

Shrimp Advisory Panel Summary

Gulf Council Office

Tampa, Florida

November 15, 2022

8:30am – 5:00pm

The meeting of the Gulf of Mexico (Gulf) Fishery Management Council's (Council) Shrimp Advisory Panel (AP) was convened at 8:30 AM EST on November 15, 2022. The agenda for this meeting was approved as amended: Approval of Summary Minutes from September 12, 2022, Joint Coral, Shrimp, and Spiny Lobster Meeting; Approval of Summary Minutes from September 16, 2019, Joint Coral SSC, Coral AP, and Shrimp AP; under Other Business, the addition of three items - Update on Outreach on SD Cards, Volunteers for NMFS VMS Testing, and NRDA Projects. The minutes from March 29, 2022, were approved as written. The minutes from September 12, 2022, were approved as written. The meeting summary from September 16, 2019, was approved as written.

Council Actions in Response to Motions from the March 2022 Shrimp AP Meeting, and June 2022 Council Meeting Motions.

Dr. Freeman presented on the Council's actions in response to four motions from the March 2022 Shrimp AP meeting, on one motion from the April 2022 Council meeting, and on one motion from the October 2022 Council meeting. An AP member noted that one of the recommendations from the Outreach and Education Technical Committee was to utilize commercial port agents to promote the return of SD cards from the shrimp industry and requested an update from Dr. Gloeckner (Southeast Fisheries Science Center, SEFSC) or other staff at a future Shrimp AP meeting on that undertaking.

Florida Keys National Marine Sanctuary Expansion Proposal

Ms. Dieveney (NOAA/FKNMS) provided information on the proposed boundary expansion of the Florida Keys National Marine Sanctuary (FKNMS) supplementing the presentation given to the Joint Coral, Shrimp, and Spiny Lobster AP meeting on September 12, 2022.

An AP member asked how an emergency is determined for the temporary regulation for emergency and adaptive management. Ms. Dieveney explained that two emergency regulations for closures had been applied in the past: one for a disease event and another for a vessel grounding. The emergency regulations would depend on the specific need to protect and restore the habitat. Another AP member noted that commercial fishing data used for the socioeconomic analysis only came from Florida Fish and Wildlife Conservation Commission (Florida FWC) and asked if the data were pulled for the entire state or only for Monroe County. Dr. Schwartzman (NOAA/FKNMS) responded that landings were examined for the statistical areas associated with the FKNMS, regardless of where they were landed in Florida. The AP member noted that landings could have occurred outside of Florida, in another state and would not have been reported through this query. Mr. Gill (Council member) noted that the data were roughly four years old, as the last year for commercial data was 2019 and for recreational data was 2018. Ms. Dieveney responded that, at the time of developing the proposed rule, it was the most recent data; the data will be

updated for the final rule. An AP member inquired why Rock Key and French Reef were proposed for elimination from FKNMS Preservation Areas. Ms. Dieveney responded that it was in response to public and agency feedback and that those two areas have either achieved their goal or are no longer in the position to achieve their goal.

An AP member inquired why effort data was not showing in map of the southern area of the FKNMS. Council staff responded that data provided in the map were for the Gulf only. Another AP member responded that the cellular electronic logbook (cELB) requirement does not exist for the South Atlantic region. Council staff also noted that, for confidentiality purposes, some fishing effort may not be shown on the map, if fewer than three vessels had made a tow in a grid. An AP member also commented that only the 2018 – 2020 years of shrimp fishing effort are shown on the map and that additional years before 2018 need to be included. Dr. Travis (Southeast Regional Office, SERO) responded that going back to 2004 was not necessary because the fleet, as well as the effort, was larger back then, so perhaps only including a few years prior to 2018 might make more sense so that effort would be reflective of current usage. The AP member replied that the confidentiality issue could be reduced if more years were included. Another AP member encouraged the FKNMS staff to work with the National Centers for Coastal Ocean Science (NCCOS) staff for data and mapping purposes. Dr. Gloeckner (SEFSC) replied that his staff could work with NCCOS and FKNMS staff on cELB data requests for mapping purposes.

An AP member asked what it meant for something to be included or not included in the proposed rule. Ms. Dieveney explained that some topics were in the 2019 Draft Environmental Impact Statement (DEIS) that may or may not have been carried forward for inclusion in the proposed rule, based on comments received by the public and partner agencies. The AP member noted that enforcement is one of the priority themes for the management plan, which coincides with one of the recurring concerns by stakeholders with the proposed regulations. The AP member noted the motion from the September 12, 2022, Joint AP meeting for status quo of the FKNMS boundary until a detailed enforcement plan was provided. Ms. Dieveney responded that they are working closely with NMFS Office of Law Enforcement, Florida FWC, U.S. Coast Guard, and others. Mr. Werndli (FKNMS) noted the FKNMS itself does not have law enforcement capabilities and therefore relies on its partnerships. Another AP member commented that any phone app for FKNMS regulations would not be useful due to cellular service issues offshore and stated that there were no repercussions for the recreational users. Mr. Gill noted that, in 2018, the shift from MRIP-CHTS to MRIP-FES, which generally found the recreational landings to be considerably greater, so the economic estimates may need to account for that. An AP member then asked if wind turbines would be allowed in the proposed FKNMS expansion. Ms. Dieveney responded that there would not be wind turbines allowed in the proposed expansion, as it currently stands.

An AP member stated the proposed rule selects a sample of the full range of alternatives for implementation and that it is difficult for members of the public to look into each analysis individually and attempt to reach a comprehensive view. Ms. Dieveney responded that the proposed rule is the single alternative and that the preamble provides much of the context behind what is proposed. The AP member stated that the definition of traditional fishing needs to be included in the proposed rule, particularly highlighting that shrimping is included in that definition. The AP member commented that, for the emergency rule, the steps need to be outlined; in

comparison, NOAA has to consider whether an issue was unforeseen, when determining an emergency action for fishery management.

The AP highlighted that the area west of the Tortugas Ecological Reserve North is heavily utilized by the shrimp fleet. Ms. Dieveney, explained that the northwest proposed expansion of the boundary would still allow for shrimping. An AP member is concerned about future closure of those shrimping grounds if the area becomes part of the FKNMS, such as an extended closure due to emergency ruling or the creation of a future marine zone with fishing restrictions. An AP member stated that the concern with expanding the southern boundary of the FKNMS is that, if the proposed new area was ever closed to shrimping, then that would encompass all the shrimping grounds in that area.

Council staff reviewed the three motions from the September 12, 2022, Joint Coral, Shrimp, and Spiny Lobster AP meeting and inquired if any modifications needed to be made. Several Shrimp AP members confirmed that no changes were needed to those motions.

An AP member commented that it would be beneficial for the South Atlantic Council's Shrimp AP to provide feedback on boundary expansions that affect waters within the South Atlantic Council's management.

Motion: To recommend the South Atlantic Council convene a Shrimp AP to comment on the FKNMS proposed rule prior to the deadline. A link for this meeting would be emailed to the Gulf Shrimp AP members so that they can listen and give public comment during the meeting if they so desire.

Motion carried unanimously.

An AP member commented how the Gulf Council has defined what an emergency is and what steps can be taken. The AP member stated that it would be preferable for the same to be applied for the FKNMS, as it currently seems broad and vague as well as the fact that emergency management has been taken in the past to stop fishing.

Motion: To recommend that, prior to the approval of any proposed rule, the FKNMS define the parameters for what constitutes an "emergency" for which emergency management actions and regulations can be taken. The Shrimp AP opposes actions taken under emergency management being enacted for any more than 6 months.

Motion carried unanimously.

An AP member stated that it is currently difficult for stakeholders to understand the proposed rule and that a clean approach would assist in garnering feedback.

Motion: To recommend that the FKNMS creates a new alternative in the DEIS which encompasses the actions in the proposed rule and provides a comprehensive analysis of that new alternative prior to the approval of any proposed rule.

Motion carried unanimously.

Several AP members requested that the Gulf Council representative to the South Atlantic Council's December 2022 meeting convey three motions made during this meeting by the Gulf Council's Shrimp AP.

Status of 2020 Gulf of Mexico Shrimp Effort and Landings Estimates

Dr. Lowther (SEFSC) presented on the process for estimating effort in the Gulf of Mexico shrimp industry. He explained the goals of developing a new method for producing robust effort estimates along with the assumptions that are made, such as spatial distribution of vessels required to carry ELBs being representative of the total fleet, such that no bias exists.

An AP member inquired how a computer algorithm is generating effort if trip tickets are not being matched with trips. Dr. Lowther responded that the effort in a given area is scaled up given the trip ticket landings that occurred in that area. Council staff inquired if the effort trend from 2014 to 2020 was a decrease of about 1/3. Dr. Lowther confirmed that was a correct interpretation. An AP member inquired how offshore was defined for offshore landings, as they seemed high for the pre-1990 landings. Mr. Dettloff replied that offshore is beach out and therefore includes state landings and is tails only.

Council staff that the new effort estimation method grouped statistical zones 9-14, 15-18, and 19-21 but that effort is monitored for zones 10-21 with juvenile red snapper. Dr. Lowther responded that the SEFSC estimated zone 9 separately and subtracted that effort out for the purposes of effort monitoring with juvenile red snapper. Dr. Freeman then asked if revised historical estimates in zones 10-21 would need to be generated for future Council amendments for consistency in the effort estimation method. Dr. Lowther recognized the concern and stated the SEFSC was discussing how to approach that concern. Dr. Freeman inquired if effort estimation would be quicker since the new method no longer relies on matching of trip ticket data to cELB trips. Dr. Lowther noted that the return of SD cards was currently slowing the process, but that theoretically, the new effort estimation method would be quicker. Dr. Lowther then provided a brief update on the NMFS' and LGL Ecological Research Associates' efforts for testing replacement of the historical cELB units.

Dr. Gallaway (SSC member) commented that he was pleased that the method for effort estimation for the shrimp industry is being examined for revision. An AP member suggested that a workshop, in addition to SSC review, on the effort estimation methodology for the Gulf shrimp industry would be beneficial. The AP member then noted that the workshop's feedback should be relayed to the Council, to the SSC, and to the SEFSC. Dr. Walter recommended that the NMFS Shrimp Working Group on Effort be convened to discuss the methodology for shrimp effort estimation.

Motion: To recommend that Council staff work with SEFSC to conduct a workshop, as soon as possible, to review and provide feedback on the methodology for shrimp effort estimation, to include participants from the SSC and Shrimp AP.

Motion carried unanimously.

Dr. Freeman then requested volunteers from the Shrimp AP to participate in the workshop, contingent upon the Council's approval of the AP's motion. Mrs. Bosarge, Mr. Bosarge, and Mr. Brown volunteered to serve.

Draft Wind Energy Areas in the Gulf of Mexico

Mrs. Matthews (BOEM) presented an update on the renewable leasing process and noted that lease auctions are anticipated to occur in the middle of 2023. She commented that shrimp electronic logbook data used for identifying recommended wind energy areas spanned 2015-2019.

An AP member inquired if the transmission lines would be buried and noted that dredging would have to occur if so. Mrs. Matthews responded that transmission lines will be buried six feet and confirmed that dredging would occur. Another AP member commented that loose substrate can be created during dredging operations and can be problematic for shrimp vessels. An AP member then asked if funding would be established for industry compensation due to underwater hazards from wind energy construction. Mrs. Matthews stated they were exploring the possibility of a community benefit agreement to provide a mitigation fund.

Another AP member commented that the two final wind energy areas represent a positive responsiveness to Gulf shrimp industry concerns. Other AP members reiterated that the Bureau of Ocean Management has done an excellent job of listening and responding to the Gulf shrimp industry.

An AP member inquired about the unsolicited call area off the coast of Mississippi and Alabama and asked if there would be a deconflicting process for that area similar to what occurred within the call area off the coast of Texas and Louisiana (presentation slide 11). Mrs. Matthews explained that a notice would be published if a company has expressed interest in that area.

Update on Research Track (SEDAR)

Dr. Siegfried (SEFSC) provided a brief update on the Southeast Data, Assessment, and Research (SEDAR) track for Gulf brown, white, and pink shrimp. The SEDAR 87 Planning Team includes Council staff and SSC members. The Planning Team is evaluating the standard workshop process for the shrimp data workshop, and the SEFSC has taken the lead on writing the Terms of Reference. The Planning Team has met twice and has another meeting planned for November 18, 2022. The data scoping process will occur in July 2023, and the in-person data workshop will be in September 2023. The Gulf Council will identify industry participants for the in-person workshop. Both quantity and quality of data will be discussed during the workshop in September 2023.

Recent Information on Sawfish in the Gulf

Mr. Brame (SERO) provided recent information on sawfish in the Gulf¹ in response to a recommendation to revise shrimp management to reduce interactions with sawfish. He noted that shrimp trawls are thought to be the largest source of fishing gear related mortality and that concern has been expressed on the potential of shrimping in southwest Florida to affect the sawfish recovery plan. He did state that the population of juvenile sawfish is thought to be stable or increasing in southwest Florida but that the abundance trends of adult sawfish are unknown as they are rarely encountered and difficult to sample. He also noted that there are data limitations within the shrimp industry as well as with sawfish interactions. He commented that only 126 individual females are known to have contributed to the majority of all juveniles caught in sampled nurseries, with the caveat that the number did not account for nursery sites in Florida Bay or the southern Everglades. He provided a temporal map showing the overlap of shrimp effort and sawfish adult habitat and noted that the overlap is more predominant at certain times of the year. He concluded by reviewing next steps related to sawfish in the Gulf.

An AP member commented that extrapolation of bycatch has occurred, but it is being compared to a fixed sample of females that is not also being extrapolated. Mr. Brame responded that a population estimate is not prepared and that the number of individual females (126) was not used in the recent Shrimp Biological Opinion. Mr. Brame noted that a population viability analysis of sawfish is underway and should be available in early 2023. This analysis is expected to provide a more complete estimate of the population size of sawfish and could inform discussion about whether or not additional shrimp management efforts should be considered.

Dr. Froeschke asked how many takes of sawfish are authorized by the Gulf shrimp industry. Mr. Brame responded that there is a 5-year running average of 1,806 and half could be mortalities, based on the incidental take statement. An AP member inquired about the number of sawfish caught by recreational fishermen. Mr. Brame stated that there is an encounter database for inshore waters and that juvenile sawfish are caught with great regularity by recreational fishermen; he noted that is voluntary reporting.

An AP member asked if there is a handling guide for sawfish for the shrimp industry, if it had been translated to Vietnamese and Spanish, and how it had been distributed. Mr. Brame replied that a guide exists and that at least the previous version had been translated into Spanish. Another AP member commented that it also needed to be translated into Vietnamese, given who participates in shrimping off southwest Florida. An AP member recommended that Protected Resource work with the Council's Public Information Officer and Fisheries Outreach Specialist, state directors, and Sea Grant to assist with raising awareness of safe handling and release guidance of sawfish. Mr. Gill suggested also utilizing the Council's Outreach and Education Technical Committee in those efforts; Mr. Brame noted that Tonya Wiley, who is part of the Smalltooth Sawfish Recovery Implementation Team, is on that Committee.

¹ <https://gulfcouncil.org/wp-content/uploads/09a.-Graham-et-al.-2022-Sawfish-bycatch-risk-in-commercial-fisheries-1.pdf>

An AP commented that the AP has yet to be shown the science that the Gulf shrimp industry is jeopardizing the recovery of the smalltooth sawfish population and that sampling outside of two areas needs to occur. The AP member then noted that the year-round closure proposed in the Graham et al. (2022) paper² would close the entire pink shrimp industry. Dr. Walter responded that creative solutions to the sawfish issue can be generated, as they have been with other species such as sea turtles, and suggested that NMFS' Gear Branch be involved in that process; he also encouraged expanding outreach efforts. Dr. Travis commented, based on anecdotal evidence, that only 3 of the 50 vessels in Lee County are still operational following Hurricane Ian in 2022, which will lead to a huge reduction in the pink shrimp fishery operations and presumably sawfish interactions off southwest Florida.

Public Comment

Sonja Fordham (President of conservation group, Shark Advocates International) noted that great strides have been made in sawfish research. She stated that concrete measures to curtail associated mortality of sawfish by the shrimp industry have not occurred and noted that sawfish is the only elasmobranchs listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which amounts to an international trade ban.

Mr. Versaggi (former Shrimp AP member) sees potential for a lot of unfunded mandates in the future. He would like to see if the legislation that there would be no unfunded mandates is still on the books.

Other Business

Dr. Lowther provided a brief update on the outreach for return of SD cards by the Gulf shrimp industry and expressed his appreciation for the recommendations from the Council's Outreach and Education Technical Committee. Several recommendations are being incorporated, including development of a postcard to note if the cELB unit has stopped working or if the vessel has not been fishing. An AP member commented that further consideration needs to be given to how compliant/non-compliant is defined, in terms of how long an individual has to return a SD card; the AP member recommended 4-6 months of a grace period before being considered non-compliant. The AP member also stated that no data or unusable data should not be considered non-compliant and further commented that repair or replacement of cELB units needs to be addressed. Dr. Lowther responded that another issue for consideration is when an individual states that a SD card has been mailed but that NMFS did not receive it.

Dr. Freeman stated that, upon conferring with NMFS during the meeting, the agenda item to discuss volunteers for cVMS testing could be removed as they had made progress with obtaining volunteers.

Dr. Freeman noted the fact sheet provided by NOAA on six Natural Resource and Damage Assessment projects related to the Gulf shrimp industry. He inquired if the AP would like to

² <https://gulfcouncil.org/wp-content/uploads/09a.-Graham-et-al.-2022-Sawfish-bycatch-risk-in-commercial-fisheries-1.pdf>

receive a presentation on any of the projects at a future AP meeting and if the fact sheet should be disseminated more broadly to Gulf shrimpers. An AP member noted that not all of the project descriptions included cost estimates but that they should. The AP member then stated that he would be interested in a presentation on the AIS Pilot Project, once completed. An AP member commented that he did not see the DWH Hotspots Mapping Initiative working for the Gulf shrimp industry. Another AP member suggested providing information to Gulf shrimpers on the research projects after completion, when results are available. An AP member responded that LA Sea Grant has on its website information on the Better BRD Project.

Dr. Freeman discussed the Council motion to form a small working group, which was convened in October 21, 2021, to develop the direction of the shrimp data collection framework amendment. Mr. Gill added that it was a single focus charge and that the Council needs to determine if the focus group should be retained or disbanded, and he is seeking feedback from the Shrimp AP. An AP member suggested that the focus group may need to meet again to review the data and the results from both the LGL Ecological Research Associates and NMFS research projects in 2023. Mr. Gill recommended potential scheduling of the meeting after the April 2023 Council meeting.

The meeting was adjourned at 4:44 pm eastern time on November 15, 2022.

Meeting Participants

Members Present:

Corky Perret, Chair
Steve Bosarge, Vice-Chair
Leann Bosarge
Ricky Brown
Thu Bui
Glenn Delaney
Gary Graham
Andrea Hance
Lance Nacio
Hunter Pearce
Laura Picariello
John Williams

Council Staff:

Zeenatul Basher
Matt Freeman
John Froeschke
Natasha Méndez-Ferrer
Jessica Matos
Bernadine Roy
Camilla Shireman

NMFS Staff:

Michael Barnette
Heather Blough
Adam Brame
Beth Dieveney
Joanne Delaney
Kyle Dettloff
Nick Farmer
Amy Freitag
Edward Glazier
David Gloeckner
Frank Helies
Kimberly Johnson
Alan Lowther
Rich Malinowski
Michelle Masi
Amy Piko
David Records
Skyler Sagarese
Elizabeth Scott-Denton
Katie Siegfried
Rebecca Smith

Sarah Stein
Adam Stemle
Jessica Stephen
Molly Stevens
Michael Travis
Farron Wallace
Kate Walter

John Walter
Jo Williams
Steve Werndli

Council Members:
Bob Gill (representative)