

Draft Options Paper Modifications to Shrimp and Golden Crab Access Areas



**Amendment 10 to the Coral, Coral Reefs, and Live/Hardbottom
Habitats of the South Atlantic Region**

**Amendment 11 to the Fishery Management Plan for the Shrimp
Fishery of the Atlantic**

**Amendment 10 the Fishery Management Plan for the Golden Crab
Fishery of the Atlantic**

4/4/2018



PURPOSE FOR ACTION

Note: Purpose and Need will need revisions due to the Council's recommendation to include VMS and transit provisions as actions.

The purpose of Coral Amendment 10 and Shrimp Amendment 11 is to modify the access areas for the golden crab and rock shrimp fisheries while maintaining protection of deep-water coral.

NEED FOR ACTION

The need for Coral Amendment 10 and Shrimp Amendment 11 is to increase access in the golden crab fishery and better achieve optimal yield, modify access in the rock shrimp fishery, and provide protection to essential fish habitat and coral.

BACKGROUND

Coral Habitat Areas of Particular Concern (CHAPC) were first developed in Comprehensive Ecosystem Amendment 1 (SAFMC 1999) and were designed to protect areas with known or likely habitats for coral. Some of the corals in the South Atlantic region are reef forming and some deep-water corals reefs are greater than 800 years old. Other corals in the region are non-reef forming and form bush- or tree-like structures. Non-reef forming black coral, for example, can live to be greater than 2,000 years old (Prouty et al. 2011). Amendment 1 prohibited the use of bottom longlines, traps, pots, and bottom trawls within the CHAPC to protect the fragile coral. The areas were expanded in 2010 and 2015 after new coral areas were discovered (SAFMC 2009, SAFMC 2014). Access areas were created within the CHAPCs to allow for the golden crab and rock shrimp fisheries to operate in historic fishing areas and areas where their gear would not damage or become entangled in coral.

Golden Crab

The golden crab fishery is a limited entry fishery that typically operates off Florida but there are fishing zones throughout the South Atlantic region. The three fishing zones are: Northern Zone (north of 28° N lat), Middle Zone (25 to 28° N lat) and Southern Zone (south of 25° N lat) (**Figure 1.1**). In the Northern Zone, golden crab traps cannot be fished in less than 900 feet, and in the Middle and Southern zones, golden crab traps cannot be fished in less than 700 feet. The Southern Zone includes a sub-zone called the small-vessel sub-zone. Within this sub-zone, fishing vessels must be less than 65 feet and be permitted to fish in the southern zone.

When the Stetson Miami Terrace CHAPC was created, it restricted access for the golden crab fishermen in the Northern Zone. Golden crab fishermen requested that historic access to the fishery be reestablished in the Northern Zone at an advisory meeting in January 2013. There was some concern that new closed areas had limited fishable areas for the fishery. Specially, the fishermen wanted historic information from a South Carolina Department of Natural Resource study be plotted, landings from areas north of the Florida/Georgia border be analyzed, and a description of information used to close the area.

Wenner and Ulrich (1987 and 1988) conducted a two-year investigation into potential fishing areas for golden crab off Georgia and South Carolina (**Figure 1.2**). In general, the study caught higher densities of golden crab in areas with silt-clay or foraminiferan tests substrate compared to areas with coral rubble substrate. The highest catch rates occurred from 1,200 to 1,800 feet. In this depth and shallower, male golden crab outnumber female golden crab. When deeper areas were fished, more female golden crab were caught than male.

The researchers indicated that coral mounds were reported to occur in depths from 1,500 to 1,800 feet and reported one large mound in slightly deeper water than most of the golden crab. The study also reported that exploration off Onslow Bay indicated very few golden crab.

The study described the fishing vessel Heavy Duty II as a vessel that was operating in the fishery in 1984 and 1985 off Georgia and South Carolina. The fishery did not take off mainly due to a lack of capital and lack of suitable marketing outlets. A new fishing vessel moved into the Charleston area in 1987 and began fishing.

Landings data for the trips that occurred in 1984 and 1985 have not been found. Searches were done in the Accumulated Landings System, Atlantic Coast Cooperative Statistic Program, and South Carolina Department of Natural Resources. South Carolina landings of golden crab were reported in 1987, 1995, and 1996; however, these data are confidential.

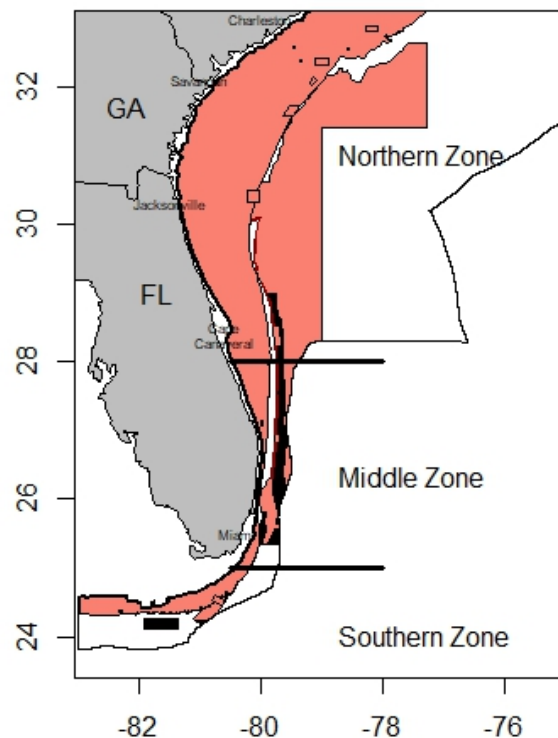


Figure 1.1. Map of the fishing zones for the golden crab fishery in the South Atlantic region. Areas in black are access areas inside Coral Habitat Areas of Particular Concern except for the area shaded in black in the Southern Zone (Small-Vessel Sub-Zone). Other shaded areas are closed to golden crab fishing based on depth or other regulation.

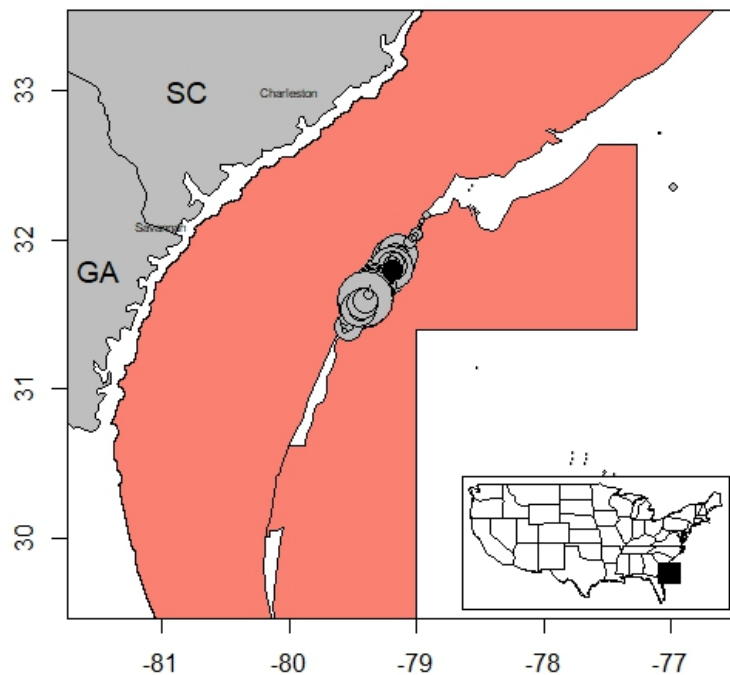


Figure 1.2. Map of catch per trap for golden crab (gray circle) by location from Wenner and Ulrich (1986) and (1987). Larger circles indicate more crab caught per trap. The black circle in the center is the location of a coral mound identified during the study. Shaded areas are closed to golden crab fishing.

The final selection of the 2009 CHAPCs and access areas were based on reports provided to the Council on coral resources in the South Atlantic region (Appendix A-D in CEBA 1 [SAFMC 2009]) and discussions of the Coral, Habitat Protection, Deep-water Shrimp, Golden Crab, and Law Enforcement Advisory Panels (SAFMC 2009). The Council wanted to provide historic access to the fishery using location of fishing effort (SAFMC 2009). There was limited information on where the golden crab fishery operated off Georgia and South Carolina and there were only three years with South Carolina landings compared to off Florida, which had landings every year.

Since the development of these CHAPCs, a predictive model (Kinlan et al. 2012) and the Deep-Sea Coral Research and Technology Program Data Portal¹ were developed (**Figure 1.3**). The predictive model indicates deep-water coral in the location of the Stetson/Miami Terrace. Observed locations of coral habitat from the Deep-Sea Coral Research and Technology Program Data Portal can be plotted on along with the predictive models. Many of these observed points

¹ <https://deepseacoraldata.noaa.gov/website/AGSViewers/DeepSeaCorals/mapSites.htm>

were used in the creation of the predictive model but observed locations are useful when investigating the potential impact of opening an area to bottom-disturbing gear.

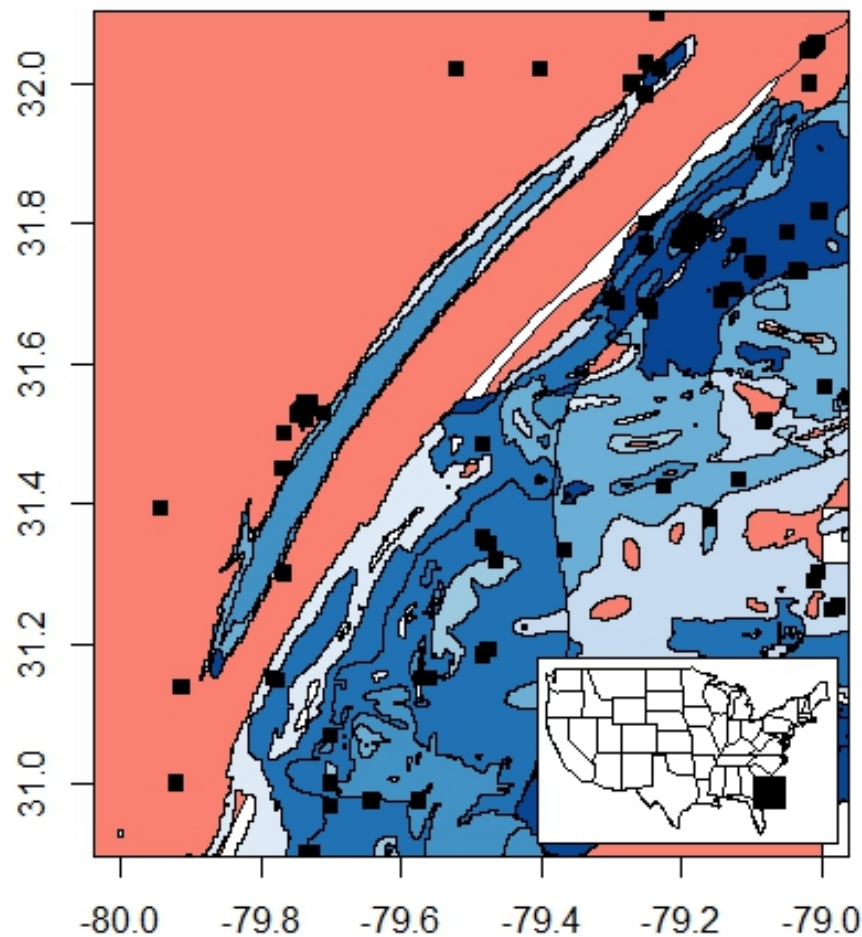


Figure 1.3. Map of predicted coral areas for framework forming scleractinia coral (bottom and right of map) and *Oculina varicosa* (middle of map) from Kinlan et al (2012) focused on areas where golden crab were reported in Wenner and Ulrich (1986 and 1987). Darker blues indicate higher probability of coral. Areas colored in salmon are closed areas to golden crab fishing. The black squares are reported locations of coral from the Deep-Sea Coral Research and Technology Program Data Portal.

The catch of reported during in Wenner and Ulrich (1986 and 1987) indicated most of the golden crab catches occurred in the portion of the Stetson-Miami Terrace off Georgia and South Carolina (**Figure 1.4**). There is overlap in the predicted coral habitat with catches of golden crab. Wenner and Ulrich (1986 and 1987) reported the habitat where the traps were set and indicated that the highest catches of golden crab occurred in habitats without coral. There is an opportunity to map this area in May and results could be available later in the year to confirm predictions of the model or observations from Wenner and Ulrich (1986 and 1987).

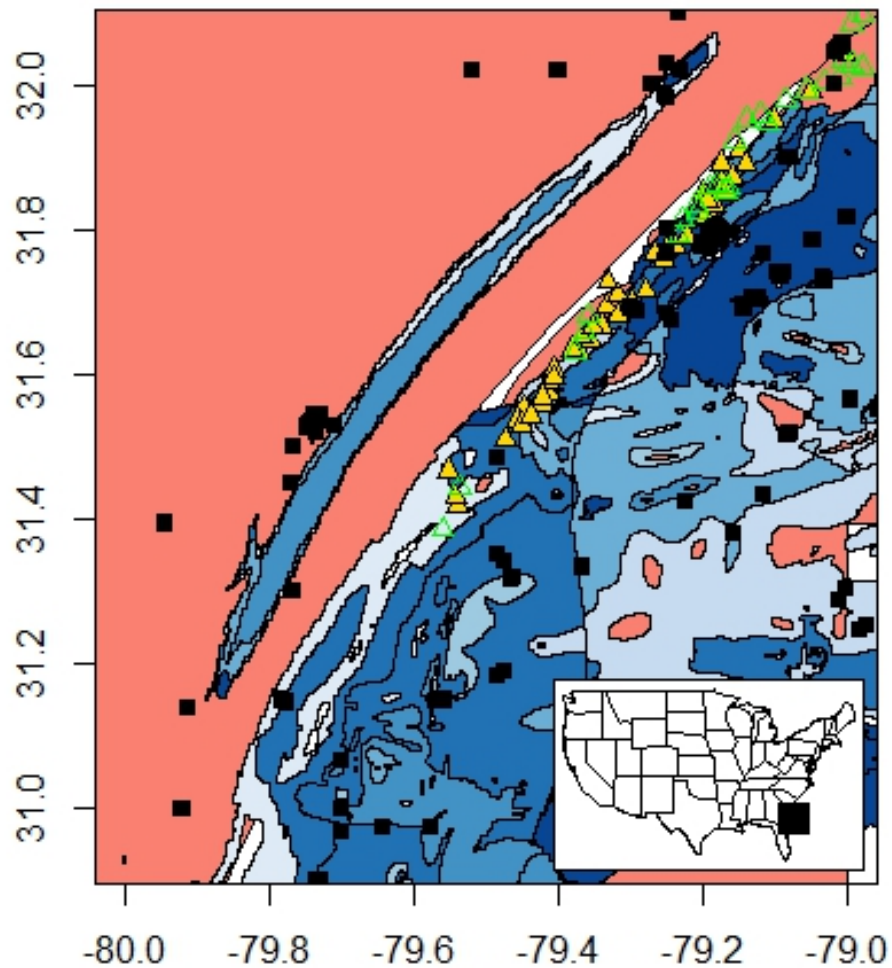


Figure 1.4. This is an enlarged map of **Figure 1.3** with locations of golden crab catch (filled yellow triangles) and no catch (unfilled green triangles) from Wenner and Ulrich (1986 and 1987) added. Darker blues indicate higher probability of coral based predictions from Kinlan et al. (2012). Areas colored in salmon are closed areas to golden crab fishing. The black squares are reported locations of coral from the Deep-Sea Coral Research and Technology Program Data Portal.

Adding this new area should not risk exceeding the annual catch limit for golden crab as the current catches are below their annual catch limit (**Table 1.1**). The golden crab fishery is limited entry, and the number of fishermen in each zone are limited to reduce competition for space.

A separate action is considering if vessels engage in the golden crab fishery should be required to have a vessel monitoring system. If vessels are required to have vessel monitoring systems, this will help law enforcement monitor the fishery. However, vessel monitoring systems only monitor where the vessel is located and not where the traps are located. There was discussion of requiring vessel monitoring systems for golden crab vessels in Golden Crab Amendment 6.

Table 1.1. Commercial landings of golden crab in the South Atlantic region from 2008 to 2017. The annual catch limit (ACL) was put in place in 2012.

Species	Year	ACL (lbs)	Landings (lbs)
Golden Crab*	2008		485,273
Golden Crab*	2009		545,307
Golden Crab*	2010		560,121
Golden Crab*	2011		582,284
Golden Crab^	2012	2,000,000	791,940
Golden Crab^	2013	2,000,000	881,723
Golden Crab^	2014	2,000,000	937,448
Golden Crab^	2015	2,000,000	760,501
Golden Crab^	2016	2,000,000	427,523
Golden Crab^	2017	2,000,000	202,279

*Landings came from the Annual Commercial Landings Statistics webpage.

https://www.st.nmfs.noaa.gov/pls/webpls/FT_HELP.SPECIES

^Landings came from Southeast Regional Office Annual Catch Limit webpage and are preliminary.

http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/index.html

Rock Shrimp

In 2015, the CHAPC was expanded due to the discovery of additional coral mounds. The expansion of these areas had little impact on the golden crab fishermen. However, rock shrimp fishermen were very concerned with the northern expansion of the Oculina Bank, particularly the eastern edge. The Council worked with the Coral and Deep-water Shrimp Advisory Panels to best protect coral and allow for the fishery to operate in historic fishing areas. During and after approval of Coral Amendment 8, the Deep-water Shrimp Advisory Panel requested the line move westward because there was no coral in the area. The eastern edge of the Oculina Bank was mapped in 2017 to provide better resolution into where the coral habitat and soft bottom sediment occurred (**Figure 1.5**).

The catches of rock shrimp have been variable over the past decade (**Table 1.2**). Storms, abundance of other shrimp, regulations, and other factors have likely impacted rock shrimp landings. Historically (1980s and 1990s), rock shrimp catches were much higher than they are today. But, the fishery had its best year since 2009 in 2017.

Table 1.2. Commercial landings of rock shrimp in the South Atlantic region from 2008 to 2017.

Species	Year	Landings*
Rock Shrimp	2008	1,875,108
Rock Shrimp	2009	3,853,240
Rock Shrimp	2010	1,382,142
Rock Shrimp	2011	1,260,309
Rock Shrimp	2012	238,649
Rock Shrimp	2013	740,806
Rock Shrimp	2014	380,012
Rock Shrimp	2015	1,054,522
Rock Shrimp	2016	285,646
Rock Shrimp	2017	2,768,126^

*Landings came from the Annual Commercial Landings Statistics webpage.

https://www.st.nmfs.noaa.gov/pls/webpls/FT_HELP.SPECIES

^Landings came from the Florida Fish and Wildlife Conservation Commission's Commercial Fisheries Landings Summaries. <https://public.myfwc.com/FWRI/PFDM/ReportCreator.aspx>

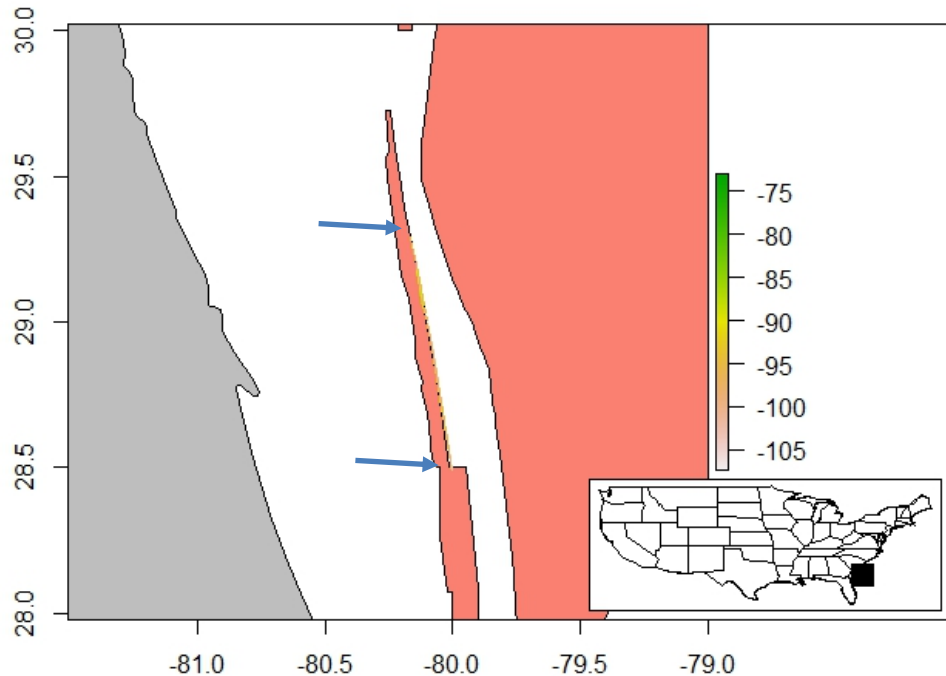


Figure 1.5. Map of Oculina Bank and Stetson-Miami Terrace along with the new NOAA mapping data from 2017. The arrows indicate the beginning of the mapping. Due to the resolution of the data, files were created to allow for user to investigate in higher detail through Google Earth. [Oculina Bank boundary](#) and [mapping data](#) can be downloaded and imported into the program.

Shrimp Transit Provisions

At the March Council meeting, it was pointed out the transit provisions for vessels possessing shrimp through closed areas were not consistent and the cold-water area closure transit provision was not possible for some vessels. Transit provisions in the South Atlantic region have been established for cold-water area closure, marine protected areas, spawning special management zones, and Oculina Bank Habitat Area of Particular Concern. Each area has a different transit provision and some difference may be warranted. The transit provision for the cold-water closure, which requires gear stowage below deck, may not be possible for some vessels and transit within the Intracoastal Waterway may not be possible. Transit provisions for different closed areas in the region as well as options developed for the Gulf of Mexico and Mid-Atlantic/New England regions.

POSSIBLE MANAGEMENT APPROACHES

Typical management approaches for protecting deep-water coral has been to prohibit the use of anchor, anchor and chain, or grapple and chain by all fishing vessels and prohibit the use of bottom-disturbing fishing gear. Bottom-disturbing fishing gear include bottom longlines, trawls, dredge, and pots. Unlike other habitats, coral cannot recover quickly after the area has been impacted.

POSSIBLE ACTIONS AND ALTERNATIVES

Action 1. Adjust the golden crab access areas Stetson Miami Coral Habitat Area of Particular Concern (CHAPC)

Alternative 1 (No Action). Do not modify “Allowable Golden Crab Fishing Areas” within the CHAPC boundaries of the northern zone.

Alternative 2. Create a new “Allowable Golden Crab Fishing Areas” within the CHAPC boundaries of the northern zone.

Discussion

An example new Allowable Golden Crab Fishing Zone could extend from approximately 31.7° N 79.3° W southeast to 31.2° N 79.8° W and encompass the areas in the CHAPC (**Figure 1.6**). This fishing zone would miss many of the areas that have documented coral and encompass areas with the highest golden crab catches. The fishing zone would overlap with some areas that have a high probability of coral. There is an opportunity to have this mapped over the summer and, if mapped, the information should be available by September 2018.

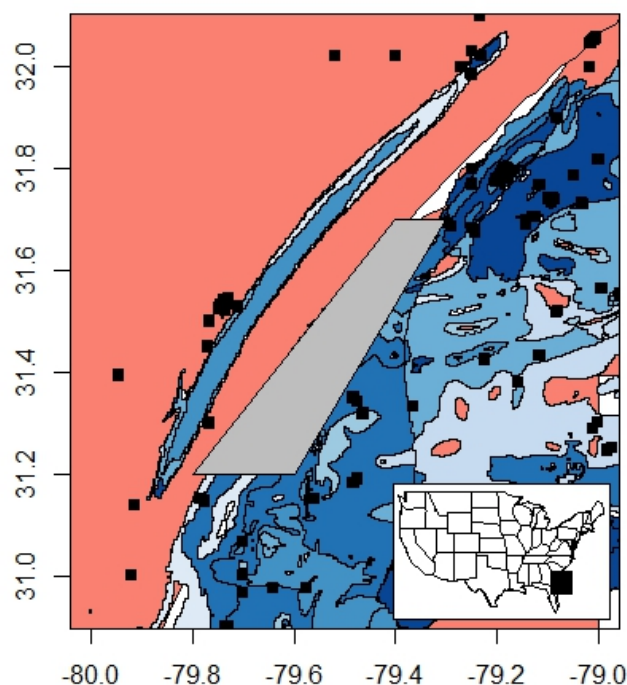


Figure 1.6. This is same map as **Figure 1.4** with an example of a fishing access area in the Northern Zone (gray box). Darker blues indicate higher probability of coral based predictions from Kinlan et al. (2012). Areas colored in salmon are closed areas to golden crab fishing. The black squares are reported locations of coral from the Deep-Sea Coral Research and Technology Program Data Portal.

Action 2. Monitoring Systems for Golden Crab Vessels.

Alternative 1 (No Action). There is no requirement for fishing vessel engaged in the golden crab fishery to be equipped with a vessel monitoring system.

Alternative 2. Require all fishing vessels engaged in the golden crab fishery to be equipped with vessel monitoring system. The purchase, installation, and maintenance of vessel monitoring system equipment must conform to the protocol established by NMFS in the Federal Register.

Sub-alternative 2a. The purchase, installation, and maintenance of the vessel monitoring system equipment and communications costs will be paid for or arranged by the permit holder.

Sub-alternative 2b. The purchase of the vessel monitoring system equipment will be paid for by NMFS and the installation, maintenance, and communications costs of the vessel monitoring system equipment will be paid for or arranged by the permit holder.

Alternative 3. Require all fishing vessels with a Northern Zone permit engaged in the golden crab fishery to be equipped with vessel monitoring system. The purchase, installation, and maintenance of vessel monitoring system equipment must conform to the protocol established by NMFS in the Federal Register.

Sub-alternative 3a. The purchase, installation, and maintenance of the vessel monitoring system equipment and communications costs will be paid for or arranged by the permit holder.

Sub-alternative 3b. The purchase of the vessel monitoring system equipment will be paid for by NMFS and the installation, maintenance, and communications costs of the vessel monitoring system equipment will be paid for or arranged by the permit holder.

Discussion

During development of Golden Crab Amendment 6, the Council considered requiring vessel monitoring systems for vessels operating in the golden crab fishery. The majority of actions in Amendment 6 were for the establishment of a catch shares program. The Council ultimately decided not to pursue a catch shares program for golden crab and all actions in the amendment were put on hold. **Alternative 2** would require all vessels participating in the golden crab fishery to have a vessel monitoring system. **Alternative 3** would require all vessels with a Northern Zone permit in the golden crab fishery to be equipped with a vessel monitoring system.

Pot gear can damage coral and coral habitat. Although fishermen try to avoid these areas, protection of coral and coral habitats is needed because of sensitivity of coral and coral mounds to fishing gear interactions. Since access areas in coral habitat areas of particular concern (CHAPC) are provided for fishermen targeting golden crab and rock shrimp based on historic fishing areas, vessel monitoring systems may be useful to assist for law enforcement in monitoring these offshore fisheries around sensitive habitats. The rock shrimp fishery has a requirement for vessels to be equipped with vessel monitoring systems. The golden crab fishery does not have a requirement for vessels to have vessel monitoring systems (**Alternative 1 [No Action]**). A requirement for all golden crab vessels to have vessel monitoring systems would

assist law enforcement in monitoring the golden crab fishery and potential provide information on how the fishery operates (**Alternative 2**). Since the Council is considering an additional access area in the Stetson-Miami CHAPC based on historic fishing information, the Council could consider just fishermen with a Northern Zone permit to fish within this proposed area (**Action 1**) to have vessel monitoring system (**Alternative 3**). Coral mounds have been identified around the proposed access area and requiring vessel monitoring will enable law enforcement to better track the fishing location to ensure incursions into protected areas do not occur. An issue that arises for the golden crab fishery is that vessel monitoring systems are on the vessel and not where the traps are fishing. Due to currents, it may appear a golden crab vessel is fishing in a closed area when they are fishing in an open area.

Action 3. Adjust the Oculina Bank Habitat Area of Particular Concern (OHAPC) boundary.

Alternative 1 (No Action). Do not modify the Oculina Bank OHAPC boundary to allow additional access for the rock shrimp fishery.

Alternative 2. Adjust the boundary on the eastern edge of the Oculina Bank OHAPC.

Discussion

The eastern edge of the Oculina Bank does not appear to have large coral mounds in most of the areas, but the information needs to be reviewed to ensure that opening the area would not impact coral. There is an area on the northern end has 50 a foot change in depth. This could be a coral mound. An example area could be from 29.12° N 80.13° W extending southeast to 28.5° N 80.01° W extending west to 28.50° N to 80.02° W extending north to 29.12 °N 80.14° W (**Figure 1.7**).

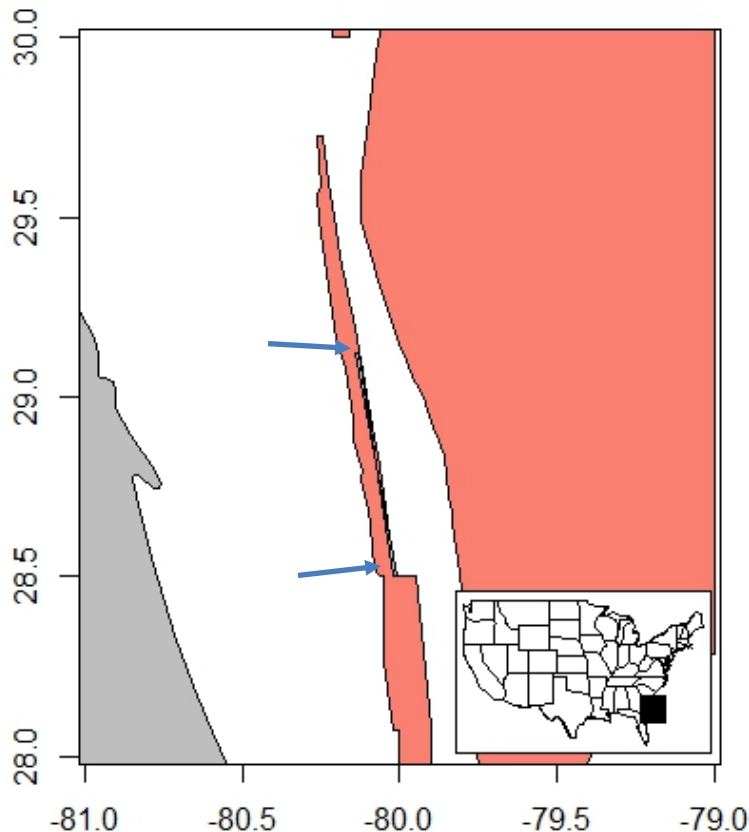


Figure 1.7. This is same map as **Figure 1.5** with an example of a fishing access area in the Northern Zone (gray box). Areas colored in salmon are closed areas to trawling.

Action 4. Transit Provisions for the Shrimp Trawl Fishery.

NOTE: The alternatives are repeated for each of the sub-actions. There are sub-actions for coldwater closed area, marine protected areas, spawning special management zones, and Oculina Bank HAPC.

Sub-Action 4.1. Transit Provision for Vessels Possessing Shrimp in a Closed Area Due to Cold Weather Closure

Alternative 1 (No Action). Brown shrimp, pink shrimp, or white shrimp may be possessed on board a fishing vessel in a closed area, provided the vessel is in transit and all trawl nets with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, are stowed below deck while transiting the closed area. For the purpose of this paragraph, a vessel is in transit when it is on a direct and continuous course through a closed area.

Alternative 2. (MPA) For the purpose of paragraph (a)(1)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—
A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured.

Alternative 3. (Spawning SMZ) For the purpose of paragraph (a)(2)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—Trawl doors and nets must be out of the water, but the doors are not required to be on deck or secured on or below deck.

Alternative 4. (Oculina Bank HAPC) Fish for or possess rock shrimp in or from the area, except a shrimp vessel with a valid commercial vessel permit for rock shrimp that possesses rock shrimp may transit through the area if fishing gear is appropriately stowed. For the purpose of this paragraph, transit means a direct and non-stop continuous course through the area, maintaining a minimum speed of five knots as determined by an operating VMS and a VMS minimum ping rate of 1 ping per 5 minutes; fishing gear appropriately stowed means that doors and nets are out of the water.

Alternative 5. (Gulf Protected Areas) For the purpose of paragraph (a) of this section, transit means non-stop progression through the area; fishing gear appropriately stowed means—A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

Alternative 6. (Gulf Shrimp) A vessel that does not have a valid South Atlantic shrimp permit, as described in paragraphs (a) and (b) of this section, may possess shrimp when in transit in the South Atlantic EEZ provided that the shrimp fishing gear is appropriately stowed. For the purposes of this paragraph, transit means non-stop progression through the South Atlantic EEZ. Fishing gear appropriately stowed means trawl doors and nets must be out of the water and the bag straps must be removed from the net.

Alternative 7. (NE Coral Zones) Vessels may transit the area provided bottom-tending trawl nets are out of the water and stowed on the reel and any other fishing gear that is prohibited in these areas is onboard, out of the water, and not deployed. Fishing gear is not required to meet the definition of “not available for immediate use” below¹, when a vessel transits the area.

Alternative 8. (NE Protected Areas) A vessel may transit the area, unless otherwise restricted, provided that its gear is stowed and not available for immediate use as defined in below. A vessel may transit the area, provided there is a compelling safety reason to enter the area and all gear is stowed and not available for immediate use as defined below¹.

Sub-Action 4.2. Transit Provision for Vessels Possessing Shrimp in a Marine Protected Areas

Alternative 1 (No Action). For the purpose of paragraph (a)(1)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured.

Alternative 2. (Coldwater Closure) Brown shrimp, pink shrimp, or white shrimp may be possessed on board a fishing vessel in a closed area, provided the vessel is in transit and all trawl nets with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, are stowed below deck while transiting the closed area. For the purpose

of this paragraph, a vessel is in transit when it is on a direct and continuous course through a closed area.

Alternative 3. (Spawning SMZ) For the purpose of paragraph (a)(2)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—Trawl doors and nets must be out of the water, but the doors are not required to be on deck or secured on or below deck.

Alternative 4. (Oculina Bank HAPC) Fish for or possess rock shrimp in or from the area, except a shrimp vessel with a valid commercial vessel permit for rock shrimp that possesses rock shrimp may transit through the area if fishing gear is appropriately stowed. For the purpose of this paragraph, transit means a direct and non-stop continuous course through the area, maintaining a minimum speed of five knots as determined by an operating VMS and a VMS minimum ping rate of 1 ping per 5 minutes; fishing gear appropriately stowed means that doors and nets are out of the water.

Alternative 5. (Gulf Protected Areas) For the purpose of paragraph (a) of this section, transit means non-stop progression through the area; fishing gear appropriately stowed means—A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

Alternative 6. (Gulf Shrimp) A vessel that does not have a valid South Atlantic shrimp permit, as described in paragraphs (a) and (b) of this section, may possess shrimp when in transit in the South Atlantic EEZ provided that the shrimp fishing gear is appropriately stowed. For the purposes of this paragraph, transit means non-stop progression through the South Atlantic EEZ. Fishing gear appropriately stowed means trawl doors and nets must be out of the water and the bag straps must be removed from the net.

Alternative 7. (NE Coral Zones) Vessels may transit the area provided bottom-tending trawl nets are out of the water and stowed on the reel and any other fishing gear that is prohibited in these areas is onboard, out of the water, and not deployed. Fishing gear is not required to meet the definition of “not available for immediate use” below¹, when a vessel transits the area.

Alternative 8. (NE Protected Areas) A vessel may transit the area, unless otherwise restricted, provided that its gear is stowed and not available for immediate use as defined in below. A vessel may transit the area, provided there is a compelling safety reason to enter the area and all gear is stowed and not available for immediate use as defined below¹.

Sub-Action 4.3. Transit Provision for Vessels Possessing Shrimp in a Spawning Special Management Zones.

Alternative 1 (No Action). For the purpose of paragraph (a)(1)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured.

Alternative 2. (Coldwater Closure) Brown shrimp, pink shrimp, or white shrimp may be possessed on board a fishing vessel in a closed area, provided the vessel is in transit and all trawl nets with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, are stowed below deck while transiting the closed area. For the purpose of this paragraph, a vessel is in transit when it is on a direct and continuous course through a closed area.

Alternative 3. (MPA) For the purpose of paragraph (a)(1)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—
A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured.

Alternative 4. (Oculina Bank HAPC) Fish for or possess rock shrimp in or from the area, except a shrimp vessel with a valid commercial vessel permit for rock shrimp that possesses rock shrimp may transit through the area if fishing gear is appropriately stowed. For the purpose of this paragraph, transit means a direct and non-stop continuous course through the area, maintaining a minimum speed of five knots as determined by an operating VMS and a VMS minimum ping rate of 1 ping per 5 minutes; fishing gear appropriately stowed means that doors and nets are out of the water.

Alternative 5. (Gulf Protected Areas) For the purpose of paragraph (a) of this section, transit means non-stop progression through the area; fishing gear appropriately stowed means—
A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

Alternative 6. (Gulf Shrimp) A vessel that does not have a valid South Atlantic shrimp permit, as described in paragraphs (a) and (b) of this section, may possess shrimp when in transit in the South Atlantic EEZ provided that the shrimp fishing gear is appropriately stowed. For the purposes of this paragraph, transit means non-stop progression through the South Atlantic EEZ. Fishing gear appropriately stowed means trawl doors and nets must be out of the water and the bag straps must be removed from the net.

Alternative 7. (NE Coral Zones) Vessels may transit the area provided bottom-tending trawl nets are out of the water and stowed on the reel and any other fishing gear that is prohibited in these areas is onboard, out of the water, and not deployed. Fishing gear is not required to meet the definition of “not available for immediate use” below¹, when a vessel transits the area.

Alternative 8. (NE Protected Areas) A vessel may transit the area, unless otherwise restricted, provided that its gear is stowed and not available for immediate use as defined in below. A vessel may transit the area, provided there is a compelling safety reason to enter the area and all gear is stowed and not available for immediate use as defined below¹.

Sub-Action 4.4. Transit Provision for Vessels Possessing Shrimp in a Oculina Bank Habitat Area of Particular Concern.

Alternative 1 (No Action). Fish for or possess rock shrimp in or from the area, except a shrimp vessel with a valid commercial vessel permit for rock shrimp that possesses rock shrimp may

transit through the area if fishing gear is appropriately stowed. For the purpose of this paragraph, transit means a direct and non-stop continuous course through the area, maintaining a minimum speed of five knots as determined by an operating VMS and a VMS minimum ping rate of 1 ping per 5 minutes; fishing gear appropriately stowed means that doors and nets are out of the water.

Alternative 2. (MPA) For the purpose of paragraph (a)(1)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—
A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured.

Alternative 3. (Spawning SMZ) For the purpose of paragraph (a)(2)(i) of this section, transit means direct, non-stop progression through the area. Fishing gear appropriately stowed means—
Trawl doors and nets must be out of the water, but the doors are not required to be on deck or secured on or below deck.

Alternative 4. (Coldwater Closure) Brown shrimp, pink shrimp, or white shrimp may be possessed on board a fishing vessel in a closed area, provided the vessel is in transit and all trawl nets with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, are stowed below deck while transiting the closed area. For the purpose of this paragraph, a vessel is in transit when it is on a direct and continuous course through a closed area.

Alternative 5. (Gulf Protected Areas) For the purpose of paragraph (a) of this section, transit means non-stop progression through the area; fishing gear appropriately stowed means—
A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

Alternative 6. (Gulf Shrimp) A vessel that does not have a valid South Atlantic shrimp permit, as described in paragraphs (a) and (b) of this section, may possess shrimp when in transit in the South Atlantic EEZ provided that the shrimp fishing gear is appropriately stowed. For the purposes of this paragraph, transit means non-stop progression through the South Atlantic EEZ. Fishing gear appropriately stowed means trawl doors and nets must be out of the water and the bag straps must be removed from the net.

Alternative 7. (NE Coral Zones) Vessels may transit the area provided bottom-tending trawl nets are out of the water and stowed on the reel and any other fishing gear that is prohibited in these areas is onboard, out of the water, and not deployed. Fishing gear is not required to meet the definition of “not available for immediate use” below¹, when a vessel transits the area.

Alternative 8. (NE Protected Areas) A vessel may transit the area, unless otherwise restricted, provided that its gear is stowed and not available for immediate use as defined in below. A vessel may transit the area, provided there is a compelling safety reason to enter the area and all gear is stowed and not available for immediate use as defined below¹.

¹*Not available for immediate use* means that the gear is not being used for fishing and is stowed in conformance with one of the following methods:

- (1) *Nets*—(i) *Below-deck stowage*. (A) The net is stored below the main working deck from which it is deployed and retrieved;
(B) The net is fan-folded (flaked) and bound around its circumference.
(ii) *On-deck stowage*. (A) The net is fan-folded (flaked) and bound around its circumference;
(B) The net is securely fastened to the deck or rail of the vessel; and
(C) The towing wires, including the leg wires, are detached from the net.

Discussion

The Council requested staff begin working on options to consider regulations for the transit provisions for vessels possessing shrimp. It was pointed out that many vessels may not be able to store their gear below deck as required during a coldwater closure. The Council then discussed whether or not all transit provisions for vessels possessing shrimp should be similar. The four sub-actions were designed to enable discussion of the different transit provisions. There might be instances when transiting a closed area should require different provisions.

Vessels possessing shrimp transiting a closed area due to the coldwater closure are likely vessels targeting Penaeid shrimp. This closed area is in much shallower water when retrieval time is reduced. Since retrieval time is shortened, it might be necessary to have more restrictive gear stowage requirements compared to areas in deeper waters.

Vessels transiting marine protected areas and spawning special management zones have a similar regulation to those created in the Gulf of Mexico when transiting a protected area. These areas vary in size and depth and are designed to protect snapper grouper species and their habitats from fishing impacts. The marine protected areas and spawning special management zones were created in the Snapper Grouper Fishery Management Plan (FMP). The Snapper Grouper FMP would need to be added to the list of amended plans if these are considered for changes.

The Oculina Bank HAPC transit provision was revised in Coral Amendment 8. The Oculina Bank has been designed to protective sensitive Oculina coral pinnacles. The transit provision requires vessels with rock shrimp to have a VMS operating at a specified minimum ping rate, maintain at a minimum speed of five knots, and have doors and gear out of the water. Although stowage requirements are less strict for the Oculina Bank, the VMS and ping rate allow enforcement of the protected area without a direct observation of the infraction.

DRAFT TIMELINE

Draft options paper reviewed – March 2018

Scoping draft paper presented to Council – June 2018

Scoping hearings – August 2018

Review scoping comments and revise actions/alternatives – September 2018

Review effects analysis and approve for public hearings – December 2018

Public hearings – January/February 2019

Review public hearings comments and approve all actions and alternatives – March 2019

Final action to approve for Secretarial review – June 2019