



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 (SSA) appreciates the opportunity to provide further input on the draft Generic Amendment for offshore aquaculture in addition to that which we provided to the Council in a letter dated July 27, 2007.

(1) Siting

The siting of offshore aquaculture facilities remains a primary concern of the SSA. Shrimp trawl fishing is already substantially restricted in time and space as a consequence of fishery management measures, protection of sensitive habitats, artificial reefs and energy development. Further, extensive time-area restrictions may also result from the implementation of Joint Amendment 27/14 in order to reduce bycatch of juvenile red snapper.

There is no policy justification for traditional shrimp fishing activities to be displaced by an offshore aquaculture facility in the Gulf. In fact, depending on the circumstances, allocating space in the ocean for the exclusive use of an offshore aquaculture facility to the exclusion of the traditional shrimp trawl fishery may be tantamount to allocating access to the shrimp resource. Such an allocation must be fair and equitable under the MSA. It would not be fair and equitable to displace traditional fisheries from their fishing grounds or otherwise limit their optimal access to the resource through the siting of an offshore aquaculture facility.

The Generic Amendment and siting criteria should state explicitly that offshore aquaculture facilities shall not obstruct or otherwise interfere with the prosecution of traditional fisheries for wild stocks. The access of traditional fisheries to wild stock resources must be explicitly protected in this Amendment.

In addition, to ensure that traditional fisheries and the many relevant provisions of the MSA are properly reflected in the siting of offshore aquaculture facilities, NMFS should

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play a decisive role in the approval or disapproval of siting permits. This cannot be relinquished to the Corps of Engineers. Whether through the issuance of dual operational and siting permits suggested under Action 1, Alternative 3, or through the siting criteria under Action 6, NMFS must effectively maintain a veto over siting decisions in order to ensure that MSA and other relevant statutory requirements are met.

(2) Debris

Marine debris has caused many adverse impacts on the shrimp trawl fishery including gear damage and loss of access to productive fishing grounds. Marine debris in the Gulf has been the result of storm damage to offshore and onshore facilities as well as decades of energy development. There does not appear to be any structure capable of withstanding the worst hurricanes in this region.

The Generic Amendment must provide sufficient attention to preventing and addressing what may be the inevitable destruction of offshore aquaculture facilities in the Gulf by storms. Indeed, section 3.0 (Purpose and Need) of the Generic Amendment documents that even the limited amount of offshore aquaculture activity in the Gulf to date has already experienced some history of storm destruction.

The Generic Amendment should include an explicit condition for an operational permit that an offshore aquaculture facility's engineering and construction meets the highest, state-of-the-art standards to prevent or minimize the potential for storm damage. Further, the Generic Amendment should include an explicit condition for an operational permit that the offshore aquaculture facility owner be held fully responsible for cleaning up debris that results from storm damage or other causes, and that such owner be required to demonstrate that it is financially and/or physically capable of removing such debris.

(3) Escapement

As discussed above, it may be inevitable that offshore aquaculture facilities in the Gulf will suffer storm damage. Such damage or destruction may also be sufficient to cause escapement of fish into the wild. Indeed, the history of marine aquaculture worldwide and in the Gulf is of repeated accidental escapement into the surrounding ecosystem from both storms, equipment/facility failures, and human error. SSA discussed some of the adverse ecosystem and fishery impacts that might occur with escapement in its previous letter.

As with the concerns with debris above, the Generic Amendment must address this through very explicit permit conditions regarding the integrity of facility design and construction as well as means to ensure mitigation if escapement occurs.

On a related point, escapement has been documented to cause a range of problems in the wild ecosystem. One of these is the spread of disease to wild stocks. Of course, this can

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occur with or without escapement, but escapement may present a more serious threat of spreading disease. In any case, the statement in the draft Generic Amendment that “there is no evidence of the spread of disease from farmed fish to wild fish in the US” is misleading (sec. 2.1, p. 5). This may or may not be true in the US, but it is certainly not a true statement if made with respect to operations outside of the US where marine aquaculture is much more prevalent and advanced. Statements like this create the appearance of trying to mislead the Council and public about the true risks and concerns that need to be addressed in this Generic Amendment. Instead, the Generic Amendment should include a full airing of the issue of escapement including how the Amendment will prevent it and/or address the problem should it occur.

(4) Fishing Communities

As a primary principle of fisheries management policy for the Gulf region, the Council and NMFS must very seriously assess, consider, and minimize social and economic impacts on US fishermen and fishing communities resulting from the competition of aquaculture production with wild harvest production in the marketplace.

It is not acceptable under MSA to have the advancement of offshore aquaculture production by virtue of this Council Amendment result in substantial adverse impacts on fishermen and fishing communities. No where in the MSA does it state that it is US policy to authorize and provide for US fishermen to be put out of business in the name of satisfying growing US demand for seafood or for closing the US seafood trade deficit. Satisfying US consumer demand and addressing trade deficits may be desirable objectives for the economists and offshore marine aquaculture companies, but achieving them at any cost is certainly not consistent with US fisheries policy. To the contrary, the US Congress mandated that fishing communities be protected.

In fact, the painful experience of the US fishing industry is that marine aquaculture tends to be conducted by very large, multinational corporations and that such large-scale aquaculture production causes a substantial reduction in the market prices for their wild-caught product. As a prime example, the importation of farm-raised shrimp has reduced shrimp prices paid to US shrimp fishermen by roughly 50% in the past five years, forcing many shrimpers and their families out of the business forever. Today, shrimp fishing effort has been reduced by more than 65% in major part as a direct result of the impact of farm-raised shrimp on market prices. This has had a devastating impact on small business fishing families and communities throughout the Gulf and South Atlantic region.

Similar situations have occurred with other major sources of aquaculture products on the US market such as salmon and crawfish. In all of these cases including shrimp, the US industry found it necessary to file antidumping lawsuits in an attempt to rescue the domestic producing industry. In each case they were successful confirming the adverse pricing and impacts of aquacultured products in the US market. That has been the reality of US wild harvest producers when it comes to competing with aquaculture product.

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Therefore, it is not at all clear how actions taken by the Council and NMFS to promote and/or permit offshore aquaculture production in direct competition with wild production can be consistent with the MSA.

This is notwithstanding the attempts taken in the Draft Generic Amendment to present a rather imaginative argument that offshore aquaculture production will serve to supplement (not compete with) wild production and actually facilitate the ability of US fisheries to achieve Optimum Yield consistent with National Standard 1. SSA does not believe this line of argument will be sustained under Secretarial review or judicial scrutiny. If offshore aquaculture production drives down significantly the US market prices for wild caught fish—which has been the repeated experience to date—then US fishermen will go out of business, OY will not be harvested by traditional US fisheries, and there will be substantial adverse impacts on fishing communities throughout the region.

Again, it may be desirable in macro-economic theory to reduce trade deficits and meet consumer demands, but not at any cost—at least not under the MSA. Much more thought needs to be given to this fundamental policy conflict and how this Generic Amendment can prevent or mitigate what many expect is the inevitable adverse impacts on traditional US fisheries and fishing communities in the region. And, it will not be sufficient to simply dismiss this issue by proposing that somehow the large multinational offshore aquaculture ventures will become legitimate members of fishing communities along the Gulf Coast.

(5) Statutory Consistency

NMFS General Counsel has concluded that offshore marine aquaculture falls under the Magnuson-Stevens Act (MSA) section 3(16) definition of “fishing”. Consequently, this Generic Amendment must be consistent with the National Standards and a great number of additional requirements of the MSA, particularly those under Titles III and IV of the Act. SSA discusses several of these issues in its previous comments.

The Amendment must also achieve consistency with requirements under the National Environmental Policy Act (NEPA) regarding economic and social impacts to the human environment, and with other important relevant statutes.

This Amendment and the accompanying EIS will need to provide a very comprehensive and compelling analysis of how it achieves consistency with these statutes—probably a great deal more than what has presented in the current draft.

Further, even if the Secretary of Commerce finds the Generic Amendment to be consistent with statutory requirements, it is possible that each and every proposal to permit an offshore aquaculture operation may individually require an evaluation of consistency with various statutory (and regulatory) requirements. Even when approved, the Generic Amendment may not be able to provide a blanket of consistency with all statutory requirements for each individual permit application.

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As one example following the discussion above, each offshore aquaculture proposal (permit application) should be reviewed for consistency with the National Standard 8 mandate to minimize adverse economic impacts on fishing communities because the species being proposed for culture may compete directly and adversely with traditional wild harvest fisheries and the communities that are substantially dependent on them.

Further, depending on the significance of the potential environmental and socio-economic impacts on the human environment, permit applications may also require a comprehensive Environmental Impact Statement (EIS) under NEPA. A Finding of No Significant Impact (FONSI) may not be easily achieved given, for example, the experience of the Gulf shrimp fishery in competing with aquaculture imports. The need for and scope of these analyses will depend on many details in the permit proposal itself including what species are to be produced, how, where and when, etc.

The Generic Amendment should acknowledge this reality and provide a process for how individual permits will be evaluated in terms of such statutory requirements above and beyond the regulatory requirements implementing this Amendment.

Thank you for your and the Council's consideration of our views on this important issue.

Sincerely,

John Williams,
Executive Director

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