



# Southern Shrimp Alliance, Inc

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Robin Riechers,  
Chairman  
Gulf of Mexico Fishery Management Council  
2303 N. Lois Avenue, Suite 1100  
Tampa, FL 33607

Dear Chairman Riechers:

The Southern Shrimp Alliance appreciates the opportunity to provide comments on the Council's Generic Amendment for offshore aquaculture. Although this has yet to be a primary focus of our organization at Council meetings, please be assured that this Amendment is of substantial interest and concern to our membership and that it will receive our greater attention in the future.

As our comments below reflect, at this point we see many more questions than answers about how this Amendment will appropriately integrate this technology with traditional uses of the Gulf's resources and ecosystem; achieve long-standing US fishery conservation, management and economic objectives; and protect the interests of those existing users that may be affected by this new activity. These are essential objectives for any plan with such widespread and long term implications. We think this is a very important Amendment and a very important technology that deserves a great deal more careful thought and consideration by the Council, NMFS and the affected public before moving forward.

As you well know, US wild fisheries continue to face an incredible array of internal and external forces that have placed many of them in a precarious economic position. Some of these forces are impacting fishermen nationwide such as high fuel prices and some of them are unique to the regions—such as the hurricanes in the Gulf.

Extremely intensive federal management and regulations of our fisheries have not been the least of the forces we've had to contend with—but these are deemed necessary to achieve statutory mandates for conservation and sustainability. How confident is the Council that this plan will achieve a level of management and protection of US fishery resources, ecosystems and habitats that is equivalent or even analogous to that required for the wild fisheries?

In all cases, our fundamental view is that any new activity that might interfere with established wild fishery operations or otherwise reduce their economic viability is neither sustainable nor acceptable. Thirty years of Magnuson-Stevens Act preceded by 2 centuries of US policy and diplomacy have been devoted to maintaining sustainable fishery resources and a sustainable US fishing industry. We need to proceed cautiously.

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## Escapement

Among the most important of SSA's practical concerns regarding offshore aquaculture is escapement. Escapement from offshore aquaculture facilities in the Gulf should be considered a certainty, as it has been in probably every marine aquaculture industry worldwide. Once escapement has occurred, the adverse impacts are very likely to be irreversible. Has the Council sufficiently considered what effect the escapement of diseased, genetically-engineered, or even non-native species of fish might have on endemic species of enormous commercial, recreational or ecological (including forage) value in the Gulf and South Atlantic? (Actually, disease is a documented problem even without escapement.)

Is there any way to really know in advance what all those impacts might be? Is *any* level of potential impact on these historical fisheries or on the Gulf and South Atlantic's sensitive ecosystems justified—much less some that may be irreversible? Is it realistic for the Council to think that this Amendment will prevent escapement and these unacceptable consequences?

For example, what if an escaped non-native species becomes a significant predator of shrimp or in some other way interferes with normal shrimp production at some time or place in the shrimp annual life cycle?

What if that same escaped non-native species—or perhaps even genetically-modified red snapper-- somehow reduces wild red snapper recruitment, either directly through predation or indirectly through competition for very limited essential red snapper (eg. juvenile) habitat ?

Even a very small impact on red snapper mortality/recruitment will have large implications for ending overfishing, rebuilding projections, and the affected fisheries. The shrimp industry is being held to an extraordinary level of accountability for ending overfishing and rebuilding red snapper in the Gulf. Anything that affects this sensitive balance of red snapper bycatch, natural mortality/recruitment, and shrimp production in even a very small way is simply unacceptable. Will the offshore aquaculture industry be held fully accountable if escapements contribute to a failure of the red snapper rebuilding plan? Is the Council confident that none of these concerns will become reality? The truth is it can't be. Even the best sterilization and genetic ("polyploid") strategies are not 100% effective. This is a very risky business.

## Access to Fishing Grounds

Another of SSA's primary concerns is the impact offshore aquaculture facilities may have on the shrimp fishery's ability to maintain unfettered access to its fishing grounds. The shrimp fishery has been plagued by marine debris at least since the beginning of offshore energy development many decades ago—and it has paid a significant price through the loss of access to productive shrimp grounds and damaged gear.

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Offshore oil and gas companies aren't supposed to discard debris in the Gulf—but they do. Offshore oil and gas structures are not supposed to collapse in hurricanes—but they do. The offshore oil and gas industry is required by statute to compensate fishermen for their lost and damaged gear—but the true impacts on mobile bottom fisheries such as the shrimp fishery dwarf such compensation.

The truth is there is no offshore structure—including any offshore aquaculture technology known to man—that can withstand serious hurricane damage 100% of the time. The fact that offshore aquaculture structure in the Gulf will fail in the face of some future hurricane and that the resulting debris will interrupt shrimp fishing operations is as much a certainty as is escapement discussed above.

Is the Council confident that when offshore aquaculture facilities are heavily damaged or destroyed by hurricanes that this Amendment will ensure that traditional shrimp fishing grounds are not ruined or shrimp fishing operations impacted? Under this Amendment will offshore aquaculture operators be held sufficiently accountable to remove their debris and compensate the shrimp fishery for its losses?

SSA has similar concerns about the notion of buffer zones surrounding offshore aquaculture facilities where shrimp fishing might be restricted or prohibited. We struggle to comprehend the logic of a Council policy that would deliberately prohibit shrimp fishing on traditional fishing grounds in order to facilitate offshore aquaculture operations. Instead, a more appropriate policy would be to limit offshore aquaculture facilities to locations that will prevent or minimize to the maximum extent possible any impacts whatsoever on traditional fishing grounds as well as any ecologically sensitive areas of particular concern.

## **Statutory Accountability**

It is not exactly clear what statutory mandates will be applicable to offshore aquaculture through this Amendment, or how consistency with such mandates be measured as compared to the intensive process of holding wild fisheries accountable under the Magnuson-Stevens Act.

We are advised that the Council is relying on a NMFS interpretation of the Magnuson-Stevens Act definition of “fishing” to provide the statutory federal authority to issue permits for offshore aquaculture in the Gulf EEZ. If that is the case, shouldn't this Amendment be consistent with all the many national standards and requirements of the Magnuson-Stevens Act?

Has the Council sufficiently considered all of the definitional and operational implications under the Magnuson-Stevens Act of including offshore aquaculture under the definition of “fishing”?

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- If offshore aquaculture is now “fishing”, does that mean offshore aquaculture operators are now fishermen? Do they need to be treated ‘fairly and equitably’ along with traditional US fishermen?
- How will NMFS scientists and the Council measure much less account for and control whatever impacts offshore aquaculture operations may have on mortality and recruitment, overfishing and rebuilding, etc. and etc.?
- Is there anything in the Magnuson-Stevens Act or another statute that suggests Congress might find it acceptable for the best interests of US fishermen to be in any way subverted to the interests of US or foreign-owned aquaculture companies?
- Has the Council or NMFS consulted with Congress on this interpretation of the Magnuson-Stevens Act and the many implications thereof?

If, on the other hand, the Council/NMFS hopes to use the Magnuson-Stevens Act as the authority to issue offshore aquaculture permits yet at the same time exempt the offshore aquaculture industry from some or all of the fundamental standards and requirements of the Act, what will be the statutory basis for accountability? Is it appropriate for this Council to provide an exemption from the Magnuson-Stevens Act in the face of all of the effort the Council devotes to achieving the Act’s objectives? Does the Council really want to assume responsibility for this policy and industry without national guidance from Congress?

At this time it appears that national offshore aquaculture legislation proposed by the Administration is not likely to be enacted and this may have provided impetus for the Council to move forward. However, we call your attention to the fact that Members of the Senate Commerce, Science and Transportation Committee are preparing to introduce new legislation very soon that will address many of the concerns with the Administration’s bill. Furthermore, it is our understanding that the Generic Amendment as currently drafted may not be consistent with or otherwise satisfy a number of provisions of this new legislation. Of course, it is impossible to predict with any certainty whether this legislation will be enacted or in what form. Still, we urge the Council to take pause to fully evaluate the Amendment in the context of this new legislation. Wouldn’t the Council feel more comfortable if this Amendment was prepared specifically to comply with a national policy? We would.

## **Council Needs More Input and Deliberation**

SSA could enumerate a number of additional concerns with the effectiveness of this Amendment or any Amendment to prevent potentially irreversible impacts of offshore aquaculture and to ensure that this industry is adequately held accountable. It is apparent that the public and perhaps even a number of Council members have not been able to focus sufficiently on the many details and profound implications of this plan. For example, we understand there was no public participation at any of the recent public hearings on the

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Generic Amendment. We do not think this should be interpreted to mean that the public and the many directly affected interests are not interested or do not have very legitimate concerns that must be considered by the Council.

While we fully expect that the Council has met at least the minimum legal requirements for public notice of the opportunity to participate in the development of this Amendment, the bottom line reality that matters most is that the public and many affected interests are simply uninformed and have not provided sufficient input into the development and substance of this plan. Council members will need this input in order to produce an effective Amendment.

We trust the Council will not dismiss this letter as just an exercise of “what ifs”. These are real concerns about real problems that have a real probability of occurring. Given the extraordinary implications of this Amendment for virtually every other aspect of the Council’s fishery conservation and management responsibilities, SSA strongly urges the Council to consider extending the time-frame for their consideration of this Amendment and provide another, more effective opportunity to receive important input from affected public interests.

As mentioned above, SSA also urges the Council to consult closely with Congress on the introduction of new national aquaculture policy legislation. The Council’s development of an Amendment pursuant to a clear statutory authority and that conforms to fully deliberated national standards and policies is the appropriate way to proceed on something with such huge implications.

As always, we greatly appreciate the Council’s consideration of our views. We look forward to working with you on this important Amendment.

Sincerely,

John Williams,  
Executive Director

cc: Wayne Swingle,  
Executive Director  
Trish Kennedy,  
Administrative Assistant