



Southern Shrimp Alliance, Inc

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

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Karyl Brewster-Geisz
HMS Management Division F/SF1
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

RE: Comments on Pre-draft Amendment 3 to the HMS FMP

The Southern Shrimp Alliance (SSA) appreciates the opportunity to provide the following comments on the pre-draft Amendment 3 to the Highly Migratory Species (HMS) Fishery Management Plan (FMP). SSA notes that its representative is a member of the HMS Advisory Panel.

In its comments on the scoping documents, SSA presented an extensive summary of scientific issues of concern regarding the high estimate of blacknose shark bycatch in the shrimp trawl fisheries that was used in the SEDAR 13 stock assessment which determined the stock status of blacknose sharks to be overfished and that overfishing is occurring. SSA also presented a number of concerns regarding data input and modeling aspects of the SEDAR assessment itself, and further suggested that an analysis of the NMFS video of the Georgia Bulldog TED research was in order.

In light of these concerns, SSA strongly recommended that the NMFS Southeast Fisheries Science Center (SEFSC) work in close cooperation with non-government scientists on reevaluating the blacknose shark bycatch estimate for shrimp trawl fisheries and to perform an update of the SEDAR assessment accordingly. SSA greatly appreciates that this cooperative effort was initiated and is ongoing.

As a general comment, SSA has reviewed the NMFS responses to the scoping comments on HMS Amendment 3 it received including those from SSA. It does not appear that these responses are consistent with the prevailing scientific understanding of the issues raised. Rather than repeat each of the many points we feel require serious reconsideration, SSA strongly encourages NMFS HMS Division to consult closely with the SEFSC and others on the many technical points presented in this document, particularly in light of the ongoing consultations with non-government scientists. SSA's scoping comments are also attached for the record and further reconsideration.

More specifically, SSA submits for the record the attached report entitled "Potential Effects of Turtle Excluder Devices on Bycatch of Blacknose Sharks". This report has been submitted by the authors to the SEFSC. It strongly suggests that the blacknose bycatch estimate for the shrimp trawl fisheries that was used in the SEDAR 13 stock assessment did not adequately account for the substantial blacknose shark bycatch reduction effect of TED's currently deployed in the shrimp trawl fisheries. Consequently, the bycatch estimate used in the stock assessment is likely substantially higher than what is actually occurring in the fisheries.

SSA also submits for the record the attached report entitled "A Review of Submersible Video Depicting Shark Interaction with various TED types". The results of this report were also presented to the SEFSC. It reaches independently through direct observation the same conclusion that there is a considerable blacknose shark bycatch reduction effect of TED's currently deployed in the shrimp trawl fisheries. Again, this strongly suggests that the bycatch estimate used in the stock assessment is likely substantially higher than what is actually occurring in the fisheries.

Finally, it is SSA's understanding that under current law, section 304(e)(3) of the Magnuson-Stevens Act provides NMFS with one year from the date a fishery is determined to be overfished to prepare a plan amendment that will end overfishing and rebuild the affected stocks of fish. (SSA is fully cognizant that amendments to section 304(e)(3) will take effect on July 12, 2009). It is worth highlighting that this provision of current law does not set a specific time requirement for when such a plan amendment must be implemented. It also does not specify when overfishing must end under the plan amendment.

Therefore, given the substantial scientific uncertainties underlying the blacknose shark bycatch estimates for the shrimp trawl fisheries and the consequent status determination that this stock is overfished, SSA strongly encourages NMFS to defer final implementation of the proposed plan amendment prepared according to current law until the SEFC's ongoing cooperative effort with non-government scientists to reevaluate the shrimp trawl bycatch estimate is completed and an update of the SEDAR 13 stock assessment is conducted. There is a strong possibility that this reevaluation and stock assessment update may result in a fundamental change in the blacknose shark stock status determination and that this would have major implications for this management action.

We appreciate your consideration and look forward to working with you.

Sincerely,



John Williams,
Executive Director

w/attachments