when they begin planning their trips. If current projections remain true, they may be faced with a one day fishing season for red snapper in federal waters. This is a consequence of Amendment 40, and it creates a situation that is unsafe to the anglers, and limits management of the fishery.

1.1 Amendment 40 Threatens Private Anglers

Amendment 40 disproportionately harms private anglers. While their 2015 season may shrink to just one day, the for-hire charter boat season will grow by up to 266.7%.¹ Private recreational anglers who fish from their own vessels will be extremely limited in their fishing opportunities. As a result, they will be forced to pay for charter services, which will have more than 30 days of fishing from federal waters.

Charters and headboats are an important part of the Gulf's local economies, but they do not stand on their own. Private anglers represent a significant component, especially among residents and tourists. Such an inequitable distribution may have serious adverse impacts on the social and economic situations in numerous coastal communities, especially those that do not have federally-permitted charter for-hire fleets and rely primarily on private angler expenditures. Unfortunately, Amendment 40 was approved by the Council without being presented or having a chance to review these socioeconomic impacts.

1.2 Amendment 40 Stifles Ongoing Management Plans

Sector Separation also limits management of the species. While the amendment distinguishes between private anglers and for-hire charters, the Act does not. Section 407(d) of the Act distinguishes between the commercial and recreational sectors, but specifically places charter for-hire fishing in the recreational side. This means that despite Amendment 40, private and charter for-hire anglers will continue to be subject to a single recreational quota. If one component of the fishery harvests more than their share, it will directly impact the other component's quota and season length, conceivably dropping their season to zero days despite the amendment. Although the purpose and need of Amendment 40 states the amendment would "reduce the likelihood for recreational quota overruns which could jeopardize the rebuilding of the red snapper stock," simply dividing the recreational quota into subcomponents will not accomplish this.

The Gulf states have been working toward a plan for managing the recreational sector through regional management. Such a plan could address local biological, social, and economic differences among regions while ensuring continued recovery of the Gulf red snapper stock. All five states, as well as anglers throughout the Gulf, support development of a regional approach. In response to calls for a regional management approach and better data collection, each of the Gulf states have implemented their own systems for collecting recreational catch and effort data for red snapper (and in some cases other reef fish species).

Unfortunately, Amendment 40 complicates management by creating a very different set of rules for the federally-permitted charter for-hire industry and private anglers. It adds to conflicts at the docks by pitting private anglers and federally-permitted charter for-hire vessels against each other, exacerbating perceived inequities in the fishery, and complicating regulations. If regional management moves forward under Amendment 39, then it will presumably apply only to the private anglers, who will see drastic reductions in allowable harvest thanks to Amendment 40. The result will be a complicated patchwork of regulations depending on subsector and area fished, with very little room for robust management, which is exactly what the Act was designed to avoid. Instead, regional management could simplify management, maximize local social and economic benefits, and improve data collection and accountability in the red snapper fishery.

¹ Based on the projected number of days under the preferred alternative 7 of Action 2 as shown in Table 2.4a of the Recreational Red Snapper Sector Separation Post-Public Hearing Draft for Amendment 40.

1.3 Amendment 40 Lacks Significant Support

While Amendment 40 narrowly passed the Council’s vote, it lacks substantive support outside of the Council and suffers from overwhelming public opposition. The lack of support for this amendment was apparent at all levels.

1.3.1 The Council’s Reef Fish Advisory Panel voted against Sector Separation.

The Gulf of Mexico Fishery Management Council’s Red Snapper Advisory Panel met on July 30, 2014 and by a vote of 6 to 5 passed the following motion,

The AP recommends that for Action 1, Alternative 1 – No Action, be the preferred Alternative in Amendment 40.

1.3.2 The Council’s Reef Fish Committee voted against Sector Separation.

The Gulf of Mexico Fishery Management Council’s Reef Fish Management Committee met on October 21, 2014 and by a vote of 4 to 5 failed to pass the following motion,

The Committee recommends that Amendment 40 be forwarded to the Secretary of Commerce for review and deem the codified text as modified in discussion as necessary and appropriate.

1.3.3 Public Comments are Against Sector Separation.

Public comments on Amendment 40 have been overwhelmingly opposed to sector separation. This opposition was not always at the forefront during Council meeting due to public testimony routinely dominated by a relatively few charter for-hire captains, who testified at multiple locations. Nonetheless, Table 1 shows that sector separation was passed despite public opinion, not with it. The table is a summary of the public comments from the Council website tabulated by an individual Council member, since staff directed the Council they would have to, “calculate this information individually.” This represents comments from Dec. 24, 2013 to Nov. 12, 2014.

Table 1. Summary of public comments received through the Gulf of Mexico Fishery Management Council web site, by state, in support of and opposed to Amendment 40.

Total		By State											
		Opposed						Support					
Opposed	Support	TX	LA	MS	AL	FL	Other	TX	LA	MS	AL	FL	Other
2,008	77	557	195	59	100	202	112	28	4	1	4	9	0
96.3%	3.7%	26.7%	9.4%	2.8%	4.8%	9.7%	5.4%	1.3%	0.2%	0.0%	0.2%	0.4%	0.0%

Certainly decisions regarding a fishery management plan should not be based solely on the largest group of constituents who speak in favor of or against a particular action; however, at the very least, the summary of the comments should be tabulated and provided as part of the public record to inform the decision-making process. Otherwise, as in this situation, it is a devaluation of the public comment process.

During the past three Council meetings, there have been ample discussions in the record and e-mails regarding requests for transparency when tabulating the numbers of people who testified for or against this amendment. The intent of these requests was to gain a thorough understanding of public sentiment on this measure to make the most informed vote. Requests from the Council and sub-committees to provide this readily available information in greater detail was met with opposition by Council Staff, ultimately telling the Council “no.” The rationale which members of the staff provided indicated that the purpose of public comment was to provide the general pros and cons or suggestions from the public on a particular amendment or issue.

1.3.4 The States are Opposed to Sector Separation.

Perhaps most disturbing is the opposition by the Gulf States to Amendment 40, and the fact that it passed without the states’ support. All of the Gulf States were adamantly and loudly opposed to this amendment. Only Alabama voted in favor, and only did so in order to obtain a sunset clause when it was clear the amendment would pass without the states’ support. The Alabama delegate, Mr. Chris Blankenship, explained their vote in an email (Attachment 1), stating that they voted in exchange for the sunset provision so that the amendment could be replaced in the future. Such a divisive vote should not be undertaken lightly, and certainly should not be ratified without significant public input and information.

1.4 Lack of Sufficient Information

The Council has a long history of informed deliberation, using the best data at its disposal. Unfortunately, it failed to do so when considering Amendment 40. First, it was passed without completing the final allocation percentages. Amendment 40 is a skeleton without any meat. Typically, allocations are agreed to and finalized before passage of the amendment, so that all parties have a clear idea of the impacts and what they are agreeing to. This was not done for Amendment 40, and no parties have sufficient information as to its impacts, because they have not yet agreed what the allocations will be. This lack of informed deliberation is grounds enough for delaying action on Amendment 40.

Second, this resulted in the council completely ignoring potential economic and social impacts on the coastal communities. Only a range of percentages was presented with the rationale that the council is deciding on a particular method of allocation as opposed to actual percentages. While a method can be chosen, that still does not relieve the requirement to analyze the actual impacts.

This raises serious transparency issues within the National Marine Fisheries Service (NMFS). The Council needs any and all analysis in advance to make these very difficult decisions. Prior to the October Council meeting, NMFS developed a decision table including variables such as the annual catch limit (ACL) with a breakdown of the percentage allocated to the charter-for-hire and headboats as a sector of charter-for-hire and with buffers to receive annual catch targets. The “decision maker” then calculated charter-for-hire annual catch target (ACT) and potential ACT by regions. The results of this table would have answered many Council members’ questions and may have affected the final vote; however, NMFS failed to provide this to the Council members in advance of their October meeting. The property details of the file indicate this decision table was authored by staff of NMFS Southeast Regional Office (SERO), with content created on 9/19/2014, well before the Council’s October meeting. NMFS has clearly withheld information vital for Council decisions. The document in question is included as Attachment 2.

1.5 The Proponents' Arguments Must Fail

The charter-for-hire quota has been managed as part of the recreational quota. Amendment proponents have spoken about greater accountability and control over the fishery through a better data collection effort. However, this amendment includes no provisions to change the data collection system. Any action to change the data collection system can be accomplished without this amendment; recent and ongoing changes in the Marine Recreational Information Program (MRIP) are made without Council amendments.

Much of the discussion of the amendment focuses on rising recreational fishing pressure. While this may be true, the amendment only uses license information to supply this rationale. In past discussions at the Council level, questions regarding changes in licensing by the states were never incorporated into the document. Florida, Texas and Mississippi all made changes that increased the number of licensed individuals to comply with the National Registry of Licensed Anglers as promoted under MRIP. These were changes that increased the number of individuals licensed but did not increase the number of people who had been fishing in an attempt to get addresses and contact information for more individuals for follow-up surveys. Since this appears to be the rationale for this decision then the numbers of anglers increasing should be explained in a manner that is transparent and does not hide the reasons why some of the increases occurred. If fishing pressure is to be used as justification then, at the very least, this should be the premise put forth.

Conclusion

Amendment 40 as it currently stands is not sound policy, and not ready for implementation. It should not have been adopted because it creates an absurd and potentially unsafe one-day season for private anglers. It hinders management efforts and makes the preferred regional management approach much more difficult. It certainly lacks public support and was pushed through without the states. Finally, it lacks the information necessary to make a reasonable decision on the matter. It is simply too early to know the full impacts of Amendment 40. Its implementation should be delayed and the amendment rejected.

2. The Secretary Should Reject Amendment 40

While Amendment 40 is unsound policy, it also violates a number of national standards. Under Sec. 304(a)(1)(A) of the Act, the Secretary must determine whether an fishery management plan amendment is consistent with the national standards. Sec. 304(a)(3) of the Act says that if the Secretary finds it inconsistent, he must (1) identify the law, (2) identify how the amendment is inconsistent; and (3) explain how the Council can fix the problem. Amendment 40 violates the national standards, and it is the Secretary's duty to reject it.

2.1 **Violation of National Standard 10 – Safety of Life at Sea - *Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.***

“Derby” fishing occurs when many fishers go out at the same time in order to take advantage of a small window of opportunity to fish. This has the potential of creating unsafe situations, especially as fishing areas become too

crowded, and many risk unsafe weather rather than lose the opportunity to fish. As part of its mission to protect human safety, the Council should avoid decisions that could lead to derby fishing.

For example, Reef Fish Amendment 4 established a moratorium on the issuance of new commercial reef fish permits. This led to a ten-day season in 1999 – a derby fishery that was considered unfeasible and unsafe, and was an impetus for change. By 2007, an accommodating system supported by the entire commercial fleet was instituted in order to avoid another derby fishing situation. Amendment 40 puts the recreational red snapper fishery on a path to repeat these past mistakes.

If a ten-day season was an unsafe derby fishery, then a potential one day season for private anglers certainly is. Amendment 40 will promote derby fishing in the exclusive economic zone (EEZ) for private recreational anglers. The 2015 season for the private recreational sub-sector in the EEZ is projected to be just one day.² Many recreational fishermen are not experienced seamen, and the very small window to access red snapper will push many to go out even in unsafe weather conditions. This is an especially dangerous derby fishing situation which threatens the safety of human life at sea and clearly violates National Standard 10. We urge the Secretary to reject Amendment 40.

2.2 Violation of National Standard 2 – Scientific Information - Conservation and management measures shall be based upon the best scientific information available; and National Standard 8 – Communities - Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirement of paragraph [National Standard 2], in order to (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts on such communities.

Decisions relating to Amendment 40 must be based on the best scientific information available. This is no mere suggestion; the Council must make a “thorough review of all the relevant information available at the time,” and may not “disregard superior data.”³ Scientific information includes “information of a biological, ecological, economic, or social nature.”⁴ Failure to use the best scientific information available is grounds for rejecting a Council’s decision.

Failure to use the best scientific information was at issue earlier this year in the case of *Guindon v. Pritzker*.⁵ The D.C. District Court found that NMFS’ failure to use the 2013 MRIP landings data in setting the season was a violation of National Standard 2. Instead, NMFS had used earlier projections, and ignored the new MRIP data. A calibration workshop was conducted in September 2014 with the goal of determining potential allocations based on historical data. Since the court has identified the new MRIP data as the best available, the question focused on how to treat historical data obtained prior to MRIP. No decision was made at the meeting, but potential impacts on the allocations were presented to the Council. Specifically, they found that depending on

² Based on the projected number of days under the preferred alternative 7 of Action 2 as shown in Table 2.4a of the Recreational Red Snapper Sector Separation Post-Public Hearing Draft for Amendment 40.

³ *Ctr. for Biological Diversity*, 933 F.Supp.2d at 148 (quoting *N.C. Fisheries Ass'n*, 518 F.Supp.2d at 85).

⁴ 50 C.F.R. § 600.315(b)(1)

⁵ 2014 WL 1274076 (D.D.C. 2014).

how past data is calibrated, the allocation result could shift as much as 3.3% from charter-for-hire to private anglers. While a seemingly small number, it actually has significant impacts on the angling opportunities for these respective recreational angler groups and the businesses that rely on them.

The potential shift was presented to the Council, but only at the final meeting. They did not have time to consider the potential impacts of this information, nor has a decision been made by NMFS or the Council regarding which projection model to use. In order to make a reasoned decision on Amendment 40, the Council should have considered all of the pertinent information prior to making any decision. Further, since this only was presented to the council at the last meeting and has significant impacts to the actual fishing opportunity there certainly was cause to send this back out for public hearing or to wait for a more thorough analysis of the impacts.

This lack of sufficient information also violates National Standard 8, which requires plans to minimize adverse economic impacts of the local communities. There is a disturbing lack of information on the economic and social impacts to Gulf coastal communities from Sector Separation in the Council's record. Some communities will see a substantial boost in charter-for-hire opportunities, while others will suffer a drop in private anglers, both local and tourists. Despite calls for consideration of these impacts, the Council voted without the necessary information.

Within Amendment 40, there is no attempt to quantify the economic impacts (consequences) to the charter-for-hire component of the recreational fishery or the recreational fishery as a whole. There is no analysis of the differential impacts that this may have on various communities. The analysis does not include any discussion of the impact of the longer season for charter-for-hire as opposed to a shorter season for the private recreational component of the fishery. Within the Reef Fish Committee, there was a discussion regarding the lack of information. The resulting analysis was supported as a qualitative analysis, and since only recreational anglers are impacted, further analysis was not needed or could not be conducted. An attempt to provide greater information on these impacts is warranted and should have been conducted.

2.3 Violation of National Standard 4 – Allocations - *Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege.*

Amendment 40 will have disparate impacts on residents from different states. Sector separation has very disproportionate impacts on charter-for-hire and private anglers. The charter-for-hire season is projected to increase by 266.7%, while the private season is projected to shrink to just one day.⁶ This is especially important because the states have very different proportions of charter-for-hire and private anglers.

⁶ Based on the projected number of days under the preferred alternative 7 of Action as shown in Table 2.4a of the Recreational Red Snapper Sector Separation Post-Public Hearing Draft for Amendment 40.

For example, Texas' charter-for-hire sector accounted for over 50% of Texas red snapper landings in 2013. Texas fishermen, who seem to take a greater percent of their trips using charter-for-hire, will benefit more from Amendment 40's increased season. In Mississippi, charter-for-hire recreational landings only made up less than 2% of its landings in 2013. Mississippi recreational anglers, fishing almost entirely off of their own vessels, will suffer greatly with a one-day season.

This is not fair and equitable to all recreational anglers, and will inadvertently discriminate between residents of different states. It also highlights why the Gulf States are in favor of regional management, which can address these disparities. As it currently stands, Amendment 40 has a discriminatory impact on residents of different states and different communities and is in violation of National Standard 4.

2.4 Violation of National Standard 5 – Efficiency - *Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.*

This amendment is an economic sub-allocation of a quota. Actions within the amendment may reduce the number of harvest days for recreational anglers to just one day in 2015 while increasing harvest opportunity in the charter-for-hire by more than 260% (based on the 2014 season length compared to the preferred alternative in Action 2 of Amendment 40). Recreational boat owners' only option following the proposed one-day season will be to pay a charter-for-hire for the opportunity to fish in federal waters. Additionally, since there are many more recreational anglers than charter-for-hire, many of the coastal businesses that cater to these fishermen such as marinas/boat launch facilities, bait and tackle stores, fuel suppliers, hotels, and restaurants will lose significant revenues as a result of this reallocation and lost fishing opportunity. This is the only action of this amendment (except a sunset provision), so it obviously is the sole purpose of the action and is clearly in violation of the standard and is grounds for the Secretary to disapprove this action.

3. The Secretary Should Reject Amendment 40

The Act requires the Secretary to reject amendments that violate the national standards. In addition to being poor policy, sector separation is also bad law. Without an agreement on the allocation, the Council cannot know the impacts. And without knowing the impacts, the Council cannot propose to manage the fishery. In addition, the potential one day derby fishery puts private anglers at risk, and exacerbates the conflicts within the sector. These issues are in direct violation of a number of national standards. Therefore, the minority requests the Secretary to reject the amendment and have the Council collect the information necessary to make an informed decision.

Representatives to the Council from the State of Mississippi:

Dale A. Diaz (affirmed by 12-16-14, 2:36 PM email)

Dale A. Diaz

Representatives to the Council from the State of Louisiana:



Randy Pausina

Campo Matens (affirmed by telephone 12-17-14, 10:15 AM)

Campo Matens

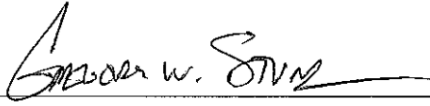
Representatives to the Council from the State of Texas:



Robin Riechers



Doug Boyd



Gregory W. Stunz, PhD.

Representatives to the Council from the State of Florida:

A handwritten signature in cursive script that reads "Nick Wiley".

Nick Wiley

A handwritten signature in cursive script that reads "Martha Bademan".

Martha Bademan

Attachment 1 – This was reported as a response from Mr. Chris Blankenship to an email by a poster on the message board, The Hull Truth on October 24th.

Mark,

Amendment 40 (Sector Separation) was approved by the Gulf of Mexico Fishery Management Council on October 23, 2014. In conversations with members and judging from procedural votes it was clear that the votes on this issue were 8 for passage and 8 against with NOAA Fisheries Regional Administrator Roy Crabtree being the deciding vote. All five State Fishery representatives were united in opposition to Amendment 40. Feeling that the amendment would pass, the goal of the states was to implement a sunset provision to give us time to work out regional management. Crabtree indicated that he was voting for passage but that if one state would change their vote he would break from the block of Council members that were voting together railroading implementation of Sector Separation to vote for the sunset provision. In order to secure the sunset provision we reluctantly agreed to support Amendment 40 resulting in a 10-7 vote with the three year sunset provision included. The options for the states were to either watch this amendment pass with no sunset and have to live with the separated sector forever, like we are doing now with the commercial fishery, or work out a compromise to place a sunset provision to give us the opportunity to implement regional management for all recreational sectors in the future. The State of Alabama feels that the best option to repair this broken federal management system is for the states to have regional control of the fishery in waters adjacent to their state, both in state and federal waters, for both charter and private recreational fishermen.

Like all the issues concerning red snapper and the federal government, there are no easy solutions. The State of Alabama, through the Marine Resources Division will continue to work diligently to fix this broken system. The Red Snapper Reporting System worked very well last year. We are in deep negotiations with NOAA Fisheries to use this data to improve and calibrate their data collection system. Alabama spearheaded an effort at this meeting to have the Science and Statistical Committee provide quota recommendations using a less conservative analysis of spawning potential ratio since this fishery is rebuilding faster than they projected. This will allow us to catch more pounds now, while still meeting the goals to rebuild by 2032. We continue with our fishery independent research work in our artificial reef zones that we feel will be instrumental in the new stock assessment. Now that Amendment 40 has passed, Amendment 28 concerning reallocation of portions of the quota from the commercial sector to the recreational sector is back on the table for discussion and action. All of these items will increase the amount of pounds available for the private recreational fishermen and hopefully get us a longer season while we work to make real changes through regional management and through changes to the Magnusson-Stevens Act in Congress in 2015.

*Chris Blankenship, Director
Alabama Marine Resources Division
Dauphin Island Office 251-861-2882
Gulf Shores Office 251-968-7576
Chris.blankenship@dcnr.alabama.gov*

Attachment 2 – National Marine Fisheries Service Document

The following was prepared for Gary Bryant per his email request on September 11, 2014

Andy,

I called you earlier today about looking at initial allocation for an IFQ system for the federally permitted for-hire sector. I would like to pursue looking at this allocation by regions using a share system. Basically what I envision is that in a given region the allocated poundage would be divided by the total shares represented by the federal for-hire permits in that region.

The number of shares in a region would be determined by following system. Six pack boats = 1 share
 Overload boats less than 30 person COI = 2 shares
 Overload boats with a 30 or more person COI = 3 shares

We would end up with a poundage per share for that region. We could then use pounds or convert that to number of fish using the average size of for-hire red snapper caught in that region. The purpose of these calculation would be to show what the initial allocation of red snapper would look like for the federal for-hire permit holders within each region of the gulf.

This would provide a simple and easy to understand means of calculating an initial allocation of snapper. I feel this would give the Charter Boat IFQ Ad Hoc Committee a good starting point to begin work on recommendations to the Gulf Council.

I appreciate you taking time to look at this scenario. Please contact me with any questions you may have. Thanks,

Gary Bryant
 Red Eye Charters
 (251) 752-0656

Instructions
 Steps 1, 2, 4, and 6 allow you to specify quotas, allocations, and buffers in the orange cells. Steps 3, 5, 7, and 8 allow you to review results based on inputs specified in prior steps. Steps 9a and 9b summarize model results for allocating quota amongst charter vessels.

Step 1. Specify Recreational ACL/quota -----> 5,390,000 <--- Current quota is 5,390,000 lbs ww

Step 2. Specify % of Recreational ACL allocated to for-hire vessels -----> 44% <--- This is the preferred for-hire allocation percentage in Amendment 40.

Alternative	Time Interval	For-hire		Private		Total quota
		quota	% allocation	quota	% allocation	
2	1986-2013*(a)	2,700,390	50.1	2,689,610	49.9	5,390,000
3	1991-2013*	2,597,980	48.2	2,792,020	51.8	5,390,000
4	1996-2013*	2,474,010	45.9	2,915,990	54.1	5,390,000
5	2001-2013*	2,258,410	41.9	3,131,590	58.1	5,390,000
6	2006-2013*(b)	2,037,420	37.8	3,352,580	62.2	5,390,000
Pref. 7	0.5(a)+0.5(b)*	2,371,600	44.0	3,018,400	56.0	5,390,000 <--- Current preferred alternative in Amendment 40
8	2011-2013	1,568,490	29.1	3,821,510	70.9	5,390,000
9	1986-2003	2,926,770	54.3	2,463,230	45.7	5,390,000

Step 3. Review for-hire ACL -----> 2,371,600

Step 4. Specify % buffer for setting for-hire ACT -----> 20%
 (Note: 20% buffer is status quo, but could be less if uncertainty in landings reduced by catch share management system and real-time reporting)

Step 5. Review for-hire ACT -----> 1,897,280

Step 6. Specify % of For-hire landings accounted for by charter vessels -----> 67.4% <--- Use the table below to specify the amount allocated to charter vessels

Percent red snapper landings by charter and headboat fishing modes

Alternative	Time Interval	% Charter	% Headboat
2	1986-2013*(a)	65.0%	35.0%
3	1991-2013*	66.2%	33.8%
4	1996-2013*	68.5%	31.5%
5	2001-2013*	71.1%	28.9%
6	2006-2013*(b)	69.7%	30.3%
7	0.5(a)+0.5(b)*	67.4%	32.6%
8	2011-2013	66.3%	33.7%
9	1986-2003	64.5%	35.5%

Step 7. Review charter for-hire portion of ACT -----> 1,277,918

Step 8. Allocate ACT by region. I used 2004-2012 average landings (excluding 2010), but other time periods could be considered here. This is simply an example of what might be possible.

Percent charter landings by region, 2004-2012

State/Region	% Charter Landings	Regional ACT allocation
FL Keys	0.1%	1,278
FL Peninsula	1.8%	23,003
FL Panhandle	52.8%	674,741
AL	28.7%	366,762
MS	0.1%	1,278
LA	14.0%	178,909
TX	2.5%	31,948
100%		1,277,918

Step 9a. Review distribution of regional ACT allocation by permits and vessel capacity within each region. The following proposes 1 share go to 6-pack vessels, 2 shares go to vessels with passenger capacities of 7-30, and 3 shares go to vessels with passenger capacities >30 (suggestion made by Gary Bryant). Federally permitted boats participating in the SE Headboat Survey have been excluded from this list. Permit numbers are based on NMFS permit records as of March 2014.

Number of federally permitted vessels by region and passenger capacity. Based on NMFS permit records as of March 2014.

Passenger Capacity State/Region	1-6	7-30
31+ FL Keys	5	96
0		
FL Peninsula	337	15
FL Panhandle	192	70
AL	115	20
MS	36	4
LA	112	2
TX	177	8
Out of Gulf*	22	1
Total	1087	120

*Vessel homeport was on east coast of FL or not in a Gulf state.

Quota allocated per vessel (lbs) by region and passenger capacity

Passenger Capacity	Total Quota State/Region			1-6
7-30	31+	Allocated to FL Keys		12
23	35	1,278		
FL Peninsula	58	116	174	23,003
FL Panhandle	1,804	3,608	5,412	674,741
AL	1,807	3,613	5,420	366,762
MS	26	51	77	1,278
LA	1,466	2,933	4,399	178,909
TX	136	272	408	31,948
Out of Gulf*	0	0	0	0
Total				1,277,918

*Vessels homeported outside of Gulf not allocated any quota.

Step 9b. This is an alternative approach for allocating. Instead of basing quota amounts allocated on regional landings in Step 8, quota amounts are allocated based on passenger capacity. Each 6-pack vessel would receive 1 share, 2 shares go to vessels with passenger capacities of 7-30, and 3 shares go to vessels with passenger capacities >30 (suggestion made by Gary Bryant). Federally permitted boats participating in the SE Headboat Survey have been excluded from this list. Permit numbers are based on NMFS permit records as of March 2014.

Number of federally permitted vessels by passenger capacity. Based on NMFS permit records as of March 2014.

Passenger Capacity	# of Vessels
1-6 passengers	1087
7-30 passengers	120
31+ passengers	64

Quota allocated per vessel (lbs) by passenger capacity

Passenger Capacity	Quota per vessel (lbs)	Total Quota Allocated
1-6 passengers	841	914,481
7-30 passengers	1,683	201,909
31+ passengers	2,524	161,527
Total		1,277,918