

**PUBLIC HEARING
SUMMARY**
of
AMENDMENT 6/EA
to the Fishery Management Plan
for the Golden Crab Fishery
of the South Atlantic Region

The Golden Crab Fishery Management Plan relies on a system of traditional fishery management plus controlled access. Traditional fisheries management includes measures to provide biological protection to the resource (escape gaps in traps and no retention of female crabs); gear regulation (define allowable gear, degradable panel, tending requirements, gear identification, and maximum trap size by zone); provide for law enforcement (depth limitations and prohibit possession of whole fish or fillets of snapper grouper species); determine the number of participants (vessel and dealer/processor permits); collect the necessary data (vessel/fishermen and dealer/processor reporting); and a framework procedure to adjust the management program (framework adjustments and adjustments to activities authorized by the Secretary of Commerce). Use of these traditional management techniques in other fishery management plans has not solved all fisheries management problems. At best, the fishery resource, in this case golden crab, is biologically protected. Ignored or even exacerbated are underlying social and economic problems resulting from gear conflicts, high regulatory costs, and low marketing incentives. To solve these social and economic problems, managers have increasingly turned to various forms of controlled access or effort limitation. The South Atlantic Fishery Management Council (Council) chose to limit the number of vessels in the golden crab fishery. Combining the more traditional fisheries management measures with controlled access best allowed the Council to solve problems in the golden crab fishery.

The purpose of this amendment is focused on the development of a catch share program for the golden crab fishery. Currently, the golden crab fishery is a limited entry fishery and has had a relatively low level of participation. The fishery operates near several deepwater coral habitats of particular concern, which were developed to protect sensitive deepwater coral ecosystems. The level of experience needed to fish near but not among the deepwater coral reefs is quite high and a catch share program is expected to limit participation in the golden crab fishery to those with a high level of experience in the fishery.

A catch share program will also allow the current fishery participants the ability to enhance their at-sea storage systems and develop new markets for the golden crab products.

This document is intended to serve as a SUMMARY for all the actions and alternatives in Golden Crab Amendment 6/EA. It also provides background information and includes a summary of the expected biological and socio-economic effects from the proposed management measures.

Why is the South Atlantic Council taking Action?

The Council is taking action now because of the unique nature of this fishery. The Council wants to ensure that persons participating in it are well-qualified while still protecting the habitat near where the fishery occurs.

The purpose of Amendment 6/EA is to facilitate the maximum harvest in the golden crab fishery that otherwise might not occur due to a combination of inactive shares and the likelihood there will be a large ACL in place.

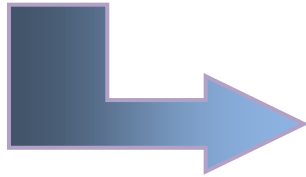
The Council concluded that establishing a catch share program for golden crab will help them meet the needs for this amendment:



Photo credit: NOAA Fisheries

What Are the Proposed Actions?

There are fifteen actions in Amendment 6/EA. Each *action* has a range of *alternatives*, including a 'no action alternative' and a 'preferred alternative'.



Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
3. Establish criteria and structure of an appeals process
4. Establish criteria for transferability
5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

Action 1. Establish eligibility criteria for a golden crab catch share program

Alternative 1. No Action. Do not establish eligibility criteria for a golden crab catch share program

Alternative 2. Restrict eligibility to valid commercial golden crab permit holders who have made landings of 1 pound or greater from 2001 through 2010.

Alternative 3. Restrict eligibility to valid commercial golden crab permit holders who have made landings of 1 pound or greater from 2005 through 2010.



Preferred Alternative 4. Restrict eligibility to valid commercial golden crab permit holders. Eligibility for participation in this catch share program is defined as having a valid commercial golden crab permit as of the effective date of the final rule.

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What Are the Expected Effects?

Biological Impacts

This action would not directly affect the biological environment. However, alternatives for this action could have indirect effects by influencing the total number of shareholders and how the fishery is prosecuted (**Table S-1**).

Table S-1. Number of permits eligible under each alternative for Action 1 for 2001-2010

Alternative	Number of Permits Eligible to Receive Initial Allocation
1	NA
2	8
3	7
4	11

Economic Impacts

While the number of currently valid permits is understood to be 11, each vessel must have a valid permit on board, and only 5 vessels per year landed golden crab on average in 2006-2010, compared with as many as 11-15 vessels in 1995-2010. Some of the five or so “small business entities” engaged in harvesting golden crab appear to own, or control through affiliation, more than one permitted vessel. Whether the golden crab fishery would become more economically viable and profitable with fewer vessels over the long term is not clear.

Social Impacts

Establishing a catch share program may affect participation in the golden crab fishery, although fewer eligible participants could produce negative social effects by excluding some golden crab permit holders. **Alternative 1** would not allow any golden crab fishermen to receive an allocation and is not compatible with the implementation of a catch share program. **Alternatives 2** and **3** would exclude some golden crab permit holders as ineligible (see **Table S-1**), which may have negative impacts if the permit holders planned to start harvesting golden crab again due to the new requirement to hold catch shares or annual pounds. **Preferred Alternative 4** would designate all permit holders as eligible to receive catch shares and likely have the least impact on the social environment.

Action 2. Initial apportionment of catch shares

Alternative 1. No action. Do not specify a method for initial apportionment of catch shares.

Alternative 2. Distribute initial catch shares proportionately among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 2002 through 2010.

Alternative 3. Distribute initial catch shares proportionately among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 1997 through 2010.

Alternative 4. Distribute 50% of initial catch shares equally among eligible participants and distribute 50% of initial catch shares among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 1997 through 2010:

Sub-alternative 4a. To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 25,000 pounds.


Sub-alternative 4b. To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 50,000 pounds.

Proposed Actions in Amendment 6/EA

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6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
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15. Approved landing sites

Alternative 5. Distribute 25% of initial catch shares equally among eligible participants and distribute 75% of initial catch shares among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 1997 through 2010:

Sub-alternative 5a. To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 25,000 pounds.

 **Preferred Sub-alternative 5b.** To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 50,000 pounds.

Alternative 6. Distribute initial catch shares proportionately among eligible participants based on the best consecutive three year average of golden crab logbook landings associated with their current permit(s) during the time period 1997 through 2010

What Are the Expected Effects?

Biological Impacts

This action would not directly affect the biological environments. However, alternatives for this action could have indirect effects by influencing the total number of shareholders and how the fishery is prosecuted.

The alternatives, other than **Alternative 1**, would base initial allocation on vessel catch history based on certain landing years and landing requirements. It would be expected that vessels with the most recent landing history and those that meet the highest requirements for pounds landed would have the most experience in the fishery. This may result in less gear and time used in pursuing golden crab and, consequently, less adverse impacts in the form of habitat interactions, regulatory discards, and bycatch of non-target species as described in Action 1.

Economic Impacts

The economic impacts for this action are tied to the Council's preferred alternative in **Action 1**. Regardless of the alternative selected in **Action 1**, the current ACL will result in allocation of shares to individuals that are higher than the individual's current landings, resulting in potential economic gains.

Social Impacts

The social effects of the initial allocation of catch shares are mostly associated with vesting these fishing privileges to an individual which will result in social benefits and social costs. For fishermen who receive an allocation, this is beneficial by allowing fishermen to harvest when it is most efficient, profitable, and safe for them. For fishermen who do not receive an allocation (or receive an allocation that is smaller than needed), the allocation of catch shares can have broad negative social impacts at the individual and community level. These fishermen lose current and future access to the fishery.

Action 3. Establish criteria and structure of an appeals process

Alternative 1. No Action. Do not specify provisions for an appeals process.

Alternative 2. A percentage of the golden crab shares for the initial fishing year under the program will be set-aside to resolve appeals for a period of 90-days starting on the effective date of the final rule. The Regional Administrator (RA) will review, evaluate, and render final decisions on appeals. Hardship arguments will not be considered. The RA will determine the outcome of appeals based on NMFS' logbooks. If NMFS' logbooks are not available, the RA may use state landings records. Appellants must submit NMFS' logbooks or state landings records to support their appeal. After the appeals process has been terminated, any amount remaining from the set-aside will be distributed back to remaining shareholders according to the redistribution method selected under Action 2:

 **Preferred Sub-alternative 2a.**

Three percent of golden crab shares will be set aside for appeals.

Sub-alternative 2b, Five percent of golden crab shares will be set aside for appeals.

Sub-alternative 2c. Ten percent of golden crab shares will be set aside for appeals.

Sub alternative 2d. Two percent of golden crab shares will be set aside for appeals.

Proposed Actions in Amendment 6/EA

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5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
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What Are the Expected Effects?

Biological Impacts

Establishing an appeals process for a catch share program is an administrative action. Therefore, it is not anticipated to directly or indirectly affect the physical, biological, or ecological environments in a positive or negative way.

Social and Economic Impacts

Alternative 2 sub-alternatives serve to help ensure the golden crab ACL would not be exceeded the first year of the program in the event many appeals are settled in favor of fishermen. Setting aside a portion of the ACL for appeals purposes limits the likelihood of major share adjustments that would need to take place after initial allocation in an effort for fishermen to adjust their shares to current catches. Smaller reductions would be more acceptable to currently active fishermen than large reductions in share allocations during the first fishing season. Use of initial allocation methodologies that allocate shares to currently active fishermen will also help.

The establishment of an appeals process, and the design of its structure, have mainly equity effects. While equity considerations are important, they have less significance in shaping the economic implications of a catch share system. Thus, neither the appeals process nor its structure is expected to have a noticeable effect on the benefits associated with implementation of the catch share program. This is particularly true when an appeals process would only marginally affect the initial distribution of shares among eligible participants. Economic changes would only be evident if the number of successful appeals were large compared to the number of qualifying persons or vessels.

An appeals process provides the potential participants an avenue to set the record straight with respect to transfers of licenses and the associated landings history for each license. Since most of the landings histories are currently on record through logbook submissions, the aggregate amount of contentious landings involved in the appeals is expected to be relatively low. The administrative and public cost of an appeals process for the proposed catch share cannot be estimated but may be expected to rise with the number of appeals.

Action 4. Establish criteria for transferability

Alternative 1. No Action. Do not establish criteria for transferability.

Alternative 2. Shares or annual pounds can only be transferred to golden crab permit holders.

Alternative 3. Shares or annual pounds can only be transferred to golden crab permit holders during the first five years of the catch share program and all U.S. citizens and permanent resident aliens thereafter.

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

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What Are the Expected Effects?

Biological Impacts

Alternative 1 (No Action) could have the greatest biological benefit for the golden crab stock if it results in decreased landings of golden crab. However, based on recent data there does not appear to be a biological need to decrease landings of golden crab. Since this action is administrative and does not establish immediate harvest objectives, it will not directly affect the protected species. **Alternatives 2 and 3**, which would allow transferability of golden crab annual pounds, would not be expected to negatively impact the golden crab stock. The biological effects of **Alternatives 2 and 3** would likely be very similar as landings would be constrained by the ACL for the golden crab stock.

Economic Impacts

Alternative 1 (No Action) is not consistent with implementation of a catch share program. **Alternative 2** requires the sale of shares only to another fisherman already permitted in the fishery. Such a requirement could stifle new entrants into the fishery as well as make it more difficult for a fisherman to sell shares because the potential pool of buyers would be greatly reduced to only those few already in the fishery, thus making it more difficult for a fisherman wanting to sell shares. **Alternative 3** has the same requirements as **Alternative 2**, but only for five years. After that initial period, this alternative requires U.S. citizenship or permanent resident status for permit ownership. It allows sale between permit holders which decreases the risk of speculation because it adds an additional cost to the ability to transfer shares. That is, it increases the likelihood that only fishermen will transfer shares. The ability to transfer shares allows for increased efficiency for harvesters to land amounts of golden crab equivalent to their operational capacity, increasing profitability for the fleet as a whole.

Social Impacts

Allowing transferability would provide an avenue for new entrants to enter the fishery and for current participants to expand operations. **Alternative 1 (No Action)** would be expected to result in reduced social benefits relative to the other alternatives. Because **Alternative 2** would limit the number of potential buyers, it would likely result in fewer social benefits than **Alternative 3**, although potential buyers who intend to harvest golden crab with the catch shares need to hold one of the 11 available golden crab permits, which limits the number of buyers regardless. However, allowing any eligible entity to purchase shares (**Alternative 3**) may result in some buyers purchasing shares without intent to harvest, and this would result in negative social impacts on active harvesters.

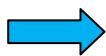
Action 5. Define quota share ownership caps

Alternative 1. No Action. Do not constrain the percentage of catch shares held by a person, including a corporation or other entity.

Alternative 2. No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of the maximum share initially issued to any person at the beginning of the IFQ program.

Alternative 3. No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 25 percent of the total shares.

Alternative 4. No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 35 percent of the total shares.

 **Preferred Alternative 5.** No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 49 percent of the total shares.

Note: For the purposes of considering the share cap, an individual's total catch share is determined by adding the applicable catch shares held by the individual and the applicable catch shares equivalent to the corporate share the individual holds in a corporation. A corporation's total catch share is determined by adding the applicable catch shares held by the corporation and any

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other IFQ shares held by a corporation(s) owned by the original corporation prorated based on the level of ownership.

What Are the Expected Effects?

Biological Impacts

This action would not directly affect the biological environment.

Social and Economic Impacts

Establishment of a limit on the proportion of shares that one individual may own has important social implications that are tied to the economic effects, such as market control, and also in equity issues for a fishery. Excessive share holding is a major concern in regards to catch share programs and may change the distribution of effort and ownership if concentration occurs. In general, there must be a balance between preventing concentration and market control, and allowing fishermen to optimize harvest. **Alternative 1 (No Action)** would not establish a share cap and would likely have negative social impacts due to the potential for one individual to control a majority of the shares, which would affect distribution among other harvesters. **Alternative 2** could result in a large share cap (depending on how shares are allocated), which would allow for expansion but could cause concentration of the fishery. As the potential share cap increases in **Alternatives 3 – Preferred Alternative 5**, the possibility of concentration increases, but so does the potential for fishermen to expand.

It should be noted that with the ACL for golden crab, it is likely that each permit holder will receive shares in excess of their recent landings history. Therefore it is possible that the share caps in **Alternatives 3 – Preferred Alternative 5** will not have social impacts that often result from limit on share ownership.

Action 6. Use it or lose it policy

Alternative 1. No Action. Do not specify a minimum landings requirement for retaining shares.

Alternative 2. Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. "Inactive" is defined as less than 10% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period:

Sub-alternative 2a. Landed crabs only.

Sub-alternative 2b. Landed crabs and/or transfer of annual pounds

Alternative 3. Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. "Inactive" is defined as less than 30% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period:

Sub-alternative 3a. Landed crabs only.

Sub-alternative 3b. Landed crabs and/or transfer of annual pounds.

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

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What Are the Expected Effects?

Biological Impacts

Alternative 1 (No Action) would provide the greatest benefit to the biological environment because participants would not be required to fish or lease their shares in order to retain them. If fishermen choose not to fish, then habitat-gear interactions would be reduced. **Alternative 3** would result in the least benefits to the biological environment of any of the action alternatives because it would require participants to harvest on average 50 percent or more of their allotted shares over a three year period in order to retain them. The effects of **Alternative 2** would be intermediate to those of **Alternative 1 (No Action)** and **3**. The fewer shares shareholders are required to fish in order to retain shares, the greater the benefit to the marine environment.

Social and Economic Impacts

Economically under a “use it or lose it” provision, it would not make sense for fishermen to hold shares and not use them. At a minimum they would forgo the revenue associated with selling their shares. If they were efficient harvesters, the value of the shares they would forgo would be even greater. Because traditional harvesters of golden crab would be inclined to harvest their shares, the discussions associated with this provision frequently focus on non-consumptive users buying shares. However, there may be other reasons why fishermen who have shares may not be able to use them for an extended period of time. Potential reasons for fishermen not to use their shares might be vessel breakdowns, fishermen health issues, or the desire of a fisherman to bank shares for future use.


Alternative 1 (No Action) would allow people to hold shares but not use them. **Alternatives 2 and 3** would not prevent individuals from buying shares for the purpose of not harvesting the shares, however it would force the shareowners to fish a portion of their shares each year. If **Sub-alternative 2b or 3b** is selected, shareholders could meet these harvest requirements by transferring their shares to another fisherman and never actually have to fish themselves. Therefore, the provision may not be totally effective in limiting shareholders to persons wanting to harvest the available resource. Redistributing inactive shares could benefit members of the fleet that remain active. However, a minimal number of shares are expected to be redistributed among the fleet because of this option.

Action 7. Cost recovery plan

Alternative 1. No Action. Do not implement a cost recovery plan.

Alternative 2. Cost recovery fees would be calculated at time of sale at a registered dealer:

Sub-alternative 2a. Cost recovery fees would be based on actual ex-vessel value of landings.


 **Preferred Sub-alternative 2b.** Cost recovery fees would be based on standard ex-vessel value of landings, as calculated by NMFS.

Alternative 3. Fee collection and submission shall be the responsibility of the:

Sub-alternative 3a. Shareholder.

 **Preferred Sub-alternative 3B.** Dealer.

Alternative 4. Fees submitted to NMFS:

 **Preferred Sub-alternative 4a.** Quarterly
Sub-alternative 4b. Monthly
Sub-alternative 4c. Annually

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What Are the Expected Effects?

Biological Impacts

None of the cost recovery alternatives are expected to directly or indirectly affect the biological environment.

Social and Economic Impacts

Alternative 1 (No Action) is inconsistent with requirements of the Magnuson-Stevens Act. **Alternatives 2-4**, and **associated sub-alternatives**, would implement a cost recovery plan. This cost recovery plan also specifies the calculation of the ex-vessel value as basis for the fee (either as actual or standard ex-vessel value), the fee collection and submission responsibility (either by the shareholder or the dealer), and the timing of fee submission to NMFS (either quarterly, monthly, or annually).

In general, social benefits are associated with lower economic costs for fishermen, and **Alternative 1 (No Action)** would be expected to result in the most social benefits. Although cost recovery is required by the MSA, **Sub-alternatives a and b** under **Alternatives 2-4** provide flexibility in how fees are collected by defining how fees are calculated (**Alternative 2**), who collects and submits fees (**Alternative 3**) and timing of fees (**Alternative 4**). **Sub-alternative 2a** would use actual ex-vessel values paid to the fisherman for the landed crabs for calculating cost recovery fees. **Sub-alternative 2b** would use standard ex-vessel values for calculating cost recovery fees. For example, the ex-vessel price per pound paid to fishermen would be averaged across all fishery participants over a specific time period. That averaged price per pound would be used for calculating cost recovery fees for all pounds landed by all participants during that period. **Preferred Sub-alternative 2b** would be expected to have more social benefits than **Sub-alternative 2a** due to a standard and consistent fee schedule for fishermen. **Preferred Sub-alternative 3b** will place the burden of collection and submission on the dealers and **Sub-alternative 3a** would place burden on the fishermen. Lastly, **Preferred Sub-alternative 4a** will reduce the burden on fishermen and dealers in fee submission more than **Sub-alternative 4b**, but less than **Sub-alternative 4c**.

Action 8. Establish boat length limit rule.

Alternative 1. No Action. To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent.

Alternative 2. Eliminate vessel length restrictions for obtaining a permit for the middle and southern zones via transfer.

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
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7. Cost recovery plan
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11. Establish criteria for permit stacking
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13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

Taking action to modify the boat length limit rule is an administrative action, which is not expected to affect the program's potential to provide the environmental benefits. However, the potential exists to impact golden crab resources through overharvesting in these zones.

Social and Economic Impacts

The current regulations regarding **Action 1 (No Action)** (boat length restrictions) were set in Golden Crab Amendment 3. In order "to obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent". **Alternative 2** proposes to eliminate the vessel size rule.

Economically, **Alternative 2** is better for fishermen because eliminating size limit rules in the middle and southern zones would allow more of them to fish closer to their homeport and therefore reduce their trip costs. It is possible that opening up this area to larger vessels might encourage overharvest in this zone. However, if fishing here becomes less productive, fishermen are likely to balance the economic benefits of traveling further from their homeport in order to have larger harvests.


Social and Economic Impacts

The social benefits of this action are tied to the economic benefits of allowing fishermen to expand operation size by increasing boat size. As the golden crab fishery continues to expand, multi-day trips and larger catches per trip, along with new gear on board to keep crabs alive, may require a larger vessel. Additionally, multi-day trips on larger vessels would be more efficient. Overall, social benefits would be greater with **Alternative 2**, which would allow fishermen to move permits to larger vessels if needed, than for **Alternative 1 (No Action)**.

Action 9. Restrictions on where permitted vessels can fish for golden crab

Alternative 1. No Action. A vessel with a permit to fish for golden crab in the northern zone or the middle zone may fish only in that zone. No vessel with a documented length overall greater than 65 ft (19.8 m) may fish for golden crab in the small vessel sub-zone within the southern zone. The small vessel subzone is bounded on the north by 24°15' N. lat., on the south by 24°07' N. lat., on the east by 81°22' W. long., and on the west by 81°56' W. long. Upon request from an owner of a permitted vessel, the NMFS Regional Administrator will change the zone specified on a permit from the middle or southern zone to the northern zone. A vessel may possess golden crab only in a zone in which it is authorized to fish, except that other zones may be transited if the vessel notifies NMFS Office for Law Enforcement in advance and does not fish in a zone in which it is not authorized to fish.

Alternative 2. Participants can use quota in any zone for which they possess a permit.

 **Preferred Alternative 3.** A vessel with a permit to fish golden crab can use annual pounds in any of the three golden crab fishing zones.

Proposed Actions in Amendment 6/EA

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6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
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10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

Taking action to modify share allocation among the fishing zones is an administrative action, which is not expected to affect the program's potential to provide the environmental benefits. However, there is some concern that if **Alternative 2** or **Preferred Alternative 3** are selected as preferred, most of the fishing effort would occur in the Middle and Southern Zones and increase pressure on the stocks in those areas.

Social and Economic Impacts

The social benefits of this action are tied to the economic benefits of allowing fishermen to maximize efficiency on each trip and take advantage of multiple zones on one trip. Social benefits would be expected to be greater under **Alternative 2 and Preferred Alternative 3** than under **Alternative 1 (No Action)**. In regards to **Preferred Alternative 3**, fishermen would be able to fish in any zone they chose as long as they have golden crab shares.

Action 10. Modify the small vessel sub-zone restriction

Alternative 1. No Action. Do not eliminate the small vessel sub-zone within the southern zone that was originally established to protect against very large vessels fishing in the sub-zone.

Alternative 2. Eliminate the small vessel sub-zone within the southern zone that was originally established to protect against very large vessels fishing in the subzone

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
3. Establish criteria and structure of an appeals process
4. Establish criteria for transferability
5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

Removing the small vessel sub-zone as proposed in **Alternative 2** would only have a biological effect if larger vessels moved in and started extracting more crabs than are already being removed from this sub-zone. This could set up a potential scenario for localized depletion.

Social and Economic Impacts

The sub-zone was originally established to help smaller vessels have a separate fishing area where they could fish more safely and not have to compete with some of the larger vessels. None of the smaller vessels that the sub-zone was designed to protect are currently participating in the fishery.

Whether or not a larger vessel would move into the sub-zone as a result of **Alternative 2** would largely be dependent on stock availability and economic factors. Larger vessels will fish in the sub-zone as long as their rate of return exceeds what they would expect from fishing in other zones. Localized depletion of golden crabs is not likely under **Alternative 2** because such a reduction in stock could cause trips to become costlier based on rate of return. Fishermen would move to areas where they can maximize their rate of return based on effort and trip costs. Additionally, the catch share program planned for this fishery would keep it from having an expanded number of participants. **Alternative 2** which would eliminate the small vessel zone, social benefits would be expected due to harvesters having the opportunity to fish in an area that is no longer used by small vessels.

Action 11. Establish criteria for permit stacking

Alternative 1. No Action. Do not allow stacking of golden crab permits.

Alternative 2. Allow for stacking of up to three permits on one vessel so that any zones for which the vessel has a permit can be fished in one trip.

Alternative 3. Allow an unlimited number of golden crab permits on a single vessel so that any zones for which the vessel has a permit can be fished in one trip.

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
3. Establish criteria and structure of an appeals process
4. Establish criteria for transferability
5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

This action is primarily administrative and so would not have any direct effects on the biological environment.

Social and Economic Impacts

Under the current regulations, fishermen are allowed only to fish in one zone per trip and must reassign permits after returning to port in order to fish other zones for which they have a permit. **(Alternative 1, No Action)**. **Alternative 2** would allow fishermen to have permits for multiple zones on the vessel at one time and allow them to fish between permitted zones on any given fishing trip. Depending on the preferred alternatives selected by the Council for **Actions 8 and 9**, this action may or may not be relevant.

From an economic perspective, **Alternative 2** would provide the most flexibility for fishermen and would allow them to better balance their trip costs against anticipated harvest levels. Fishermen would incur additional costs associated with the purchase of permits for zones they are not currently permitted to fish, assuming they wish to fish in other zones. However, the additional cost might well be offset by the increased flexibility they have in deciding where they could fish and in potential reduction of trip costs if they choose to fish closer to their home port.

Action 12. Monitoring and enforcement

Alternative 1. No Action. Do not require additional monitoring and enforcement.

Alternative 2. Require all fishing vessels engaged in the golden crab catch share program to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the Federal Register:

Sub-alternative 2a. The purchase, installation, and maintenance of the VMS equipment and communications costs will be paid for or arranged by the shareholder.

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

Sub-alternative 2c. The purchase of VMS equipment will be reimbursed by the National OLE VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the shareholder.

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
3. Establish criteria and structure of an appeals process
4. Establish criteria for transferability
5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

Alternative 1 (No Action) would not require VMS on golden crab vessels participating in the catch share program. It was been determined by the OLE that VMS is not a useful enforcement tool for the golden crab fishery as it cannot provide information on where the gear is on the seabed. However, VMS traditionally is used in catch share programs and is essential to their operation. But because of the nature of this fishery, implementation of VMS would not have an impact on the resource (**Alternative 2**).

Social and Economic Impacts

Sub-alternative 2a would have the greatest economic impact on fishermen as they would be required to bear the entire burden of the cost of establishing VMS on their vessels and pay for ongoing maintenance and data transmission costs. **Sub-alternative 2b** would have the least economic impact on fishermen as the entire costs of VMS systems would be paid for by NMFS. **Sub-alternative 2c** could split the costs between NMFS and the fishermen with NMFS paying for the equipment if funds are available, and fishermen paying for installation, maintenance, and communications cost. If no funds are available in the National OLE VMS reimbursement account, **Sub-alternative 2c** would have the same economic impact as **Sub-alternative 2a**.

There are social benefits that are associated with improved monitoring programs. Overall, the proposed measures may impose some additional burdens on fishermen, administrators, and law enforcement, but negative impacts would be outweighed by the social benefits of improved monitoring through electronic reporting, VMS use, and hail-in requirements. The proposed measures in this action will improve data for the golden crab fishery, and this would generate broad long-term social benefits.

Even if the Council chooses **Alternative 1 (No Action)** as its preferred alternative for this action, NMFS Office of Law Enforcement (OLE) can implement certain procedures as required in managing a catch share program. For example, a hail-in requirement prior to landing with location and time or other information, or the potential to phase in additional monitoring measures as necessary based on the economic capacity of the fishery.

Action 13. Establish criteria for new entrants program

Alternative 1. No Action. Do not create provisions that assist new entrants in entering the fishery.

Alternative 2. Set aside some amount of annual pounds for new entrants when quota is: (i) released as a part of a violation, (ii) lost quota (use it or lose it provision); and (iii) when the ACL exceeds 3 million pounds.

Alternative 3. Set aside 2% of the golden crab ACL each year to be auctioned off to permit holders that do not possess shares.

Alternative 4. Set aside 5% of the golden crab ACL each year to be auctioned off to permit holders that do not possess shares.

Alternative 5. Set aside 10% of the golden crab ACL each year to be auctioned off to permit holders that do not possess shares.

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
3. Establish criteria and structure of an appeals process
4. Establish criteria for transferability
5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

There are no expected biological impacts from this action

Social and Economic Impacts

Unless the Council chooses **Alternative 3** as their preferred alternative for **Action 4**, under **Alternative 1 (No Action)** there would be no way for new entrants to come into the fishery. **Action 12** provides four methods for new entrants to enter.

Alternative 2 would allow entrants to come in through shares taken as part of a violation, revoked through the “use it or lose it” provision (**Action 6**), or should the ACL reach 3 million pounds. **Alternatives 3 through 5** would set aside 2%, 5%, or 10% of the shares (respectively) to be made available to new entrants through an annual auction.

It is likely that **Alternative 2** would have relatively little negative economic impact on the current fishery participants. However, **Alternatives 3 through 5**, depending on the alternative selected, could have an adverse impact on current participants as they would have their annual share allocations reduced by the amount of the selected alternative.

Alternative 2 does not describe how shares taken through violations, revoked through the “use it or lose it” provision, or an ACL exceeding 3 million pounds would be distributed to new participants. Therefore, it is impossible to determine how new participants would be economically impacted, positively or negatively under this alternative. **Alternatives 3 through 5** indicate that the percent of shares set aside each fishing year would be sold off at auction. Costs to new entrants would be the price they would have to pay for shares and that amount would vary by fisherman depending on the price paid per share and the number of shares purchased.

In most cases, implementation of a new catch share program results in additional capital required for new entrants, which may impact fishing communities and affect the continuation of inter-generational fishing in families. Therefore, program provisions, such as set-asides, that assist new entrants in accessing shares would be expected to produce broad, long-term social effects. **Alternative 1** would not be expected to produce any social benefits, but may impact new entrants and the fishery overall if there are too few fishermen. The set-asides proposed in **Alternatives 2-5** would provide shares for new entrants without significantly affecting current participants, particularly because the ACL for golden crab is much higher than current landings. In general, the more access to shares that is provided for new entrants, the more overall and long-term social benefits there will be. In this way **Alternative 5** would likely produce the most social benefits by setting aside the highest percentage of shares for new entrants, as long as new entrants used the shares for harvest.

Action 14. Annual pounds overage

Alternative 1. No Action. Do not allow fishermen to exceed their allotted annual pounds.

Alternative 2. A person on board a vessel with the shareholder's only remaining golden crab annual pounds may exceed, by up to 10%, the shareholder's annual pounds remaining on the last fishing trip of the year. Shareholders who incur an overage will be required to pay back the annual pounds overage in the subsequent fishing year.

Alternative 3. A person on board a vessel with the shareholder's only remaining golden crab annual pounds may exceed, by up to 20%, the shareholder's annual pounds remaining on the last fishing trip of the year. Shareholders who incur an overage will be required to pay back the annual pounds overage in the subsequent fishing year.

Note: The Council has no preferred alternative and is requesting input from the public and the AP.

Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
3. Establish criteria and structure of an appeals process
4. Establish criteria for transferability
5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

The annual pounds overage action would allow fishermen to exceed their annual pounds during the last trip of the fishing year but repay their overage in the following fishing year. This action is not expected to have a biological impact as the overage would be addressed in the following fishing year. However, if overages occurred commonly and over several years, this could affect fishermen through management measures if the ACL is exceeded.

Social and Economic Impacts

One purpose of this action is to provide potential economic relief for fishermen.

Alternative 1 (No Action) would require fishermen to stop fishing at or below their quota share in order to ensure it is not exceeded. However, **Alternatives 2 and 3** would allow a fisherman who goes over his share on the last trip of the season to exceed the allowed quota share by either 10% or 20%. Any overage would come off of the next fishing year's share allocation. Allowing the flexibility would improve margins compared to trip costs on the last trip of the year. The economic downside of selecting **Alternative 2 or 3** would be that any overage would reduce the following year's allocation; therefore, potential earnings from that year might be reduced, as well.

The social benefits of allowing an overage for the last trip of the season are associated with the economic benefits of this type of provision. **Alternative 1** would likely not produce any social benefits by not allowing overage, but could negatively impact fishermen by causing early termination of a trip. **Alternatives 2 and 3** would likely be beneficial to the fishermen and allow them to maximize efficiency on the last trip of the year.

Action 15. Approved landing sites

Alternative 1. No Action. Do not establish approved landing sites for the golden crab catch share program.

Alternative 2. Establish approved landing sites for the golden crab catch share program. All participants must land at an approved landing site to participate in the program:

 **Preferred Sub-alternative 2a.**

Approved landing sites will be selected by fishermen but must be approved by NMFS Office of Law Enforcement (OLE) in consultation with the appropriate state law enforcement agency prior to use.

Sub-alternative 2b.

Approved landing sites will be selected by the Council and NMFS in consultation with the appropriate state law enforcement agency, based on industry recommendations and resource availability.

Proposed Actions in Amendment 6/EA

1. Establish eligibility criteria for a golden crab catch share program
2. Initial apportionment of catch shares
3. Establish criteria and structure of an appeals process
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5. Define quota share ownership caps
6. Use it or lose it policy
7. Cost recovery plan
8. Establish boat length limit rule
9. Restrictions on where permitted vessels can fish for golden crab
10. Modify the small vessel sub-zone restriction
11. Establish criteria for permit stacking
12. Monitoring and enforcement
13. Establish criteria for new entrants program
14. Annual pounds overage
15. Approved landing sites

What Are the Expected Effects?

Biological Impacts

Establishing approved landing sites is an administrative action. Therefore, is not expected to directly or indirectly affect the physical, biological, or ecological environments in a positive or negative way.

Economic Impacts

Alternative 1 (No Action) would not require certification or use of approved landing sites, and thus this alternative would not result in any additional cost. Were it to become the case that many landing sites are either not readily identified or inaccessible to law enforcement officers, the likelihood of not properly monitoring the catch share system would increase. This could eventually be disruptive to the proper functioning of the system, which in turn could reduce the economic benefits from the program.

Alternative 2 and associated sub-alternatives would establish landing sites for the commercial golden crab fishery. The cost for certifying a landing site is reportedly minimal for both the fishing participants and fishery managers, including enforcement personnel. If such were the case, whatever benefits gained from properly enforcing landing/offloading rules would enhance the benefits from the catch share system. One possible negative feature of this option is that fishermen may have to incur more travel and other costs if they are compelled to land their fish in places far removed from their usual landing sites. Naturally, this would happen only if their usual landing sites could not be approved and this would be minimized under **Preferred Sub-alternative 2a**.

Social Impacts

In general, measures that contribute to improved monitoring and enforcement are expected to produce broad, long-term social benefits, and potentially some short-term social impacts associated with any economic costs from the proposed requirements. It is likely that designated landings sites would contribute to improved monitoring and data collection, and **Alternative 1 (No Action)** would likely not produce any of these long-term social benefits. **Alternative 2** and **Preferred Sub-alternative 2a** and **Sub-alternative 2b** would implement landing site designations and produce social benefits through improved monitoring. The flexibility in **Preferred Sub-alternative 2a** would have fewer impacts on fishermen by eliminating the possibility that harvesters would have to change landings sites under **Sub-alternative 2b**.

PUBLIC HEARING DATES & LOCATIONS

All hearings are from 4 pm – 7 pm

<p><u>Tuesday, January 24, 2012</u> Crowne Plaza 4831 Tanger Outlet Boulevard N. Charleston, SC 29418 Phone: 843-744-4422</p>	<p><u>Thursday, January 26, 2012</u> Bridge Pointe Hotel & Marina 101 Howell Road New Bern, NC 28562 Phone: 252-636-3637</p>
<p><u>Monday, January 30, 2012</u> Hilton Key Largo Resort 97000 Overseas Highway Key Largo, FL 33037 Phone: 305-852-5553</p>	<p><u>Tuesday, January 31, 2012</u> Hilton Cocoa Beach 1550 North Atlantic Avenue Cocoa Beach, FL 32931 Phone: 321-799-0003</p>
<p><u>Wednesday, February 1, 2012</u> Crowne Plaza Jacksonville Riverfront 1201 Riverplace Boulevard Jacksonville, FL 32207 Phone: 904-398-8800</p>	<p><u>Thursday, February 2, 2012</u> Mighty Eighth Air Force Museum 175 Bourne Avenue Pooler, GA 31322 Phone: 912-748-8888</p>

Written Comments:

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What's Next?

- Golden Crab Advisory Panel (1/29/12) in Ft Lauderdale; final review of Amendment 6/EA
- Public Hearings from NC thru FL (1/24/12 – 2/2/12)
- Comments due by 5 p.m. on Wednesday, February 15, 2012
- Golden Crab Committee & Council review hearing comments and approve all actions (3/5/12 – 3/9/12) in Savannah, GA
- Council (6/14/12 – 6/15/12) in Orlando, FL – Final Approval
- Send Amendment 6/EA to Secretary of Commerce by June 30, 2012
- Public Comment on proposed rule
- Public Comment on amendment to Secretary of Commerce