



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

**APR - 7 2011**

The Honorable Rick Scott  
Governor of Florida  
Tallahassee, FL 32399

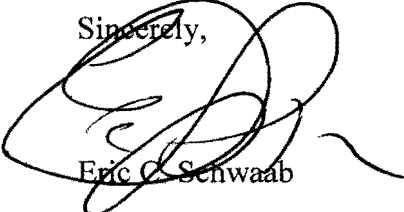
Dear Governor Scott:

On May 6, 2009, former Governor Crist requested a determination of a commercial fishery failure due to a fisheries resource disaster in the Gulf of Mexico Reef Fish fishery under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Interjurisdictional Fisheries Act (IFA). Governor Crist requested a declaration for a fishery resource disaster for the Gulf of Mexico Reef Fish fishery based on the effects of the May 2009 emergency rule prohibiting the use of bottom longline gear to reduce the incidental take of sea turtles.

NOAA's National Marine Fisheries Service (NMFS) and the Gulf of Mexico Fishery Management Council recognized the emergency rule caused economic hardship for the industry, and moved quickly to try and minimize the negative impacts of the emergency rule. On October 16, 2009, NMFS published a rule re-opening the bottom longline component of the reef fish fishery with certain restrictions intended to continue protection of sea turtles. As a result of this effort, economic harm was minimized. To determine if a commercial fishery failure due to a fisheries resource disaster occurred despite this effort, NMFS examined a variety of data, such as the number of trips that harvested shallow-water grouper species, the change in their revenues, expected economic impacts of the 2009 restrictions compared with normal variability in harvest revenues, and whether a significant portion of vessels were adversely affected. The data did not support a determination of a commercial fishery failure due to a fishery resource disaster, and therefore the Secretary of Commerce determined that there is no commercial fishery failure due to a fishery resource disaster under section 312(a) of the MSA or section 308(b) of the IFA.

If you have further questions, please contact John Gray, Director of NOAA's Office of Legislative Affairs, at (202) 482-4981.

Sincerely,



Eric C. Schwaab

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES

