

November 20, 2001

Dr. William Hogarth, AA
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

Dear Dr. Hogarth:

Thank you for attending the Gulf & South Atlantic Fisheries Foundation (GSAFF) meeting in Tampa on Thursday. We appreciate the generosity of NMFS for making the meeting possible. You did a fine job explaining this particular TED issue. Your response to some tough questions showed your genuine interest in solving this problem. It was obvious to the industry that there are too many questions yet to be answered before any dramatic changes to the TED Regulations are finalized.

Thanks also for extending the official comment period on this proposed TED rule until the middle of February. In reality, it's still not enough time to gather available pertinent information, yet you did hear the plea from our domestic shrimp industry and your quick decision for an extended comment period is greatly appreciated.

You will be receiving an in-depth report of the meeting from the GSAFF including recommendations from the participants. Southeastern Fisheries Association supports these recommendations approved by an industry consensus.

It was obvious from the outset of the meeting that shrimp harvesting invokes many differing opinions regionally within the Southeast. There is absolutely no way a policy of "ONE TED FITS ALL" should ever be seriously considered by NMFS. The current proposal requiring all shrimp boats to use a very large SINGLE GRID HARD TED in the net all the time when shrimping in the Gulf or South Atlantic region is ludicrous. *The instructions for Installations of Proposed Standard Opening for Single-Grid Hard Ted's requires the user to cut an exit hole in the extension forward of the TED frame 20 inches deep on each side, by 71 inches across the leading edge. The instructions further state, the exit hole cover is made by cutting a 133 inch by 58 inch piece of webbing no smaller than 1 ½ inch stretch mesh and no larger than 1 5/8 inch stretch mesh.* This may be easy to measure but is impossible to justify in all areas.

An example of regional difference is Florida shrimpers fishing within 3 miles of shore in the Gulf and within 1 mile of shore on the Atlantic are limited by the State Constitution to using nets with no more than 500 square feet of webbing. What percentage of this small net will be lost to the 71 by 20 inch opening required by this proposed rule?

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Additionally, we here in the Eastern Gulf very strongly believe the Andrews Soft Ted would release turtles regardless of size and at the same time could continue to be fine tuned so fish bycatch would be further reduced making it significantly better than all other forms of TEDS in our particular area. We still firmly believe we lost the Andrews Soft Ted because it presented a problem for the law enforcement during measurement. We think it abhorrent that an entire industry is made to suffer loss of shrimp just because there is a problem in measuring the device. We should be working on a better way to teach law enforcement personnel how to measure the Andrews soft TED instead of banning it. We continue to push you on this issue and we will continue to do so until we succeed in getting the Andrews Soft Ted approved.

Not much was said at the GASFF meeting about it but September 11, 2001 changed all of us, particularly the federal government. Our country has declared war on terrorism throughout the world. President George W. Bush said it will be long and it will be tough, but we will win it. It seems to me now is not the time to put additional burdens on any domestic food producing industry when the continuation of a safe food supply is so important to the country and when the safety of imported seafood is under such high scrutiny by state and federal agencies.

When all the U.S. ports and airports were closed on 9/11/01, millions of pounds of seafood at sea and in the air were unable to be landed because of the terrorist attack. Many suppliers and their customers were immediately adversely impacted by this action. Couple this with the dramatic decline of people traveling and eating out and you can just imagine the economic plight of our industry. The United States depends on a strong economy. The proposed mandate for all shrimp vessels to use this large hard grid Ted will hurt our economy beyond any calculations that have been made by your agency.

Domestic harvesters of seafood as well as farmers, ranchers and all food producing industries are more important to the well being of America now than they were on 9/10/01. I am not using the tragedy of 9-11 to oppose the TED rule but merely articulating the fact that America's dependence on foreign food, like our dependence on foreign oil, can create catastrophic scenarios during war. I don't think our federal government, at this time in our history, wants to implement any regulations that damage our ability to produce food, create jobs and create wealth by domestic harvesters.

We contend this new TED could result in a 7% to 15% loss of shrimp in addition to what we are already losing from the existing TED requirements.

You were not present when Sally Murphy, South Carolina Department of Natural Resources, made her presentation. She stated her belief that shrimping is responsible for all turtle strandings. In her remarks she showed an overhead entitled, "**FACTORS AFFECTING STRANDING.**" She divided this overhead presentation into three parts.

1. Biology, 2. Anthropogenic and 3. Physical. Under anthropogenic, which I assume she used as factors caused by man, she lists the following:

- a) Total # of boats;
- b) Density of boats (multiple captures);
- c) Fishing efficiency;
- d) TED compliance;
- e) TED efficiency;
- f) frequency of stranding network patrols relative to tides, and;
- g) distance from shore when killed.

Sally Murphy also commented on turtle strandings in South Carolina by saying that in May 2000 when the shrimp season opened there were 20 strandings which she attributed to shrimp trawling. She said the following year, May 2001, there were 21 strandings and there was no shrimp trawling because of the hard winter previous. There were more strandings when there was NO SHRIMPING. Guilty by association in 2000 but silence from her in 2001.

Beyond this however, what struck most of us in the audience was no other anthropogenic factor made it into her presentation. Many turtles die from disease and end up on the beaches yet no mention was made of that factor in the presentation that I recall. Thank goodness Captain Dave Harrington showed evidence of turtle deaths that could only have come from big ships and other causes. His presentation should be required viewing for all turtle regulators.

Any person, other than someone so biased against the shrimp industry would have to admit that inshore speedboats, submarines, cruise ships, fishing lines, diseases and pollution should be factored into strandings. If no necropsy is taken on a turtle then the death should be listed as unknown instead of the standard enviro's line that, "If a turtle is stranded, it must have been killed by a shrimp trawler." We don't accept that and until this attitude toward shrimpers changes, I see no way to cooperate with people who hold that radical view. We are consistently told the compliance rate in TED usage by shrimpers is around 98% and we are glad that the nesting increase of the Kemp's Ridley has increased 800% since the mid-1980's. This is a success story that has gone mostly unnoticed by the anti-commercial fishing crowd.

The genesis of this proposed rule comes from an unprecedented occurrence of leatherback turtles congregating mostly in the South Carolina area of the South Atlantic. Changes in climate, wind direction, water and air temperature probably caused the leatherbacks to migrate to this area.

It is possible this same situation could have happened in past climatological cycles but nobody was concerned with turtle strandings. Nevertheless, the leatherbacks arrived on our watch and some are stranded. As a result of this, a *Leatherback Contingency Plan* was adopted in 1995 establishing a leatherback conservation zone from Cape Canaveral to the North Carolina/Virginia border for a certain time period based on observations of leatherback populations in that area. This plan worked and was accepted by the industry and from what I understand, many of the turtle activists. If this protocol is working, why doesn't NMFS just continue it? If the affected regional industry can live with it and the only opposition to it comes from SCDNR's Sally Murphy, then we need to have more meetings between Ms Murphy, the industry and scientists who are not biased one way or the other about turtles. We strongly urge all data presented during the hearings on the proposed leatherback regulations MUST be peer reviewed before any final regulations are implemented. Additionally, we urge the Epperly and Teas (1999 study) to be peer reviewed outside the agency.

We question the arbitrary and capricious input from the US Fish & Wildlife Service on this issue. From our experience, this agency has been anti-commercial fishing for so long they should be required to file a disclaimer every time they get involved with commercial fishing issues. After decades of bad experiences with them concerning National Parks here in Florida we hardly believe anything they say.

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Not one single tow was made in Louisiana inshore waters yet all those shrimpers must install this large device. Again, for NMFS to side with USFWS to de-certify hoop nets is a shame. USFWS would like to de-certify all commercial fishing.

There is much more that will be submitted on this issue but suffice to say Southeastern Fisheries Association recommends at least the following:

1. Continue the current Leatherback Contingency Plan. Fine tune it in any area where there is a substantial number of strandings proven to be from shrimp trawling.
2. Re-institute the live turtle protocol in the Cape Canaveral Ship Channel.
3. Certify several Andrews Soft Ted's in order to reduce shrimp loss and reduce bycatch. Don't let the measuring difficulty prevent the use of this great TED.
4. Do not require any new TED in any area in which the new TED has not been tested.
5. Distance NMFS from USFWS on commercial fishing issues. Before too long there will be a move in Congress to take all fish management from Commerce and put in Interior. Be advised.

We look forward to working with you on this issue. We are willing to work as a partner in protecting our marine resources. All you have to do is give us a try.

Sincerely yours,

Bob Jones
Executive Director

Cc: SFA Board of Directors