

Shrimp Fishery of the South Atlantic Amendment 11

Decision Document

Background

The Council began working on an amendment to address issues raised by fishermen after a cold-weather closure for shrimp was implemented in 2018. Fishermen indicated regulations needed to be modified. The Council reviewed a white paper that described transit provisions for several closed areas to develop options for Shrimp Amendment 11.

In this amendment

- **Action:** Modify provisions for vessels transiting through cold-weather closed areas in federal waters while possessing brown, pink, or white shrimp

Objectives for this meeting

- Review public hearing comments
- Consider IPT recommended changes to purpose and need and options (previously alternatives)
- Select a preferred option
- Consider approving for Secretarial Review

Expected amendment timing

September 2019	Council split Shrimp Amendment 11 from amendments for coral and golden crab and recommended sending Shrimp Amendment 11 out for scoping
November 2019	Scoping occurred via webinar

December 2019	Council reviewed comments from scoping, reviewed purpose and need, developed action and alternatives, and recommended sending amendment out for public hearings
January 2020	Joint Law Enforcement, Shrimp, and Deep-water Shrimp Advisory Panels met to discuss Shrimp Amendment 11 via webinar
February 2020	Public hearings were held
March 2020	Council will review comments from public hearings, will review comments from IPT, and will consider final approval for Shrimp Amendment 11
April 2020	Shrimp Amendment 11 will be sent in for Secretarial Review, if approved

Purpose and need statement

Purpose for Action

The *purpose* is to modify cold-weather closed area transit provisions to match current vessel design, reduce the socio-economic impact for fishermen avoiding the areas if they cannot comply with regulations, and improve safety at sea while maintaining protection for overwintering white shrimp and regulation enforceability.

Need for Action

The *need* is to adjust current regulations because gear cannot be stowed below deck on many vessels.

SSC/Advisory Panel Recommendations:

No comments received on purpose and need

Public Comments

No comments received on purpose and need

IPT Recommendations

The IPT recommends adding “cold-weather closed” into the purpose and need statement to clarify the type of closed-area the changes would modify.

The *purpose* is to modify cold-weather closed area transit provisions to match current vessel design, reduce the socio-economic impact for fishermen avoiding the **cold-weather closed** areas if they cannot comply with regulations, and improve safety at sea while maintaining protection for overwintering white shrimp and regulation enforceability.

The *need* is to adjust current regulations because gear cannot be stowed below deck on many vessels.

Committee Action:

MODIFY AS NECESSARY
APPROVE THE RECOMMENDED CHANGES
NO ACTION NECESSARY
OTHER ACTION

Proposed Action and Options

Action 1. Modify provisions for vessels transiting through cold-weather closed areas in federal waters while possessing brown, pink, or white shrimp

Discussion:

- The committee approved the action and alternatives in December 2019. Because this is a categorical exclusion through the NEPA process, the IPT recommended changing the alternatives to options.
- **Option 2** was developed during the January 17, 2020, Joint Law Enforcement, Shrimp, and Deep-water Shrimp Advisory Panel meeting. It was added as an option to the public hearing document based on recommendations from the Council Chair, Law Enforcement Committee Chair, and Shrimp Committee Chair and reviewed by the public.

Action Alternatives Approved in December 2019:

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

Alternative 2. A vessel may transit with non-stop progression through the South Atlantic cold-weather closed area with fishing gear appropriately stowed with trawl doors and nets out of the water. The bag straps must be removed from the nets.

IPT Recommendations:

The IPT recommends changing alternatives to options and other recommended changes are highlighted in yellow. **Option 1** matches the language in the CFR for the Gulf of Mexico. **Option 2** was suggested at the January 17th, 2020, Joint Meeting of Law Enforcement, Shrimp, and Deep-Water Shrimp Advisory Panels.

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

Option 1. A vessel may transit South Atlantic cold-weather closed areas while possessing brown shrimp, pink shrimp, or white shrimp provided the vessel is in transit and fishing gear appropriately stowed. Transit means non-stop progression through the area with fishing gear appropriately stowed. Gear appropriately stowed means trawl doors and nets out of the water and bag straps removed from the net.

Option 2. A vessel may transit South Atlantic cold-weather closed areas while possessing brown shrimp, pink shrimp, or white shrimp provided the vessel is in transit and fishing gear appropriately stowed. Transit means non-stop progression through the area with fishing gear appropriately stowed. Gear appropriately stowed means trawl doors in the rack (cradle), nets in the rigging and tied down, and try net on the deck.

SSC/Advisory Panel Recommendations:

Law Enforcement AP input:

- Recommend VMS for shrimp vessels. This would make enforcement easier

Shrimp/Deep-Water Shrimp AP input:

- Recommend **Option 1** because this would provide the greatest flexibility for the fishermen.

Joint Law Enforcement, Shrimp, and Deep-Water Shrimp AP recommendation:

- Develop **Option 2** (included in IPT recommendation below) and recommend Council consider as their preferred.

Public Comments:

One public comment was received, and it supported **Option 1**.

Committee Action:

- CONSIDER IPT'S AND AP'S RECOMMENDATIONS
- ACCEPT THE RANGE OF OPTIONS
- MODIFY THE RANGE OF OPTOINS
- MODIFY AND ACCEPT THE RANGE OF OPTIONS
- SELECT PREFERRED OPTIONS

Effects Analysis:

Biological Effects

- Biological effects are likely minimal since all options protect over-wintering white shrimp.
- Some indirect biological benefits due to reduced greenhouse gas emissions and noise pollution.

Social Effects

- **Option 1** and **Option 2** would improve safety at sea by reducing the amount fishing gear is handled to stow gear below deck. **Option 1** would provide the greatest safety at sea by

allowing fishermen to select the most appropriate place to stow their fishing gear based on the sea conditions.

- **Option 1** and **Option 2** would increase trust in management by addressing stakeholder and law enforcement concerns.
- **Option 1** matches regulations for shrimp closed areas in the Gulf of Mexico EEZ.
- **Option 2** matches typical stowage for shrimp vessels when transiting long distances.

Economic Effects

- Based on landings data from January through June 2018, which is the most recent year that a cold weather closure took place, 33 vessels with homeports in states north of Florida offloaded shrimp in the state. This serves as an estimate of the likely number of vessels that may be affected by cold-weather closure transit provisions.
- The **Status Quo** may result in negative economic effects because shrimp vessels that are unable or unwilling to store fishing gear according to the **Status Quo** may need to offload shrimp at an alternate port instead of their home port.
- The potential negative economic effects from the **Status Quo** would be represented by lower net revenue and thus lower net economic benefits for the affected vessels stemming from increased transit or offloading costs.
- Under the **Status Quo**, affected dealers may face increase shipping costs and may bear a portion of offloading costs, which could decrease net revenue and thus decrease net economic benefits for these dealers.
- **Option 1** would be easier to comply with and expected to result in direct economic benefits in years when federal cold-weather closures are in place. The positive economic effects that may result from **Option 1** would be represented by higher net revenue and thus increased net economic benefits for the affected vessels.
- **Option 1** would also benefit some shrimp dealers in years when cold-weather closures occur. The affected dealers would no longer face increased shipping costs or may no longer bear a portion of the offloading costs, which likely would result in increased net revenue and thus increased net economic benefits for these dealers.
- The economic effects of **Option 2** would be similar to those described for **Option 1**, but **Option 2** would be more burdensome and likely more time consuming for fishermen to comply with at sea.
- Overall, **Option 1** is expected to potentially increase net economic benefits for shrimp vessels and dealers the most out of the options considered, followed by **Option 2** and the **Status Quo**.
- There would be distributive economic effects among dealers by state between the options considered. The **Status Quo** may be beneficial to dealers in Florida since the current regulations encourage shrimp to be landed in Florida when a cold weather closure occurs. **Option 1** and **Option 2** may increase economic benefits for dealers in states north of Florida due to increased shrimp landings in these states that are a result of the relaxed transit provisions, which in turn would reduce shrimp landings and thus economic benefits for dealers in Florida.

Review Codified Text

The codified text is provided in Attachment 1e (Shrimp_A01e_Shrimp_AM11_codified-v1.2). The current text includes the draft language for **Option 1**. However, if the Council chooses **Option 2**, the “appropriately stowed” language can be modified to the language in that option.

Amendment Approval

Committee Action:

- **CONSIDER SHRIMP AMENDMENT 11 FOR FINAL APPROVAL**

DRAFT MOTION: RECOMMEND APPROVAL OF SHRIMP AMENDMENT 11 FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.