



MARINE MAMMAL COMMISSION

15 July 2011

Mr. Steve Branstetter
Southeast Regional Office
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701

Dear Mr. Branstetter:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's 17 June 2011 *Federal Register* notice (76 Fed. Reg. 35409-35410) regarding an application from the Gulf and South Atlantic Fisheries Foundation, Inc., seeking an exempted fishing permit under provisions of the Magnuson-Stevens Fishery Conservation and Management Act. The permit would authorize the applicant to collect and retain, under certain restrictions, limited numbers of fish and crustacean specimens taken as bycatch in the shrimp fisheries of the Gulf of Mexico and the South Atlantic. The Marine Mammal Commission supports issuance of the proposed permit and offers the following recommendations and rationale.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service—

- issue the requested experimental fishing permit; and
- condition the permit to require the applicant to record and report data about any incidental mortality or injury of a marine mammal over the course of this study and ensure the proper handling and safe release of these species.

RATIONALE

The Gulf of Mexico and South Atlantic Fishery Management Councils manage the commercial shrimp fisheries of the southeastern United States through Shrimp Fishery Management Plans codified in regulations at 50 C.F.R. part 622. The regulations prohibit the collection and retention of other Council-managed species taken as bycatch in the fisheries. The Gulf and South Atlantic Fisheries Foundation, Inc. has requested an experimental fishing permit to allow its authorized members to collect and retain, under certain restrictions, samples of shrimp fishery bycatch, including reef fish, red drum, coastal migratory pelagics, stone crab, and lobsters in the Gulf of Mexico and snapper-grouper, coastal migratory pelagics, dolphin and wahoo, and lobsters in the South Atlantic. The samples would provide much-needed species-specific information about the levels of bycatch and discards in these fisheries, as well as information on fish stock abundance, productivity, and resilience to fishing.

The Marine Mammal Commission concurs with the Service's preliminary determination that the proposed sampling program should not adversely impact the fish stocks in question. The

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proposed program includes a cap of 500 fish retained, a time limit on the duration of the study, area limits to protect sensitive habitats, and limits on fishing effort. The Commission also agrees that data collected during this study could provide useful information for assessing the impact of shrimp fishing on stocks taken as bycatch. Therefore, the Marine Mammal Commission recommends that the Service issue the requested experimental fishing permit.

The Commission also notes that this program would provide a valuable opportunity to gather data on the frequency and severity of interactions between the fisheries and protected species. The Service acknowledges that such bycatch occurs, and, as a condition of this proposed exempted fishing permit, it requires properly-trained personnel to oversee the handling and safe release of sea turtles caught in the course of this study. The Service should require comparable measures to ensure the documentation, safe handling, and release of marine mammal species taken incidentally. In the 2010 List of Fisheries, the Service elevated the Southeastern U.S. Atlantic and Gulf of Mexico shrimp trawl fisheries to Category II, reflecting increased awareness of occasional mortality and serious injury of marine mammals. The Service has observed 12 dolphin takes in these fisheries since 1993 (11 since 2002), although the species and stock could not always be identified. The Service also reported 13 dolphin takes in research and relocation trawls (10 since 2002) that use fishing methods comparable to the shrimp fisheries, suggesting the strong possibility of additional commercial fishery takes that go unobserved. In fact, the lack of adequate observer coverage in the fisheries is a significant limitation to understanding the nature and extent of marine mammal bycatch.

Observer programs for these fisheries became mandatory in 2007 but have covered less than 1 percent of fishing effort for all observed years. Given the Service's responsibility for protecting the marine mammal stocks involved—and these stocks' small sizes and vulnerability to fishery-related take—the Service should increase its efforts to carefully monitor these interactions and their impact on the affected stocks. If the Service approves the exempted fishing permit, it should ensure that the study's participants are fully capable of addressing any marine mammal interactions that occur in the fisheries. Therefore, the Marine Mammal Commission recommends that the Service condition the permit to require the applicant to record and report data about any incidental mortality or injury of a marine mammal over the course of this study and ensure the proper handling and safe release of these species.

Please contact me if you have questions about the Commission's recommendations and rationale.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director