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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Thomas McIlwain, Chairman  
Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue  
Suite 1100  
Tampa, FL 33607

JUL 22 2009

Dear Mr. McIlwain:

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has determined that blacknose sharks (*Carcharhinus acronotus*) are overfished, with overfishing occurring (Table 1, enclosed). This determination is based on the latest 2007 stock assessment of Small Coastal Sharks (SCS) in the U.S. Atlantic and Gulf of Mexico (November 13, 2007, 72 FR 6388). Overall, shrimp trawl bycatch in the Gulf of Mexico and South Atlantic combined accounted for 34-70 percent of all blacknose mortality from 2000-2005. Specifically, the 2007 stock assessment determined that from 2000-2005, 30-62 percent (average 44 percent per year) of blacknose mortality occurred as shrimp trawl bycatch in the Gulf of Mexico. Additionally, 4-7 percent of blacknose mortality occurred as shrimp trawl bycatch in the South Atlantic.

Under National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS must take action to prevent overfishing. Therefore, the Highly Migratory Species Management Division is conducting rulemaking to amend the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) to include new measures to rebuild and prevent overfishing of blacknose sharks. NMFS has scheduled four scoping meetings from Texas through Massachusetts (Table 2, enclosed) to obtain comments from the public on shark management measures. NMFS is also requesting time to present information to the five Atlantic Regional Fishery Management Councils and the two Marine Fisheries Commissions. These comments will be used to assist in the development of the upcoming amendment to the Consolidated HMS FMP.

As a result, I am requesting that the Gulf of Mexico Fishery Management Council, and the other Regional Fishery Management Councils that have fisheries that interact with blacknose sharks, provide a point of contact to the HMS Management Division in order to discuss and potentially develop collaborative management strategies to prevent overfishing of blacknose sharks.

Please feel free to contact Margo Schulze-Haugen if you have any questions at (301) 713-2347.

Sincerely,

*Emily Menachek*  
for Alan D. Risenhoover  
Director, Office of Sustainable Fisheries



Enclosures

cc: Wayne Swingle, Executive Director, GMFMC  
Roy Crabtree, Administrator, SERO  
Buck Sutter, Deputy Administrator, SERO  
Bonnie Ponwith, Director, SEFSC

Table 1. Summary Table of Biomass and Fishing Mortality for blacknose sharks based on Age-structured State-Space Age-Structured Production Models (SPASMs). Source: SEDAR 13 Stock Assessment Panel, July 9, 2007.

Species	Current Relative Biomass Level*	Current Biomass ( $N_{2005}$ )	Stock Abundance ( $N_{MSY}$ )	Minimum Stock Size Threshold (MSST)	Current Relative Fishing Mortality Rate ( $F_{2005}/F_{MSY}$ )	Maximum Fishing Mortality Threshold ( $F_{MSY}$ )	Outlook
Blacknose Sharks	0.48 ( $SSF_{2005}/SSF_{MSY}$ )	3.49E+05	5.7E+05	4.3E+05	3.77	0.07	Overfished; Overfishing is occurring

\*Spawning stock fecundity (SSF) was used as a proxy of biomass when biomass (B) does not influence pup production in sharks.

Table 2. Time and Locations of the four scoping meetings.

<b>Date</b>	<b>Time</b>	<b>Meeting Locations</b>	<b>Address</b>
7/30/08	5:30 – 7:30 p.m.	Freeport Branch Library	410 Brazosport Boulevard, Freeport, TX 77541
8/27/08	6:00 – 8:00 p.m.	NOAA Fisheries Service, Southeast Regional Office	263 13th Avenue South, Saint Petersburg, Florida 33701
8/28/08	5:30 – 7:30 p.m.	Fort Pierce Library	101 Melody Lane, Fort Pierce, FL 34950
10/9/08	3:00 – 5:00 p.m.	NOAA Fisheries Service, Northeast Regional Office	1 Blackburn Drive, Gloucester, MA 01930



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Rick Leard, Acting Executive Director  
Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue  
Suite 1100  
Tampa, FL 33607

JUL 22 2008

Dear Mr. Leard:

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Sincerely,

  
for Alan D. Wisenhoover  
Director, Office of Sustainable Fisheries



Enclosures

cc: Roy Crabtree, Administrator, SERO  
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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Robert Shipp, Ph.D., Chairman  
Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue  
Suite 1100  
Tampa, FL 33607

OCT 14 2009

Dear Dr. Shipp

On July 24, 2009, the National Marine Fisheries Service (NMFS) published the proposed rule for Amendment 3 to the Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) (74 FR 36892) and released the Draft Environmental Impact Statement. As you know, Draft Amendment 3 proposes management measures to rebuild overfished blacknose sharks, to end overfishing of blacknose sharks and shortfin mako sharks, and to establish management of smooth dogfish. With publication of the proposed rule, it was our intent to send you the attached letter that requests the cooperation of the Gulf of Mexico Fishery Management Council (GOMFMC) in finding ways to reduce blacknose shark bycatch mortality in the shrimp trawl fishery by 78 percent from the average mortality levels from 1999-2005. However, due to an administrative oversight, the letter was not sent, and the original letter dated July 24, 2009, is included with this letter.

In a letter dated August 21, 2009, the GOMFMC states that shrimp trawl effort has been reduced by approximately 84 percent since 2001-2003, and requests clarification of the data used to evaluate blacknose shark take in the shrimp fishery in the Gulf of Mexico (GOM) and the SEAMAP data. In addition, NMFS received a letter from Mr. Randy Pausina and Mr. Myron Fischer of the Louisiana Department of Wildlife and Fisheries, dated August 28, 2009, which states that Dr. James Nance of NMFS has indicated a reduction in shrimp effort since 2005 in the 75 to 80 percent range.

Effort in the GOM shrimp fishery has decreased 64 percent from the average effort across the entire GOM in 1999-2005 compared to effort in 2008 (James Nance, pers. comm.). Although an analysis of the spatial/temporal distribution of this reduction relative to the distribution of blacknose shark bycatch has not been conducted, a starting assumption could be that this equates to a commensurate 64 percent reduction in bycatch.

Modeling efforts are ongoing that incorporate a Turtle Excluder Device (TED) effect in the bycatch estimation model. Preliminary analyses utilizing the new modeling technique indicate that bycatch may have been reduced by approximately 50 percent in 1999-2005. When bycatch reductions from the effort reduction of 64 percent is combined with an approximately 50 percent bycatch reduction anticipated from the TED effect, a preliminary estimate of the overall reduction is approximately 82 percent from 1999-2005 levels. Full results will be provided once the study is complete. The uncertainty is not fully defined in these preliminary bycatch



estimates, and there may be spatio-temporal differences in bycatch trends. More data and further analyses are required to determine any uncertainty in our estimates and to re-evaluate the status of the blacknose shark stock. The next assessment is scheduled for 2010, and we will re-visit shrimp bycatch and shrimping effort at that time.

Full descriptions of the data used in the 2007 blacknose stock assessment to estimate blacknose bycatch in the GOM are in SEDAR13-DW-31 and SEDAR13-DW-32. Both papers are available on the SEDAR website at

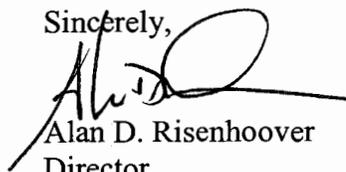
[http://www.sefsc.noaa.gov/sedar/Sedar\\_Documents.jsp?WorkshopNum=13&FolderType=Data](http://www.sefsc.noaa.gov/sedar/Sedar_Documents.jsp?WorkshopNum=13&FolderType=Data).

As outlined in the Final SEDAR 13 SCS Report, the bycatch in the south Atlantic was calculated as a proportion of the Gulf of Mexico bycatch. As for the data from the Southeast Area Monitoring and Assessment Program (SEAMAP) six "time series" were used to estimate blacknose shark bycatch in the shrimp trawl fisheries. These were the fall time series Fall Groundfish (FG) 1972-1986, First Fall (FF) 1987, Fall SEAMAP (FS) 1988-2006; and the summer time series Summer SEAMAP (SS) 1987-2006, Early SEAMAP (ES) 1982-1986, and Texas Closure (TC) 1981. The SEAMAP surveys did not utilize TEDs. However, shrimp trawl observer data from 1972-2005 also were used to estimate blacknose bycatch in the shrimp trawl fisheries and shrimp trawl effort data for the Gulf of Mexico and the South Atlantic from 1972 – 2005 were also used in the SEDAR 13 assessment. If necessary, the Southeast Fisheries Science Center can provide additional clarification of the blacknose shark assessment data.

If the GOMFMC determines that the 78 percent reduction in blacknose shark bycatch mortality has been met by the reduction in shrimp trawl effort and the bycatch reduction effects of TEDs and BRDs, please respond to that affect at your earliest convenience. If the GOMFMC does not make this determination and you would like to discuss the matter further, please do not hesitate to contact me. Also, please note that the mortality reductions needed in the Gulf of Mexico shrimp fisheries are in addition to reductions needed in the HMS fisheries and do not affect NMFS' obligation to reduce blacknose shark mortality across all other fisheries by 78 percent. Therefore, NMFS must still pursue measures in the final Amendment 3 to the Consolidated HMS FMP.

I apologize for the delay in getting the original letter to you and appreciate your consideration of and work on the issue. Please feel free to contact Karyl Brewster-Geisz if you have any questions at (301) 713-2347.

Sincerely,



Alan D. Risenhoover  
Director,  
Office of Sustainable Fisheries

Enclosure

cc: Bonnie Ponwith  
Roy Crabtree



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

JUL 24 2009

Thomas McIlwain, Chairman  
Gulf of Mexico Fishery Management Council  
Gulf Coast Research Lab  
703 East Beach Drive  
Ocean Springs, MS 39564

Dear Dr. McIlwain:

As noted in our letter dated, July 22, 2008 to the Gulf of Mexico Fishery Management Council (GOMFMC), the National Marine Fisheries Service (NMFS) has determined that blacknose sharks (*Carcharhinus acronotus*) are overfished, with overfishing occurring (Table 1, enclosed). This determination is based on the latest 2007 stock assessment of Small Coastal Sharks (SCS) in the U.S. Atlantic and Gulf of Mexico (November 13, 2007, 72 FR 6388). Under National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS must take action to prevent overfishing. The stock assessment stated that to rebuild the species within the required timeframe, the total allowable catch (TAC) of blacknose sharks across all fisheries must be 19,200 fish per year. This TAC is equivalent to a 78% reduction in mortality across all fisheries that catch blacknose sharks. Currently, NMFS is amending the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) via Amendment 3 to reduce directed shark effort in the Atlantic shark fisheries by 78 percent (Attached).

The stock assessment showed that the incidental catch of blacknose sharks within shrimp trawl fisheries is one of the most significant sources of mortality for blacknose sharks. Overall, shrimp trawl bycatch of blacknose sharks in the Gulf of Mexico and South Atlantic combined accounted for 34 to 70 percent of all blacknose mortality from 1999-2005. Specifically, the 2007 stock assessment determined that from 1999-2005, 30 to 62 percent (average 45 percent per year) of blacknose mortality occurred as shrimp trawl bycatch in the Gulf of Mexico. Additionally, 4 to 7 percent of blacknose mortality occurred as shrimp trawl bycatch in the South Atlantic.

However, NMFS recognizes that current offshore shrimp trawl effort in 2006 and 2007 is down by 50 percent compared to the average annual offshore shrimp trawl effort from 1999 – 2005 (from an average of 173,487 24-hour days fished in 1999-2005 to an average of 86,680 24-hour days fished in 2006-2007). In addition, recent changes in bycatch reduction devices (BRDs), such as the Modified Jones Davis, may help release more small sharks, in general, from shrimp trawls. NMFS believes these recent reductions in shrimp trawl effort and recent changes in BRDs may help achieve a portion of the needed reduction in mortality. The SEFSC has been working with industry scientists to re-evaluate the shrimp bycatch models used in the 2007 SCS stock assessments. In particular, they have been evaluating the effect of turtle exclusion devices, or TEDs, on SCS bycatch in shrimp trawls. Once the SEFSC has finished their evaluation of those models, NMFS could revise blacknose shark bycatch estimates. Preliminary results

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



suggest that the post-TED (*i.e.*, from 1990 on) reduction in bycatch from the model currently in development is approximately 50 percent. The SEFSC has also run sensitivity analyses to determine the effect of reduced blacknose bycatch in shrimp trawls on the stock status of blacknose sharks. Although stock status improves, despite reductions in shrimp trawl bycatch of 25, 50, and 75 percent, the stock continues to be overfished ( $N_{2005}/N_{MSY} = 0.66$  to  $0.74$  versus  $0.48$  in the baseline assessment run from the 2007 blacknose shark stock assessment) with overfishing occurring ( $F_{2005}/F_{MSY} = 2.67$  to  $2.21$  versus  $3.77$  in the baseline assessment run from the 2007 blacknose shark stock assessment).

After consulting with the HMS Advisory Panel, NMFS has determined that the most effective method to prevent overfishing and rebuild blacknose sharks is to reduce mortality equally across all fisheries that interact with blacknose sharks, including the directed shark fishery and incidental catch in other fisheries, such as the shrimp trawl fishery. As such, NMFS is requesting the cooperation of the Gulf of Mexico Fishery Management Council in finding ways to reduce blacknose bycatch mortality in the shrimp trawl fishery by 78 percent from the 1999-2005 average catch. According to the stock assessment, an average of 38,626 blacknose sharks per year are killed in the Gulf of Mexico shrimp trawl fishery. This level of mortality needs to be reduced by 78 percent or to 8,498 blacknose sharks per year (Table 2). NMFS is also requesting the South Atlantic Fishery Management Council (SAFMC) to take similar actions to reduce blacknose bycatch mortality in the shrimp trawl fishery.

Thank you for your consideration of this issue, and please feel free to contact Margo Schulze-Haugen if you have any questions at (301) 713-2347.

Sincerely,



James W. Balsiger, Ph.D.

Acting Assistant Administrator for Fisheries

Enclosures

cc: Roy Crabtree, SERO  
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Table 2. Sources of blacknose shark mortality, 1999-2005 (SEDAR 13 Stock Assessment Panel, July 9, 2007). Estimates from the 'longline', 'nets', and 'lines' columns are derived from data reported in the Northeast and Southeast General Canvass data systems. Longline discards are derived from multiplying the longline landings by the ratio of dead discards observed in the commercial shark bottom longline fishery. The numbers in the shrimp bycatch columns are derived using a Bayesian model (Nichols, 2007).

Commercial (number of fish)						Recreational (number of fish)
Longline	Nets	Lines	BLL Discards	GOM Shrimp bycatch	SA Shrimp bycatch	Landings
8,091	19,041	352	5,007	38,626	4,856	10,408
9%	22%	0%	6%	45%	6%	12%





**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Steve Bortone, Executive Director  
Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue  
Suite 1100  
Tampa, FL 33607

OCT 14 2009

Dear Dr. Bortone,

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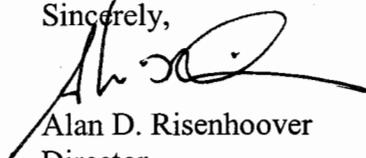
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Sincerely,



Alan D. Risenhoover  
Director,  
Office of Sustainable Fisheries

Enclosure  
cc: Bonnie Ponwith  
Roy Crabtree  
Rick Leard



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

Rick Leard, Deputy Executive Director  
Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue  
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Tampa, FL 33607

JUL 24 2009

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FOR FISHERIES

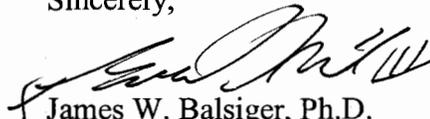


suggest that the post-TED (*i.e.*, from 1990 on) reduction in bycatch from the model currently in development is approximately 50 percent. The SEFSC has also run sensitivity analyses to determine the effect of reduced blacknose bycatch in shrimp trawls on the stock status of blacknose sharks. Although stock status improves, despite reductions in shrimp trawl bycatch of 25, 50, and 75 percent, the stock continues to be overfished ( $N_{2005}/N_{MSY} = 0.66$  to  $0.74$  versus  $0.48$  in the baseline assessment run from the 2007 blacknose shark stock assessment) with overfishing occurring ( $F_{2005}/F_{MSY} = 2.67$  to  $2.21$  versus  $3.77$  in the baseline assessment run from the 2007 blacknose shark stock assessment).

After consulting with the HMS Advisory Panel, NMFS has determined that the most effective method to prevent overfishing and rebuild blacknose sharks is to reduce mortality equally across all fisheries that interact with blacknose sharks, including the directed shark fishery and incidental catch in other fisheries, such as the shrimp trawl fishery. As such, NMFS is requesting the cooperation of the Gulf of Mexico Fishery Management Council in finding ways to reduce blacknose bycatch mortality in the shrimp trawl fishery by 78 percent from the 1999-2005 average catch. According to the stock assessment, an average of 38,626 blacknose sharks per year are killed in the Gulf of Mexico shrimp trawl fishery. This level of mortality needs to be reduced by 78 percent or to 8,498 blacknose sharks per year (Table 2). NMFS is also requesting the South Atlantic Fishery Management Council (SAFMC) to take similar actions to reduce blacknose bycatch mortality in the shrimp trawl fishery.

Thank you for your consideration of this issue, and please feel free to contact Margo Schulze-Haugen if you have any questions at (301) 713-2347.

Sincerely,



James W. Balsiger, Ph.D.

Acting Assistant Administrator for Fisheries

Enclosures

cc: Roy Crabtree, SERO  
Bonnie Ponwith, SEFSC

Table 1. Summary Table of Biomass and Fishing Mortality for blacknose sharks based on Age-structured State-Space Age-Structured Production Models (SPASMs). Source: SEDAR 13 Stock Assessment Panel, July 9, 2007.

Species	Current Relative Biomass Level*	Current Biomass ( $N_{2005}$ )	Stock Abundance ( $N_{MSY}$ )	Minimum Stock Size Threshold (MSST)	Current Relative Fishing Mortality Rate ( $F_{2005}/F_{MSY}$ )	Maximum Fishing Mortality Threshold ( $F_{MSY}$ )	Outlook
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Table 2. Sources of blacknose shark mortality, 1999-2005 (SEDAR 13 Stock Assessment Panel, July 9, 2007). Estimates from the 'longline', 'nets', and 'lines' columns are derived from data reported in the Northeast and Southeast General Canvass data systems. Longline discards are derived from multiplying the longline landings by the ratio of dead discards observed in the commercial shark bottom longline fishery. The numbers in the shrimp bycatch columns are derived using a Bayesian model (Nichols, 2007).

Commercial (number of fish)						Recreational (number of fish)
Longline	Nets	Lines	BLL Discards	GOM Shrimp bycatch	SA Shrimp bycatch	Landings
8,091	19,041	352	5,007	38,626	4,856	10,408
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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

George J. Geiger, Chairman  
South Atlantic Fishery Management Council  
4055 Faber Place Drive  
Suite 201  
North Charleston, SC 29405

JUL 22 2009

Dear Mr. Geiger:

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has determined that blacknose sharks (*Carcharhinus acronotus*) are overfished, with overfishing occurring (Table 1, enclosed). This determination is based on the latest 2007 stock assessment of Small Coastal Sharks (SCS) in the U.S. Atlantic and Gulf of Mexico (November 13, 2007, 72 FR 6388). Overall, shrimp trawl bycatch in the Gulf of Mexico and South Atlantic combined accounted for 34-70 percent of all blacknose mortality from 2000-2005. Specifically, the 2007 stock assessment determined that from 2000-2005, 30-62 percent (average 44 percent per year) of blacknose mortality occurred as shrimp trawl bycatch in the Gulf of Mexico. Additionally, 4-7 percent of blacknose mortality occurred as shrimp trawl bycatch in the South Atlantic.

Under National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS must take action to prevent overfishing. Therefore, the Highly Migratory Species Management Division is conducting rulemaking to amend the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) to include new measures to rebuild and prevent overfishing of blacknose sharks. NMFS has scheduled four scoping meetings from Texas through Massachusetts (Table 2, enclosed) to obtain comments from the public on shark management measures. NMFS is also requesting time to present information to the five Atlantic Regional Fishery Management Councils and the two Marine Fisheries Commissions. These comments will be used to assist in the development of the upcoming amendment to the Consolidated HMS FMP.

As a result, I am requesting that the South Atlantic Fishery Management Council, and the other Regional Fishery Management Councils that have fisheries that interact with blacknose sharks, provide a point of contact to the HMS Management Division in order to discuss and potentially develop collaborative management strategies to prevent overfishing of blacknose sharks.

Please feel free to contact Margo Schulze-Haugen if you have any questions at (301) 713-2347.

Sincerely,

  
for Alan D. Risenhoover  
Director, Office of Sustainable Fisheries



Enclosures

cc: Wayne Swingle, Executive Director, GMFMC  
Roy Crabtree, Administrator, SERO  
Buck Sutter, Deputy Administrator, SERO  
Bonnie Ponwith, Director, SEFSC

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Table 2. Time and Locations of the four scoping meetings.

<b>Date</b>	<b>Time</b>	<b>Meeting Locations</b>	<b>Address</b>
7/30/08	5:30 – 7:30 p.m.	Freeport Branch Library	410 Brazosport Boulevard, Freeport, TX 77541
8/27/08	6:00 – 8:00 p.m.	NOAA Fisheries Service, Southeast Regional Office	263 13th Avenue South, Saint Petersburg, Florida 33701
8/28/08	5:30 – 7:30 p.m.	Fort Pierce Library	101 Melody Lane, Fort Pierce, FL 34950
10/9/08	3:00 – 5:00 p.m.	NOAA Fisheries Service, Northeast Regional Office	1 Blackburn Drive, Gloucester, MA 01930



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

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

JUL 22 2008

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Sincerely,

  
Alan D. Risenhoover  
Director, Office of Sustainable Fisheries



Enclosures

cc: Wayne Swingle, Executive Director, GMFMC  
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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Charles Duane Harris, Chairman  
South Atlantic Fishery Management Council  
105 Demere Retreat Lane  
St. Simons Island, GA 31522

SEP 04 2009

Dear Mr. Harris:

On July 24, 2009, the National Marine Fisheries Service (NMFS) published the proposed rule for Amendment 3 to the Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) (74 FR 36892) and released the Draft Environmental Impact Statement. Draft Amendment 3 proposes management measures to rebuild overfished blacknose sharks, to end overfishing of blacknose sharks and shortfin mako sharks, and to establish management of smooth dogfish. With the publishing of the proposed rule, it was our intent to send you the attached letter that requests the cooperation of the South Atlantic Fishery Management Council in finding ways to reduce blacknose shark bycatch mortality in the shrimp trawl fishery by 78 percent from the average mortality levels from 1999-2005. However, due to an oversight, the letter was not sent and therefore I have included the original letter dated July 24, 2009, with this letter. The HMS Management Division will be briefing the South Atlantic Fishery Management Council on Amendment 3 on September 17, 2009 from 4:30 – 5:30 pm and we look forward to discussing the issues with you then.

I apologize for the delay in getting the original letter to you and appreciate your consideration of the issue. Please feel free to contact Margo Schulze-Haugen if you have any questions at (301) 713-2347.

Sincerely,

Alan D. Risenhoover  
Director, Office of Sustainable Fisheries

Enclosures





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

Charles Duane Harris, Chairman  
South Atlantic Fishery Management Council  
105 Demere Retreat Lane  
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JUL 24 2009

Dear Mr. Harris:

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The stock assessment showed that the incidental catch of blacknose sharks within shrimp trawl fisheries is one of the most significant sources of mortality for blacknose sharks. Overall, shrimp trawl bycatch of blacknose sharks in the Gulf of Mexico and South Atlantic combined accounted for 34 to 70 percent of all blacknose mortality from 1999-2005. Specifically, the 2007 stock assessment determined that from 1999-2005, 30 to 62 percent (average 45 percent per year) of blacknose mortality occurred as shrimp trawl bycatch in the Gulf of Mexico. Additionally, 4 to 7 percent of blacknose mortality occurred as shrimp trawl bycatch in the South Atlantic.

Recent changes in bycatch reduction devices (BRDs), such as the Modified Jones Davis, may help release more small sharks, in general, from shrimp trawls. NMFS believes these devices in addition to recent reductions in shrimp trawl effort may help achieve a portion of the needed reduction in mortality. The SEFSC has been working with industry scientists to re-evaluate the shrimp bycatch models used in the 2007 SCS stock assessments. In particular, they have been evaluating the effect of turtle exclusion devices, or TEDs, on SCS bycatch in shrimp trawls. Once the SEFSC has finished their evaluation of those models, NMFS could revise blacknose shark bycatch estimates. Preliminary results suggest that the post-TED (*i.e.*, from 1990 on) reduction in bycatch from the model currently in development is approximately 50 percent. The SEFSC has also run sensitivity analyses to determine the effect of reduced blacknose bycatch in shrimp trawls on the stock status of blacknose sharks. Although stock status improves, despite reductions in shrimp trawl bycatch of 25, 50, and 75 percent, the stock continues to be overfished

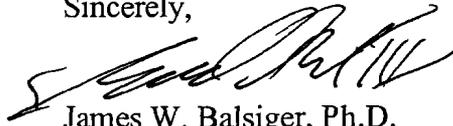


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James W. Balsiger, Ph.D.

Acting Assistant Administrator for Fisheries

Enclosures

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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

SEP 04 2009

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

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THE DIRECTOR

JUL 24 2009

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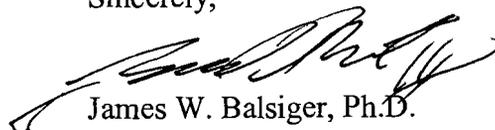


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