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**DRAFT SCOPING DOCUMENT  
AMENDMENT 9  
TO THE SPINY LOBSTER FISHERY MANGEMENT  
PLAN**

**JOINT AMENDMENT FOR THE GULF OF MEXICO AND  
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCILS**

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Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue, Suite 1100  
Tampa, FL 33607  
(813) 348-1630 (Phone)  
(888) 833-1844 (Toll Free)  
(813) 348-1711 (Fax)  
Website: [www.gulfcouncil.org](http://www.gulfcouncil.org)



South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, South Carolina 29405  
(843) 571-4366  
(843) 769-4520 (FAX)  
Email (general): [safmc@safmc.net](mailto:safmc@safmc.net)  
Website: [www.safmc.net](http://www.safmc.net)



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## ABBREVIATIONS USED IN THIS DOCUMENT

ABC	Allowable biological catch
ACL	Annual catch limit
ACT	Annual catch target
AM	Accountability measure
AP	Advisory Panel
Council	Gulf of Mexico Fishery Management Council
EC	Ecosystem component species
EDAH	Estimated domestic annual harvest
EEZ	Exclusive economic zone
ESA	Endangered Species Act
F	Fishing mortality
FCZ	Fishery Conservation Zone
FMP	Fishery management plan
FMU	Fishery management unit
IFQ	Individual fishing quota
MFMT	Maximum fishing mortality threshold (overfishing threshold)
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSST	Minimum stock size threshold (overfished threshold)
MSY	Maximum sustainable yield
NMFS	National Marine Fisheries Service (NOAA Fisheries)
NOAA	National Oceanic & Atmospheric Administration
NS1	National Standard 1 (in the Magnuson-Stevens Act)
OFL	Overfishing limit
OY	Optimum yield
PSA	Productivity-susceptibility analyses
PSE	Proportional standard error
SAFMC	South Atlantic Fishery Management Council
SDC	Status determination criteria
SFA	Sustainable Fisheries Act of 1996
SPR	Spawning potential ratio
SSB	Spawning stock biomass
SSBR	Spawning stock biomass ratio
SSC	Scientific and Statistical Committee
TAC	Total allowable catch
TALFF	Total allowable level of foreign fishing

## 1.0 INTRODUCTION

### 1.1 Background

In 2006 the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) was reauthorized and included a number of changes to improve conservation of managed fishery resources. Included in these changes are requirements that the Regional Fishery Management Councils develop, except for ecosystem component species and species with annual life cycles, Annual Catch Limits (ACLs) for each of their managed fisheries at a level that prevents overfishing and does not exceed the recommendations of the respective Council's Scientific and Statistical Committee (SSC) or other established peer review processes. The Regional Councils must also establish a mechanism for specifying ACLs at a level such that overfishing does not occur in the fishery, including accountability measures (AMs). Accountability measures are management controls that ensure that the ACLs are not exceeded; examples include corrective measures if overages occur and implementation of an in-season monitoring program. These measures must be implemented by 2010 for all stocks experiencing overfishing and 2011 for all others.

Stocks listed in the Fishery Management Unit (FMU) are classified as either "in the fishery" or as an "ecosystem component". By default, stocks are considered to be "in the fishery" unless declared ecosystem components. Ecosystem component stocks are exempt from the requirement for ACLs. In addition, ecosystem component species may, but are not required to, be included in an FMP or FMP amendment for any of the following reasons: for data collection purposes; for ecosystem considerations related to specification of optimum yield (OY) for the associated fishery; as considerations in the development of conservation and management measures for the associated fishery; and/or to address other ecosystem issues.

To be considered for possible classification as an EC species, the species should:

- (A) Be a non-target species or non-target stock;
- (B) Not be determined to be subject to overfishing, approaching overfished, or overfished;
- (C) Not be likely to become subject to overfishing or overfished, according to the best available information, in the absence of conservation and management measures; and
- (D) Not generally be retained for sale or personal use.

In Amendment 1, the Fishery Management Plan (FMP) consisted of the spiny lobster, *Panulirus argus*, and other incidental species of spiny lobster (i.e., spotted spiny lobster, *Panulirus guttatus*; smooth tail lobster, *Panulirus laeviscauda*; Spanish lobster, *Scyllarides aequinoctialis*, and slipper lobster *Scyllarides nodifer*) which inhabit or migrate through the coastal water and the Fishery Conservation Zone (FCZ) now named the Exclusive Economic Zone (EEZ) of the Gulf of Mexico and the South Atlantic (GMFMC-SAFMC 1986). Only two of the species, spiny lobster, *Panulirus argus*, and slipper lobster *Scyllarides nodifer* are listed under the FMU. The

other species in the FMP (i.e., spotted spiny lobster, smooth tail lobster, and Spanish lobster) may fall under the ecosystem component species and are presently included in this document for data collection purposes. The Gulf of Mexico and South Atlantic Fishery Management Councils determined that to meet the National Standard 1 guidelines (NS1) the following items must be completed. The amendment must be completed, submitted for formal review, and have implemented regulations during the August 6, 2011 through March 31, 2012 fishing year.

An ACL for a given stock or stock complex can be established in several ways either a single ACL for the entire fishery, divided into sector ACLs (e.g., recreational and commercial sectors), or divided into State-Federal ACLs. In any of these cases, the sum of the ACLs cannot exceed the Acceptable Biological Catch (ABC).

## **1.2 Purpose and Need for Action**

The Councils are considering action for setting ACLs and AMs as well as an action to remove species from the FMP, particularly those species that have a low occurrence in federal waters. They are also considering delegating the FMP to the State of Florida. The spiny lobster fishery occurs mainly off the State of Florida and most of the harvest occurs in the waters off Monroe County, Florida. Delegating management of the spiny lobster resource to the State of Florida would require the Councils to withdraw the Spiny Lobster FMP. In the Gulf of Mexico there is a recreational fishery for spiny lobster off the coast of Florida and in the South Atlantic off the coast of North Carolina, South Carolina, and Georgia. Fishermen would only be under one management body and not three as is currently the case; the Federal National Standards would no longer apply. Slipper lobsters are the other species that could be removed from the FMP or delegated to the State of Florida. If slipper lobsters could not be considered an ecosystem component species is possible that status determination criteria and ACLs and AMs parameters would need to be developed.

## **1.3 Potential Actions for Scoping**

### **1. Should state and federal OFL, ABC, ACL, and optional ACT be set for spiny lobster, *Panulirus argus*?**

Beginning January 1, 2011 the Councils must specify annual catch limits and accountability measures for spiny lobster that will prevent overfishing. This will need to be done in conjunction with the State of Florida.

### **2. Should sector (i.e., recreational and commercial or recreational, commercial diving, and commercial trapping) OFL, ABC, ACL, and optional ACT be set for spiny lobster, *Panulirus argus*?**

The following list of items, as they apply to species not undergoing overfishing, could be evaluated and specified for species in the spiny lobster fishery management plan.

Regulations (and Accountability Measures) to limit total mortality (i.e., landings and discards) to the Annual Catch Target may include, but are not limited to, the following:

- a) Commercial quotas and recreational allocations
- b) Trip limits
- c) Vessel limits
- d) Size limits
- e) Bag limits
- f) Closed areas
- g) Closed seasons
- h) Permit endorsements

### **3. Should the Spiny Lobster FMP be delegated to the State of Florida?**

If the Councils and the State of Florida choose to delegate management of the spiny lobster resource to the State of Florida it would require the Councils to withdraw the Spiny Lobster FMP. Fishermen would only be under one management body and not three as is currently the case; the Federal National Standards would no longer apply. A majority of the harvest occurs in the waters off Monroe County, Florida; whereas, in the South Atlantic a majority of the fishery occurs off the coast of Florida, North Carolina, South Carolina, and Georgia. The South Atlantic is also interested in considering withdrawing the federal Spiny Lobster FMP off Florida and the Gulf of Mexico and delegating management to the State of Florida, leaving the South Atlantic Council with federal management of spiny lobster off the following States: North Carolina, South Carolina, and Georgia.

### **4. Should certain operational aspects of the fishery be delegated to the State of Florida with the agreement of the Gulf and South Atlantic Fishery management Councils and the State of Florida?**

For example, instead of delegating all management of the fishery to the State of Florida, it is possible to expand the current framework procedure to allow the State of Florida to modify certain aspects of the regulations.

*Examples of items could include:*

1. Numerical specification of ACL and breakdown into sector-specific ACLs based on the definitions included in the amendment to the Spiny Lobster FMP.
2. Commercial quotas and recreational allocations based on the allocations specified in the amendment to the Spiny Lobster FMP
3. Size limits
4. Bag limits
5. Trip limits
6. Modifications to the length of the season

7. Application of the AMs including closing the fishery when a sector reaches its quota and/or allocation
8. Rules and regulations for possession of traps including gear marking, tagging, etc.
9. Data collection and reporting requirements
10. Closed areas – this may be difficult and Florida might need to have NMFS prepare an Environmental Assessment.

**5. Should slipper lobster, *Scyllarides nodifer*, be removed from the Fishery Management Unit?**

Currently slipper lobsters are in the fishery management unit, any harvest and/or retention of berried (i.e., egg-bearing) slipper lobsters and spiny lobsters is prohibited. We have an optimum yield (OY) for spiny lobsters, but OY is not specified for slipper lobsters.

**6. Should management of slipper lobster, *Scyllarides nodifer* be delegated to the State of Florida?**

If the Councils and the State of Florida choose to delegating management of the slipper lobster resource to the State of Florida it would require the Councils to withdraw the slipper lobster from the Spiny Lobster FMP. Fishermen would only be under one management body and not three as is currently the case; the Federal National Standards would no longer apply.

**7. Should status determination criterion and ACL/AM parameters be developed for slipper lobsters, *Scyllarides nodifer*?**

If the slipper lobster fishery is not delegated to the State of Florida, removed from the FMU, or considered an ecosystem component species the National Standard guidelines would require that ACLs and AMs are implemented by 2011.

**8. Should the other lesser targeted species (i.e., spotted spiny lobster, smooth tail lobster, and Spanish lobster) be removed from the Spiny Lobster FMP?**

The Councils would need to work closely with the State of Florida to determine if and how frequently these species are targeted and landed.

**9. Should the other lesser targeted species (i.e., spotted spiny lobster, smooth tail lobster, and Spanish lobster) qualify as ecosystem component species?**

If these species could be classified as ecosystem component species, ACLs and AMs parameters would not be required under the National Standard 1 Guidelines.



## **1.4 Other Issues for Consideration**

### **1. Should the current tailing requirements be modified?**

Originally the State of Florida issued tailing permits to vessels that made multi-day trips to allow them to remove the tails from whole lobsters to improve the storage quality and allow more lobsters to be packed on a boat. When this was adopted into the Federal FMP, no limits were placed on who was able to get a permit to tail lobsters. This result in some law enforcement issues related to not spearing lobsters and lobsters that may not meet the minimum carapace length.

### **2. Should the regulations regarding possession and handling of short lobsters be modified?**

Current regulations allow up to 50 spiny lobsters under the minimum size limit may be retained aboard the vessel provided they are held in a live well aboard a vessel. When in a trap, such juveniles or “short” lobsters are used to attract other lobsters for harvest. This regulation increases the fishing mortality on juvenile lobsters and may facilitate illegal activities. Should the Councils modify and/or prohibit possession and use of shorts as attractants.

### **3. Should the Spiny Lobster FMP management protocol be updated to track changes in Florida’s management process?**

The Spiny Lobster FMP contains a process for the State of Florida to propose modifications to regulations. This process is now outdated and needs to be updated.

### **4. Should use of lobster traps be limited to certain areas to address Endangered Species Act (ESA) concerns for staghorn coral, *Acropora cervicornis*, and elkhorn corals, *Acropora palmata*?**

The issue is believed to be more of a concern for the South Atlantic Council due to the shorter State of Florida jurisdiction of 3 nm versus the Gulf of Mexico 9 nm state jurisdiction. Further information from the State of Florida is needed to determine the incidents of lobster traps damaging endangered corals.

## **2.0 REFERENCES**

GMFMC-SAFMC 1986. Amendment 1 for the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council, Tampa, Florida and South Atlantic Fishery Management Council, Charleston, South Carolina. 103 p.