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

SEP 0 4 2009

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

Dear Mr. Mahood:

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

JUL 24 2009

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

Dear Mr. Mahood:

As noted in our letter dated, July 22, 2008 to the South Atlantic Fishery Management Council (SAFMC), 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.

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

THE ASSISTANT ADMINISTRATOR
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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 catches in other fisheries, such as the shrimp trawl fishery. As such, NMFS is requesting the cooperation of the South Atlantic Fishery Management Council in finding ways to reduce blacknose mortality bycatch in the shrimp trawl fishery by 78 percent from the 1999-2005 average mortality. According to the stock assessment, an average of 4,856 blacknose sharks per year are killed in the South Atlantic shrimp trawl fishery; this level of mortality needs to be reduced by 78 percent or to 1,069 blacknose sharks per year (Table 2). NMFS is also requesting the Gulf of Mexico Fishery Management Council (GOMFMC) to take similar actions.

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

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. 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%