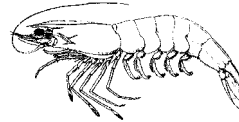
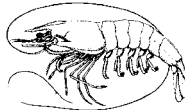
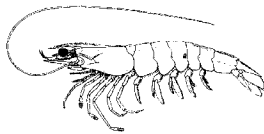




DRAFT OPTIONS PAPER
AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN
FOR THE SHRIMP FISHERY OF THE
SOUTH ATLANTIC REGION

**INCLUDING AN ENVIRONMENTAL ASSESSMENT,
INITIAL REGULATORY FLEXIBILITY ANALYSIS,
REGULATORY IMPACT REVIEW, SOCIAL IMPACT ASSESSMENT/
FISHERY IMPACT STATEMENT AND BIOLOGICAL ASSESSMENT**



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1.1 Background

The South Atlantic Fishery Management Council (the Council), in cooperation with NOAA's National Marine Fisheries Service (NOAA Fisheries Service), is responsible for the management of the brown, pink, white, and rock shrimp fisheries off the coast of the southeastern United States. Fishery management plans (FMPs) and FMP amendments are developed in accordance with the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Magnuson-Stevens Reauthorization Act (MSRA) (P.L. 109-479). Section 301(a) of the Magnuson-Stevens Act contains ten national standards for fishery conservation and management, with which FMPs and FMP amendments must comply. The proposed actions contained within this amendment to the FMP for the Shrimp Fishery of the South Atlantic Region (Shrimp FMP) focus on advancing the Council's and NOAA Fisheries Service's compliance with National Standard 5, which requires management measures consider efficiency in the utilization of fishery resources.

Rock shrimp were added to the Shrimp FMP in 1996. Landings of rock shrimp in the South Atlantic region averaged just less than 3 million pounds per year for 2003-2006, with large interannual variability. In particular, landings in 2005 were less than five percent of the average, while landings in 2004 were more than 200 percent of the average. Most rock shrimp fishing occurs off the east coast of Florida, especially near the Cape Canaveral area.

All vessels fishing for rock shrimp in the South Atlantic exclusive economic zone (EEZ) must have an open access South Atlantic rock shrimp permit. In 2003, a limited access program (LAP) was created in Amendment 5 for the rock shrimp fishery in federal waters south of the South Carolina/Georgia state line. Endorsements were issued to vessels with at least 15,000 pounds of rock shrimp landings in any one year during 1997-2000. Endorsements are **renewable** until one year after expiration; endorsements are **non-renewable** at the end of that year and cannot be transferred. A vessel's endorsement is considered **inactive** if the vessel lands less than 15,000 pounds of rock shrimp in a year, and the endorsement cannot be renewed if the vessel is inactive for four consecutive years. *If an endorsement is transferred to another vessel before it expires, the four-year time period for the landings requirement restarts.* **[Note: Committee/Council should discuss and clarify. If someone transfers a permit and gets four more years to qualify, we could never know the universe of vessels qualified. We should what needs to be done to change how this is being administered if it does not meet the Council's intent.]**

The Rock Shrimp Advisory Panel (AP) suggested these landings requirements because they were concerned about the high number of latent permit holders and vessels that fished infrequently. The criteria for the LAP were set so the core group of participants would remain in the fishery while overall effort was reduced. The AP suggested that the fishery could support no more than 150 vessels. However, fewer vessels may not fully utilize the resource.

1.2 Purpose and need for action

The Council has identified several issues in the shrimp fishery that need to be addressed to effectively manage and conserve the fishery and the resource. Actions proposed in this amendment, if implemented, would provide more efficient methods by which to meet the objectives of the Shrimp FMP. In addressing the identified issues, the Council has outlined the following purposes and underlying needs for the actions proposed within this amendment.

1. Address issues surrounding the 15,000 pound rock shrimp landing requirement.

Shrimp Amendment 5/EIS included the following limited access measures for the rock shrimp fishery; regulations became effective 7/15/03:

- A. Establish a limited access program for the rock shrimp fishery south of the GA/SC line; owner to receive a fully transferable permit. A limited access permit would be required for harvest and possession of rock shrimp south of the GA/SC line. Requirements specified were as follows:
 - a. Held a valid rock shrimp permit prior to 12/31/2000.
 - b. At least 15,000 pounds of rock shrimp landings in any one calendar year from 1997-2000.
 - c. If a limited access rock shrimp permit is “not active” during a 48 month period (4 calendar year period; 2004-2007) it will not be renewed. Limited access permitted vessels would have to show documented landings of at least 15,000 pounds of rock shrimp in one out of four calendar years (2004-2007) in order to retain this permit.
 - d. A rock shrimp limited access permit is defined as inactive when the vessel it is attached to has less than 15,000 pounds of documented rock shrimp harvested from the EEZ within the SAFMC’s area of jurisdiction in a calendar year.
- B. The rule was written such that a “Limited Access Endorsement” was required rather than the separate limited access permit identified in Amendment 5.

Analyses included in Amendment 5 indicated that approximately 168 vessels would qualify for the South Atlantic Limited Access Rock Shrimp Permit. After implementation and appeals, limited access rock shrimp endorsements were issued to 155 vessels.

Based on data from 1/1/03 through 7/6/07, there are a total of 138 vessels that either have active rock shrimp endorsements (113 vessels) or their endorsements have expired but they are still within the time period to renew them (25).

Of these 138 vessels, it appears that only **80** vessels would meet the 15,000 pound landings (assumed to be heads-on or whole weight) requirement in any given year between 2003 and 2006 (Note: Final numbers will be based on catches from 2004 through 2007.). So, at this time, we can only say that, given current information, it appears that approximately 50% or so of the endorsement holders (active or could still become active) would meet the landings requirements, and thus that 50% could lose their endorsements should the requirement not be eliminated or changed in some manner. Information suggests that this result is based on economic conditions in part, but also on relatively low abundance in one or two of the years being considered.

The Council is concerned about the confusion on the public's part about the rock shrimp limited entry endorsement as implemented in the final rule versus the limited access permit as specified in Amendment 5. The Council has received input from the Rock Shrimp Advisory Panel and members of the public that a number of individuals did not renew their endorsements when they renewed their rock shrimp permits because it was not as clear to them as it would have been had a separate limited access permit been issued.

In addition, application of the 15,000 pound rock shrimp landing requirement could result in up to one-half of the permits not being renewed. The Council has received input from the Rock Shrimp Advisory Panel and members of the public that this would result in insufficient effort to support the rock shrimp infrastructure and fishery.

Shrimp Fishery Management Plan Objectives addressed by this action are:

10. Manage the resource to provide for higher sustainable net benefits by taking the first step in reducing the current overcapacity in the rock shrimp fishery.
11. Remove latent permits from the rock shrimp fishery and restrict future entrants so as not to exacerbate the overcapacity problem in the future.
12. Protect the interest of traditional user groups in the rock shrimp fishery. Traditional users also tend to be more familiar with management regulations pertaining to their fishery as opposed to new entrants who enter a fishery and participate infrequently.

2. Collection of economic data. Economic data are necessary to complete analyses required by the Magnuson Act and other applicable law. The Council cannot fully understand potential impacts of management regulations without such data. This action addresses Objective 9 of the Shrimp Fishery Management Plan as amended:

9. Implement permit and reporting requirements needed to ensure necessary data are provided by the rock shrimp industry. However, the data reporting requirements would apply to all shrimp permit holders.

1.3 History of shrimp management in the South Atlantic

The **Fishery Management Plan/EIS** for the Shrimp Fishery of the South Atlantic Region (SAFMC 1993) provided South Atlantic states with the ability to request concurrent closure of the EEZ adjacent to their closed state waters following severe winter cold weather and to eliminate fishing mortality on over-wintering white shrimp following severe winter cold kills. In addition the fishery management plan also established a buffer zone extending seaward from shore 25 nautical miles, inside of which no trawling would be allowed with a net having less than four-inch stretch mesh during an EEZ closure. Vessels trawling inside this buffer zone cannot have a shrimp net aboard (i.e., a net with less than four-inch stretch mesh) in the closed portion of the EEZ. Transit of the closed EEZ with less than four-inch stretch mesh aboard, while in possession of penaeid species (brown, pink, and white shrimp), is allowed provided the nets are in an unfishable condition which is defined as stowed below deck. The fishery management plan provided an exemption for the royal red and rock shrimp fisheries to allow the rock shrimp fishery to be prosecuted with minimal disruption during a closure of federal waters for protection of white shrimp.

The Shrimp Fishery Management Plan (Plan) defined Maximum Sustainable Yield (MSY) as the mean total landings for the southeast region:

White shrimp –	14.5 million pounds
Brown shrimp –	9.2 million pounds
Pink shrimp –	1.8 million pounds

Optimum Yield (OY) for the white shrimp fishery was defined as the amount of harvest that could be taken by U.S. fishermen without reducing the spawning stock below the level necessary to ensure adequate reproduction. This level has been estimated only for the central coast of South Carolina, and only in terms of subsequent fall production (assumed to represent recruitment).

The Shrimp Plan established the overfishing criterion for white shrimp as “when the overwintering white shrimp population within a state’s waters declines by 80% or more following severe winter weather resulting in prolonged cold water temperatures.” Regulations implementing the Shrimp Plan were published October 27, 1993 and became effective on November 26, 1993.

Shrimp Amendment 1/EA (SAFMC 1996a) addressed measures pertaining to the rock shrimp fishery in the South Atlantic EEZ. In this amendment rock shrimp was added to the management unit. Trawling for rock shrimp was prohibited east of 80° W. longitude between 27° 30’ N. latitude and 28° 30’ N. latitude in depths less than 100 fathoms to limit the impact of the rock shrimp fishery on essential bottom fish habitat, including the fragile coral species existing in the *Oculina* Bank Habitat Area of Particular Concern (HAPC). This prohibition enhanced existing federal regulations for coral and snapper grouper by protecting essential live/hard bottom habitat including *Oculina* coral and the *Oculina* Bank HAPC from trawl-related damage. To address the need for better data, NOAA Fisheries was directed to require dealers to submit reports to accurately account for harvest of rock shrimp in the South Atlantic. Shrimp Amendment 1 established Optimum Yield (OY) for the rock shrimp fishery as the Maximum Sustainable Yield (MSY) in the South Atlantic Exclusive Economic Zone (EEZ). MSY is defined as the amount of harvest that can be taken by U.S. fishermen without reducing the spawning stock below the

level necessary to ensure adequate reproduction. This amendment established MSY for rock shrimp as the mean total landings for the southeast region. Through this amendment, an overfishing threshold was established for rock shrimp; the rock shrimp resource was considered overfished when the annual landings exceeded the value which is two standard deviations above mean landings 1986-1994. This level was set at 6,829,449 pounds based on the more accurate state data. Shrimp Amendment 1 (SAFMC 1996a) was sent to NOAA Fisheries for formal review and implementation on January 17, 1996. Regulations implementing the actions in Shrimp Amendment 1 became effective on October 9, 1996 (closure) and November 1, 1996 (remaining measures).

Shrimp Amendment 2/SEIS (SAFMC 1996b) added pink shrimp to the management unit, defined overfishing and Optimum Yield (OY) for brown and pink shrimp, required the use of certified bycatch reduction devices (BRDs) in all penaeid shrimp (brown, pink, and white shrimp) trawls in the South Atlantic EEZ (the large mesh extended funnel and the fisheye) and established a framework for BRD certification specifying BRD certification criteria and testing protocol. OY for the brown and pink shrimp fisheries in the South Atlantic EEZ was defined as the amount of harvest that can be taken by U.S. fishermen without annual landings falling two standard deviations below mean landings 1957-1993 for three consecutive years (2,946,157 pounds [heads on] for brown shrimp and 286,293 pounds [heads on] for pink shrimp). When annual landings fall below this level, the resource is considered overfished. Shrimp Amendment 2 was sent to NOAA Fisheries for formal review and implementation on April 30, 1996, was approved on February 24, 1997, and regulations became effective on April 21, 1997.

Shrimp Amendment 3/EIS was included in the Council's Comprehensive Amendment Addressing Essential Fish Habitat in Fishery Management Plans of the South Atlantic Region (SAFMC 1998a) which addressed the habitat requirements of the Magnuson-Stevens Act, as amended in 1996. Under Shrimp Amendment 3, Essential Fish Habitat for the South Atlantic shrimp resource was defined as follows (Note: Detailed information is presented in the Council's Habitat Plan [SAFMC 1998b]):

Penaeid shrimp (brown, pink, and white shrimp): inshore estuarine nursery areas, offshore marine habitats used for spawning and growth to maturity and all interconnecting water bodies as described in the Habitat Plan (SAFMC 1998b). Inshore nursery areas include tidal freshwater (palustrine), estuarine, and marine emergent wetlands (e.g., intertidal marshes); tidal palustrine forested areas; mangroves; tidal freshwater, estuarine, and marine submerged aquatic vegetation (e.g., seagrass); and subtidal and intertidal non-vegetated flats. This applies from North Carolina through the Florida Keys.

Rock shrimp: offshore terrigenous and biogenic sand bottom habitats from 18 to 182 meters in depth with highest concentrations occurring between 34 and 55 meters. This applies for all areas from North Carolina through the Florida Keys. Essential fish habitat includes the shelf current systems near Cape Canaveral, Florida, which provide major transport mechanisms affecting planktonic larval rock shrimp. These currents keep larvae on the Florida shelf and may transport them inshore in spring. In addition, the Gulf Stream is an essential fish habitat because it provides a mechanism to disperse rock shrimp larvae.

Shrimp Amendment 3 also established Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs) for penaeid shrimp (brown, pink, and white shrimp) in the South Atlantic. Areas that meet the criteria for EFH-HAPCs for penaeid shrimp include all coastal inlets, all state-designated nursery

habitats of particular importance to shrimp, and state-identified overwintering areas. The Comprehensive Amendment was approved in June 1999; no regulations were required to make the designations of EFH and EFH-HAPCs effective. Regulations were implemented as part of this amendment, under the FMP for Coral, Coral Reefs, and Live Hard Bottom Habitats of the South Atlantic Region (Coral FMP, see below).

In addition, Shrimp Amendment 3 called for implementation of a voluntary Vessel Monitoring System (VMS) in the rock shrimp fishery. The voluntary pilot program was intended to provide information concerning the future use of transponders in the rock shrimp fishery. This voluntary program was not implemented because of logistical issues associated with the evolving VMS technologies at the time.

The Council's Comprehensive Habitat Amendment (including Shrimp Amendment 3) was sent to NOAA Fisheries for formal review and implementation on October 9, 1998. The Amendment was approved on June 3, 1999. Regulations implementing these actions were published on June 14, 2000 and became effective on July 14, 2000.

Coral Amendment 4/EIS, included in the Comprehensive Sustainable Fisheries Act (SFA) Amendment (SAFMC 1998c), expanded the *Oculina* Bank Habitat Area of Particular Concern (HAPC) to an area bounded to the west by 80°W. longitude, to the north by 28°30'N. latitude, to the south by 27°30'N. latitude, and to the east by the 100 fathom (600 foot) depth contour. Coral Amendment 4 expanded the *Oculina* Bank HAPC to include the area closed to rock shrimp harvest. The Draft Calico Scallop FMP proposed to close this area to calico scallop harvest. The expanded *Oculina* Bank HAPC is 60 nautical miles long by about 5 nautical miles wide although the width tracks the 100 fathom (600 foot) depth contour rather than a longitude line. Within the expanded *Oculina* Bank HAPC area no person may:

1. Use a bottom longline, bottom trawl, dredge, pot, or trap.
2. If aboard a fishing vessel, anchor, use an anchor and chain, or use a grapple and chain.
3. Fish for rock shrimp or possess rock shrimp in or from the area on board a fishing vessel.
4. Possess *Oculina* coral.

Coral Amendment 4 also established two satellite *Oculina* HAPCs with the same prohibitions as shown above: (1) Satellite *Oculina* HAPC #1 bounded on the north by 28°30'N. latitude, on the south by 28°29'N. latitude, on the east by 80°W. longitude, and on the west by 80°3'W. longitude; and (2) Satellite *Oculina* HAPC #2 bounded on the north by 28°17'N. latitude, on the south by 28°16'N. latitude, on the east by 80°W. longitude, and on the west by 80°3'W. longitude.

It is the Council's intent to prohibit the possession of calico scallops and rock shrimp within these areas to enhance enforceability of the prohibition of harvest and the prohibition on use of bottom-tending gear in these areas.

Shrimp Amendment 4/EA was included in the Council's Comprehensive Amendment Addressing Sustainable Fishery Act (SFA) Definitions and Other Required Provisions in Fishery Management Plans of the South Atlantic Region (SAFMC 1998c), which addressed the Sustainable Fisheries Act requirements of the Magnuson-Stevens Act, as amended in 1996. Shrimp Amendment 4 included reporting requirements as specified in the Atlantic Coastal Cooperative Statistics Program (ACCSP). It was established that the Council staff would work with NOAA General Counsel to determine the

appropriate procedure to remove all the varied data reporting requirements in individual fishery management plans and reference one comprehensive data reporting document. The Shrimp Plan was also amended to include available information on fishing communities (detailed discussion in the SFA Comprehensive Amendment; SAFMC 1998c). In addition, Shrimp Amendment 4 designated biological reference points and status determination criteria. The Council approved Maximum Sustainable Yield (MSY) for rock shrimp as 6,829,449 pounds, Optimum Yield (OY) for rock shrimp as equal to MSY, and the overfished definition for rock shrimp as two standard deviations above mean landings for the period 1986-1994.

The Council's Comprehensive SFA Amendment (including Shrimp Amendment 4) was sent to NOAA Fisheries for formal review and implementation on October 7, 1998. The final rule was published on November 2, 1999 and regulations became effective on December 2, 1999.

Shrimp Amendment 5/EIS to the Shrimp Plan was developed to address issues in the rock shrimp fishery (SAFMC 2002). Amendment 5 established a rock shrimp limited access program, required a vessel operator's permit, established a minimum mesh size for the tail bag of a rock shrimp trawl (at least 40 meshes of 1 and 7/8 inch stretched mesh above the 2 inch rings), and required use of an approved vessel monitoring system in the limited access rock shrimp fishery. Shrimp Amendment 5 was sent for formal Secretary of Commerce review on February 25, 2002. The amendment was approved on October 23, 2002; final regulations were published on February 18, 2003 and became effective on the dates as indicated in the following paragraphs:

Operator permits - effective May 16, 2003: "For a person to be an operator of a vessel fishing for rock shrimp in the South Atlantic EEZ or possessing rock shrimp in or from the South Atlantic EEZ, or to be an operator of a vessel that has a valid permit for South Atlantic rock shrimp, such person must have and carry on board a valid operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.). At least one person with a valid operator's permit for the South Atlantic rock shrimp fishery must be aboard while the vessel is at sea or offloading."

Limited access endorsement - effective July 15, 2003: "For a person aboard a vessel to fish for or possess rock shrimp in the South Atlantic EEZ off Georgia or off Florida, a limited access endorsement for South Atlantic rock shrimp must be issued to the vessel and must be on board. A vessel is eligible for an initial limited access endorsement if the owner owned a vessel with a Federal permit for South Atlantic rock shrimp on or before December 31, 2000 and landed at least 15,000 pounds of South Atlantic rock shrimp in any one of the calendar years 1996 through 2000 from a vessel he/she owned."

VMS - effective October 14, 2003: Vessels that were issued a limited access endorsement for South Atlantic rock shrimp must have a NOAA Fisheries-approved, operating VMS on board when on a trip in the South Atlantic. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NOAA Fisheries as provided by a NOAA Fisheries-approved communication service provider.

The rule for Shrimp Amendment 5 was written such that a “Limited Access Endorsement” was required rather than the separate limited access permit identified in Amendment 5. Information included in Amendment 5 estimated that at least 168 vessels would qualify.

Control Date: At the December 2003 Council meeting, the Council set a control date of December 10, 2003 for the penaeid shrimp (brown, pink, and white shrimp) fishery operating in the South Atlantic EEZ. Publication of this control date (69 FR 10189; March 4, 2004) puts the industry on notice that the Council may develop a limited access program in the future. Should this occur there is no guarantee that vessels entering the fishery after this date will qualify for a limited access endorsement.

Shrimp Amendment 6/SEIS included the following measures (December 2004):

(1) transferred authority to make appropriate revisions to the Bycatch Reduction Device (BRD) Testing Protocol to NMFS; (2) specified a reduction in the total weight of finfish of at least 30% for new BRDs to be certified; (3) adopted the Atlantic Coast Cooperative Statistics Program (ACCSP) Release, Discard and Protected Species Module as the preferred methodology to monitor and assess bycatch and until this module is fully funded, require the use of a variety of sources to assess and monitor bycatch including, observers, logbooks, state cooperation, grants, and federal shrimp permits; (4) required BRDs on all rock shrimp trips in the South Atlantic; (5) required federal penaeid shrimp permits; (6) revised status determination criteria for penaeid shrimp; and (7) revised status determination criteria for rock shrimp (MSY/OY is the mean total landings for the South Atlantic 1986-2000 [4,912,927 pounds], overfishing is a rate that led to annual landings larger than two standard deviations above MSY [14,687,775 pounds] for two consecutive years, and overfished is a parent stock size less than $\frac{1}{2} B_{MSY}$ for two consecutive years).

2.0 Alternatives

This environmental assessment explores the differences among a number of management alternatives for four proposed changes to the South Atlantic Shrimp Fishery Management Plan (Shrimp FMP). Alternatives are developed to show ways of meeting the purpose and need while addressing a range of issues. For Amendment 7 to the Shrimp FMP, alternatives were developed by an interdisciplinary team from discussions at Council meetings; scoping meetings; and meetings of the Shrimp, Rock Shrimp, and Deepwater Shrimp Advisory Panels (APs). Public comments were also used in the development of proposed alternatives in Amendment 7. The Council employs a process that screens all alternatives to a management action conceived during scoping to identify a reasonable range for detailed analysis.

The Council decided to consolidate the requirements of the Magnuson-Stevens Act, Regulatory Flexibility Act, the National Environmental Policy Act (NEPA), and the other applicable laws into an integrated document. For that reason, the evaluation of alternatives and discussion about the effects on the environment is presented in **Section 4.0. Environmental Consequences**. This includes a detailed comparison between alternatives explaining the Council's choice in the selection of the preferred alternative. The Council, NOAA Fisheries, and NOAA General Counsel concluded this meets NEPA's regulatory requirements.

2.1 Action 1. The 15,000 pound rock shrimp landing requirement.

This proposed action was recommended in order to prevent the potential exclusion of as many as 53 vessels that have not met the landing requirement. The South Atlantic rock shrimp landing requirement is a two-prong provision consisting of a time component, or the four-year time span within which 15,000 pounds of rock shrimp must be landed in order to be eligible for renewal, and a pounds-landed requirement, referring to the 15,000-pound requirement. With the exception of Alternative 3 under this action, the time component of the provision would remain unchanged. Currently, an inactive endorsement is defined as one that is attached to a vessel having landed less than 15,000 pounds of rock shrimp in a calendar year. If the endorsement is inactive for four consecutive calendar years the endorsement may not be renewed. Furthermore, nonrenewable endorsements are not transferable. The current landing requirement as it was implemented through Shrimp Amendment 5 (SAFMC 2002) has the potential to permanently reduce the number of vessels in the fishery, which may lead to insufficient effort to support the fishery's infrastructure.

Alternative 1 (No action). Retain the 15,000 pound rock shrimp landing requirement.

The No-action Alternative could result in a permanent 45% reduction in fishery participation which, according to public input and rock shrimp Advisory Panel members, would result in insufficient effort to support the rock shrimp infrastructure and fishery. Under this alternative the current definition of an inactive endorsement would remain unchanged, and the cap on rock shrimp fishery participation would be permanently reset to a much lower number. Landings taken from the limited access area and outside of the limited access area, if taken within the Council's area of jurisdiction (EEZ), would continue to be used to meet the annual landing

condition. This would uphold the current requirement implemented through Shrimp Amendment 5 (SAFMC 2002).

Alternative 2. Remove the 15,000 pound rock shrimp landing requirement.

Removing the 15,000-pound rock shrimp landing requirement would make fishery participation possible for all rock shrimp vessels holding an endorsement. As many as 53 vessels that have not met the requirement could be affected by the removal of the 15,000 pound landing requirement. An additional 14 vessels could also be affected if this alternative, along with Alternatives 2 or 3 in Action 3 of this amendment, were chosen as preferred alternatives. Alternative 2 under Action 1 would effectively nullify the current landing requirement implemented through Shrimp Amendment 5 (SAFMC 2002).

Alternative 3. Extend the time allowed to meet the 15,000-pound rock shrimp landing requirement for not more than two years; this would allow a total of five or six consecutive years.

[Note: Committee/Council should clarify whether they want to look at 5 or 6 years or just 6 years. If you want to look at 5 and 6 years, then the Team will split this into subalternatives.]

Each vessel is currently required to land 15,000 pounds of rock shrimp within at least one of four consecutive calendar years to meet the 15,000-pound landing requirement. This alternative would extend the four-year time period within which the 15,000-pound landing requirement could be met. The time period would be extended from four years to 5 years, or even 6 years, allowing fishermen who have not meet the landing requirement within the past four consecutive calendar years to have an extended amount of time to meet the 15,000-pound landing requirement. This would change the current time limit in the definition of inactive endorsements to either five or six calendar years, replacing the four calendar year provision. In the short-term, this action would benefit those vessels that would lose their endorsements this year. In the long-term, this action would benefit all rock shrimp fishery participants by giving them more time to land the 15,000 pound requirement. The pounds-landed component of the landing requirement would remain unchanged, but the time component would be extended, possibly allowing a higher level of fishery participation relative to the status-quo.

Alternative 4. Change the landing requirement to one pound of rock shrimp.

This alternative would reduce the pounds landed component of the landing requirement to one pound, while maintaining the current time limit component of the landing requirement. This would effectively change the current definition of an inactive endorsement to be one that is attached to a vessel having landed less than one pound of rock shrimp landings in a calendar year. Rock shrimp vessels that do not land at least one pound of rock shrimp in at least one of four consecutive calendar years would be eliminated from the fishery. Rock shrimp fishermen who have demonstrated at least some effort in the form of recorded landings of one pound or more in at least one of four consecutive years would be allowed to apply for renewal of their rock shrimp endorsement. This alternative could potentially benefit 14 vessels with active or

renewable endorsements and 3 vessels linked to non-renewable endorsements if either Alternative 2 or Alternative 3 is chosen under Action 3. Landings taken from the limited access area and outside of the limited access area but within the Council's area of jurisdiction (EEZ) would continue to be able to be used to meet this annual landings condition.

Alternative 5. Change the landing requirement to 7,500 pounds of rock shrimp.

This alternative would reduce the pounds-landed component of the landing requirement from 15000 pounds to a minimum of 7,500 pounds, while maintaining the current time limit component of the landing requirement. This would effectively change the current definition of an inactive endorsement to one that is attached to a vessel having landed less than 7,500 pounds of rock shrimp in a calendar year. Rock shrimp vessels that failed to land at least 7,500 pounds of rock shrimp within one of four consecutive calendar years would be eliminated from the fishery. Rock shrimp fishermen who can demonstrate fishing effort in the form of recorded landings of 7,500 pounds or more, in at least one of four consecutive years, would be allowed to apply for renewal of their rock shrimp endorsement. It is expected that this alternative would affect less than 14 vessels with active or renewable endorsements and less than 3 vessels with non-renewable endorsements. Landings taken from the limited access area and outside of the limited access area but within the Council's area of jurisdiction (EEZ) would continue to be able to be used to meet this annual landings condition.

[Note: The committee/Council should discuss the Team's recommendation to move old Alternative 4 to Appendix A.]

2.1.1 Comparison of Alternatives

Table 2-1. A summarized comparison of the impacts between alternatives for Action 1. The impacts are designated as adverse, beneficial, direct, and indirect as appropriate.

Impacts	Alternatives				
	Alternative 1. (No Action). Retain the 15,000 pound rock shrimp landing requirement.	Alternative 2. Remove the 15,000 pound rock shrimp landing requirement.	Alternative 3. Extend the time allowed to meet the 15,000 pound rock shrimp landing requirement for not more than 2 years; this would allow a total of 5 or 6 consecutive years.	Alternative 4. Change the landing requirement to one pound of rock shrimp.	Alternative 5. Change the landing requirement to 7,500 pounds of rock shrimp.
Biological	Minimal beneficial, indirect impacts to the ecosystem.	Minimal adverse, indirect impacts to the ecosystem. Adverse impacts from Alternative 2 would be greater than those of Alternatives 3, 4, and 5.	Minimal adverse, indirect impacts to the ecosystem. Adverse impacts under Alternative 3 would be less than those of Alternative 2, but greater than those of Alternative 4.	Minimal adverse indirect impacts to the ecosystem. Adverse impacts would be greater than Alternatives 3 and 5 but less than Alternative 2.	Minimal adverse indirect impacts to the ecosystem. Impacts would be less than Alternatives 2 and 4 and most likely the same as Alternative 2.
Economic	Adverse direct economic impacts to rock shrimpers who would be unable to renew endorsements. It is expected that this would also adversely affect dealers.	Beneficial direct impacts on fishermen who would otherwise not be able to renew their endorsement. Could have long-term indirect impacts if the fishery becomes overcapitalized and the resource overexploited. Impacts, whether beneficial or adverse would be greater than Alternatives 3, 4, and 5.	Beneficial, direct impacts would be less than Alternatives 2 and 4 but would most likely be same or nearly the same as Alternative 5.	Beneficial direct impacts would be greater than Alternatives 3 and 5 but less than Alternative 2.	Beneficial direct impacts would be less than Alternatives 2 and 4 but equal or the same as Alternative 3.

Table 2-1 continued.

Social	Adverse indirect social impacts for society as a whole since the fishery may no longer be able to maintain a sustainable fishing fleet to support the fishery's infrastructure.	Beneficial indirect impacts to some fishermen. Some adverse indirect effects could be manifested in the form of animosity on the part of fishermen who did work to meet the landing requirement. Adverse effects would be greater than Alternatives 3, 4, and 5.	This would indirectly benefit society as a whole, by allowing a more sustainable level of fishery participation. Beneficial impacts would be greater than Alternative 2, less than Alternative 4, and most likely the same as Alternative 5.	Beneficial indirect impacts would be greater than Alternatives 2, 3, and 5.	Beneficial indirect impacts would be greater than Alternative 2, less than Alternative 4, and about the same as Alternative 3.
Administrative	Beneficial direct impact. The administrative costs and burdens would be less than Alternatives 2, 3, 4, and 5.	Adverse direct impacts. Administrative costs would be greater than Alternatives 1 and 3 but less than Alternatives 4 and 5.	Adverse direct impacts. It is expected that administrative costs would be greater than Alternatives 1 and 2 and about the same as Alternatives 4 and 5.	Adverse direct impacts. Administrative burden would be greater than Alternatives 1 and 2 but about the same as Alternatives 3 and 5.	Adverse direct impacts. Administrative burden would be greater than Alternatives 1 and 2 but about the same as Alternatives 3 and 4.

2.1.2. Conclusion

Complete after Committee/Council action.

2.2 Action 2. Endorsements lost due to not meeting the 15,000-pound rock shrimp landing requirement by 12/31/07.

[Note: Committee/Council should clarify whether they intended for the 4-year period to be extended each time a permit is transferred and whether it should be 4 calendar years or 4 years from the original endorsement/permit was issued.]

[Note: Committee/Council should decide whether they want to have the “endorsement” retained or whether they want to have a “limited entry permit” implemented as described in Shrimp Amendment 5.]

To be eligible to renew an endorsement for the South Atlantic rock shrimp fishery, a vessel must land 15,000 pounds of rock shrimp in one of four consecutive years starting from the time its endorsement is issued. A vessel’s four-year time period begins at the time the endorsement was obtained; therefore, the four-year time period in which a vessel must meet the landings requirement depends on the year the vessel initially obtained its endorsement. This action would only apply to those vessels that initially obtained an endorsement in 2003.

Alternative 1. (No Action). Do not reinstate lost endorsements.

Endorsements lost due to not meeting the 15,000-pound rock shrimp landing requirement by December 31, 2007, would remain null and void. The endorsements would not be reinstated under this alternative, thus upholding the requirement implemented through Amendment 5.

Alternative 2. Reinstate endorsements lost due to not meeting the 15,000 pound rock shrimp landing requirement in one of four consecutive calendar years for those vessels that landed at least one pound of rock shrimp during the same time period.

Alternative 2 would reinstate endorsements lost due to not meeting the rock shrimp landing requirement of 15,000 pounds in one of four consecutive calendar years for those vessels that landed at least one pound of rock shrimp during one of four consecutive calendar years. This would eliminate rock shrimp vessels that have landed less than one pound (effectively having no landings at all) within four consecutive calendar years. Under this alternative, 10 vessels with active or renewable permits would have their endorsements reinstated. Rock shrimp fishermen who have demonstrated at least some effort in the form of recorded landings of one pound or more in one of four consecutive years would have their endorsement reinstated.

Alternative 3. Reinstate endorsements lost due to not meeting the 15,000 pound rock shrimp landing requirement in one of four consecutive calendar years, for those vessels that landed at least 7,500 pounds of rock shrimp during the same time period.

Alternative 3 would reinstate endorsements lost due to not meeting the rock shrimp landings requirement of 15,000 pounds in one of four consecutive calendar years for those vessels that landed at least 7,500 pounds of rock shrimp during one of four consecutive calendar years. Under Alternative 3 less than 10 vessels with active or renewable endorsements could have their

endorsements reinstated. This would eliminate rock shrimp endorsement linked to vessels that have landed less than 7,500 pounds within four consecutive calendar years.

Alternative 4. Reinstate all endorsements lost due to not meeting the landing requirement of 15,000 pounds of rock shrimp in one of four consecutive calendar years.

Under this alternative all endorsements lost due to not meeting the landing requirement by December 31, 2007, would be reinstated. Thirty-six (36) vessels with active or renewable endorsements could have their endorsements reinstated under Alternative 4. This action would effectively nullify the current requirement implemented through Shrimp Amendment 5.

2.2.1 Comparison of Alternatives

Table 2-2. A summarized comparison of the impacts between alternatives for Action 2. The impacts are designated as adverse, beneficial, indirect, and direct as appropriate.

Impacts	Alternatives			
	Alternative 1 (No Action). This would not reinstate lost endorsements.	Alternative 2. Reinstate endorsements lost due to not meeting the rock shrimp landings requirement of 15,000 pounds in one of four consecutive calendar years, for those vessels that landed at least one pound of rock shrimp during one of four consecutive calendar years.	Alternative 3. Reinstate endorsements lost due to not meeting the rock shrimp landings requirement of 15,000 pounds in one of four consecutive calendar years, for those vessels that landed at least 7,500 pounds of rock shrimp during one of four consecutive calendar years.	Alternative 4. Reinstate all endorsements lost due to not meeting the landing requirement of 15,000 pounds of rock shrimp in one of four consecutive calendar years. .
Biological	Minimal beneficial indirect impacts to the ecosystem and fishery resource.	Minimal adverse indirect impacts on the biological environment. Impacts would be greater than Alternative 3 but less than Alternative 4.	Minimal adverse indirect impacts on the biological environment. Impacts would be less than Alternatives 2, and 4, but greater than the No Action Alternative.	Minimal adverse indirect impacts on the biological environment. Impacts would be greater than Alternatives 1, 2, and 3
Economic	Direct adverse effect on fishermen unable to meet the landing requirement. Consumer prices could rise if shrimp landings decrease. Indirect beneficial effect on fishermen still able to fish through a possible increase in catch per unit of effort (CPUE) due to decreased fishing competition.	Direct beneficial impacts would be greater than Alternatives 1 and 3 but less than Alternative 4.	Direct beneficial impacts would be greater than Alternative 1, but less than Alternatives 2 and 4.	Direct beneficial impact to the fishery, fishery participants, dealers, and consumers.

Table 2-2 continued.

Social	Indirect adverse effect on the fishing community and consumers. Fishery Participation could effectively be decreased by half,	Some beneficial indirect impacts on society by allowing an increased number of fishery participants. Some adverse indirect effects could be manifested in the form of animosity on the part of fishermen who did work to meet the landing requirement. Impacts would be greater than Alternative 3 but less than Alternative 4.	Beneficial indirect impacts on society by allowing an increased yet controlled number of fishery participants. Impacts would be greater than Alternative 1 but less than Alternative 2 and 4.	Beneficial indirect impacts on society by allowing an increased number of fishery participants. Some adverse indirect effects could be manifested in the form of animosity on the part of fishermen who did work to meet the landing requirement. Impacts would be greater than Alternatives 1, 2, and 3.
Administrative	Beneficial direct impacts. The administrative cost and burden would be less than Alternatives 2, 3, and 4.	Adverse direct impacts on the administrative environment through increased costs and administrative burden. Impacts would be greater than Alternatives 1 and 4 but would likely be the same as Alternative 3.	Adverse direct impacts on the administrative environment through increased costs and administrative burden. Impacts would be greater than Alternatives 1 and 4 but would likely be the same as Alternative 2.	Adverse direct impacts on the administrative environment through increased costs and administrative burden. Impacts would be greater than Alternative 1 but less than Alternatives 2 and 3.

2.2.2 Conclusion**Complete after Committee/Council action.**

2.3 Action 3. Endorsements lost through failure to renew the rock shrimp limited entry endorsement.

Currently, as implemented through Shrimp Amendment 5, to renew a rock shrimp endorsement vessel owners must submit a complete application to the Southeast Regional Administrator within one year after the endorsement's expiration date. Endorsements are considered non-renewable at the end of that year and cannot be transferred. *If an endorsement is transferred to another vessel before it expires, the four-year time period for the landings requirement restarts.* [Note: Committee/Council should clarify whether they intended for the 4-year period to be extended each time a permit is transferred and whether it should be 4 calendar years or 4 years from the original endorsement/permit was issued.] This proposed action addresses the issue of lost endorsements due to not being renewed in a timely manner because of confusion involving the application form and process. Shrimp Amendment 5 required a limited entry rock shrimp permit while the proposed and final rule required an endorsement. As a result, a number of endorsements are currently nonrenewable under current regulations, some of which are linked to vessels that did meet the landing requirement. Of the 17 vessels with non-renewable endorsements, three have met the 15,000-pound requirement but are no longer able to fish for rock shrimp. Of the remaining 14 vessels, three had rock shrimp landings during 2003-2006.

Alternative 1 (No Action). Do not reinstate lost endorsements.

Under the No Action Alternative current regulations would be upheld and all endorsement lost due to a failure to renew in a timely manner, improperly filling out the renewal form, or misunderstanding the renewal process would not be reinstated. Seventeen (17) vessels could lose their rock shrimp endorsements.

Alternative 2. Reinstate all endorsements lost through failure to renew the rock shrimp limited entry endorsement.

Under this alternative all endorsements lost due to failure to renew in a timely manner, improperly filling out the renewal form, or misunderstanding the renewal process would be reinstated. This would nullify the regulations as they currently exist, and 17 vessels with nonrenewable endorsements could have their endorsements reinstated.

Alternative 3. Extend the time allowed to renew rock shrimp endorsements to one calendar year after the effective date for this action.

Alternative 3 would give those fishermen who failed to renew their endorsements in a timely manner, improperly filled out the renewal form, or misunderstood the renewal process one year to submit a complete application form to the Southeast Regional Administrator. This would provide those vessel owners who were not able to do so, ample time to apply or reapply for their endorsements following the correct process. It is expected that Alternative 3 would allow as many as 17 vessel owners the option to gain back their fishery participant status in the limited entry program if they wish to do so by submitting a complete application to the Southeast Region Administrator.

2.3.1 Comparison of Alternatives

Table 2-3. A summarized comparison of the impacts between alternatives for Action 3. The impacts are designated as adverse, beneficial, indirect and direct as appropriate.

	Alternatives		
	Alternative 1 (No Action). Do not reinstate lost endorsements.	Alternative 2. Reinstate endorsements lost through failure to renew the rock shrimp limited entry endorsement.	Alternative 3. Extend the time allowed to renew rock shrimp endorsements to one calendar year after the effective date for this action.
Impacts			
Biological	Lost endorsements would result in lower fishing effort producing a minimal beneficial indirect impact for the ecosystem and the target resource.	Minimal adverse indirect impact to the ecosystem and the target resources since fishing effort would increase. Impacts would be greater than Alternatives 1 and 3.	Minimal adverse indirect impacts. Impacts would be less than Alternative 2, but greater than Alternative 1.
Economic	Adverse direct effects to those fishermen who lose their endorsements, especially the active participant group who did meet the landing requirement Impacts would be greater than Alternative 3 and would be equal in degree but positive rather than negative when compared with Alternative 2.	Beneficial direct effect on the fishermen whose endorsements would have been lost. Could have an adverse effect on market prices since it is likely that more product would enter the market.	Beneficial direct impact to fishermen who did not renew their endorsements in a timely manner. Impacts would be less than Alternative 2 but greater than Alternative 1.
Social	Adverse indirect effect on society since it is likely that the fishery infrastructure could not be supported with the number of remaining vessels. Would have a greater negative impact than Alternatives 2 and 3.	Adverse indirect effects would likely be realized since this would set a precedent for other fisheries in which endorsements were lost due to not renewing. Beneficial indirect impact could also be realized. Impacts would be greater than Alternatives 1 and 3.	Beneficial indirect effects on society would be realized. Impacts would be more beneficial than Alternatives 1 and 2 but would occur to a lesser degree.
Administrative	There would be no additional administrative burden under this alternative.	Adverse direct impact. The administrative cost and burden to reinstate endorsements would be greater than that of Alternatives 1 and 2.	Adverse direct impact. The administrative cost and burden would increase more than it would under Alternative 1 but less than under Alternative 2.

2.3.2 Conclusion

Complete after Committee/Council action.

2.4 Action 4. Require all shrimp permit holders to provide economic data.

At this time there is a lack of data regarding costs and profitability associated with South Atlantic shrimp vessel's harvesting activities, and currently there exists no regulatory authority implementing a data collection program for the South Atlantic shrimp fisheries. NOAA Fisheries Service attempted to collect this data on a voluntary basis in 2005; however, response rates were not sufficient enough to yield statistical estimates with a high level of confidence. To remedy this lack of economic fishery data, Action 4 of this amendment proposes to require vessels with South Atlantic rock shrimp permits and South Atlantic penaeid shrimp permits to provide economic data upon request.

Alternative 1 (No Action). Do not require collection of economic data from any shrimp permit holders.

The No Action Alternative would not implement a mandatory data collection program. The current lack of cost and profitability data would continue to persist for the South Atlantic shrimp fisheries.

Alternative 2. Require all South Atlantic shrimp permit holders to provide economic data.

This alternative would establish regulations requiring all holders of South Atlantic rock shrimp permits and penaeid shrimp permits to provide economic data on an annual basis. Such data collection would alleviate critical data gaps for future analyses and will enhance NOAA Fisheries Service's compliance with Executive Order 12866, which requires an assessment of the net economic benefits associated with all federal regulations. The data collected would be expected to enhance the preparation of Regulatory Flexibility Act documentation, which requires an assessment of the impacts of federal regulations on the profitability of small entities. This alternative would affect all South Atlantic rock shrimp and penaeid shrimp permit holders and those effects would be in the form of an annual time and paperwork burden. Alternative 3 would also require the creation and maintenance of a data collection and management system, which would significantly affect the administrative environment.

Alternative 3. Require all South Atlantic shrimp permit holders to provide economic data if selected to do so.

Alternative 3 would require the collection of economic data from a random sample of rock shrimp and penaeid shrimp fishery participants on an annual basis. Such data collection would alleviate critical data gaps for future analyses, and will enhance NOAA Fisheries Service's compliance with Executive Order 12866, which requires an assessment of the net economic benefits associated with all federal regulations. The data collected would be expected to enhance the preparation of Regulatory Flexibility Act documentation, which requires an assessment of the impacts of federal regulations on the profitability of small entities. This alternative would affect

a sample of South Atlantic rock shrimp and penaeid shrimp permit holders and those effects would be in the form of an annual time and paperwork burden. Alternative 3 would also require the creation and maintenance of a data collection and management system, which would significantly affect the administrative environment.

2.4.1 Comparison of Alternatives

Table 2-4. A summarized comparison of the impacts between alternatives for Action 4. The impacts are designated as adverse, beneficial, indirect, and direct as appropriate.

Impacts	Alternatives		
	Alternative 1 (No Action). This would not allow collection of economic data from all endorsement holders.	Alternative 2. Require all shrimp permit holders to provide economic data.	Alternative 3. Require a sample of shrimp permit holders to provide economic data if selected to do so.
Biological	This alternative would have neither adverse nor beneficial impacts on the biological environment.	This alternative would have neither adverse nor beneficial impacts on the biological environment.	This alternative would have neither adverse nor beneficial impacts on the biological environment.
Economic	This alternative could incur indirect adverse or beneficial economic impacts if future analyses are improperly skewed due to a lack of data. Long-term impacts would be greater than Alternatives 2 and 3.	This alternative could have beneficial or adverse indirect long-term economic impacts dependent upon what the newly gathered data reveals. Impacts would be greater than Alternatives 1 and 3.	This alternative could have beneficial or adverse indirect long-term economic impacts dependent upon what the newly gathered data reveals. Impacts would be greater than Alternative 1 but less than Alternative 2.
Social	Adverse indirect long-term impacts greater than Alternatives 2 and 3.	Beneficial indirect impacts less than Alternatives 1 and 3.	Beneficial indirect impacts greater than Alternative 1 and less than Alternative 2.
Administrative	Alternative 1 would not affect the administrative environment.	Adverse direct impacts. Alternative 2 would incur significantly higher administrative costs than Alternatives 1 and 3.	Adverse direct impacts. Alternative 3 would incur significant administrative costs but those impacts would be less than Alternative 2 and greater than Alternative 1.

2.4.2 Conclusion

Complete after Committee/Council action.

APPENDIX A. ALTERNATIVES ELIMINATED FROM DETAILED CONSIDERATION.

Issue #1. The 15,000 pound rock shrimp landing requirement.

Alternative 4. Allow application for renewal as an inactive permit holder. This would keep the 15,000 pound requirement but allow those individuals that do not meet the requirement to renew as an inactive permit holder.

Rationale: This alternative was rejected because if they do not meet the 15,000 pound landing requirement they are then considered as an inactive permit holder.

APPENDIX B. PRELIMINARY IMPACT ANALYSIS.

See Attachment 5b.