

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

**JOINT LAW ENFORCEMENT, SHRIMP, AND DEEPWATER SHRIMP ADVISORY
PANEL**

Webinar

January 17, 2020

SUMMARY MINUTES

**LAW ENFORCEMENT, DEEPWATER SHRIMP & SHRIMP COMMITTEE AP
MEMBERS**

Scott Baker	James Bruce
Gary Exley	Nancy Jones
Bob Lynn	Neil Pearce
Kevin Roberson	Duane Smith
Janie Thomas	Garland Yopp

COUNCIL MEMBERS

Mel Bell	Steve Poland
David Whitaker	

COUNCIL STAFF

Dr. Chip Collier	Myra Brouwer
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OBSERVERS/PARTICIPANTS

See the attached webinar attendance report

The Joint Law Enforcement, Shrimp, and Deepwater Shrimp Advisory Panel of the South Atlantic Fishery Management Council convened via webinar on January 17, 2020 and was called to order by Dr. Chip Collier.

DR. COLLIER: Good morning, everyone. My name is Chip Collier, and I work with the South Atlantic Fishery Management Council, and I am the lead for Shrimp Amendment 11, which we're going to be talking about today with the joint Law Enforcement, Shrimp, and Deepwater Shrimp Advisory Panels.

What I thought we would do -- I was actually going to have a Chair for the meeting. Unfortunately, he called at the last minute and said that he was no longer able to attend the meeting, and so, if you guys don't have an issue with it, and we have access to all the hands raised and everything over here, Myra and I were going to run the meeting. Myra is in the room with me, and we figured we would go through it this way. What I will do is I will unmute all of the advisory panel members and then ask for you guys to say your name. The first one we have up here is Bob Lynn, and it's not showing that you have any sound, and so you're not connected to audio right now. David Whitaker, it's showing your audio is off, and so you're not going to hear me. Duane Smith.

MR. SMITH: Here.

DR. COLLIER: Garland Yopp, it's currently showing that you're not having any audio either. Janie Thomas. We'll come back to Janie. Nancy Jones.

MS. JONES: Nancy Jones, commercial fisherman.

DR. COLLIER: Thank you. Scott Baker.

MR. BAKER: Hi, Chip.

DR. COLLIER: Thank you. Bob Lynn.

CAPTAIN LYNN: Can you hear me?

DR. COLLIER: Yes, sir. We are working on a couple of issues right now, but we will get started in just a second. There's a couple of AP members that are having audio issues. We also have two council members online. We have Steve Poland.

MR. POLAND: Steve Poland, council member from North Carolina and Vice Chair of the council's Shrimp Committee.

DR. COLLIER: We will go ahead and get started, and we'll introduce David in a little bit, once his audio gets connected, as well as Garland, Gary, and James Bruce. This morning, I thought I would go through -- I gave you guys the scoping document, and I thought I would go through the actual PowerPoint that we gave for the scoping meetings that we did I guess last month.

Just to give you an idea of what we were talking about, it's a pretty simplified presentation, and it's not going to take maybe more than ten minutes, and I think it does a pretty good job of explaining things, where we are and where we think we might be going, or where the council might

be going, and so, this morning, what we're going to be talking about are shrimp trawler transit provisions through cold-weather closed areas.

These cold-weather closed areas, they occurred last in 2018, during the winter storm that we had, where we had several days of below-thirty-degree temperatures in the Southeast Region. What we're trying to do is modify these provisions so that they're more user friendly for the shrimp fleet. The regulations currently state that gear must be stowed below deck, and that doesn't appear to be a possibility for many of the vessels.

Going through this webinar, if you could, because we do have a lot of people, and I think we have over twenty people on the call today, and so what we're going to be asking you guys to do is actually use this webinar function here, and so it's going to be on the right-side of your screen, typically, and you can use this arrow button either to minimize this screen or maximize it, and so, if you want it to come out, you hit the arrow going left.

Then, if you would like to ask a question or make a comment, there is this raise-a-hand button that you guys will have, and so click on that, and we will recognize you. We'll call your name out, and, if you could, just say who you are when you're speaking. That way, everybody knows. When you're not speaking, if you could click on this red button, to make sure you're muted. That way, we're not going to get a lot of voices going on in the background, and then, finally, if you don't really want to talk on the record, you do have an option to enter a question. There is a question dialogue box at the bottom. You can type that in, and Myra or myself will ask the question aloud and try to address it.

What we've done so far for Shrimp Amendment 11 is the council has been discussing this issue for a little bit, but we revised Shrimp Amendment 11, and it actually was combined with another document previously, and it was actually combined with two other fishery management plans, and the council decided to separate this issue out from the other two issues which we're dealing with, deepwater shrimp issues as well as some deepwater coral issues.

We felt like this action could actually go forward pretty quickly, and so we've already had the scoping meetings. That was done, as I had mentioned, I think back in November, and then we also had -- We are going to be having our public hearings, and that's going to be coming up on February 5 and 6. Then, after our public hearings, we're going to provide all that information to the council in March, and that might be the final approval for this amendment.

The main issue that we're going to be talking about today are regulations that require shrimp trawl gear to be stowed below deck when transiting federal waters due to a cold-weather event, and what I have pointed out here on the shrimp boat down here is you can see where most fishermen actually stow their gear. They put them in this area called the rack, and the rack is not below deck, and, typically, you're not able to put these doors below deck, because of the size, and also some of the net configurations might limit the ability to stow the gear below deck as well, especially when you have a turtle shooter in there.

Just to give you a little idea about these cold-weather closures and when they came into place and what they are, these areas are actually requested by states, and so they have to request a closure from National Marine Fisheries Service, and that has to occur adjacent to closed state waters, and they can't just ask for federal waters to be closed and keep state waters open. When this does

occur, it is -- They have to document either an 80 percent reduction in the white shrimp abundance or they have to document water temperatures that remain below forty-eight degrees for at least a week, and the reason that temperature was selected is it was identified as a temperature at which white shrimp begin to die, and it's a significant die-off when the temperatures are below that for at least a week.

These areas typically extend -- I will draw on this map for you, so you guys can see exactly where it is. It's typically about right here, and these closed areas have occurred off of Georgia and South Carolina, and those are the only two states where it has occurred since the regulation was put in place, and it was put in place during the original FMP, and so back in 1994, I believe.

What we've provided in the scoping document is we've provided I think ten different transit provisions from a variety of federal areas, and so Gulf of Mexico, Mid-Atlantic, New England, and South Atlantic Regions. When the council was first discussing this, they wanted to go through a thorough review of all these different transit provisions and closed areas, and so we provided the information to them. When you're looking through these provisions, they generally have basically three different parts to it. It is the trawl door and net stowage, and then there's sometimes a net modification, and they also typically talk about progression through the area.

I broke up these different ideas on how to stow the doors, the nets, any modifications to the gear, and also the transit provisions into four different slides, and so I will go through them real quick right here.

We have should the transit provisions include requirements for door stowage, and so, looking through all those transit provisions, the South Atlantic had a requirement to stow below deck, and there is other areas that required the doors be secured on the deck or in the rack, and there's other requirements that state the doors need to be out of the water, and then some don't have any requirements, and we're open to other ideas, but the council has recommended one, and I will go through that with you guys at the end of this presentation.

One thing to remember is what we're trying to do with this regulation is we want to protect overwintering white shrimp while considering some safety-at-sea issues and making these areas basically match what the fishermen can do as well.

The next transit provision that you guys could discuss is the net stowage. Once again, should this be stowed below deck? Some regulations actually require the nets to be secured on the deck, and, when they're talking about secured, usually what they do is they're required to be folded or maintained on the net reel and somehow locked there. You can also require the net to be out of the water. Some don't have any requirements for the net, and then there's other ideas as well.

Some of the transit provisions talk about a net modification, and, for this, the nets cannot be connected to the doors. Those are some of the regulations. In the Gulf of Mexico, they require the bag straps be removed in shrimp closed areas. Some don't have any requirements for net modifications, and so those are the ideas for some of the modifications for the nets.

This next one talks about transit progression through a closed area, and, with this, we're talking about it could potentially be a requirement for continuous progression. It could also be a requirement to maintain a certain speed. For the South Atlantic rock shrimp fishery, they are

required to have a vessel monitoring system, and then some areas have no requirements for progression through the area.

That gives you a rough idea of where we are, or what we were thinking about when we were developing this scoping document and also this fishery management plan, and here's the timeline that we're looking at. We presented a draft options paper to the South Atlantic Council in September, and we had scoping hearings in November. The council reviewed some of the scoping comments, and they developed actions and alternatives.

With this, it's going to be slightly different than our typical fishery management plan process, where what we're going to be looking at are -- It's going to be a categorical exclusion, and so there might just be one alternative with the action, or it just might be a thumbs-up or a thumbs-down for the fishery management plan.

What we're going to do after this is we're hopefully going to be providing some effects analysis to the council in March, and it might be a general idea of what the effects might be, or it might be a little bit more detailed, depending on the data that we can get together for that. We're going to have our public hearings in February, and it's going to be February 5 and 6, at 6:00 p.m., and they're going to be held through a webinar, much like today, and the council will be reviewing all the public hearing comments, as well as your comments that you give today, at their March meeting, with the potential to take final action at the March meeting. I will skip that, and so were there any questions in regard to the presentation that I just gave? If you have any questions, you can either raise your hand or type a question into the question box.

MR. ORAVETZ: I'm with the Law Enforcement Division, and my only question is -- I just wanted to make sure that I understood all of the reasons that were put forward as to why the gear could not be stored below. I have just read -- Obviously, the weather conditions will prevent stowing on deck or below, and then the size and construction of the vessel, and are there any others besides those two?

DR. COLLIER: I don't know if the addition of -- When this regulation was put out there, turtle shooters were not required at that time, and so I know they make the nets a lot bulkier than they were in the past, and I don't know if that prevents some of the stowage below deck, at least for the trawl gear. We have plenty of shrimp fishermen online, and maybe they could respond better than I could. If you would like to respond to that, please raise your hand.

MS. JONES: The doors are -- Ours are five-foot-by-forty-inch, and the hold opening is four-foot-by-four-foot, and so you've got to tip them up on their end and then put them in there, and you're talking about heavy doors. Then, once you get them in there, you've got to move them out of the way to put the nets in there, and it's a safety issue too, besides just -- At-sea, if it's cold weather, it's usually rough, and you're going to be moving around, and then you're having to puzzle-piece these doors down through the hold, and then you have to put the nets in there too, and you've got to put the doors in there first, because you can't put them on top of the nets, because they won't even go in the hold. They just don't fit in there like -- I don't know why they ever required them in the hold, because the hold is not that big to get into the hold. That is the only thing that I could respond about it.

MR. ORAVETZ: That's fine. Thanks. I just wondered if there was anything besides that point, and that's all. Thank you.

DR. COLLIER: The council did discuss this issue at their December council meeting, and the recommendation that they came up with -- It actually matched the Gulf of Mexico closed shrimp areas, and I have highlighted it here. The way that reads is, right now, a vessel may transit, with non-stop progression, through the Gulf of Mexico EEZ with fishing gear stowed appropriately, with trawl doors and nets out of the water and the bag straps removed from the net.

That was what the council had come up with as their recommendation, and I was wondering, from a law enforcement standpoint as well as from a shrimper standpoint, how do you guys feel about this being the recommended alternative, or, if there is something that will or won't work for this, let us know, and then maybe you guys could make a motion on what you think is the most appropriate transit provision for these cold-weather closed areas.

MS. JONES: This is what I had recommended at one of the scopings, was just to have them out of the water. By that point, the end of the nets are already up in the rigs. You're up at the top of the rigs, and then the bag straps, and it's the easiest, and, like I said, putting the bag straps in is -- Yes, it's a quick and easy thing, but there's other issues with dragging it.

I think one of the things we had talked about before was is it easy to put the bag straps back in and go fishing again, and, yes, it is easy, but, if it's closed and you're going home, you're not worried about putting them back in and dragging again, and so this was the one that I had said would be the easiest for us to work with.

DR. COLLIER: Thank you for that.

CAPTAIN PEARCE: I'm with the Florida Fish and Wildlife, Division of Law Enforcement, and so I need clarification on bag straps. That's one term that I don't think I am fully clear on what we're talking about, when you say bag straps, if anybody can comment on it.

DR. COLLIER: Nancy, do you want to answer that one?

MS. JONES: The bag strap is -- I think another name for it is cod line, and it's the line that they actually tie the end of the net with it, and, if it's not tied on the end, you're just straining water, and you're not catching anything.

CAPTAIN PEARCE: Okay. That's what I envisioned, but I just wanted to make sure that's exactly what we're talking about.

MS. JONES: It's the line that they tie at the end of the net to keep the catch in it.

MR. ORAVETZ: Strictly from an enforcement perspective -- We all know the difficulties of enforcement at-sea and lack of resources, and so, when we can implement technology into fishing, it's helpful and more resourceful, sometimes for everybody. What I will first recommend, and I know it's not going to be popular, but just to get it on the record, is, when you go through all these options, to me, the best option sounds like VMS, because you can guarantee, much like the Oculina

Closed Area, you can guarantee continuous progression and maintenance of certain speed, and then we can see it, and so we would know.

What we don't want is for some rogue boat to drop their nets in there, basically, and, while it might be rare, that's what we're trying to prevent, and so, for the record, that would be our first recommendation, only because I think it would solve the safety issue, where they could leave their gear intact and not have to stow it.

Recognizing that that might not be the most popular, what we like second is the language that is more related to the marine protected areas, just where they have to basically stow part of the gear on the deck, like maybe detach the doors and have them stowed in the racks on deck, just something that doesn't make it very easy to get the gear back in the water, if someone chooses to do that, and I think, if you're only talking about a bag strap and the simplicity of re-attaching it, I just think that, if someone wanted to re-attach it and get that gear back in the water quickly, that could be done without law enforcement being able to detect that.

DR. COLLIER: I have the area that Casey was talking about highlighted, and so "transit" means direct, non-stop progression through an area. "Fishing gear appropriately stowed" means a trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured. Is that the MPA language you were talking about?

MR. ORAVETZ: Yes.

CAPTAIN PEARCE: I just wanted to say that I agree with Casey on that. Based on where we were before, that the gear must be stowed below deck, I think moving towards the marine protected area requirement, where, at a minimum, you can stow the nets on the deck, but they must be disconnected from the doors. The doors don't have to be stowed on deck, because I understand that, but disconnecting the nets from the doors would make that process of making those nets available to fish that much more difficult, and I think that would be a much more reasonable process to require, versus just simply having the bag straps untied.

MS. JONES: The disconnecting from the doors, yes, it's harder to put it back together, because it takes about two to three hours on a calm, clear day, when you're tied up at the dock, and so it's going to take even longer to do it out there, because you've got to have everything straight. If you've got them twisted in any way, you're going to have a mess when you put them in the water, and it's a major deal, putting the lines back on the doors. It's not just a this one goes here.

You've got to make sure they're not twisted, and a lot of people -- The crews are not that savvy to do it themselves, and the captain has got to get back there, and they could hook the nets to the wrong door and have them twisted, and it's a major thing to take the stuff off, which, yes, it would be easier to be enforceable, and, yes, it would take them longer to put it back on, but our issue -- I mean, me personally, our boat wouldn't be out there at that time anyway, because we're a little bit smaller boat, but the bigger boats -- I mean, it would be even more work for them, and, yes, they're the ones that are usually out there dragging when they're not supposed to.

On the VMS, I do not want a VMS on my boat, because I don't want to have to pay the monthly fee. They're already requiring AIS, and you can pull that up. We called on a boat down around St. Augustine that was dragging inside the one mile, and the Coast Guard couldn't even get out

there to do anything, because it was so rough, but, on AIS, it was showing them dragging inside the mile and going up and down and up and down, and so AIS would be the way to go, and we're already required to have that if you're sixty-five-foot or bigger. AIS would be more economical thing, if you wanted to go fleet-wide, and that's what I would recommend.

MR. ORAVETZ: Just a quick response regarding AIS. I somewhat agree with that. The only downside to AIS that we have experienced is that, like you said, vessels under sixty-five feet don't have to have it, and then the vessels over sixty-five feet that don't energize it -- That falls to the Coast Guard to enforce, and I can't comment on the consistency of that enforcement.

CAPTAIN LYNN: I agree with the marine protected areas, except for the disconnecting of the doors. I wouldn't have an issue with them being stored in the cradles. If you're fishing an area, if you know you're fixing to transit through a closed area, before you transit through that area, take time to put your nets in the rigging and take your doors in and put them in the cradles and transit through the area.

I think that would be a good compromise, instead of disconnecting them from the nets, and I agree with Nancy that that's a lot of work, and, if they're not hooked back up right, the captain or the boat is going to have a mess, with nets tangled and tied up in a knot, and that would be a definite undue burden on the captain and the fishermen, but, if you just put them in the cradle, I think that would be a good compromise.

MR. SMITH: I was just going to comment on the AIS thing. The other difference with AIS and VMS is we're actually monitoring VMS, and so that gives sort of the enforcement oversight, if people were transiting through that area. With AIS, we're not monitoring AIS, and so, in addition to the things that Casey said with the limitations of AIS, we don't have sort of the real-time monitoring, and it would be a matter of going back and trying to collect that data for a specific target already identified, and so they are really very, very different systems, and VMS would certainly be the preferred.

The reluctance of folks to get on VMS is very detrimental to law enforcement, frankly. Being able to see where boats are, I think it's very, very helpful to us to be able to monitor the fleet, and it helps the fleet keep track of their own boats. It helps owners know where their boats are, and it's got the safety of life at-sea component as well, and so I am with Casey. I will plug the VMS option, recognizing that that's a heavier rock and that you're not trying to pick that one up at this particular juncture. I would concur with his recommendation on what the best alternative is from a law enforcement perspective.

CAPTAIN PEARCE: I would say that, based on what Bob said, I agree with him, based on the difficulties that if you combine the VMS requirement with Bob's recommendation, that would be a good alternative for law enforcement, and it would be safer for them, too.

DR. COLLIER: Is there any other discussion about this? All right. What I will do right now is I'm going to write up a motion, based on the recommendation. What I was hearing from law enforcement was a recommendation for a VMS for shrimp vessels and then also require the doors be in the rack. Is that what you guys were saying, at least from the law enforcement side, and then we can come back and actually have the Shrimp AP also make a recommendation. I see, Mel, you have your hand raised. Mel Bell is one of our council members from South Carolina.

MR. BELL: That and also the bag straps as well or not? I just wanted to be clear.

MR. ORAVETZ: Just to clarify my recommendation, the first recommendation would be VMS on the vessel. I think, if that happened to be adopted, I don't think you would have to have any stowage requirements. I think it could be much like the Oculina for the rock shrimp fishery, which, to me, it sounds like that would appease a lot of the safety issues that have been brought up, but, if that's not adopted, then I think, as a second recommendation, the MPA language is the best language for enforcement, just to stow the doors.

DR. COLLIER: Okay.

CAPTAIN LYNN: To answer Mel's question, I would say yes, to have the doors stowed, the nets in the rigs, and the bag straps removed, and that would be my suggestion.

CAPTAIN PEARCE: I was just going to clarify again, and I think I was clear, but I will make sure. I agree with Bob's recommendation, and then add the VMS component would be mine as well.

DR. COLLIER: Okay.

MR. BELL: Okay, and so it's a little bit of a hybrid then, because you're kind of going with the MPA language, but that says -- That has some stuff about appropriately stowed, and so you're actually kind of defining what "appropriately stowed" means, which would be in the racks, and then we're adding the bag straps being removed. I think that's where we are, and so it's a little bit of a modification there, and I understand the VMS thing.

That makes 100 percent sense, but, having gone through some interesting discussions involving VMS, which probably put a lot of age on Pat O'Shaughnessy, and I don't know, but that's a legitimate recommendation, and one that we should hear, and we'll see how that goes, but having this sort of laid out like you have, with this would be preferred, and this would be the second, that's great. I just wanted to make sure that we've got that worded, that "appropriately stowed" means trawl doors stowed in the rack and bag straps removed. Okay. Thank you.

DR. COLLIER: One thing that the council had mentioned, and I haven't heard anyone say, is there's a little bit of difference between what's being required here and also what is currently required in the Gulf of Mexico, and one of the suggestions by the council was to have a consistent regulation for the shrimp closed areas between the Gulf of Mexico and South Atlantic. There are some vessels from the Gulf of Mexico that will come over to the South Atlantic, and vice versa.

MR. SMITH: Just to clarify, if I understood Casey's recommendation, I think it's require the VMS, and, if so, then basically mirror the Oculina Bank regulations. If we can't get that, and for all the reasons that people have already alluded to, then, after that, then we would look for some different requirement, stowage requirements, but, if we had the VMS onboard, we wouldn't really need to worry very much about stowing. Stowing is pretty simple under the Oculina Bank regs. It just means that they're out of the water.

Again, VMS and out of the water, and the other provisions, the transit provisions, in terms of the speed and the ping rate, that takes care of everything, from our perspective. If we can't get that, for the reasons that -- So that would be Recommendation Alternative 1, to require VMS and make the requirements mirror the Oculina Bank. Recommendation Number 2, then we start to get into what do we want them to do, in terms of stowing the gear and continuous progression. Hopefully that clarified rather than obfuscated.

DR. COLLIER: This is going to be your recommendation, and so it's either what I have typed here, that shrimp vessels transiting cold-weather closed areas --

MR. SMITH: Are required to be equipped with VMS and may transit through the areas if fishing gear is appropriately stowed. For the purpose of this paragraph, "transit" means the direct and non-stop continuous course. You can cut and paste from up above in Oculina Bank, if you would like. Add the word "transit" before "through" and insert the remainder before -- It should be if fishing gear is appropriately stowed, and then for the purposes of this paragraph. Then take out the extraneous language there about -- Everything after "stowed". Put a period after the word "stowed", and then take out the "means trawl doors are stored in the racks and bag straps". Okay. Now I think that's right. If you want to make it more correct English, "through the closed areas" in the paragraph above. Michael Paul, you are unmuted.

MR. PAUL: Yes, sir. I'm here.

DR. COLLIER: All right. What I have written up here is a potential motion for you guys, if somebody would raise their hand and say they want that as their motion, someone on the Law Enforcement AP. It sounded like, Duane, this was your motion.

MR. SMITH: **I would move that as our preferred course of action.**

DR. COLLIER: Okay. Is there a second? You can just second by raising your hand. Obviously, Duane can't do it. Bob Lynn seconded. Now we'll open the floor up to discussion.

MR. BELL: Just a question. I know you had asked the question about was consistency between the South Atlantic and the Gulf an issue, and I don't remember if anybody weighed-in on that, but that was brought up at the last meeting that we discussed this, and I think it was brought up, perhaps, by the Southeast Region, or was pointed out by the Southeast Region, and that's how we were sort of steered down that path of trying to make things consistent between the Gulf and the Atlantic, but, for the record, in terms of discussion, if everybody doesn't see a problem with that, then we just need to be able to take that back, in terms of discussing this further.

DR. COLLIER: Is there any other discussion on this motion? **All those in favor of this motion on the Law Enforcement AP, please raise your hand by clicking on that raise-your-hand button, five in favor; those in opposition, please raise your hand.**

Now would the Shrimp Advisory Panel and combined Deepwater Shrimp Advisory Panel like to make a recommendation?

MS. JONES: **I say that we adopt the Gulf of Mexico closed shrimp areas, and, that way, it would be the same on both sides, as the council was recommending, the one with non-stop**

progression and fishing gear appropriately stowed, with trawl doors and nets out of the water, and the bag straps must be removed from the net. That's it, but change it to South Atlantic. I don't know if you want that to say combined Deepwater and Shrimp Advisory Committees. Thank you.

DR. COLLIER: Is there a second to this motion from the Shrimp AP? If you would like to make a second to the motion, just raise your hand. Scott Baker, I see you seconded it. The motion has been moved and seconded. Is there any other discussion?

MR. BAKER: I just wanted to second the motion so we could talk about it, but, to me, it seems like a good compromise between what the Gulf has suggested, and I do understand the desire to have VMS, and I realize the un-desire of the industry to have VMS, and so it's definitely something to talk about.

DR. COLLIER: Okay. Thank you. Any other discussion on this motion? I will say that, during the scoping comments, they did discuss this exact same motion, and one of the reasons that they talked about it is they were worried about having the requirement to stow gear in the rack, and one of the reasons for that is, at least for the deepwater shrimp folks, is they actually leave their gear out, leave the trawl doors out sometimes, to aid in the balancing, especially when it's really rough weather offshore, and they were a little bit concerned about having to put these gears in the racks, but, also, Nancy had mentioned, during that same discussion, that, when these guys are going to be transiting for a long distance, they generally do put the gear in the rack, and they also put the nets up, and that reduces some of the drag for them, and so there was considerable discussion at the scoping meetings.

MR. BELL: I just wanted to clarify something, and, since I can't look at both of the motions together -- The original motion was Law Enforcement, and that is -- In the original discussion, there was kind of a multiple option sort of idea, but this is one clear recommendation, which hinges around VMS. There is sort of not like an alternative of, if that doesn't work, here's Alternative B or something, because I think the Law Enforcement Alternative B might have ended up with the doors in the racks, and so now, the motion from the Shrimp folks right now that we're looking at, that doesn't have the doors in the racks, and that's what you were just discussing.

Maybe you need to kind of deal with this motion and all, and then you might go back and have a question to Law Enforcement about would they entertain a second -- If A doesn't work, here's B, and David kind of asked me to ask that too, and so I'm relaying that as well, but you probably need to go ahead and deal with the motion on the table here.

DR. COLLIER: Okay.

MR. SMITH: I think Mel and I were thinking identical thoughts, or nearly so, and sorry, Mel. I was going to let you run through this motion first and then sort of circle back to the same idea that Mel had. I think the Law Enforcement Advisory Panel recognizes, a little bit, that we're tilting at windmills, but we want to be clear on the record what we think is the best and why, but I do think that there may be a middle ground, and our middle ground might have the trawl gear stowed on deck, and so I was going to wait for you to finish this motion from the Deepwater Shrimp and Shrimp Advisory Panels, and then I was going to propose that maybe we could come up with a middle-ground solution that maybe all three panels could live with.

DR. COLLIER: That's why we have all three of you guys together today, so that hopefully we can get a good recommendation from everyone to the council. I am not seeing any other hands raised for some discussion. **Let's have the Shrimp and Deepwater Shrimp Advisory Panels raise their hand if they're in favor of this motion. The motion is the Deepwater Shrimp and Shrimp Advisory Panels recommend vessels may transit with non-stop progression through the South Atlantic cold-weather closed areas with fishing gear appropriately stowed, with trawl doors and nets out of the water, and the bag straps must be removed from the net. All those in favor, raise your hand, three in favor; those that are opposed. All those on the Deepwater Shrimp and Shrimp Advisory Panels that are opposed, please raise your hand, none opposed. The motion passes.** There was some discussion about maybe a compromise now.

MR. SMITH: Just a question first, before we sort of get into what might be a compromise. How many folks from the Law Enforcement Panel are actually on the call, and how many folks from the other two panels are actually on the call?

DR. COLLIER: We have five from Law Enforcement and I think four from the Shrimp and Deepwater Shrimp.

MR. SMITH: Thank you. That was just for my own edification. I think Casey had a next-best alternative when he first spoke, and I just wanted to make sure that we captured his first-best alternative, which we have in the motion we just passed, but he had a second-best alternative, and I would ask him maybe to state his proposal for maybe what's a middle ground.

DR. COLLIER: I believe his second recommendation was the MPA transit provisions. I don't want to put his words in his mouth, but, Casey, if you want to speak up.

MR. ORAVETZ: Yes, you're correct. I mean, that was our second alternative. Understanding the issue with the doors, if there's even more of a middle ground, but still a clear effort to stow all portions of the gear, the doors, the nets, and removing the cod end, I mean I think that's the next-best alternative. Aside from detaching the doors, what is another way that you guys would secure the nets on deck and the doors? Like the doors in the racks, and how could you further secure the nets on deck, in addition to removing the cod end? I think that's kind of what we're getting at.

MR. SMITH: Let me just kind of weigh-in a little bit. Obviously, what law enforcement is concerned about is it's hard -- Without VMS, it's really hard to detect these violations, and so what is the way that makes it most obvious to a law enforcement asset that the vessel is not fishing and is not really capable of fishing? That's kind of what it comes down to, I think, for us in the at-sea enforcement regime. Help us by telling us what you all can do more easily that would still be equally clear to the Coast Guard HC-130 or the Coast Guard HEC or MEC that's out there or the Florida guys who are out there in one of their offshore patrol boats. What would make it really clear that the boat is not rigged for fishing and it isn't able to quickly be fishing illegally?

DR. COLLIER: I am not going to address necessarily that, but there was discussion at the council meeting in December about how some of this stuff could be enforced, and there was some concern about even the bag straps and requiring the bag straps to be removed, because you have to get on the vessel in order to see that, and so you're going to have to get on this vessel in order to see -- The way it's written right now, you would have to get on the vessel to see if it's disconnected from

the net, and so they were a little bit concerned whether or not that was necessarily enforceable, because they were worried about safety-at-sea for the law enforcement officers. Is that an issue? That was some of the discussion at the council table.

MR. ORAVETZ: That's always an issue. That's not to say that we don't want to do our jobs, but it's difficult for us to be out there when illegal conduct might be happening and to verify these things. When the regs require that we must be on the boat, then it just makes it more difficult, and that leans more towards our first recommendation as why not, because then we don't have to worry about the gear. We can tell by the speed what's happening, and all the safety issues are met, and so we're trying to come up with a next-best for everybody, and not everybody is always appeased in this process.

The only other thing that I will say is there is discretion when cases are made, and so I just know, in twenty-three years of fisheries law enforcement for NOAA, if there is a case that a law enforcement agent makes on a boat that doesn't have his doors detached, in ten or twelve-foot seas, and they try to write that case and submit it to someone like Duane, the chances are that it won't be prosecuted. That's just an anecdotal point, based on my experience, but, anyway, that's kind of what we're after here, coming to a middle ground.

DR. COLLIER: Right.

MS. JONES: If they needed to see the bag straps, I'm sure all you had to do would be radio them, and they would have the crew go back there and hold up the end of the net and show you that there is no bag strap. I mean, it's easy to see. If there's no bag strap, they can hold one end and walk back with it, and it's whatever the width of their particular net bag is. I mean, if the strap is in it, they are usually tied, and it's only like a foot wide. I mean, if they can stand back six foot and it's spread out, there is no rope there. They should be able to see it without having to board it, if boarding was an issue because of rough seas or whatever. It is something they could go back there and physically hold it up and show you that, hey, I haven't got it in here.

DR. COLLIER: Thank you. Janie, I was asked to unmute you, to make sure that everything was working okay. Apparently it's not working okay for her. We couldn't hear her on that.

CAPTAIN LYNN: I will go back to my original recommendation. If we don't do the VMS, I still say the doors secured in the cradles on deck and the nets hanging in the rigging. The bag strap, I guess that's debatable, whether we go with that or not, and I see that as an officer safety issue, but, even riding next to a boat in rough seas, you can see whether the doors are on the deck in the cradles, and you can see if the nets are hanging in the riggings. It's a pretty simple way of looking at that, in my opinion. VMS would be preferred, but I know it's an uphill battle on that, and so I suggest we go back to my original recommendation.

DR. COLLIER: Okay.

CAPTAIN PEARCE: I just wanted to say that I agree with Bob. When we're on patrol, and we can visibly see the nets out of the water and the way they're stowed, that's a way for us to verify that compliance. The addition of VMS is that higher level of accountability and compliance when we're not able to -- When we're monitoring that type of activity, we're not able to be out there and visibly see it, but we can verify the transit, and we can verify those things with the VMS, and so

the combination of VMS and -- Again, if the doors aren't going to be in the cradle, then adding the VMS is another way of verifying compliance, with the direct transit and the speed of the vessel and things like that.

DR. COLLIER: Thank you. Would you all like me to change this recommendation? This hasn't been a motion.

MR. SMITH: What I would propose as a motion then that wouldn't be a Law Enforcement motion, but that would be a motion from all three advisory panels on the line as an alternative. We have each staked out our particular preferred options, Law Enforcement and the other two panels. As a compromise, I would propose a joint motion from all three panels that does require the gear stowage, the door stowage, and I'm trying to look at the language, to see if I can read it off the -- Of our choices there, and it's Casey's recommendation then. I think that was kind of the consensus, is that alternative from the Law Enforcement Committee, and so moving back to the highlighted area you have. "Transit" means direct, non-stop progression with fishing gear appropriately stowed. "Fishing gear appropriately stowed" means the trawl --

DR. COLLIER: This is the same language right here.

MR. SMITH: But I would change the header to, as a compromise, all three panels recommend. Trawlers may transit through the South Atlantic cold-weather closed areas. Trawlers may transit through South Atlantic cold-water areas if transit is direct -- Do it your way. Recommends trawlers may transit through the South Atlantic cold-weather closed area if gear is appropriately stowed or if transit -- I'm sorry.

DR. COLLIER: No, it's me.

MR. SMITH: You know what I'm getting at, right? Just make it sound like English, but the meat of it is down below. If I can wordsmith for a moment. As a compromise, all three panels recommend trawlers be allowed to transit through South Atlantic cold-weather areas under the following conditions.

DR. COLLIER: Can you say that again, Duane? I'm sorry.

MR. SMITH: That's all right. Recommend trawlers may transit through South Atlantic cold-weather closed areas under the following conditions. "Transit" means non-stop progression through the area. Then "gear appropriately stowed" means -- I'm sorry. I am messing you up, because we kind of rephrased this, and so hang on a second. Transit must be a continuous, or a non-stop rather -- Transit must be a non-stop progression through the area.

DR. COLLIER: Do you need "continuous" if you say "non-stop"?

MR. SMITH: No. It's one or the other. Must be a non-stop progression through the area, and gear must be appropriately stowed. Then give what "appropriately stowed" means, or you could just put "stowed by having the trawler try net" -- No. I like it better the other way. So must be appropriately stowed, period. "Gear appropriately stowed" -- All right. That's fine. Either way. The trawler try net may remain on deck or in the rack and the net in the rigging. I think it's the

doors that are supposed to be either in the rack, right? The net isn't in the rack, right? Somebody else help me out here. I'm making a mess of this.

DR. COLLIER: No, you're right. That was a workout.

MR. SMITH: Yes, and I apologize. I'm sorry. What I would ask at this point though, since this is a motion, is I would ask for some feedback on the actual wording of the motion before we go ahead and try to propose it.

DR. COLLIER: Before we call for a second?

MR. SMITH: Yes. Before we call for the second, does somebody have some different wording that captures this same thing, or is there an issue with this one?

MS. JONES: You've got "gear appropriately stowed" means doors may remain on the deck, and it's actually doors in the rack and not -- The try net doesn't have a rack, and it would be on the deck, and then the nets in the rigging.

DR. COLLIER: Does that look good the way it is?

MS. JONES: Yes, because on the deck and in the rack is two different things.

DR. COLLIER: Okay.

MR. SMITH: I thought it was messed up. Thank you for fixing that for us.

MR. EXLEY: "Progression" is misspelled, and you probably would have caught it anyway.

DR. COLLIER: Thank you.

MS. JONES: "Gear appropriately stowed" means doors in the rack and "nets". It's more than one net in the rigging, or in "the rigging".

MR. SMITH: A question about stowing the doors, probably for Nancy to answer. The doors can be stowed in the rack. At that point, are they automatically detached from the net, or may they still be attached to the net at that point?

MS. JONES: The question was, in this suggestion or recommendation, are we requiring them to disconnect? I don't think we're requiring them to disconnect the nets, or we hadn't been talking about that so far.

MR. SMITH: That's fine, and I just want to make sure that I -- Since I'm not a shrimp fisherman, I want to make sure that we're getting it right, and so the doors could remain attached to the net, but they would be stowed in the racks, or someone could detach them, but you wouldn't necessarily have to, right?

MS. JONES: Correct. I mean, when they're in the rack, they can be disconnected at that point, and I'm not talking about for this, but that's when you would disconnect them, is when they are in

the rack, but, for this recommendation, I don't think we were requiring that at this point, I don't think, for the compromise.

MR. SMITH: Yes, and, again, I'm trying to just understand the practicality of it, because you're saying that detaching them from the nets is a real pain, and so would leaving them still attached, but in the racks, satisfy both law enforcement's concerns and industry's concerns?

MS. JONES: I don't know. It would be the easiest and safest, and, like I had said before, it is a major thing to hook them all back up, and we're just talking about getting home. All they're wanting to do is go home. These guys aren't looking to go -- I mean, not all of them. You've got the rude one that's going to try, but that's one in the haystack, and the other thing about VMS is law enforcement is always going to want VMS, and they would probably love for us to sign a paper saying that we're responsible for everything that we do, and, yes, it would be easier for them for law enforcement, but we have to compromise at some point, but, yes, that's the argument about VMS. Yes, they would love to have it, and I would love to go get a loan and not have to put up collateral, but, hey -- That's it.

MR. SMITH: Understood. We're going to that one, for obvious reasons. Okay. Then, unless someone else has some suggestions about better wording, I would ask that people look at it and think about it. If somebody has got a suggestion for better wording, great. If not, if this covers what we were trying to capture as a compromise, then I would move it, but I will give people a moment or two to think about it.

CAPTAIN LYNN: I agree, and I was just going back to Nancy's comment. We do agree that the nets were still going to be attached to the doors, but, also, I think the try net was originally addressed, and do we need to put some language in there just to cover that as well, that it be on the deck or be stored somehow, appropriately?

MS. JONES: The try net you could actually just roll it up. I mean, it's -- I mean, I could carry it around. It's tiny. You could roll it up and tie it in a knot, if you wanted to.

CAPTAIN LYNN: I understand, but, after twenty-something years of law enforcement, I also understand that, if we don't address it, there will be somebody somewhere.

MS. JONES: Oh, yes.

CAPTAIN LYNN: We don't want a loophole, and so let's address it while we're here and agree on it.

MS. JONES: Yes.

DR. COLLIER: So and the try net on the deck?

CAPTAIN LYNN: That sounds good, unless somebody has other wording or storage ideas or options.

DR. COLLIER: Nancy, would that be appropriate?

MS. JONES: Yes, and that sounds fine to me. If they require it rolled up or whatever, and I think one of the wordings was fanned, or however, folded, and we can do that. I mean, the try net is easy to deal with. It's like change in your pocket. It's the easy thing to deal with. It's the other thing that's the major deal, but, yes, the try net on the deck is fine, or if they want us to roll it up, whichever.

CAPTAIN LYNN: I am good with that, because, if you're looking at it in a rough-water situation, from law enforcement, again, you're probably not going to be able to board the vessel, and so either it's out there or it's not, and so that's simple verbiage.

MS. JONES: Correct.

DR. COLLIER: Now that we have modified this language, Duane, do you want to make the motion? What I am thinking about for this is maybe doing two separate motions, and one would be from the Law Enforcement AP, and then they would vote, and then a second motion, reading the exact same thing, with the Shrimp and Deepwater Shrimp Advisory Panel also making a vote on this same motion. Does that sound like a good plan?

MR. SMITH: We could do it that way, but I kind of like the idea of just making it a motion for all of us and all voting on it, but I guess we could do it either way.

DR. COLLIER: One of the issues that I worry about with that is there's more law enforcement officers on the call, or Law Enforcement Advisory Panel on the call, and, therefore, you could automatically win based on that, and so, if we do it based on the separate APs, then you can see the vote. The council can see the vote for both.

MR. SMITH: I understand. That makes sense. Obviously you will have to change the header that talks about, as a compromise, all three panels recommend. Just one more potential edit, to wordsmith a little bit, and I'm a little troubled by the nets in the rigging and try net on the deck. I mean, will that be obvious to everybody what we mean, or do we need to explain a little bit more? If we said that "stored" means doors in the rack and any try nets on the deck and all other nets in the rigging, and would that be more clear, or is that gilding the lily?

MS. JONES: I mean, if we want to do nets in the rigging and tied down, because they usually tie them to the back ladder or to the posts that come from the back down to the corners of the boat, and they usually tie the nets to that, so they're not swinging all over the place anyway, and so, if you want to put tied down, tied down or tied, because not all of them do the ladder, and that's why "down" would be the word, I guess, because just tied up, somehow tied to the boat, but tied down.

DR. COLLIER: Myra had mentioned "secured", but I worry about what does secured mean? It could be if it's attached to the doors, and it's kind of secured at that point as well, and so I guess "tied down" is a good option.

MR. BAKER: I just wanted to point out, I guess when we get to voting, that I am a Sea Grant agent, and I'm on the Shrimp Panel, because of research and things, and so I'm definitely not representing the industry, and I know there's only three other people on here, and so I just wanted to make that known, and we've heard from Nancy, and I'm not sure others, and so I definitely want to hear from other folks with regard to these specifics. Thanks.

DR. COLLIER: Thank you for that, Scott. Myra had suggested that, instead of doing a formal motion, that we do a joint recommendation, since we did get comments from shrimpers and law enforcement on this recommendation. Would you all be okay with just calling it a recommendation to the group, or for the council? If you're okay with it, go ahead and raise your hand. Everybody that's on the advisory panel does recommend this as a good recommendation.

I am lowering everybody's hands right now, and so, if you have a question or a comment, please feel free to raise your hand again. All right. I am not seeing any other questions or comments. Going back to the agenda, we did the discussion, and we provided recommendations, and now I wanted to give the public a chance to comment. If there's anyone from the public that would like to comment on what was discussed today in relation to Shrimp Amendment 11, please raise your hand. I am not seeing any questions from the public or any comments. With that, I will give our council members a last opportunity to provide any comments, and so, David, Mel, or Steve, if you would like to provide --

MR. WHITAKER: I think what we came up with looks pretty good.

DR. COLLIER: Okay.

MR. BELL: I would just add to that that I appreciate the discussion that we had, and I appreciate hearing both sides to it, and I really appreciate the fact that you've come to kind of an agreed-upon recommendation from everybody, and that really helps us be able to take that and work with it, and so thank you very much for doing that.

MR. POLAND: I just wanted to echo Mel and David's thanks and gratitude to the AP members, and I really appreciate the compromise suggestion. That will hopefully make our job a little bit easier in March, and so thanks for everyone taking some time out of their Friday morning to have this discussion. I appreciate it.

DR. COLLIER: All right, and is there anything else that either advisory panel wants to bring up right now? If not, we'll go ahead and adjourn the meeting. I am not seeing any hands raised, and so thank you all for a great meeting, and hopefully we'll be talking again soon. Have a good afternoon.

(Whereupon, the meeting adjourned on January 17, 2020.)

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**Joint Advisory Panel Meeting
(Deepwater Shrimp, Enforcement, & Shrimp)
Law**

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