



Southern Shrimp Alliance, Inc

P.O. Box 1577
Tarpon Springs, FL 34688
Ph. 727.934.5090
Fx. 727.934.5362
john@shrimpalliance.com

July 24, 2009

TO: Susan Gerhart
Kate Michie
Southeast Regional Office
National Marine Fisheries Service
St. Petersburg, FL 33701

RE: Comments on Final Amendment 7 to the FMP for the Shrimp Fishery in the South Atlantic Region and accompanying Final Environmental Assessment (NOAA-NMFS-2008-0319)

Comments on Proposed Rule to Implement Amendment 7 to the FMP for the Shrimp Fishery in the South Atlantic Region (ID# 0648-AW19)

The Southern Shrimp Alliance is pleased to submit these comments on both the Final Amendment 7 document and the Proposed Rule to implement Amendment 7 to the FMP for the shrimp fishery in the South Atlantic.

Attached please find a copy of the comments SSA submitted to the South Atlantic Council on August 15, 2008, in preparation for the Council's meeting to consider and adopt the Final Amendment.

Please note that as a consequence of working very cooperatively with the Council members and staff, SSA supported all of the Council's proposed Actions except Action 5 which, as explained in our comments, would have imposed additional counterproductive VMS requirements on certain shrimp vessels. In its final consideration of this Action, the Council decided to adopt the "No Action" Alternative 1. We greatly appreciate and support the final action taken by the Council and the very productive and cooperative work that went into this Amendment.

As a consequence of the Council's final action, SSA strongly supports both the final Amendment 7 and the Proposed Rule to implement the Amendment, and urges their timely implementation. This Amendment and regulations are central to the future viability of the rock shrimp fishery in the South Atlantic and the proper conservation and utilization of the rock shrimp resource.

Thank you again for the opportunity to provide these comments.

Sincerely,

A handwritten signature in cursive script that reads "John Williams".

John Williams, Executive Director



Southern Shrimp Alliance, Inc

P.O. Box 1577
Tarpon Springs, FL 34688
Ph. 727.934.5090
Fx. 727.934.5362
john@shrimpalliance.com

August 15, 2008

Bob Mahood
Executive Director
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
Charleston, SC 29405

RE: Comments on Shrimp Amendment 7

The Southern Shrimp Alliance appreciates the opportunity to work with the Council in the development of Amendment 7 to the Shrimp Fishery Management Plan and the opportunity to provide the following comments.

Actions 1-4

SSA strongly supports the following:

- Action 1, Preferred Alternative 2:
Remove the 15,000-pound rock shrimp landing requirement

- Action 2, Preferred Alternative 2:
Reinstate all endorsements lost due to not meeting the landing requirement of 15,000 pounds of rock shrimp in one of four consecutive calendar years.

- Action 3, Preferred Alternative 2:
Reinstate all limited access endorsements for those vessel owners who renewed their open access permit in the year in which they failed to renew their limited access endorsement. Require vessel owners eligible to have their vessel endorsements reinstated to apply for a limited access endorsement within one year after the effective date of the final rule for this amendment. Note: Eligible individuals need to have had a limited access endorsement at one time.

Southern Shrimp Alliance, Inc

- Action 4, Preferred Alternative 2:

Rename the limited access endorsement and the open access permit of the existing permit system as follows:

- A. Rock Shrimp Permit (South Atlantic EEZ) – would allow fishing throughout the South Atlantic EEZ.
- B. B. Rock Shrimp Permit (Carolina Zone) – would allow fishing in the EEZ off North and South Carolina.

These Preferred Alternatives are consistent with the recommendations of the Deepwater (Rock) Shrimp Advisory Panel to provide for the long-term sustainability and viability of the rock shrimp fishery.

Collectively, these Alternatives will address the specific concerns that conditions within the rock shrimp fishery have changed substantially since Amendment 5 was implemented in 2003 and, as a consequence, the objectives of the Shrimp FMP to maintain a viable rock shrimp fishery and infrastructure will not be achieved in the future unless revisions are made. Since 2003, ex-vessel prices for all species of shrimp throughout the South Atlantic and Gulf region have fallen dramatically as a direct consequence of imported shrimp much of which has been illegally dumped into the US market. Seriously exacerbating the impacts of depressed shrimp prices has been the enormous rise in the cost of fuel to this fuel-intensive fishery. The consequence of these conditions and the overall downturn in the US economy is that participation and fishing effort in all shrimp fisheries including the rock shrimp fishery has declined dramatically.

These Alternatives also provide effective solutions to important administrative problems stemming from the confusing nature of the permit/endorsement nomenclature and renewal provisions of Amendment 5 which may have caused some rock shrimp fishermen to lose their endorsements and permits.

The collective impact of the change in prevailing conditions within the shrimp industry since Amendment 5 was implemented and the administrative problems described above is that 73 (47 percent) of the 155 rock shrimp endorsements issued pursuant to Amendment 5 would be eliminated from the fishery if no action is taken. The optimum level of participation in this fishery has been established at about 150 vessels. Thus, it is highly likely that the rock shrimp fishery and necessary infrastructure would not survive absent the actions proposed under this Amendment. The Preferred Alternatives set forth in Actions 1-4 will achieve the desired balance between preventing over-capacity in this fishery and maintaining the ability of the fleet to fully utilize the resource and sustain the necessary shoreside infrastructure.

SSA is grateful to the Council Members and Staff for being so responsive to the expert input from the AP and the needs of the rock shrimp fishery which has led to the cooperative development of the Preferred Alternatives under Actions 1-4. Implementation of these Alternatives will have a very positive impact on the rock shrimp fishery.

Action 5

SSA has very serious reservations about this Action.

As it has stated on many occasions, SSA does not want the shrimp fisheries to damage important coral habitat and so has strongly supported legitimate measures to protect such habitat including through the Oculina Bank HAPC. As the Council knows, SSA has worked very hard in cooperation with the Council as well as the environmental and scientific communities to make substantial progress on the establishment of the deepwater coral HAPC's through the Council's Fishery Ecosystem Plan Amendment.

With this in mind, SSA understands the Council's need to ensure that there is proper and effective enforcement of fishing restrictions applicable to HAPCs including the Oculina bank HAPC. Nevertheless, SSA has not been provided with any specific information documenting allegations of recent illegal fishing by rock shrimp fishing vessels in the Oculina HAPC which was cited by one member of the Council as the principal if not sole basis for this Action.

Of course, SSA fundamentally opposes any illegal fishing activity such as that which was alleged, and it supports legitimate measures to improve enforcement consistent with Objective 14 of the Shrimp FMP and applicable law. However, it does not appear that there is much of a record on which this Action was based. It was only raised, briefly discussed, and adopted at the most recent meeting of the Council without the benefit of any documentation. This is very uncharacteristic of the Council's actions with respect to our fishery which to date have been very constructive, forthright and based on the best scientific information. Undocumented rumors and other unsubstantiated anecdotal information do not provide a sufficient basis for a regulatory requirement that has significant management and economic implications such as this Action. SSA would appreciate receiving any information documenting the Council's statement in its Summary of Amendment 7: *"...indications that trawling for rock shrimp may have occurred in recent years within the Oculina Bank HAPC are worrisome."*

It is well known that SSA has worked hard to improve the performance and reputation of shrimp fisheries throughout the South Atlantic and Gulf of Mexico in part by working very cooperatively in support of legitimate efforts to protect important coral habitat. It seems very unfortunate that this effort could be undermined so easily by unsubstantiated innuendo. Again, SSA certainly shares the Council's concern about any illegal fishing activity by shrimp vessel and would appreciate receiving any documentation that might assist our efforts to work with the rock shrimp fishery to address such a problem if one exists.

SSA's primary concern with the regulatory impacts of this Action is, as stated above and in the Council's analysis of this proposed Shrimp Amendment 7, that there will not be a sufficient level of participation and fishing effort in the rock shrimp fishery to sustain this fishery into the future unless action is taken to revise the current provisions of Amendment 5. The very purpose of this Amendment is, of course, to take such action that will ensure the future viability and sustainability of the rock shrimp fishery in part by ensuring that a sufficient number of vessels (permits/endorsements) are able to participate in the fishery.

Southern Shrimp Alliance, Inc

SSA understands that there are approximately 21 vessels with rock shrimp permits that do not currently have VMS and whose endorsements could not be renewed unless proof of activation and operational status of an approved VMS has been verified by NMFS. In other words, approximately 15 percent of the total permits in the fishery are affected and could be lost to the fishery unless this Action is implemented with some great care. It is important that the holders of these permits are sufficiently and timely advised of the implications of this action so that there is a reasonable opportunity for these permits to be kept active and utilized by participants in the rock shrimp fishery. Further, implementation of the requirement for “*proof of activation and operational status*” must be reasonably applied in a practicable manner. NMFS should work cooperatively with the industry to develop a simple and timely method for verifying the activation and operational status of VMS for these vessels. Otherwise, this Action could have the effect of undermining the very purpose of this Amendment to ensure a sufficient level of participation in the fishery. SSA looks forward to the Council and NMFS working closely with the rock shrimp fishery and SSA to ensure this Action is implemented in a fair, reasonable and practicable manner consistent with the purposes of this Amendment.

A second serious regulatory concern is whether interpretation of the wording of Alternative 2 would require a vessel with a rock shrimp endorsement to have its VMS unit turned on while operating in the Gulf of Mexico. SSA does not believe that is the intent of this measure or that such a requirement would be justified. The purpose of this measure is to require a vessel to have an activated, operational VMS on board in order to renew, reinstate or receive through a transfer a rock shrimp endorsement. This requirement is complimentary to the existing requirement for any vessel with a rock shrimp endorsement operating in the South Atlantic to have a VMS on board and operating. This measure should not be misinterpreted to add a new requirement for such vessels to have their VMS units turned on when operating in the Gulf of Mexico in unrelated fisheries that are not under the management authority of the SAFMC.

SSA's primary concern with the economic impacts of this Action relates to the cost of a VMS unit which is currently about \$3,500 and the additional recurring operations costs. This is not at all an insignificant cost in the current context of the fishery of substantially depressed shrimp prices, skyrocketing fuel costs and a national economic downturn. Again, there appears there may be an insufficient record to support this Action in the face of these regulatory and economic impacts. SSA looks forward to working with the Council and NMFS to secure any available financial assistance for the purchase of VMS units that would be required under this Action.

Action 6

SSA supports Preferred Alternative 3 inasmuch as its purpose is to improve the Council's and Agency's understanding of the social and economic impacts of management measures on shrimp fishery participants, and to generally improve fishery management. SSA is always concerned that any requirement to provide such data be implemented in a cooperative fashion so that it does not become a significant regulatory or economic burden on those fishermen chosen to participate.