

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SHRIMP COMMITTEE

**Hotel Ballast
Wilmington, North Carolina**

December 2, 2019

SUMMARY MINUTES

COMMITTEE MEMBERS

David Whitaker, Chair
Jessica McCawley
Spud Woodward
Chris Conklin

Steve Poland, Vice Chair
Dr. Carolyn Belcher
Anna Beckwith
Dr. Roy Crabtree

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Tim Griner
Dr. Kyle Christiansen

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OBSERVERS/PARTICIPANTS

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Dr. George Sedberry
Rick DeVictor
Dr. Wilson Laney

Dr. Erik Williams
Dr. Jack McGovern
Erika Burgess
Nik Mehta

Other observers and participants attached.

The Shrimp Committee of the South Atlantic Fishery Management Council convened at the Hotel Ballast, Wilmington, North Carolina, on Monday, December 2, 2019, and was called to order by Chairman David Whitaker.

MR. WHITAKER: I will call the Shrimp Committee to order. Members of the committee are Steve Poland, Anna, Carolyn, Chris, Roy, Jessica, Lieutenant Commander Montes, and Spud. The first order of business is Approval of the Agenda. Has everyone had a chance to look at that? Any changes or recommendations? Hearing none, the agenda is approved. Then Approval of the June 2015 Minutes. Anybody have any comments on the minutes? Hearing none, the minutes stand approved.

MR. BELL: Mr. Chairman, I'm not on your committee, but, under Other Business, if we could maybe try to discuss what's going on in Virginia related to white shrimp, if we have some time at the end.

MR. WHITAKER: Okay. We'll do that.

DR. COLLIER: I will go over Shrimp Amendment 11, but, before we get into that, I will go over just a staff overview of this amendment. Back in September, I presented an options paper to you guys that included Coral Amendment 10, Golden Crab Amendment 10, and Shrimp Amendment 11. At that meeting, you guys recommended that we separate actions into two different amendments, separate the Coral Amendment 10 to focus on coral habitats of particular concern and then Shrimp Amendment 11 to focus on the cold-weather transit provisions.

You recommended Shrimp Amendment 11 for scoping, and we did scoping in November via webinar, and then, in your briefing book today, you have a draft amendment, a very rough draft amendment, and so the next steps for this amendment are review the scoping comments that have been received so far, and it would also be good to have this reviewed by advisory panels, and particularly the Shrimp, Deepwater Shrimp, and Law Enforcement Advisory Panels. We need to review the purpose and need, and then we need to develop alternatives for the amendment.

The potential timing is, in September, you reviewed the options paper. In November, we had the scoping, and, in December, right now, you're going to be reviewing the scoping comments as well as developing actions and alternatives and consider for public hearings. In January and February, if you approve for public hearings, those would occur, and then, in March, we would review the effects analysis and public hearings and approve actions.

What needs to be done with this amendment? As I've said a couple of times, review the scoping comments and a very rough draft of the amendment, review the purpose and need statements, provide guidance and an alternative to include in the amendment, and then consider for public hearings, and, with that, I will go into the scoping comments.

Before I go into the actual comments, I wanted to go through the paper very briefly with you guys. This is the scoping comment that went out to the public for their review, and the main crux of it comes in under the potential issues, and we did provide them with several different transit provisions, as was recommended probably back in 2018 by the council, and so we have transit provisions in the South Atlantic region, as well as the Gulf of Mexico, New England, and Mid-Atlantic regions.

In general, those transit provisions included three or four different parts, and a lot of it was stowage of the doors, stowage of the nets, modifications to the nets, and then actual transit through the area, continuous transit, and so we developed questions from there on what the transit provisions should include, and, generally, we had like four or five different options under the transit provisions that could be required under this new amendment that you guys are considering, whether it's to store doors or nets below deck, whether to just have them out of the water, secure them in the rack, several different options, and we allowed the public to comment based on those.

After this, we will go into the actual comments that were received, and I just went on the public comment form for the council meeting, and I did not see any comments there. I also went under the comment page for Shrimp Amendment 11, and there were no comments there, and so these are the comments that we have had so far, and we had three respondents, and two were commercial and one was other.

On the first night, he actually provided an email, and so I copied the email and put it in the document, and he recommended doors should be stored out of the water, and he stated that the racks on the deck or at the end of the outriggers, but it could be dangerous, maybe, in some weather, to pull the doors all the way back in. The net stowage, he recommended nets be out of the water. Progression through an area, he recommended that there's no requirement for continuous progression. These boats go at different speeds, and so it might be very difficult to define a minimum speed for these vessels, and general comments is they should be proportionate to the size and capability of the vessel, and I believe he's talking about the penalties. The higher the potential damage to the stock, the higher the penalty. Weak penalties will not deter flagrant violators.

Then, two nights later, we had another meeting, and this actually turned out to be a pretty good discussion. David attended both meetings. In general, the group recommended that door stowage -- That they either be out of the water or in the rack, and they also stated that, if the guys are actually transiting the area, it's very likely that they would put it in the rack, and it reduces wind drag.

They also considered maybe having the bag straps removed from the net. This is an easy modification, and it also would just take a few minutes, but it's pretty easy to know that, if the bag straps are out of the net, they can't actually catch and retain any shrimp, and so that was a good option, and then there was some general discussion about how long it takes to set the gear and also retrieve it. They mentioned that it takes twenty to forty-five minutes to set the gears out if the doors are in the rack, and then it takes about another twenty-five to thirty minutes to haul back after a trawl. Those are the scoping comments that we received for Shrimp Amendment 11. Are there any questions about the scoping comments or the scoping document?

MR. BELL: Not a question, but keep in mind that I think part of the issue, in trying to get more input from the folks, is they're actively engaged in the fishery, or they were, and so I don't know if -- We didn't tend to get a whole lot of input, and we had to basically resort to contacting individuals and dragging information out of them, but I think it is, at least for us -- I mean, they're still actively prosecuting the fishery, and so they're a little busy.

MR. WHITAKER: Mel, I believe you've told me in the past that you got a lot of comments the last time we had a closure, and a lot of people had trouble with transit.

MR. BELL: Yes, and our input came before we started the amendment, which was just the request to -- Because this happens from time to time, and sometimes it's just South Carolina, and, in this last case, it was Georgia and South Carolina, but the guys asked that there be some easier mechanism where they could actually -- If they were fishing in Florida, or if Georgia was open and they were fishing in Georgia, they could actually come back through federal waters into South Carolina without -- I think, the way the regs read currently, all the gear had to be below deck, which included the doors, which certainly is not practical, but even the nets below deck was a bit problematic for them, and so this is all done as a request from our fishermen that were having to deal with the fact that occasionally we do close, or NMFS does close, federal waters, at our request, because of a severe cold kill, and so that's when we got most of the input.

Then now we're at the point where we're asking for specifics, and there was not a lot of feedback. I mean, some of my folks have basically said they're okay with doors in racks, doors hanging, and, either way, I think from an enforceability standpoint, doors in the racks would be easier, and it gives enforcement a little bit of -- Because I know, for South Carolina, the way our law reads is they can basically -- They have to have the nets and the doors out of the water. In terms of whether the water is open or not, if they're transiting state waters when state waters are closed, they have to have the doors and nets out of the water, but I think doors in the racks when coming back in through federal waters, that's reasonable, and we didn't get a lot of pushback on that, but not a lot of feedback at this point.

DR. CRABTREE: I did get a number of calls from shrimpers when we had the wintertime closures last year, and, basically, the gist of it was they wanted to come down and fish off of Florida and then go back home, and they basically couldn't, because of the winter proposal, and so I do think this is something we need to address.

I know I've been through these types of discussions, both in the Gulf and over here, and I think you're right that doors in the racks is probably easier for enforcement, but the problem is I've always been told that it's a safety hazard in rough weather to try and get the doors in the rack, and I think, Dale, you've been at some of the conversations, when we've had that, and so it does seem to me that doors out of the water and bag straps out of the net and nets not in the water either is a pretty reasonable compromise, and I think that's mostly how we've done this in shrimp transit provisions, and it sure would be nice to be consistent about shrimp transit provisions across the region, because there are a lot of guys who shrimp in the Gulf and Shrimp in the South Atlantic, and they move around.

DR. BELCHER: I went downstairs and talked with law enforcement about their thoughts on it, because I know we have -- As Mel has indicated, both states have had the ability for state law enforcement to make the call on what they want to see relative to the doors and the nets, and the concern was, if you were in federal waters transiting, and you were boarded by the Coast Guard or a federal officer, that they would not be as gracious with the fact that your nets were not stowed, because, in federal waters, that's the way it was written. However, inside of Georgia waters, as long as those doors were contained in such a way and the net was up in the riggings, that it was obvious that you couldn't just drop a net and start fishing at any time, that was how our law enforcement assessed that.

Their point that they wanted me to make was that anything you do to a net that's modified, that requires them to mount the boat to look at it, and, similarly, if you're concerned about the safety of fishermen and their handling of the gear, you're also asking for law enforcement to now mount a boat that they're putting themselves in equal amount of jeopardy to look for a tie strap that's not obvious to them, where, if you particularly focus on the doors and the net, through binoculars, getting closer, you can obviously understand what they are or aren't capable of doing with dropping that gear, and so, anything that requires a close-up view, you're still putting your law enforcement in an equal amount of jeopardy.

MR. WHITAKER: Thank you, Carolyn, and that's a good point, because, regarding straps -- In South Carolina, a strap is about a half-inch piece of line, and you can put it in and take it out in less than a minute, and so I don't know that it's a real deterrent to have it out. I mean, you can throw it back in there real fast, and, from a law enforcement standpoint, if they see a boat out in the water, and the doors are outboard, that boat is five minutes away from setting a net, and my guess is that law enforcement would like to see us have those doors inboard, but I agree that we need to get law enforcement to take a look at this.

DR. COLLIER: All right, and so that starts part of this conversation. In the decision document, which is Attachment A1c, we have some background on the cold-weather closure, and this action was created as part of the original shrimp fishery management plan in 1983, and it required some evidence. Basically, I think it was 80 percent or more of the shrimp reduction in that area, and then the federal waters could be closed.

Since then, you guys have modified it to allow it to be based on either water temperature below forty-eight degrees for at least one week or an 80 percent reduction in the shrimp stocks, and the actual area -- I have it here in this, and you can see the EEZ, and then we have state waters off of Georgia and South Carolina, and then this hatched area is actual -- It's a rough approximation of where the cold-weather closures would occur.

The purpose and need for this amendment, as it's currently written, the purpose is to modify cold-weather closed area transit provisions to match current vessel design, reduce the socioeconomic impact for fishermen, avoiding the areas if they cannot comply with the 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. Additionally, shrimp fishermen have indicated that it is dangerous to lower the doors onto the deck of the boat when seas are rough. Under committee action, it's requested that you guys review the purpose and need and modify as necessary. Is there any modifications recommended to the purpose and need?

MR. WHITAKER: I will make a comment. On the need for action, this phrase of, additionally, fishermen have indicated there is a danger in lowering doors to the deck, that is certainly the case when you're at-sea, but I suspect most fishermen -- Now, this will be guys fishing off of Florida, and they're going to, most likely, come to port before they go back to North Carolina or South Carolina or wherever, and so I don't know that that's a real issue.

One of the fellas that commented was a rock shrimp fisherman, and he has to transit over the Oculina Bank, and so, in looking at his situation, he didn't want to have to put those doors inboard

to transit across there, because it is dangerous to load those doors if you have any sea at all out there, but, anyhow, maybe somebody else has another thought on this. I think perhaps most guys, before they transit back, which is going to be sometimes a two-day cruise, they're going to get ready and put everything on the deck before they come back, and maybe not all of them, but perhaps.

DR. CRABTREE: My recollection is a lot of the calls I got about this issue were Georgia boats that wanted to fish off of north Florida, and so they weren't going all that far, but they had a problem transiting back.

MR. CONKLIN: Roy, the issue with the Georgia boats wanting to fish off of Florida is they had nowhere to put their doors and their nets below the deck, and is that what I assume, because I know many of these --

DR. CRABTREE: I'm not sure we had a transit provision at that time, and so I don't know that they could have come back, but I would have to look at that, but, if we did have one, it would have been doors below the deck, and Monica will have to check that. When we closed the wintertime closure off of Georgia and South Carolina, were they allowed to transit through the closed EEZ at all at that time?

DR. COLLIER: The closure is just that twenty to twenty-five miles offshore, and so three to twenty-five miles offshore, and then they are able to transit that area if gear is stowed properly and they have continuous transit through the area.

DR. CRABTREE: In that case, gear stored properly means?

DR. COLLIER: Stowed below deck.

DR. CRABTREE: Doors below deck. Yes.

MR. CONKLIN: Obviously that's not going to work for a businessman on a shrimp boat. What I'm thinking is, in North Carolina and South Carolina, you've got 280 miles of coastline, approximately, and it's commonsense that shrimpers are going to have their stuff in the rack or whatnot, but, in some of the other areas, they may not, and I think the goal we're trying to get to here is the nets and the doors out of the water, and who cares where they have them if it takes so long to pull a shrimp net in, and, if enforcement rides up on them and they've got a bag full of shrimp and dumped out on the deck, I mean, it's pretty much commonsense on what they were doing, and so I think that we all need to get to the common goal and level it across the regions and make the same transit provision for everyone. Thanks.

DR. BELCHER: I guess the caveat, or the loophole, if you want to say that is, with Florida being open, they could be outside of three miles fishing and come into state waters in Florida, and they don't have to stow the gear, and then they can come up in the three-mile band into Georgia, where our law enforcement would not make a case because their gear is not stowed below deck. For those folks who don't necessarily think to do that, and you're transiting through federal waters, and say you take the straight-line approach, as opposed to the ninety-degree approach, to coming into port, and the Coast Guard comes and stops you, and our state guys, under JEA, wouldn't make

the case, but a federal officer might, and the Coast Guard might, and that was where I think the confusion was.

In one situation, they call local law enforcement, and they're like, if you're in state waters, and you have transited up, as long as that gear is stowed in a way that we're not concerned that you're fishing, we're not going to make the case, but they can't do anything if it's a federal officer that boards them. If you're in that middle zone between South Carolina and Georgia, you're kind of -
- There is no direct course and path of action at that point.

MR. BELL: For our guys a little farther up, going from Florida all the way back up to South Carolina, you pretty much have to go through federal waters. You can't hug the beach that tight all the way up, or you're going to run aground, and so it's a little more problematic for us, just trying to get from Florida to South Carolina without going through federal waters.

DR. COLLIER: So, for the purpose and need, is there any recommended changes for that? There was some discussion about the "Additionally, fishermen have indicated that it's dangerous to lower doors onto the deck of the boat when seas are rough", and should that be stricken out? That could be removed, if you guys like.

MS. MCCAWLEY: I would suggest striking it. I mean, to me, it's a good point, but I'm just not sure that it needs to go in the need, and I don't know, and that's just my suggestion.

MR. WHITAKER: Any other discussion on that?

DR. BELCHER: I think the hardest part, and Mel might be able to weigh-in on this too, is how -
- Even LE, in the general conversation that we had, is how do you get doors stored in such a way that -- Again, the idea is, well, we'll leave them to the outriggers, but they can be dropped relatively easily if the net is trailing, and so can you possibly leave the doors and the outriggers and store the net appropriately? I don't know. That's a question for an active shrimper, to tell you if that's a possibility, and so the question is how quickly can they drop the gear? It's, well, we're not fishing, and okay, and we turn our backs, and, twenty minutes later, there's a net in the water, and is that a possibility or not, based on what they're seeing in the configuration?

I said that LE wanted to have that ability that, whatever we did, it was something that would easily be assessed, and, for the same counterargument, if you're concerned about fishermen safety, you also need to be available to put the thought to law enforcement safety, because, if they have to mount the boat to check the gear, that puts them in equal amount of peril, and so I don't know where the best drawn line is on how the doors should be stowed, because, obviously, the doors are probably the most dangerous section of the gear. The net has got its issues, but not to the degree that sliding doors and off of outriggers does.

DR. COLLIER: Just to respond to that real quickly, in order to get the net off the doors, you do have to be in contact with the doors, and so, in order to modify the net, if you're going to disconnect it and store it below deck.

DR. BELCHER: Well, I'm talking more to bringing the net -- You can put the net up into the rigging, and it gets drawn up on a lazy line and stowed appropriately, but you can drop it just as quickly, and the doors are right there, and so it's the question of, if you fan it up into the -- You

know, how do you best stow the net to make it look like it's not going to be able to be fished quickly?

DR. CRABTREE: I mean, that's something we struggle with, and I guess, the way the regs read now, you would have to take the nets off the doors and store them below deck, and it seems ambiguous about where the doors need to be, but, to disconnect the nets, you've either got to climb out on the outrigger or you have the doors on the deck, which is a problem.

In the case of law enforcement, I mean, they have discretion there, and so I understand that it's tough to see the bag strap without getting onboard the vessel, but, if it's rough and they judge that it's dangerous, they're just not going to board the vessel, and they're not going to do that. If you're a shrimper that's got to go home, you've got to go home somehow, although I guess you could lay up and ride it out, but that was kind of the compromise that we reached, after a lot of discussion, in the Gulf, is let them -- The doors can come up to the rigging, and the nets can't be trailing in the water. They've got to be out of the water and on the boat, and the bag straps have to be out, and that's kind of like a compromise that folks went along with.

MR. WHITAKER: From my experience, if law enforcement is in a flyover and sees the guy with his doors out, even if the net is onboard, they're going to presume that guy is close to dropping the rigs and send a boat out there to check it, I would imagine.

MR. WOODWARD: I think probably the reasonable compromise here is to require the doors to be decked, and knowing that officers on the water are going to have to use their judgment to evaluate the sea state and that sort of thing and make some decision about whether it's not safe for those folks to put those doors on the deck under those conditions. The reality is that, in a lot of those conditions, they're not going to be out there anyway in their boats, and so, to me, I think that's a reasonable place to put it. I think, if we could focus on the door storage, that we can get to a place where we need to be that's better than where we are right now.

MR. WHITAKER: Okay, and, again, I think we need law enforcement to weigh-in on this and give us some input on this as we move forward. If there is no other discussion, can we have a motion from someone on the committee that the purpose and need be accepted as modified?

MS. MCCAWLEY: **So moved.**

MR. WHITAKER: Do we have a second? Steve seconds. **Any opposition to the motion? Hearing none, the motion is approved.**

DR. COLLIER: We have had a bunch of discussion the action. Go ahead, Chris.

MR. CONKLIN: Thanks. The shrimp, the federal water shrimp, permit, is it Gulf and South Atlantic, the same permit, or is there a Gulf and a South Atlantic?

DR. COLLIER: They are separate permits.

MR. CONKLIN: Okay. Thank you.

DR. COLLIER: The current action is -- We've been seeing this at least at the IPT level, that this would be a potential categorical exclusion, and so what we would do is similar to what you guys did in the sea turtle amendment, where you just had one alternative which approved those changes, and it would be ideal if you guys could do the same thing for this, and so the action that we're thinking about for this one is modify the South Atlantic shrimp vessel transit provisions through cold-weather closed areas, and so I have the no action alternative that's listed up there.

Then I have Alternative 2, which lists a couple of different options, whether there should be door stowage, net stowage, gear modification, and progression through the area. You guys have discussed a lot about that already, and so, if you guys give me -- It's not real clear how you guys want the door stowage to be, and so I don't want to presume what the idea of the council is, and so if you guys could discuss that a little bit more and maybe come to a decision, or maybe we leave both options in there, and net stowage seemed like it was definitely out of the water, potentially fanned up in the net, and gear modification was listed as an option, either no modification or have bag straps removed, and then there was no discussion on progression through the area. Right now, the way progression through the area is written, it is when it is on direct and continuous course through a closed area.

DR. CRABTREE: On the door storage, do we need to -- We're not really making decisions today, are we, and so I'm not sure what --

DR. COLLIER: It would be great if decisions were made today, as far as your preferred. What we would like to do is, since we're having it as a categorical exclusion, not have actions and alternatives and just have one alternative, and, essentially, that's what it's going to be changed to.

MS. SMIT-BRUNELLO: Just a question, and so I don't know that -- Has a decision been made for NEPA that it's going to be a categorical exclusion? I wasn't aware that we had an IPT meeting necessarily for this amendment, and I think it was for that broader amendment that went across golden crab and all that sort of thing, and one thing that I was concerned about a little bit was the timing of this, just in the sense that I thought I saw proposed that the council would take final action in March, but then the document is not fully fleshed-out yet, I guess is what we have, and, also, I thought that David had said that you wanted this to go to the Law Enforcement AP, and so I'm not sure on the timing, and I know you will get to all of that, but I would be a little -- I think you have a general idea of what you would like to see, but I don't know about picking preferreds today when you don't have a lot of the analyses before you.

DR. COLLIER: Right. There hasn't been a decision on whether or not this is a categorical exclusion, and I believe the checklist has been sent out, and that's under review, but, given that it's likely reducing regulation and there is no other actions in here, it's likely going to be a categorical exclusion.

DR. CRABTREE: Did we go to the Shrimp AP with this? I mean, I would like their input on the doors and the safety issues that we've talked about, and has that happened?

DR. COLLIER: It has not happened yet, but it's going to happen in January or February.

MS. MCCAWLEY: Are we looking to try to modify this alternative to make it more specific, so that, for example, door stowage -- There would be sub-alternatives under that? I am just trying to

figure out what kind of specifics, because it seems like this is not exactly matching up with the discussion, because our discussion is more specific than this.

DR. COLLIER: Right, and so you could choose from several different things, whether it's secured in the rack or on the deck, out of the water for the doors, and so this is listed a little bit further below. If you guys want sub-alternatives for how it's going to be, we can do that. I was trying to make it pretty simple, for analysis, so we could get it done quickly and back to you guys.

MS. MCCAWLEY: I guess I'm just not sure how it's going to work in the analysis. Like, for example, I think we just had a conversation about secured on the deck or -- I mean, I'm trying to follow the conversation, and I'm wondering if the specifics under say door storage, net stowage, having a couple of sub-alternatives under that might help this discussion.

MR. POLAND: I just wanted to throw this out there. Today, I'm not going to propose selecting preferreds, because I would really like to hear back from the Shrimp AP and the Law Enforcement AP, especially since we only received three public comments on this.

MS. BECKWITH: We had some previous discussion that there is another provision, transitory provision, that we could match, and so which of these would sort of match what's already out there for the Gulf, because that seems like it's path of least resistance, to me, rather than adding alternatives, and so if it's the doors stowed out of the water and the nets whatever -- I mean, isn't there one that's already in the federal regs that we could look at?

DR. CRABTREE: Yes, and it says you may possess Gulf shrimp when in transit in the Gulf EEZ, provided that the shrimp fishing gear is appropriately stowed. For the purposes of this paragraph, "transit" means non-stop progression through the Gulf EEZ. "Fishing gear appropriately stowed" means trawl doors and nets must be out of the water, and the bag straps must be removed from the nets.

MS. MCCAWLEY: I mean, I agree with what Steve is saying, and I don't necessarily want to pick a preferred either, but, if I look back at those alternatives that are under that action, it just seems a little difficult for people to comment on, and so, to me, it seemed like, if it said door storage and then out of the water, or another one on the deck, and then, that way, people could give us the more specific comments, and I was just concerned with not having it that specific in the alternatives and that we might not get the comments that we needed in order to take final action at that webinar in January, and so I was just trying to make it so we could get the comments that are going to let us take the action.

MR. WHITAKER: That makes sense to me, to get something that's more definitive when we're getting comments, yes.

MR. WOODWARD: I think we need to define what door storage means, if there's alternate versions of door storage, and define exactly what that means. If we want to accept the Gulf approach, then we need to define that as a sub-alternative. I mean, if I was a shrimper, I can assure you that I would choose just doors out of the water and not on the deck. I mean, of course they're going to choose that, and so, if that's what we want, then that's the only thing we need to define as door storage, is out of the water, and then you get into the nets. I think the thing that has got us is the bag straps, because nets out of the water and doors out of the water are easily detectable and

easily monitored, and it's the bag strap thing that requires a boarding in order to verify, and I think that's the thing that is probably the only part of the Gulf definition that causes some consternation, and so, to me, we say door storage means doors out of the water, and net storage is nets out of the water, and we define it specifically to be consistent with the way the Gulf defines it, and that's what we take out for comment.

DR. COLLIER: Spud, when you're specifically -- I mean, the way it's written for the Gulf of Mexico shrimp areas is gear appropriately stowed with doors and nets out of the water, is that specific enough, or --

MR. WOODWARD: Then as it's further defined as the what appropriately stowed means, because that's -- Basically follow that exact definition, and then gets us consistent between the Gulf and the Atlantic, in terms of transit provisions for shrimp trawl gear, and then we just -- I think the thing for us to decide is the bag strap issue. Do you want to leave it or do you not? Leave that in there and take it out to comment or get rid of it, and I think that's up to us as a group to decide if we want to leave it or dispense with it.

MR. BELL: I think obviously the Gulf has been through this before, and the same dynamics are in play here, and it's like Spud said. If you ask a shrimper would you rather figure out how to put it on the deck in a rack or hang it, they're going to pick that. It's the bag strap thing, and so, if we basically mirror the Gulf, then law enforcement -- If the weather is such that they feel safe to check it, they have got that option to check it, and that provides you another means of securing it, but, if it's a bad day and they don't want to board it, fine, but I think we're -- I don't see this working out, in terms of compromising everything, any different from the Gulf.

It's the same fishery and the same kind of -- They function the same way, and so we'll probably end up -- If you ask the fishermen, that's what they would probably be willing to compromise with. As Roy said, it was kind of compromise, and enforcement -- I can see where, sure, it would be easier if you can just, with binoculars, determine that the doors are on the deck, but you'll probably end up in the same place, and so including the exact language from the Gulf I think makes sense.

MR. WHITAKER: I have a question. In the Gulf, is transit -- This is like transit through the closed brown shrimp area or something like that, when you have transit through a large area?

DR. CRABTREE: This mostly came about because we have vessels -- The Gulf shrimp permit is a limited-entry permit, and, particularly in the Louisiana area, there are a lot of state-permitted vessels that don't have the federal permit, and Louisiana has got a complex shape, because the river goes way out, and so the state-permitted vessels wanted to be able to transit across the EEZ, whereas they couldn't do that, because they had to have the moratorium permit, and so that was mostly the context that I recall this discussion, and, Dale, is that right? Dale is nodding that that's right. We have some specific no-fishing zones in the Gulf, where no one is allowed to fish in them, and I think they have -- Some of them may not have any transit provisions, but they are relatively small spots offshore and not an extensive area like we're talking about.

DR. COLLIER: Just to build on Roy's comments, those areas that you are talking about, those protected areas, the trawl may remain on the deck of the boat, but they have to disconnect the doors and the net. Based on the discussion that Spud had and a couple of others, I put in this alternative,

and I copied the Gulf of Mexico shrimp closed area alternative, which is 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, and bag straps must be removed from the nets.

MR. WHITAKER: Roy, do I understand that the nets must be disengaged from the doors in the Gulf?

DR. CRABTREE: No. It says “fishing gear appropriately stowed” means trawl doors and nets must be out of the water, and the bag straps must be removed from the nets.

MR. WHITAKER: It’s the protected areas then where that was the situation, right?

DR. CRABTREE: I think some of those have different provisions, and some may not allow transit, but most of those protected areas remember are like five-miles-by-five-miles, and so the feeling is you can go around that, but it’s hard to go around the EEZ.

MR. WHITAKER: If there is no further discussion, do we have a motion to accept this as written here?

MR. POLAND: **So moved.**

MR. WHITAKER: It’s seconded by Spud. Any further discussion? **By a show of hands, all in favor; all opposed. It looks like it was unanimous, and so the motion carries.** Can we have a motion to approve this for public hearings?

MS. MCCAWLEY: **So moved.**

MR. WHITAKER: Do I have a second? I think Anna was first on that. Any further discussion on that? **Any opposition? Seeing no opposition, the motion carries.** I am talking with Chip up here, and we think it would be appropriate to have direction to staff that we have law enforcement take a look at this proposal. If there is no objection to that, we will -- It will also go to the Shrimp AP also, if we can do that. Next on the agenda is the Florida Keys National Marine Sanctuary.

DR. COLLIER: We had a joint meeting of several advisory panels on October 29, and the Florida Keys National Marine Sanctuary gave a group presentation, and then, after the group presentation and they responded to questions from the advisory panels, they all separated out into their individual APs, and so the Dolphin Wahoo, Coral, Mackerel Cobia, and Shrimp Advisory Panels all met at the same time. Then we asked them a series of questions, for each of the fisheries, and each of the advisory panels provided recommendations, and you guys are going to be hearing those recommendations throughout the meeting today.

You can see the questions that we asked, at least for the Shrimp Advisory Panel. Do they feel that the stock of shrimp is sustainable? Do you feel like these changes are going to impact fishing in your area? Are those social or economic impacts? Are there impacts to essential fish habitat, HAPCs? Do you feel like there are benefits to the changes provided by the Florida Keys National Marine Sanctuary, and do you have any recommendations for the council to consider in December?

I broke it up into the four different questions that we asked, and you can read those as you like, but the main crux of the issue, where there were two motions that the group made, and Motion 1 was the Shrimp and Deepwater Shrimp AP opposes the northwestern expansion of the Florida Keys National Marine Sanctuary, and that area is actually in the Gulf of Mexico jurisdiction, but it would impact some South Atlantic fishermen that shrimp in both areas. They felt like this area had been historically fished, and there was not sufficient justification to protect the area.

Then Motion 2 was the Shrimp and Deepwater Shrimp Advisory Panel opposes the southern boundary expansion of the Florida Keys National Marine Sanctuary, and, with this, they're talking about the entire southern expansion that was discussed at the meeting, and the AP felt that there was very little information of historic fishing effort in the area, and they could not determine how this would impact fishermen. You can see the people that attended, and also the public that attended, if you guys have any questions, and you're going to be hearing from a few different advisory panels, and you guys are going to be discussing this later on in the week as well.

MR. WHITAKER: Thank you, Chip. Now, under Other Business, I believe, Mel, you wanted to bring up something.

MR. BELL: Yes, and I don't want to keep you all here any longer, but I would encourage you to go to the Late Materials folder, and in there is a presentation put together by Pat Geer from Virginia, and so Virginia has not traditionally had a commercial white shrimp fishery, but now they sort of do, and this may be another example of a species which is clearly in our management wheelhouse, that we have a plan for, having perhaps moved north.

I would encourage you to look at the presentation that Pat put together in there, and, I mean, when I was in graduate school up there, I don't remember white shrimp ever really turning up anywhere, but you will see, from the slides he has in there, they are actually getting -- On a smaller scale than we're used to in South Carolina and Georgia and Florida, but Virginia can handle their own state waters, in terms of how they kind of deal with it, and they are going to actually limit the number of permits and all, but the issues at hand for us at this point really deal with, okay, federal waters.

The boundary for our authority goes up to the North Carolina/Virginia line, and so, north of that, what happens, and so there's a slide on here where he has the issues, and, of course, the issues are how do we deal with this in federal waters? How do we manage the fishery in federal waters? Do we extend our plan north?

It's kind of like tilefish, blueline tiles, maybe, a little bit, but there are things that need to be worked through, if indeed white shrimp are up there and they're there to stay. Whether or not they're spawning up there, I don't know. I do know that shrimp are in places that I never would have expected them, white shrimp, and issues at play are how do we deal with the larger vessels that might be coming up and fishing in federal waters? Do they use TEDs, or do they not use TEDs? There is bycatch issues associated, maybe, with that out there, but that's the thing for us as a council.

It's a species that clearly falls in our area of responsibility, but now they seem to be presenting themselves in smaller commercial quantities in Virginia state waters, and perhaps just offshore, and so how do we deal with that?

Pat has asked me to just kind of bring it up, so that we're all aware of that, that Virginia has a white shrimp fishery, and then maybe we can think about it a little bit, and it's something we can discuss at Full Council if you want to, and I'm not trying to keep us here, but I did tell Pat that I would bring it to you guys, in terms of providing his presentation, and some of the issues are really kind of maybe more over into the NMFS category of what applies, and, I mean, there's obviously concern for protected resources, maybe, if they have to use TEDs or don't use TEDs.

At the moment, Virginia is using beam trawls, but, of course, folks could be using larger otter trawls out in federal waters, and so it's something to keep in mind, and it fall under the category, I think, of, again, a species that seems to be maybe expanding its range north a little bit, kind of like all the others that we've been dealing with, like cobia and blueline tile and other things, and so that was it. I don't know if you all want to talk about it a second or you want to think about it, but I'm not looking to keep you here, by any means.

DR. CRABTREE: I have asked Monica to check into the TED regulations and what would apply. That, it would clearly be important for us to deal with. In terms of just them catching shrimp up there, that doesn't -- I don't know that I'm concerned about that, because it seems to me that those shrimp are not going to reproduce anything that would recruit back into our area anyway, and I suspect, periodically, they will have cold kills that may knock them all out anyway, but we can certainly look at the protected resources side of it, and, in terms of bycatch, I'm sure there is, but I'm not sure that they are likely to have bycatch of species that are in our FMPs, but we can look more fully at that, I suppose.

MR. BELL: On the positive side, I think both North Carolina and South Carolina, and maybe Georgia to some degree, have benefited from this range expansion, because we're now in a position where these shrimp, at least for a couple of years, seem to be moving south at a time when we would normally be closing our fishery, and our guys are wanting to stay open, because they are coming down, and so that's a good thing, I guess, having them expand their range, perhaps, but I just wanted to make sur that we touched base on some of the things that could be problematic and just bring it to you all's attention, and it's just another example of a species that may expand north a little bit, and we'll see what happens over time.

MR. WHITAKER: Any other discussion? Any other topics?

MS. SMIT-BRUNELLO: Just a question on Shrimp Amendment 11. I am a little unclear on the timing of everything. If it's going to go to those two AP meetings, Law Enforcement and Shrimp, are you all still planning on taking final action in March, or what happens in terms of that?

DR. COLLIER: We could have a webinar, where they could attend, and we could talk to them about the different options, or the option, that's in there, and then it would be brought back to the council for their consideration in March.

MS. SMIT-BRUNELLO: With final action still planned in March?

DR. COLLIER: We could push that off until June, if you think that's best.

MS. SMIT-BRUNELLO: I am just wondering, from a workload perspective and everything else, as to whether you all can do that, in terms of staff time, and then what it means for us, and so it's

just a question of what you would like to do, and I guess you could decide at Full Council, too. I'm just throwing it out there for your consideration.

DR. CRABTREE: I think the timing there, Monica, for you all to talk about is -- So, if we get into a wintertime closure this year, obviously it won't make any difference, and so it's the wintertime situation for 2021 that is where we could -- We would want to see something done by then, if we're going to do it.

MR. WHITAKER: That's basically true. However, if we have a winter closure, it usually extends into April or something right now, or June, and so that would prohibit guys from fishing off of Florida and transiting easily. We could do something for next year, perhaps, with March, but we've gone this long without it, and so we can go ahead and wait. I believe that's all of our business, and this committee is adjourned.

(Whereupon, the meeting adjourned on December 2, 2019.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
January 6, 2020

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